

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, JULY 1, 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 7:05 p.m. by Council President Zanfardino. The meeting began with the Pledge of Allegiance.

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

Council President Zanfardino declared the minutes of the meeting held June 17, 2013 approved as distributed.

CORRESPONDENCE

Clerk of Council Kay Scherreik noted that a listing of budget transfers for the month of July was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member Rowland 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 to and made a part of these minutes.

Clerk also noted that the following applications were received from the Ohio Division of Liquor Control:

- A new Class D5 permit for Pagliai's Pizza, Inc., located at 945 S. Main Street;
- Transfer of a Class D5 permit from Clazel Enterprises, LLC, dba Checkers Pub located at 809 S. Main Street to Bingonometry, LLC, located at 145 N. Main Street;
- Transfer of a Class D5 permit from BG Bar Group, LLC, dba Ziggy Zoombas, located at 300 E. Wooster Street to Ziggy Enterprises, Ltd, dba as the same at the same location.

Clerk reported that a check of the records was requested for the three applications, but not received at this point.

Prior to hearing Official Reports from the Administrative staff, Council President Zanfardino announced that the 4th Ward Council representative, Greg Robinette, officially resigned his position on Council effective June 18, 2013 due to being called to active military duty for approximately the next year. Zanfardino noted that as announced at the last meeting, applications were received over the last two weeks to fill the position. Eight applications were received, however 2 have withdrawn their names from consideration. Zanfardino explained that the six remaining applicants will be given an opportunity to address Council this evening at the end of the regular business of Council and will be given a time limit of three minutes each. After Council has heard from all of the applicants, Council intends to nominate one of them to take the 4th Ward seat and begin to serve on July 15, 2013. Zanfardino noted that the first nomination to receive four votes will be the winner.

OFFICIAL REPORTS

Mayor Dick Edwards reported about upcoming 4th of July events that will be held in the community on July 3rd. Mayor Edwards also read an encouraging letter from Century Marketing thanking employees of the Electric Division for recent work restoring power to their facility.

Municipal Administrator John Fawcett was not present.

Assistant Municipal Administrator Lori Tretter had no report.

Planning Director Heather Saylor had no report.

Parks and Recreation Committee Michelle Grigore had no report.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell reported regarding an APPA National Conference he recently attended in Nashville. O'Connell also reported that bids were opened for the Dunbridge Road Substation and Lake Erie Electric was the apparent low bidder at approximately \$690,000.

Public Works Director Brian Craft reminded citizens that Thursday's refuse pickup will be done on Friday this week due to the 4th of July holiday. Craft also reported regarding the upcoming *Classics on Main* car show that will be held in the downtown area on Saturday, July 13 from noon to 4:00 p.m. noting that some streets in the downtown area will be closed off during the show. He indicated that the media will be alerted of the closings so that citizens can be made aware.

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 Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with Power Line Supply Company for the purchase of LED retrofit kits to upgrade the City's downtown street lighting, and to advertise for bids and enter into a contract or contracts for the installation of the LED retrofit kits.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the supplying of annual inventory requirements, underground and overhead lines insurance, and sale of scrap materials for calendar year 2014.

Council Member Rowland, for the Parks and Recreation Committee, introduced an ordinance authorizing the Municipal Administrator to accept an easement from the Condominiums at Shamrock Village, LLC for the purpose of connecting or interconnecting underground utilities for water, sewer or electrical service and to maintain said lines in perpetuity, and declaring an emergency.

COUNCIL COMMITTEE REPORTS

Council President Zanfardino announced that there will be a meeting of the Community Improvement Committee on Monday, July 15, at 6:00 p.m. to continue discussions regarding east side issues.

LOBBY VISITATIONS

Earlene Kilpatrick, Bowling Green Chamber of Commerce, addressed Council regarding the upcoming 4th of July fireworks display. Ms. Kilpatrick thanked the more than 85 financial supporters of the fireworks display and thanked BGSU and the City for their support as well.

READING OF LEGISLATION

Clerk read Resolution #3545 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Resolution #3545 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Resolution #3545 for second and third reading by number and title only.

Council Member McOmber moved, Gordon seconded, to adopt Resolution #3545. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3545 adopted.

