

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, DECEMBER 3, 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 7:00 p.m. by Council President Zanfardino. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Gordon, Jeffers, McOmber, Robinette, Rowland and Zanfardino responded. Also present were Mayor Richard Edwards, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Public Works Director Brian Craft, Utilities Director Brian O'Connell, Parks and Recreation Director Michelle Grigore, and Planning Director Heather Sayler.

Council President Zanfardino declared the minutes of the meeting held November 19, 2012 approved as distributed.

CORRESPONDENCE

Clerk noted that a listing of budget transfers for the month of December was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member McOmber moved, Jeffers seconded, to approve the transfers as presented. On unanimous voice vote, Council President Zanfardino declared motion carried. A copy of the transfers is attached and made a part of these minutes.

OFFICIAL REPORTS

Mayor Dick Edwards introduced the Chair of the Human Relations Commission, Barbara Keller, who presented the quarterly *Honor Roll* award to officers of the Model United Nations program from the Bowling Green High School.

Mayor Edwards announced that the Chamber of Commerce is sponsoring an open forum on Friday, December 14, at 8:00 a.m. in the Council Chamber to provide an update of the visioning process that has been ongoing between the City and the University. The Mayor indicated that reservations for the forum should be made through the Chamber office.

Municipal Administrator John Fawcett reported that two ordinances were distributed to Council prior to the meeting that were drafted in response to input from Council Members on the rezoning of several properties in the downtown area. Fawcett indicated that the legislation limits the number of stories in buildings and creates a new B-5 Transitional Business District zoning classification.

Council Member Jeffers commented that he sees potential in the proposed ordinances, but has some concerns about setbacks and buffering to protect the residential neighborhoods. Council President Zanfardino noted that there would be opportunities to discuss changes to the proposed legislation at future meetings and at the required public hearing.

Planning Director Heather Sayler had no report.

Parks and Recreation Director Michelle Grigore had no report.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell had no report.

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 a resolution amending the City of Bowling Green Financial and Debt Policy.

Council Member McOmber, for the Finance Committee, introduced an ordinance providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2012 and ending December 31, 2012.

Council Member McOmber, for the Finance Committee, introduced an ordinance 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.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to sell and/or otherwise dispose of a miscellaneous transit service vehicle not needed for any municipal purpose.

Council Member Robinette, for the Planning, Zoning and Economic Development Committee, introduced an ordinance 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.

Council Member Robinette, for the Planning, Zoning and Economic Development Committee, introduced an ordinance 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.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino reported that he and the three other Council Members who indicated a desire to move forward with an ordinance regarding backyard chickens have since decided to drop the issue. Zanfardino stated that it was his opinion that the ordinance that would have come out of all the discussion would have been so balanced in one direction that it would virtually prohibit raising chickens inside the City limits. He also stated that because Council has been unable to come up with an acceptable and functional ordinance, Council is withdrawing the possibility of putting forth legislation.

Council Member Jeffers commented that he was disappointed with this decision and continues to feel that the keeping of backyard chickens does not present a real problem, but it has become emotional and divisive. He continued to say that the community probably does not favor backyard chickens by a slight margin, but that he does not have any real data to support that feeling. Jeffers stated that he agreed with not pursuing the issue any further.

LOBBY VISITATIONS

Chet Thomas, 408 Madison Court, thanked Council for its consideration of the backyard chicken issue and expressed disappointment in how the issue evolved and became vindictive, vitriolic and a personal attack on the community. Thomas wondered if this process would discourage future citizen participation in local governmental issues.

Laura Sanchez, 202 E. Reed, reported to Council that she has relocated her chickens to an organic farm in Illinois. Sanchez stated that she feels that the City needs to get its ordinances on this issue cleaned up so that they are no longer misleading on what is permitted.

Fred Matthews, an attorney representing the Thomas' on the code violation issues, said that he attended most of the meetings held regarding the backyard chickens. He also stated that it has been an emotional and somewhat vindictive process. Matthews noted that proponents presented facts from the center for Disease Control and other sources, cited experiences of other communities where chickens were allowed, and included financial issues as well. The opponents, however, presented no facts and conducted a campaign of fear about disease and other issues. Matthews noted that the opponents indicated that it would affect property values, yet no data was presented to back up that statement. Matthews further pointed out that property rights

are a key point in court cases and the latest version of the ordinance puts those property rights into the hands of the neighbors by requiring them to sign off on allow chickens.

READING OF LEGISLATION

Clerk read Resolution #3522 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Resolution #3522 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Robinette, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Resolution #3522 for second and third reading by number and title only.

