

Held

THURSDAY, DECEMBER 27, 2012

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The regular meeting of the Bowling Green City Council, held in the Council Chamber, 304 North Church Street, Bowling Green, Ohio was called to order at 4:00 p.m. by Acting Council President Michael Aspacher. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Gordon, Jeffers, McOmber, Robinette, and Rowland responded. Also present were Mayor Richard Edwards, Municipal Administrator John Fawcett, Public Works Director Brian Craft, and Planning Director Heather Saylor. City Attorney Michael Marsh, Utilities Director Brian O'Connell, Parks and Recreation Director Michelle Grigore were not present.

Acting Council President Aspacher declared the minutes of the meeting held December 3, 2012 approved as distributed.

CORRESPONDENCE

Clerk noted for the record that the Financial Budget Summary Report for the month of November 2012 was distributed to Council prior to the meeting.

OFFICIAL REPORTS

Mayor Dick Edwards performed the swearing-in of Sgt. Michael Bengala and Lt. Daniel Mancuso into their newly appointed positions within the City's Police Division.

Municipal Administrator John Fawcett had no report.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore was not present.

City Attorney Michael Marsh was not present.

Utilities Director Brian O'Connell was not present.

Public Works Director Brian Craft had no report.

NEW LEGISLATION

The following new legislation was recommended by the Administration and presented to Council for introduction:

Council Member McOmber, for the Finance Committee, introduced a resolution transferring previously appropriated funds.

Council Member McOmber, for the Finance Committee, introduced an ordinance to provide for the issuance and sale of bonds in the maximum principal amount of \$3,000,000 for the purpose of refunding at a lower interest cost certain of the City's outstanding various purpose improvement bonds, Series 2004, dated as of May 6, 2004, and declaring an emergency.

Council Member McOmber, for the Finance Committee, introduced an ordinance to provide for the issuance and sale of bonds in the maximum principle of \$4,250,000 for the purpose of paying costs of constructing, reconstructing, renovating, enlarging, furnishing, equipping and otherwise improving the municipal swimming pool and related recreational facilities and improving the site thereof, and together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities, and declaring an emergency.

Council Member McOmber, for the Finance Committee, introduced an ordinance to provide for the issuance and sale of bonds in the maximum principal amount of \$1,795,000 for the purpose of paying costs of improving North Main Street and the North Main Street/Poe Road intersection by constructing, reconstructing, widening, paving,

resurfacing, grading, draining, constructing curbs, sidewalks, access ramps, driveway approaches, gutters and related drainage improvements, installing signalization and lighting, and acquiring the necessary real estate and interests therein, together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities, and declaring an emergency.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with McRill Drilling for work that may exceed \$25,000 on an annual basis.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with FCS Performance, Inc., for the repairs to the Water Treatment Plant reservoir pumps, and declaring an emergency.

Council Member Robinette, for the Planning, Zoning and Economic Development Committee, introduced an ordinance accepting annexation of approximately 0.948 acres of land in Plain Township, Wood County, Ohio, from John A. Jones, Trustee, petitioner.

Council Member Robinette, for the Planning, Zoning and Economic Development Committee, introduced an ordinance establishing interim zoning of B-2 General Commercial zoning for the approximately 0.948 acres of land generally known as 17379 North Main Street, and recently annexed to the City as petitioned for by John A. Jones, Trustee.

COUNCIL COMMITTEE REPORTS

Council Member Robinette reported that he attended the recent update held by the Chamber of Commerce on the visioning process currently occurring with the City and the University. Robinette indicated that he was particular intrigued by short term priority #5 which is "Create a tax increment financing (TIF) district to improve the streetscape and design of East Wooster Street." Robinette indicated that he wanted to move forward and investigate the TIF and asked Municipal Administrator John Fawcett to gather pertinent information for the Planning, Zoning and Economic Development Committee of Council. Robinette scheduled a meeting of the committee for Monday, February 4, 2013, at 6:15 p.m. to begin the discussion.

LOBBY VISITATIONS

Russ Veitch, 115 Williams Street, addressed Council asking them to consider slowing down the process of creating the new B-5 zoning district and consider all the implications of making such a change. Veitch expressed concern regarding the speed in which decisions are being made and whether these decisions are being made in the context of the City's Master Plan. Veitch asked Council to do the right thing, not the expedient thing.

Acting Council President Aspacher pointed out the proposed ordinances creating the new B-5 zoning district are scheduled to have a public hearing by the Planning Commission on Wednesday, January 2, and also by City Council on Monday, January 7.

Council Member Robinette commented that every zoning ordinance is required by law to have a public hearing and that hearing cannot occur any sooner than 30 days after the first reading as is the case in the two ordinances in question.

Nancy Lenhart, 216 E. Court Street, indicated that she has not had the opportunity to review the proposed ordinances and asked that there be more time given to the process.

