

**RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

TUESDAY, FEBRUARY 21, 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, Parks and Recreation Director Michelle Grigore, Public Works Director Brian Craft, Utilities Director Brian O'Connell, and Planning Director Heather Saylor.

Council President Zanfardino declared the minutes of the meeting held February 6, 2012 approved as distributed.

CORRESPONDENCE

Clerk Kay Scherreik noted that the following three applications for liquor permits were received from the Ohio Division of Liquor Control:

- New Class D5 permit for 164 S. Main Street LLC, at 134 E. Court Street, Bowling Green;
- Transfer of Class D5 & D6 permit from Denbrooke Corporation, dba BW3 at 176 E. Wooster Street, Bowling Green to Prospect Entertainment, Inc., dba The Stones Throw Tavern & Grill at the same location;
- New Class D3 permit for Boyko S. Mitov, Ltd., dba Naslada at 182 S. Main Street 1st Floor, Bowling Green.

Clerk noted that a check of the records was requested from the Police Division and no detrimental information was noted.

Council President Zanfardino read and presented a resolution adopted by City Council honoring the service of former Mayor John Quinn and designating him Mayor Emeritus.

OFFICIAL REPORTS

Mayor Dick Edwards requested confirmation of the appointment of Council Member Daniel Gordon to the Transportation Advisory Board. Council Member Aspacher moved, Robinette seconded, to approve the appointment as presented by the Mayor. On unanimous voice vote, Council President Zanfardino declared motion carried.

Municipal Administrator John Fawcett had no report.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore distributed the park board agenda and monthly report and indicated that they are looking for volunteers to help plant 4,000 oak seedlings at the Black Swamp Preserve on April 26-29. Grigore indicated that interested volunteers should contact the Parks & Recreation office.

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 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 Gordon, for the Transportation and Safety Committee, introduced an ordinance amending and adopting Section 114.08(B) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding applications for (taxicab) driver's license.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to accept utility easements from Robert Maurer and Patricia Maurer for the East Gypsy Lane Water Main Improvements Project, Phase Two.

COUNCIL COMMITTEE REPORTS

There were no Council committee reports.

LOBBY VISITATIONS

The following individuals addressed Council regarding their opposition to the National Defense Authorization Act (NDAA) asking Council to reconsider introducing a resolution to nullify certain provisions of the act:

- Ian Zulick – BGSU Student
- Sam Link – BGSU Student
- Dan Johnson – BGSU Student
- Zachary Shock – BGSU Student
- Nathan Eberly – Wood County Chair of the Libertarian Party

Council Member Robinette responded to the group's request with comments from a prepared statement (copy attached and made a part of these minutes). Council Members Robinette, Rowland, Gordon and Zanfardino agreed with many of the comments brought forward by Robinette and praised the efforts of the student-led group. They also indicated that it is their hope that the students will return to City Council in the future with other concerns or issues.

READING OF LEGISLATION

Clerk read Resolution #3499 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Aspacher seconded, to suspend the rules and give Resolution #3499 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 #3499 for second and third reading by number and title only.

Council Member McOmber moved, Robinette seconded, to adopt Resolution #3499. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3499 adopted.

Clerk read Ordinance #8165 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, Gordon seconded to suspend the rules and give Ordinance #8165 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 #8165 for second and third reading by number and title only.

Council Member McOmber moved, Robinette seconded, to adopt Ordinance #8165. On roll call vote, Council Members McOmber, Robinette, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Ordinance #8165 adopted.

Clerk read Ordinance #8166 amending and adopting Section 114.08(B) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding applications for (taxicab) driver's license, for first reading.

Clerk read Ordinance #8167 authorizing the Utilities Director to accept utility easements from Robert Maurer and Patricia Maurer for the East Gypsy Lane Water Main Improvements Project, Phase Two, for first reading.

Clerk read Resolution #3497 of the City's intent to withdraw from the BORMA property and casualty pool and to also withdraw from PERC, for second reading.

Council Member McOmber moved, Aspacher seconded, to table Resolution #3497 indefinitely. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Resolution #3497 tabled indefinitely.

Clerk read Resolution #3498 adopting and authorizing a Community Development Block Grant (CDBG) Housing Policy & Procedures Manual, for second reading.

Clerk read Ordinance #8163 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for the cleaning of uniforms for the Department of Safety, for second reading.

Clerk read Ordinance #8164 authorizing the Municipal Administrator to seek proposals and enter into a contract or contracts and/or participate in State of Ohio purchasing programs for cellular and data services, for second reading.

Clerk read Resolution #3495 authorizing the Mayor of the City of Bowling Green, Ohio, to file an annual application (Plan) and execute a contract upon grant application approval under the Community Development Block Grant: Entitlement Program as authorized by the Housing and Community Development Act of 1974, as amended, for third reading.

