

# RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

CLAYTON LEGAL BLANK, INC., FORM NO. 101.18

Held

MONDAY, FEBRUARY 4, 2013

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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, and Planning Director Heather Sayler. Parks and Recreation Director Michelle Grigore was not present.

Council President Zanfardino declared the minutes of the meeting held January 22, 2013 approved as distributed.

## CORRESPONDENCE

Clerk Kay Scherreik noted that the following two applications were received from the Ohio Division of Liquor Control:

- A new Class D1 permit for Boyko S. Mitov, Ltd, dba Naslada, located at 182 S. Main Street, Bowling Green, Ohio;
- Transfer of Class C1 and C2 permit from Timerson L. Downing II, dba Butts Cigarette Outlet, located at 402 E. Wooster Street to BNS Retail, LLC, dba Quick Stop at the same location.

A check of the records was requested from the Police Division, but has not yet been received.

## OFFICIAL REPORTS

Mayor Dick Edwards requested confirmation of Dr. Roger Grant to the Human Relations Commission for a term ending May 31, 2014. Council Member Rowland moved, Gordon 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 Sayler had no report.

Parks and Recreation Director Michelle Grigore was not present.

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, 2013 and ending December 31, 2013.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator and the Utilities Director to enter into a contract or contracts with specified vendors for work that may exceed \$25,000 annually for calendar year 2013.

Council Member Rowland, for the Parks and Recreation Committee, introduced a resolution adopting the name "BG City Pool and Water Park."

Council Member Zanfardino, for the Community Improvement Committee, introduced a resolution adopting and authorizing the amended Housing Revolving Loan Fund Program Policy & Procedures Manual.

Council Member Zanfardino, for the Community Improvement Committee, introduced a resolution adopting and authorizing the amended Community Development Block Grant (CDBG) Housing Policy & Procedures Manual.

### COUNCIL COMMITTEE REPORTS

Council Member Robinette reported that the Planning, Zoning and Economic Development Committee held a public hearing earlier this evening regarding Ordinance #8225 and received no public comment regarding the ordinance.

### LOBBY VISITATIONS

William Feeman, 640 S. Wintergarden, addressed Council again regarding a ballot issue for a City-wide ban on assault weapons and weapons of "mass destruction". Council President Zanfardino responded that he consulted with the City Attorney and it is his understanding that Ohio state law prohibits local governments from passing laws that differ from state law regarding gun possession. City Attorney Michael Marsh confirmed that that was the case in the State of Ohio.

Ryan Patton, 409 Hillcrest Drive, addressed Council regarding proposed Resolution #3227 that Council is considering to encourage action by state and federal governments to reduce gun violence. Patton expressed his concern in adopting a resolution that overly broad in its statement.

Council Member Jeffers responded that the resolution was designed to be broad and felt that in light of recent events that it was important for Council to make its voice heard to state and federal legislators. Jeffers noted that he felt that it did not seem right to sit back and say that there wasn't anything Council could do.

Norm Geer, 917 Clark Street, representing Jeannette Urwin who resides at 225 E. Wooster Street, addressed Council regarding the zoning change for properties adjacent to Mrs. Urwin's property as requested by the Green's. Mr. Geer requested that the buffer yard areas be increased to 15 feet and the barrier wall placed in the middle of the buffer yard, thereby allowing for some space between Mrs. Urwin's house and the barrier wall.

Michelle Green, 1045 N. Main Street, representing the rezoning request applicant, addressed Council and indicated that any drawings that were submitted with the request are not necessarily drawn to scale and that the footage referred to by Mr. Geer may not be accurate.

Council Member Aspacher asked Ms. Green how she felt about Mr. Geer's request to place the barrier wall in the middle of the buffer yard. Ms. Green said that this request has been before the City for four months and they have made every attempt to honor every request that has been put before them. Ms. Green also said that it's important to remember that when Mrs. Urwin purchased her property it was located next to a hotel and that this block is not a residential block. Ms. Green said they have done everything they've been asked, but feels that the line needs to be drawn at some point and move forward. Aspacher asked again if the wall could be placed in the middle of the buffer yard.