Clerk read Ordinance #8258 authorizing the Municipal Administrator to accept an easement from the Condominiums at Shamrock Village, LLC for the purpose of connecting or interconnecting underground utilities for water, sewer or electrical service and to maintain said lines in perpetuity, and declaring an emergency, for first reading.

Clerk read Ordinance #8259 authorizing the Utilities Director to enter into a contract or contracts with Power Line Supply Company for the purchase of LED retrofit kits to upgrade the City's downtown street lighting, and to advertise for bids and enter into a contract or contracts for the installation of the LED retrofit kits, for first reading.

Clerk read Ordinance #8260 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the supplying of annual inventory requirements, underground and overhead lines insurance, and sale of scrap materials for calendar year 2014, for first reading.

Clerk read Resolution #3544 Resolution authorizing the filing of (a) proposal(s) and/or (an) application(s) with the Ohio Department of Transportation for grants through the U.S. Department of Transportation Federal Transit Administration (FTA), as authorized under Federal Transit Laws, as Codified, 49 USC Section 5311 financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant Program, executing a contract/grant for the FY 2014 Ohio Elderly and Disabled Transit Fare Assistance Program, and executing a contract with the Ohio Department of Transportation upon grant proposal and/or application approval, for second reading.

Clerk read Ordinance #8253 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 second reading.

Council Member McOmber moved, Jeffers seconded, to amend Ordinance #8253 by substitution to increase the amount from \$5,000 to \$7,500 on the supplemental appropriation. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Ordinance #8253 amended by substitution.

Council Member McOmber moved, Aspacher seconded, to suspend the rules and give Ordinance #8253 its third reading. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8253 its third reading by number and title only.

Council Member McOmber moved, Gordon seconded, to adopt Ordinance #8253 as amended. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Zanfardino declared motion carried, and Ordinance #8253 adopted.

Clerk read Ordinance #8254 for cleaning of streets by special assessment, for second reading.

Clerk read Ordinance #8255 authorizing the Utilities Director to apply for a grant and execute an agreement with the Ohio Public Works Commission for the design and construction of the reservoir pump station, for second reading.

Clerk read Ordinance #8256 establishing interim zoning of R-2 Single Family Residential zoning for the 0.75 acres of land generally known as 16381 Brim Road and recently annexed to the City of Bowling Green, for second reading.

Clerk read Ordinance #8257 amending and adopting Section 150.103(D) and 150.40(E) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to utility data on site plans, for second reading.

Clerk read Resolution #3540 adopting the Estimate of Revenues for the year 2014, for third reading.

Council Member McOmber moved, Aspacher seconded, to adopt Resolution #3540. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Resolution #3540 adopted.

Clerk read Resolution #3542 naming the John Quinn Innovation Technology Park, for third reading.

Council Member Zanfardino moved, Jeffers seconded, to adopt Resolution #3542. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Resolution #3542 adopted.

Clerk read Resolution #3543 naming the Kawashima Peace Garden, for third reading.

Council Member Rowland moved, Gordon seconded, to adopt Resolution #3543. On roll call vote, Council Members Jeffers, McOmber, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3543 adopted.

Clerk read Ordinance #8253 accepting annexation of approximately 0.75 acres of land in Plain Township, Wood County, Ohio from Betty M. Harrison, petitioner, for third reading.

Council Member McOmber pointed out that he thought that this ordinance may have been given a duplicate number. Clerk agreed that the number was inadvertently assigned to two ordinances and indicated that this ordinance would now be Ordinance #8253-B.

Council Member Jeffers moved, Aspacher seconded, to adopt Ordinance #8253-B. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Ordinance #8253-B adopted.

At this point in the meeting, Council President Zanfardino invited the prospective candidates seeking to fill the 4th Ward Council seat to give their three minute presentations to City Council. Names were drawn at random to determine the speaking order. The following six individuals addressed Council expressing their desire to fill the remaining six months of the term:

- Roger Anderson – 463 Truman Street
- Bill Herald – 1030 Conneaut Avenue
- Robert Piasecki – 624 Orleans Avenue
- Theresa Charters Gavarone – 1537 Cedar Lane
- Jaci Nowicki – 1005 Fort Drive
- Paul Collings – 1128 Teal Trail

Each of the preceding individuals gave a brief presentation of their background and qualifications to fill the seat. Each person was questioned regarding their ability to attend the remaining 11 meetings in the year and some were asked other questions.