Council Member McOmber moved, Robinette seconded, to adopt Resolution #3495. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Robinette, and Rowland voted yes. Council President Zanfardino declared motion carried, and Resolution #3495 adopted.

Clerk read Ordinance #8158 to provide for the issuance and sale of notes in an amount not to exceed \$2,750,000 in anticipation of the issuance of bonds 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 third reading.

Council Member McOmber moved, Aspacher seconded, to adopt the emergency clause for Ordinance #8158. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Robinette, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Robinette seconded, to adopt Ordinance #8158. On roll call vote, Council Members Gordon, Jeffers, McOmber, Robinette, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Ordinance #8158 adopted.

Clerk read Ordinance #8160 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for renovations at Needle Hall in City Park, for third reading.

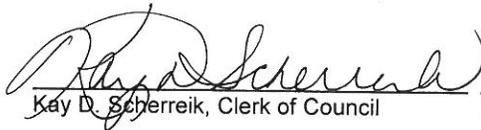
Council Member Gordon moved, Jeffers seconded, to adopt Ordinance #8160. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Ordinance #8160 adopted.

Clerk read Ordinance #8162 authorizing the Utilities Director to execute an agreement with the W. C. Weil Company for the purchase of return activated sludge pump parts for the Wastewater Treatment Plant, and declaring an emergency, for third reading.

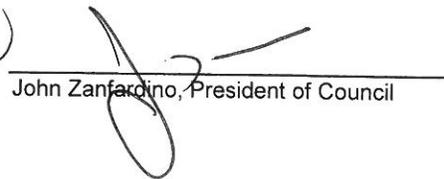
Council Member Aspacher moved, McOmber seconded, to adopt the emergency clause for Ordinance #8162. On roll call vote, McOmber, Robinette, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member Aspacher moved, Gordon seconded, to adopt Ordinance #8162. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8162 adopted.

Council Member Jeffers moved, Robinette seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the February 21, 2012 regular meeting of the City Council at 7:50 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



John Zanfardino, President of Council

Statement, Greg Robinette
City Council Meeting
February 21, 2012

I want to thank Dan Johnson, Mr. Zulick, Mr. Link, Mr. Shock, and the civic minded citizens who have joined them for being engaged in this important issue.

As a citizen, as a member of council, and as an attorney and officer of the court, I too am offended by language in the NDAA that appears on its face to be contrary to the Constitution of the United States.

But I respectfully disagree with your suggestion that the proposed Resolution and Ordinances are appropriate measures for the Bowling Green City Council to undertake.

As our Founders so eloquently stated in the Declaration of Independence, our nation was founded on the self-evident truth that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. These rights do not emanate from government, but certainly should be protected by government.

Like you, I too believe in the Rule of Law, but contrary to your assertion Mr. Johnson, my belief in the Rule of Law does not obligate me to support your proposed legislation. My obligation to the Rule of Law requires that I only support efforts that will lead to changing or repealing the offending sections of the NDAA through action by one or both of our legislative and judicial braches.

I believe the best course of action for all who want to see the NDAA repealed or amended, is two-fold: First push our elected Federal representatives to repeal the law; and second, to challenge the NDAA in court because I truly believe that the sections you find offensive to our liberty and freedom will be found unconstitutional.

As you have noted in your letter, each Council member has taken an oath to "support the Constitution of the United States, and the Constitution of the State of Ohio, and the ordinances and laws of the City of Bowling Green."

But I must view this problem through many different lenses. As an attorney and officer of the court, I have also taken a separate oath "to support the

Statement, Greg Robinette
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Constitution and the laws of the United States and the Constitution and the laws of Ohio."

As a Commissioned Officer in the U.S. Army, I have further sworn an oath that I will not only support, but that I will "defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same;" that oath continues "that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter; So help me God."

These oaths that I have taken are not trivial. As a Member of Council, I take the responsibility to support the Constitution of the United States, and the Constitution of the State of Ohio, and the ordinances and laws of the City of Bowling Green very seriously.

You suggest in your letter that our collective oaths to Support the Constitutions of the United States and of Ohio somehow give the City Council a power to simply disregard the Federal and State laws with which we disagree. This is a false premise.

Neither our City Charter nor our oath of office create an unrestrained power to – using your words, "defend our liberties from unconstitutional anti-liberty acts by the Federal Government" if that defense includes codifying non-compliance with Federal and State law. This does not mean however, that putative unconstitutional laws should not be challenged. I agree with you that they should be challenged.

I cannot however in good conscience recommend a Resolution or an Ordinance that requires the City's Law Enforcement Officers to act in contravention of Federal or State Law.

I do however, commend your grass roots effort to change what very much appears to be an unconstitutional law.

Thank you.