Steve Green, 1045 N. Main Street, stated that he is one of the owners of the property being rezoned and that one of the reasons that the wall cannot be moved because of the limitations of the square footage of the property which affects the

engineering of the development regarding drainage, parking, etc. If the wall is moved off the property line, then the development is not going to work. Mr. Green said that he looks across the street at the CVS development and their requirement is a vinyl fence, but yet he is being required to build a masonry wall which is quite a bit more expensive. Mr. Green said that if they have to change anything further on this project, then it's not going to work. He further stated that he is not here tonight to make further changes and that he would just keep it zoned B-2 and look for a single user where no buffers would be required. In response to questions from Council Members regarding why the project won't work if the buffer yards are increased, Mr. Green explained that the engineering doesn't work within the square footage of the property.

Council Member Jeffers commented that he doesn't feel that it is within the proper procedure at this point that the Green's are being forced to defend their project and continue to face more and more requests for changes.

Council Member Aspacher agreed with Jeffers comments and went on to say that the Green's have demonstrated an extreme willingness to work with the neighbors and City Planning staff.

Vassiliki Leontis, 119 N. Summit Street, thanked members of the City staff and members of Council who visited their block to discuss their requests relative to this rezoning issue. Mrs. Leontis stated that the proposal before Council tonight regarding buffering is very close to one to which they could agree. Mrs. Leontis requested that the proposal be amended to increase the five foot buffer to ten feet, to move the masonry wall to the middle of the buffer yard as it is too close to their deck, to have the responsibility of maintaining the wall placed on the developer, to place the plantings on their side of the buffer wall, and lastly, to keep the large walnut tree that is close to their property.

Lisa Lawson LaPointe, representing Toledo Fair Housing Center, commented that they were contacted by a resident regarding some alleged discriminatory statements that were made at a past public hearing on this development. Those statements included references to renting to only single individuals. Ms. LaPointe noted that that would have a discriminatory impact for people with families with children and it is illegal to discriminate against families with children. They also had concerns that Council was going to try to legislate that stipulation into the ordinance. Ms. LaPointe stated that it is obvious that that has not come to fruition and they have no concerns with how the ordinance is written.

Nancy Lenhart, 216 E. Court, asked why Mr. Green would threaten the citizens that live in that neighborhood with zoning and with leaving the project. Ms. Lenhart was told that she was out of order and asked to cease with her comments.

Les Barber, 303 N. Prospect, asked Council to consider removing the house located on Summit Street and next to the Urwin house from the rezoning request in Ordinance #8209 and leave it zoned B-2.

Earlene Kilpatrick, BG Chamber of Commerce, has appreciated the process and the dialog that has occurred between the developer, the neighbors and the City. However, Ms. Kilpatrick stated that she feels the Green's have been extremely patient throughout the process which proves that they are community-minded and that they do care about the resident component of their development. Ms. Kilpatrick further noted that from a business point of view, she fears what message is being sent to potential developers who might be interested in locating their business in Bowling Green.

### **READING OF LEGISLATION**

Clerk read Resolution #3529 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Robinette seconded, to suspend the rules and give Resolution #3529 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 #3529 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3529. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino, declared motion carried, and Resolution #3529 adopted.

Clerk read Resolution #3530 adopting and authorizing the amended Housing Revolving Loan Fund Program Policy & Procedures Manual, for first reading.

Clerk read Resolution #3531 adopting and authorizing the amended Community Development Block Grant (CDBG) Housing Policy & Procedures Manual, for first reading.

Clerk read Resolution #3532 adopting the name "BG City Pool and Water Park", for first reading.

Council Member Aspacher moved, Robinette seconded, to suspend the rules and give Resolution #3532 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 Resolution #3532 for second and third reading by number and title only.

Council Member Aspacher moved, Gordon seconded, to adopt Resolution #3532. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Resolution #3532 adopted.

Clerk read Ordinance #8235 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2013 and ending December 31, 2013, for first reading.

Council Member McOmber moved, Robinette seconded, to suspend the rules and give Ordinance #8235 its second and third 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 #8235 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8235. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Robinette, and Rowland voted yes. Council President Zanfardino declared motion carried, and Ordinance #8235 adopted.

Clerk read Ordinance #8236 authorizing the Municipal Administrator and the Utilities Director to enter into a contract or contracts with specified vendors for work that may exceed \$25,000 annually for calendar year 2013, for first reading.

Clerk read Resolution #3528 authorizing the Mayor of the City of Bowling Green, Ohio, to file a four year capital and operating plan for the years 2014 through 2017 with the Ohio Department of Transportation for grants through the U.S. Department of Transportation, as authorized under Federal Transit Laws, as Codified, 49 USC Section 5311, Financial Assistance for Other Than Urbanized Areas, for second reading.