Council President Zanfardino indicated that appointing one of the persons that is running for the position can be beneficial in that it indicates that the candidate already has an interest in the position and can be an asset to their qualifications to fill the seat. Council Members Gordon and Rowland agreed with that perspective. Council Member McOmber disagreed and pointed out that former Council Member Robinette specifically

asked that neither candidate on the ballot in the fall be appointed which could effectively give one candidate a leg up over the other in the November election. McOmber noted that given the fact that Greg Robinette was a Republican and that the majority of the remaining Council Members are Democrat, they have the votes to appoint Mr. Piasecki (the current Democratic candidate for the 4th Ward seat) to take over the Republican seat in a predominately Republican ward, but stated that he feels that that would be a blatant partisan political move and an effort to give Mr. Piasecki an advantage in the election. McOmber stated that taking advantage of Mr. Robinette's patriotic military service in this manner would be somewhat objectionable from his point of view. McOmber said that he would rather see one of the other four candidates get the job and then let the election play out to see who is duly elected by the 4th ward voters. McOmber said that if the other five members of Council could coalesce behind any of the other four applicants, then he would give his support to that person as well. He also indicated that he is willing to meet them halfway by supporting Roger Anderson, a Democrat, to fill the seat. McOmber said that he is willing to vote for someone that is not in his party if the others are willing to vote for someone that is not their candidate in the fall election.

Council Member Jeffers stated that he did not appreciate the "blatant partisanship" comment made by Council Member McOmber and noted that an appointment by Council does not always translate to a victory in an upcoming election. Jeffers cited the appointment of the Democratic candidate for Council, Jacob Redfern, who filled a vacancy a few years ago, but did not win election to the 1st Ward seat when he ran in the following election.

Council Member Gordon asked McOmber if he voted in favor of the appointment of Redfern since he was replacing a 1st Ward Democratic seat in a predominately Democratic ward on Council. McOmber acknowledged that he did not vote for Redfern, but voted for Mark Hollenbaugh who was the Republican that was nominated. Gordon then went on to say that he was particularly listening to the candidates and their knowledge of recent Community Improvement Committee activities regarding east side residents/issues and was gratified to know that Mr. Piasecki attended some the sessions and understood the concerns of the residents.

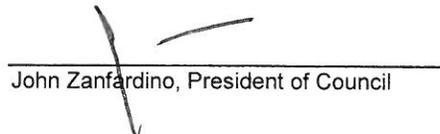
Council Member Aspacher commented that most of this discussion has been centered around party affiliation and pointed out that this is one of the very rare instances on Council where party affiliation is an issue. The only other time it becomes an issue is when Council is selecting a President and President Pro Tem.

Council Member Gordon nominated Robert Piasecki to fill the unexpired term as 4th Ward Council representative. Council Member Jeffers seconded the nomination. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council Member McOmber voted no. Council President Zanfardino declared motion carried, and Mr. Piasecki was appointed 4th Ward Council Member.

Council Member Rowland moved, Aspacher seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the July 1, 2013 regular meeting of the City Council at 8:27 p.m., subject to call.



Kay D. Scherreik, Clerk of Council



John Zanfardino, President of Council



July 1, 2013

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of July include:

Fund	Dept.	Account	Description	From	To
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 3,366.42	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 3,366.42
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,333.33	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,333.33
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 4,166.66	
2007	000	69410	Payroll Stabilization, Revenue, Transfer From General		\$ 4,166.66
2078	170	92300	Municipal Court Special Projects, Municipal Court, Transfer To Debt Service	\$ 6,833.33	
3025	000	69420	Debt Service, Revenue, Transfer From Special Revenue		\$ 6,833.33
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 3,125.00	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 3,125.00
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 37,543.75	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 37,543.75
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 13,433.33	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 13,433.33
4029	423	92400	Street Repair, Street Repair, Transfer To Capital Projects	\$ 10,416.66	
4015	000	69440	Roadway Capital Reserve, Revenue, Transfer From Capital Projects		\$ 10,416.66

5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 263,231.50	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 263,231.50
5221	651	92500	Water Revenue, Administrative and General, Transfer To Enterprise	\$ 26,241.67	
5222	000	69450	Water Capital Reserve, Revenue, Transfer From Enterprise		\$ 26,241.67
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 7,741.67	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 7,741.67
Total				\$ 379,433.32	\$ 379,433.32