Neocles Leontis, 119 N. Summit Street, commented that while he believes the letter of the law is being followed during the process of introducing the ordinances and the scheduling of public hearings, there is also a spirit of moving this through so quickly even when the President of the Council is absent is not a good thing. Leontis stated that no one has said what the purpose is of creating the B-5 and feels that it should be known why it is happening at this time and if it is the City's intent to apply the new zoning classification to the properties in his neighborhood that are currently under consideration for rezoning. Leontis expressed his concern that others in the future will request that new zoning districts be created for their unique development projects and feels that this is not a precedence that the City should set. Leontis indicated that there are a lot of

details missing from the ordinance such as buffers and setbacks which is a good reason to slow down the process, such as buffers and setbacks.

Council Member McOmber stated that it is not a secret that the basic intention of creating the B-5 District and voting on those two ordinances on January 7 after the public hearing is to use them as the basis to consider and amend the Green's rezoning requests that were tabled by Council back in November. McOmber explained that the end result would be that under the new B-5, Mr. Green would be legally bound to not allowing residential housing on the first floor of any structure that he would build and that the building would not be allowed to be any higher than two stories.

Council Member Jeffers indicated that he doesn't feel that the creation of a new district is outlandish and feels that they are trying to be responsive the concerns of the citizens. Jeffers further noted that the citizens should be specific with their concerns when the Planning Commission holds their public hearing on January 2 because Council will be looking to the Planning Commission for their advice in the specifics of the new district.

Aspacher stated that he feels it is important for Council and the City Administration to remain open to finding ways to work with developers and the citizens to bring about projects that are beneficial to the City as a whole.

Rose Hess, representing the Eastside Residential Group, asked if it was the intention of the City to not fill the position of the second Code Enforcement Officer who retired in 2012. McOmber responded that the funding in the budget for 2013 only included funds for one Code Enforcement Officer. Hess went on to say that 95 days have elapsed between when the Green's rezoning requests went to the Planning Commission and when City Council held its public hearing on November 19; for the CVS Pharmacy rezoning request the time elapsed was 75 days; and for the ordinances creating the B-5 District there have been only 35 days. She stated that she feels that the process has indeed been rushed.

Council Member Rowland raised questions regarding the process and Robinette explained that the main difference with the B-5 ordinances is that they originated within City Council and referred directly from Council to the Planning Commission. Robinette further explained that the Planning Commission will hold their required public hearing on January 2, 2013 and make their recommendation to City Council prior to Council's public hearing that will be held on January 7, 2013 giving Council two more opportunities to hear input from the citizens. Rowland stated that she is choosing to listen to the citizens and that the citizens are saying that they don't like the speed at which things are proceeding in this matter. Rowland asked why things are progressing so quickly. Robinette responded that the process is being followed, that he did not create the process, but that the process as written in the City's ordinances is being followed in this instance. Robinette recommended that Rowland have a conversation with the City Attorney to confirm that the law is being followed. Robinette further pointed out that it is within Council's authority to introduce legislation, hold the required public hearing and act upon it without referring it to the Planning Commission. He noted that he would not recommend that, but it is within the authority of Council to do that. Rowland stated that she is very uncomfortable with the speed with which these ordinances have been pursued and the requirement to vote on them after the January 7 public hearing. Robinette explained to Rowland that Council is not required to vote on them on January 7, although he expects that they will, they could be tabled at that time if Council were to vote to do that.

Jan Veitch, 119 Williams Street, said that her recollection of the discussion on November 19 is that Council wanted to table the ordinances in order to give it more study in relation to the City's Master Plan.

McOmber stated that he didn't think that was the reason the ordinances were tabled and Robinette agreed. Rowland said that she was under the impression that it would be better to consider the ordinances after the City's Master Plan was updated. Jeffers stated that the update could take several months to two years to complete and he doesn't feel that this particular project requires waiting until the Master Plan is updated.

Todd Irwin, 225 E. Wooster Street, addressed Council concerning safety issues in the neighborhood and his concern that the project will worsen those problems.

Vassiliki Leontis, 119 N. Summit Street, said to Council that thus far the proposed B-5 District has been unpopular to the neighborhood residents and asked Council to use their vision as representatives of the people to guide their decisions. Ms.

Leontis asked Council to respect the process and allow more time to review the Master Plan and where the B-5 would fit in to the new plan.

Neocles Leontis readdressed Council regarding the timing of the introduction of the proposed B-5 during the holiday time when people are otherwise occupied with other things. He indicated that he felt that it should be given more time so that people who are away can come back and reconnect to the issue. Leontis asked Council to put the hearing off until February.

READING OF LEGISLATION

Clerk read Resolution #3524 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Resolution #3524 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Robinette, Rowland and Aspacher voted yes. Acting Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3524 for second and third readings by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3524. On roll call voted, Council Members Jeffers, McOmber, Robinette, Rowland, Aspacher and Gordon voted yes. Acting Council President Aspacher declared motion carried, and Resolution #3524 adopted.