Clerk read Ordinance #8228 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for tree plantings & tree maintenance for trees located within the public right-of-way of the City of Bowling Green, for second reading.

Clerk read Ordinance #8229 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for sidewalk improvements, pavement striping, deicing salt, and improving streets, alleys, and other public ways in the City of Bowling Green, Ohio, for second reading.

Clerk read Ordinance #8230 authorizing an agreement between the City of Bowling Green, Ohio, and the Wood County Regional Airport Authority, for second reading.

Clerk read Ordinance #8231 authorizing the Municipal Administrator to participate in the State of Ohio Department of Transportation sodium chloride (rock salt) purchase agreement for the 2013-2014 winter season, for second reading.

Clerk read Ordinance #8232 authorizing the Municipal Administrator and the Utilities Director to advertise for bids and enter into a contract or contracts for the supplying and cleaning of uniforms for the Public Works Department and the Utilities Department, for second reading.

Clerk read Ordinance #8233 authorizing the Municipal Administrator and the Utilities Director to advertise for bids and enter into a contract or contracts and/or participate in State of Ohio purchasing programs for the purchase of vehicles and equipment as well as the trade-in or outright sale of vehicles and equipment being replaced and/or no longer needed for municipal purposes, for second reading.

Council Member McOmber moved, Rowland seconded, to amend Ordinance #8233 by substitution to included those vehicles approved for purchase for the Utilities Department. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Robinette, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8233 amended by substitution.

Clerk read Ordinance #8234 amending and adopting section 70.35 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning eligibility for police tow list and establishment of tow charge rates, for second reading.

Clerk read Resolution #3525 adopting a B.G. Transit Citizen Participation Plan for the City of Bowling Green, for third reading.

Council Member Gordon moved, Aspacher seconded, to adopt Resolution #3525. On roll call vote, Council Members Gordon, Jeffers, McOmber, Robinette, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Resolution #3525 adopted.

Clerk read Resolution #3526 expressing the support of the Bowling Green City Council for the findings and recommendations of the Toledo/Northwest Ohio Transportation Coalition for the Transportation Legislative Agenda for 2013 and 2014, for third reading.

Council Member Gordon moved, Rowland seconded, to adopt Resolution #3526. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3526 adopted.

Clerk read Resolution #3527 encouraging action by state and federal governments to reduce gun violence in the United States, for third reading.

Council Member Jeffers moved, Gordon seconded, to adopt Resolution #3527. Council Member Robinette read a statement regarding his opposition to this resolution. A copy of that statement is attached and made a part of these minutes.

Council President Zanfardino noted that he feels that this resolution is an attempt to join in the conversation at the state and federal level regarding gun regulations.

Council Member McOmber stated that he is not as enthusiastic about this legislation as Council Member Jeffers who is the one who originated the resolution. However, he looks at it as a starting point for the state and federal government to take a look at existing gun laws to see if any additional action needs to occur. McOmber stated that out of respect for Mr. Jeffers, he intends to vote in favor of the resolution.

Council Member Jeffers acknowledged that people have many different views regarding guns and that his views may not be very popular. He feels that this resolution takes a step towards pushing back against the current levels of violence in America.

On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Jeffers and Gordon voted yes. Council Member Robinette voted no. Council President Zanfardino declared motion carried, and Resolution #3227 adopted.

Clerk read Ordinance #8226 approving the S-District Site Plan for the 2300 square foot radiation and oncology addition to the Wood County Hospital, for third reading.

Council Member Robinette moved, McOmber seconded, to table Ordinance #8226 until February 19, 2013 at which time a public hearing will be held regarding this ordinance. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8226 tabled until February 19, 2013.

Council Member Robinette moved, Aspacher seconded, to adopt 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. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Robinette voted yes. Council President Zanfardino declared motion carried, and Ordinance #8225 adopted.

Council Member Robinette moved, Aspacher seconded, to remove from the table Ordinance #8207 amending the Zoning District Map of the City of Bowling Green, Ohio, for eight (8) parcels generally known as 110 and 112 and 114 North Prospect Street and 215 and 219 and 233 East Wooster Street and generally located at the corner of North Prospect Street and East Wooster Street, now owned by Wooster Street Apartments, LLC, from B-2 General Commercial to B-3 Central Business District zoning. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Robinette, and Rowland voted yes. Council President Zanfardino declared motion carried, and Ordinance #8207 removed from the table.