Council Member McOmber moved, Robinette seconded, to adopt Resolution #3522. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3522 adopted.

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

Clerk read Ordinance #8214 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2012 and ending December 31, 2012, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Ordinance #8214 its second and third reading. On roll call vote, Council Members McOmber, Robinette, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8214 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8214. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8214 adopted.

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 first reading.

Council Member McOmber moved, Aspacher seconded, to suspend the rules and give Ordinance #8215 its second reading. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Robinette voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8215 for second reading by number and title only.

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 first 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 first reading.

Council Member Robinette announced that a Public Hearing will be held for Ordinance #8217 on Monday, January 7, 2013, at 5:30 p.m. in the Council Chamber.

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 first reading.

Council Member Robinette announced that a public hearing will be held for Ordinance #8218 on Monday, January 7, 2013, at 5:30 p.m. in the Council Chamber.

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

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 second reading.

Clerk read Resolution #3517 declaring it necessary to renew an existing tax for the purpose of providing funds for recreational purposes of the Bowling Green Parks and Recreation and requesting the Wood County Auditor to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by that levy, for third reading.

Council Member Rowland moved, Jeffers seconded, to adopt Resolution #3517. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Robinette, and Rowland voted yes. Council President Zanfardino declared motion carried, and Resolution #3517 adopted.

Clerk read Resolution #3518 determining to proceed to submit to the electors of the City of Bowling Green the question of a renewal tax in excess of the 10 mill levy limitation for the purpose of providing 1.4 mills for Bowling Green City Parks and Recreation, for third reading.

Council Member Rowland moved, Gordon seconded, to adopt Resolution #3518. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Robinette, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Resolution #3518 adopted.

Clerk read Resolution #3519 authorizing the Municipal Administrator and the Utilities Director to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the purpose of purchasing vehicles, machinery, materials, supplies, or other articles, for third reading.

Council Member Gordon moved, Aspacher seconded, to adopt Resolution #3519. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution 3519 adopted.

Clerk read Ordinance #8211 abolishing Section 152.14, 152.15, 152.16, 152.17 and 152.18 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding Billboards and Projecting Signs and realigning and amending Section 152.19 to replace certain portions of those sections regarding glare, for third reading.

Council Member Robinette moved, Jeffers seconded, to adopt Ordinance #8211. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Ordinance #8211 adopted.

Council Member Robinette referred Ordinances #8217 and #8218 for consideration by the Planning Commission.

Council Member Robinette moved, Rowland seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the December 3, 2012 regular meeting of the City Council at 7:55 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



John Zanfardino, President of Council



December 3, 2012

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of December include:

Fund	Dept.	Account	Description	From	To
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,400.00	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,400.00
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 4,166.66	
2007	000	69410	Payroll Stabilization, Revenue, Transfer From General		\$ 4,166.66
2016	710	92100	Park, Playground and Recreation, Recreation Department, Transfer To General	\$ 4,829.17	
1010	000	69420	General, Revenue, Transfer From Special Revenue		\$ 4,829.17
2033	920	92100	Unclaimed Money , Unclaimed Money, Transfer To General	\$ 10,164.71	
1010	000	69420	General, Revenue, Transfer From Special Revenue		\$ 10,164.71
2078	170	92300	Municipal Court Special Projects, Municipal Court, Transfer To Debt Service	\$ 7,500.00	
3025	000	69420	Debt Service, Revenue, Transfer From Special Revenue		\$ 7,500.00
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 8,333.33	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 8,333.33
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 13,910.10	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 13,910.10
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 13,917.75	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 13,917.75

4052	810	92300	Community Center, Capital Improvement, Transfer To Debt Service	\$ 897.22	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 897.22
5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 208,256.50	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 208,256.50
5221	651	92500	Water Revenue, Administrative and General, Transfer To Enterprise	\$ 33,216.63	
5222	000	69450	Water Capital Reserve, Revenue, Transfer From Enterprise		\$ 33,216.63
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 16,258.37	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 16,258.37
Total				\$ 324,850.44	\$ 324,850.44

Please complete this form for each committee meeting held and return it to the Clerk of Council.

COUNCIL COMMITTEE MEETING RECORD

COUNCIL COMMITTEE _____

DATE OF MEETING _____ TIME _____

COMMITTEE CHAIR _____

LOCATION OF MEETING _____

COMMITTEE MEMBERS PRESENT _____

OTHER COUNCIL MEMBERS PRESENT _____

CITY STAFF PRESENT _____

TOPICS DISCUSSED _____

DECISIONS/RECOMMENDATIONS _____

SUBMITTED BY _____