Clerk read Ordinance #8219 to provide for the issuance and sale of bonds in the maximum principal amount of \$3,000,000 for the purpose of refunding at a lower interest cost certain of the City's outstanding various purpose improvement bonds, Series 2004, dated as of May 6, 2004, and declaring an emergency, for first reading.

Clerk read Ordinance #8220 to provide for the issuance and sale of bonds in the maximum principle of \$4,250,000 for the purpose of paying costs of constructing, reconstructing, renovating, enlarging, furnishing, equipping and otherwise improving the municipal swimming pool and related recreational facilities and improving the site thereof, and together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities, and declaring an emergency, for first reading.

Clerk read Ordinance #8221 to provide for the issuance and sale of bonds in the maximum principal amount of \$1,795,000 for the purpose of paying costs of improving North Main Street and the North Main Street/Poe Road intersection by constructing, reconstructing, widening, paving, resurfacing, grading, draining, constructing curbs, sidewalks, access ramps, driveway approaches, gutters and related drainage improvements, installing signalization and lighting, and acquiring the necessary real estate and interests therein, together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities, and declaring an emergency, for first reading.

Clerk read Ordinance #8222 authorizing the Utilities Director to enter into a contract or contracts with McRill Drilling for work that may exceed \$25,000 on an annual basis, for first reading.

Clerk read Ordinance #8223 authorizing the Utilities Director to enter into a contract or contracts with FCS Performance, Inc., for the repairs to the Water Treatment Plant reservoir pumps, and declaring an emergency, for first reading.

Clerk read Ordinance #8224 accepting annexation of approximately 0.948 acres of land in Plain Township, Wood County, Ohio, from John A. Jones, Trustee, petitioner, for first reading.

Clerk read Ordinance #8225 establishing interim zoning of B-2 General Commercial zoning for the approximately 0.948 acres of land generally known as 17379 North Main Street, and recently annexed to the City as petitioned for by John A. Jones, Trustee, for first reading.

Council Member Robinette announced that a public hearing will be held for Ordinance #8225 on Monday, February 4, 2013, at 6:45 p.m. in the Council Chamber.

Clerk read Resolution #3523 amending the City of Bowling Green Financial and Debt Policy, for second reading.

Clerk read Ordinance #8216 authorizing the Municipal Administrator to sell and/or otherwise dispose of a miscellaneous transit service vehicle not needed for any municipal purpose, for second reading.

Clerk read Ordinance #8217 amending and adopting Section 150.30 of the Codified Ordinances of the City Bowling Green, Ohio, concerning the B-3 Central Business District Zoning Classification, for second reading.

Clerk read Ordinance #8218 creating and adopting Section 150.48 of the Codified Ordinances of the City of Bowling Green, Ohio, creating the Zoning District B-5 Transitional Central Business District Zoning Classification, for second reading.

Clerk read Resolution #3521 adopting the Bowling Green Fire Division 5-Year Strategic Plan, for third reading.

Council Member Gordon moved, Jeffers seconded, to adopt Resolution #3521. On roll call vote, Council Members McOmber, Robinette, Rowland, Aspacher, Gordon, and Jeffers voted yes. Acting Council President Aspacher declared motion carried, and Resolution #3521 adopted.

Clerk read Ordinance #8213 amending the Zoning District Map of the Bowling Green, Ohio, for approximately 1.493 acres at the southeast corner of East Wooster Street and South Prospect Street, and including the properties generally known as 212 & 218 East Wooster Street and 117 & 123 South Prospect Street from B-2 General Commercial and R-2 Single Family Residential zoning to B-3 Central Business District zoning, for third reading.

Council Member Gordon moved, McOmber seconded, to table Ordinance #8213 until January 7, 2013. On roll call vote, Council Members Robinette, Rowland, Aspacher, Gordon, Jeffers, and McOmber voted yes. Acting Council President Aspacher declared motion carried, and Ordinance #8213 tabled until January 7, 2013.

Clerk read Ordinance #8215 to provide appropriations for the expenses and other expenditures of the City of Bowling Green, Ohio, for the fiscal year beginning January 1, 2013 and ending December 31, 2013, for third reading.

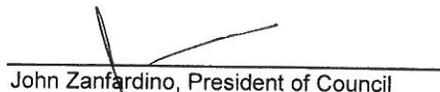
Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8215. On roll call vote, Council Members Rowland, Aspacher, Gordon, Jeffers, McOmber, and Robinette voted yes. Acting Council President Aspacher declared motion carried, and Ordinance #8215 adopted.

Council Member Gordon moved, McOmber seconded, to excuse Council Member Zanfardino from this evening's meeting. On unanimous voice vote, Acting Council President Aspacher declared motion carried.

Council Member McOmber moved, Robinette seconded, to adjourn. On unanimous voice vote, Acting Council President Aspacher adjourned the December 27, 2012 regular meeting of the City Council at 5:35 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



John Zanfardino, President of Council