Council Member Robinette moved, Aspacher seconded, to amend Ordinance #8207 by substitution to give the properties a B-5 zoning designation and to add the buffering and screening plan as proposed by the Administration and attached to the substituted ordinance.

Council Member Robinette stated that the screening and buffering plan has been the topic of much discussion among the adjoining property owners, the developer, and the City Administration. Robinette further stated that it is his recommendation that it be adopted as presented.

Council Member Aspacher concurred with Robinette's recommendation. Aspacher further stated that he feels that the Green's have demonstrated that they are responsible developers in our community which leads him to believe that they will do the same with this development. Aspacher indicated that he agreed with Robinette and that he intends to support the proposal as presented.

Council President Zanfardino commented that this has been a long process, but the result has been that a whole new zoning classification has been created which allows for flexibility in each case of transitional zoning. Zanfardino asked that Council consider increasing the size of the buffer zones as requested by the neighbors. Zanfardino asked other Council Members if there was any support for making that change. Council Members Gordon and Rowland indicated that they support increasing the size of the buffer zones as requested. However, the remaining four members did not support the proposal.

On roll call vote, Council Members Aspacher, Jeffers, McOmber, and Robinette voted yes. Council Members Gordon, Rowland and Zanfardino voted no. Council President Zanfardino declared motion carried, and Ordinance #8207 amended by substitution.

Council Member Robinette moved, McOmber seconded, to adopt Ordinance #8207 as amended.

Council Member Gordon, McOmber and Rowland read prepared statements regarding their votes on the rezoning ordinances. A copy of those statements are attached to and made a part of these minutes.

On roll call vote, Council Members Jeffers, McOmber, Robinette, and Aspacher voted yes. Council Members Gordon, Rowland and Zanfardino voted no. Council President Zanfardino declared motion carried, and Ordinance #8207 adopted as amended.

Council Member Robinette moved, McOmber seconded, to remove from the table Ordinance #8208 amending the Zoning District Map of the City of Bowling Green, Ohio, for the property generally known as 120 North Prospect Street and owned by SAG Investments, Ltd., from B-2 General Commercial to B-3 Central Business District zoning. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Ordinance #8208 removed from the table.

Council Member Robinette moved, Aspacher seconded, to amend Ordinance #8208 by substitution to give the properties a B-5 zoning designation and to add the buffering and screening plan as proposed by the Administration and attached to the substituted ordinance. On roll call vote, Council Members Jeffers, McOmber, Robinette, and Aspacher voted yes. Council Members Gordon, Rowland and Zanfardino voted no. Council President Zanfardino declared motion carried, and Ordinance #8208 amended by substitution.

Council Member Robinette moved, Jeffers seconded, to adopt Ordinance #8208 as amended. On roll call vote, Council Members McOmber, Robinette, Aspacher, and Jeffers voted yes. Council Members Rowland, Zanfardino, and Gordon voted no. Council President Zanfardino declared motion carried, and Ordinance #8208 adopted as amended.

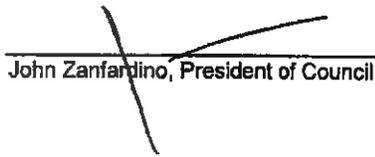
Council Member Rowland moved, Aspacher seconded, to remove from the table Ordinance #8209 amending the Zoning District Map of the City of Bowling Green, Ohio, for four (4) parcels of land generally known as 117 and 117½ North Summit Street owned by Robert L. Hudson from B-2 General Commercial to B-3 Central Business District zoning. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Robinette, and Rowland voted yes. Council President Zanfardino declared motion carried, and Ordinance #8209 removed from the table.

Council Member Robinette moved, Jeffers seconded, to amend Ordinance #8209 by substitution to give the properties a B-5 zoning designation and to add the buffering and screening plan as proposed by the Administration and attached to the substituted ordinance. On roll call vote, Council Members Robinette, Aspacher, Jeffers, and McOmber voted yes. Council Members Rowland, Zanfardino, and Gordon voted no. Council President Zanfardino declared motion carried, and Ordinance #8209 amended by substitution.

Council Member Rowland moved, McOmber seconded, to adopt Ordinance #8209 as amended. On roll call vote, Council Members Aspacher, Jeffers, McOmber, and Robinette voted yes. Council Members Gordon, Rowland, and Zanfardino voted no. Council President Zanfardino declared motion carried, and Ordinance #8209 adopted as amended.

Council Member Robinette moved, Rowland seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the February 4, 2013 regular meeting of the City Council at 9:06 p.m., subject to call.

  
Kay D. Scherrek, Clerk of Council

  
John Zanfardino, President of Council

Comments – Council Member Robinette  
Re: Resolution #3227  
4 February 2013

The murder of 21 people in Newtown, CT is tragic beyond words. It is an horrific act that elicited a visceral response that lingers to this day. A thorough review of the issue is certainly timely, and I fully appreciate that my colleague proposed this resolution after a careful and thoughtful review of the events, and with only the best of intentions.

But I am a strong supporter of the Second Amendment, and I don't intend to change. Indeed, I am a strong supporter of the entire U.S. Constitution, a remarkable document that I have sworn to support and defend for the past 30 + years.

The discussion of this issue in the U.S. Congress is still ongoing, and I pray that the discussion is conducted with clear heads and a respect for the civility that should define public discourse in the United States.

I also believe that this very complicated issue requires an holistic approach; everything should be on the table for discussion, including:

- better enforcement of existing laws,
- beefing up school security, and
- strengthening the government's ability to keep guns from mentally unstable people.

Unfortunately, the proposed Resolution is quite limited in its scope, and supports only effectively regulating the trade of an undefined category of arms.

For these reasons, I will vote no on this resolution.

**Remarks for February 4<sup>th</sup>, 2013 meeting of the Bowling Green City Council  
Submitted by Council Member Daniel Gordon  
Re: Ordinance #8207, 8208, & 8209**

Mr. President,

I'd like to thank everyone for their efforts as we've deliberated this rezoning request. Many citizens and officials have spent much time, energy, and even money to have the best possible outcome. I also thank the Greens for the project proposal, and my colleagues and the Planning Commission who worked to accommodate residents' concerns while creating a flexible new zoning category. That achievement was the result of compromise and the democratic process, and I'm proud to have been involved. I would especially like to thank Heather Saylor, our Planning Director, who worked diligently with the applicant, residents, and City Council to provide us all with information, insight, and guidance. Finally, thanks are due to all citizens who took time to study this issue and voice their positions, and who have impressed upon us the need for a balanced and inclusive approach to policymaking in Bowling Green.

As First Ward representative, issues affecting the East Side of Bowling Green are central to my work on Council. I have talked and worked with constituents from E Poe to E Wooster, and carefully listened to their concerns. These citizens likely best understand the ramifications of our decision today, as they will be most affected, and they have made their position clear. I have received hundreds of e-mails, phone calls, and letters from residents concerned about the strip mall, and nearly 100% are opposed to the strip mall. When that many people state the same thing, we must all carefully listen to them.

Although some have said that residents opposed to the strip mall are simply "afraid of change," this is an inaccurate characterization of legitimate expressed concerns. Residents merely request that such change is consistent with the residential character and integrity of the neighborhood. That reasonable request guides my vote today.

Ward 1 residents oppose the approval of a project that is inconsistent with the City's Master Plan, which emphasizes neighborhood preservation. Residents are wary of the diminishing residential component of the First Ward, and so are understandably sensitive to encroachment by both commercial and rental development. Residents do not want to see such development further compromise the residential character and integrity of their neighborhoods.

A major concern is that a strip mall will lower property values. Residents who have invested decades of time, money, and energy into their homes should not see their property values decrease. Homeowners should be supported by city government.

Residents tell me that they want economic development that is responsible and sustainable – consistent with the values and goals of the community, and attainable by working with citizens to ensure maintenance of the residential character and integrity of neighborhoods. These citizens overwhelmingly do not see this rezoning request as meeting these criteria.

A fundamental purpose of zoning is to protect homeowners, property values, and the character of a community. Based on constituent feedback, granting this rezoning request does not appear to be consistent with this purpose. Although I sincerely hope that the project will be a net positive for the First Ward and for Bowling Green, I must trust the wisdom and experience of my constituents, and so I will oppose the rezoning request.

While this specific issue will be decided today, it is one dialogue in a larger citywide conversation needed about the East Side of Bowling Green and what we can do to improve it. We must address relations between students and residents, strengthening the housing stock, and preserving the character and integrity of our neighborhoods. We need to focus not just on economic development, but community development, in order to enhance the quality of life for all people who live in Bowling Green.

**Remarks for February 4, 2013 meeting  
Submitted by Council Member Robert McOmber  
Re: Ordinance #8207, 8208, and 8209**

It is inevitable that controversial issues will come before this body from time to time. Sometimes, a resolution eventually emerges that almost everyone agrees is the way to handle the situation, and the controversy dissipates. However, on other occasions, the different points of view cannot be reconciled, but we still must eventually make a decision and move forward. In these latter situations, where some disagreement cannot be eliminated, I think it is common for Council members who seem to be in the majority to search for outcomes that will minimize the dissatisfaction felt by those who disagree.

In this instance of rezoning the Green properties, it certainly has appeared for a couple of months now that 4 of us are probably in favor of rezoning and 3 members of Council are not. But rather than just race forward and approve the requested rezoning, a huge effort has taken place over the last couple of months to make the rezoning more palatable to those who are opposed, both members of Council and members of the public.

Council held a public hearing on these rezoning requests in November, and I remember hearing many individuals state that they feared that, one way or another, a four story apartment building would end up being constructed on the site. But as I sit here tonight, I do not think anyone can reasonably state that such a fear exists any longer. Not only will a four story apartment building not be constructed, no four story structure of any sort will be constructed. Nor will there be residential housing on the first floor of whatever building is constructed, nor will there be a bar, a tattoo parlor, a gas station or a car lot constructed.

A large number of people including many of you in the audience, Planning Commission members and Council members had a hand in creating the safeguards that have been created. No one can say they got this done single handedly, but a lot of people can say they contributed to this effort.

But despite the aforementioned safeguards, I know that some members of the public would still simply prefer that Council vote against rezoning the property. The basic bone of contention revolves around the residential rental housing that the Greens intend to construct on the second floor of the proposed development. It appears to me that most of the opponents of the rezoning will not be in favor of development that includes any rental housing to, most likely, students.

Were there not already 21 renters at this location, I might be inclined to agree with the opponents. But I think it is highly likely that what the Greens will build at this location will be a much better result for the site than what currently exists. And rather than hold out for something better that might not come up for decades, I am willing to vote for what I hope and believe will end up being a significant improvement. Consequently, I will be voting in favor of rezoning the three properties.

**Remarks for February 4, 2013 meeting  
Submitted by Council Member Sandy Rowland  
Re: Ordinance #8207, 8208, and 8209**

I would be remiss if I did not begin by recognizing and thanking all of the parties that have been involved in this process. It has not been an easy task for anyone. But, I am especially proud and thankful for our Saylor. Heather, you have done an outstanding job working with all the parties.

First, I would like to address this issue from the perspective of a Realtor. I list and I sell house all over BG. It is no secret the East Side of BG suffers from properties are suffering from too many rentals in neighborhoods. This threatens the safety, comfort and stability of prices for owner occupied homes. I see houses on the East Side in which I am forced to tell the owners their property values are substantially lower than the same home in the same condition on the West Side.

In the name of full disclosure I have been a supporter of the East Side Neighborhood Association for several years and therefore I give East Side residents my ear and my heart when I have to make decisions such as we are about to make tonight.

I feel terrible for Mrs. Urwin, an 84 year old lady who will now have to have a wall built on the side of her house to keep noise at a minimum as she struggles to sleep at night.

I feel terrible for Mr. and Mr. Leontis who recently invested a lot of money in their property then immediately learned their view will also have to be a wall.

I have served on the city's Human Relations Commission where it was our charge to work towards having a community where all could live in harmony. As a member I "preached" the need to live according to the Golden Rule that is to treat others as you would want to be treated.

I live on the West Side of town where we are also currently facing zoning request at the Wood County Hospital located directly behind my home. In handling their zoning request the administration lived the Golden Rule. I and my neighbors received informative letter from the Hospital telling us of their plans. They later invited us to attend a neighborhood meeting with the Hospital administrator present to detail their plans and show us detailed renderings.

I wish this could have been the process with the developer now requesting this change. East Siders instead complain that they don't know for certain what will happen. Communication has been next to none at all.

They want to know how many total residents will actually be in the new apartment space. They have been told the number will lessen with only 16 residents to replace 21. Yet two residents per apartment will result in 32 residents replacing 21 current residents.

They want to know why 120 North Prospect, referred to as the JUNGLE in an ad in The BG News is worthy of being rezoned since it is not at all a part of the mall project

They want to know why the about the Hudson residence since it has now been sold since the application was made.

They question if a yogurt store and sub shop will be sustainable. Or, will the rentals be left unoccupied only to welcome vandals.