

RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

DAY: LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, JUNE 16, 2014

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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 Aspacher. The meeting began with the Pledge of Allegiance.

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

Council Member Jeffers moved, Zanfardino seconded, to approve the minutes of the regular meeting held June 2, 2014 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

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

OFFICIAL REPORTS

Mayor Dick Edwards noted that Buckeye Boys State just wrapped up their conference this past weekend noting that this was the 37th consecutive year that Boys State has been held in Bowling Green.

Mayor Edwards also noted that Planning Director Heather Saylor will be attending the "Not in Our Town" (NIOT) National Conference in Billings, Montana next week where Bowling Green will be designated a "Gold Star City" by the NIOT organization.

Mayor Edwards requested confirmation of the following appointments to City Boards and Commissions:

Board/Commission	Name of Appointee	Term Length	Term Exp.
Board of Public Utilities	Matt Paquette	5 Years	5/31/19
Tree Commission	Kent Reichert	3 Years	5/31/17
	George B. Clemans	3 Years	5/31/17
Traffic Commission	Daniel Jess "DJ" Deiter	4 Years	5/31/18
	Nicholas Hogrefe	4 Years	5/31/18

Council Member Rowland moved, Gavarone seconded, to approve the appointments as presented by the Mayor. On unanimous voice vote, Council President Aspacher declared motion carried.

Municipal Administrator John Fawcett reported that the proposed changes to the City's sidewalk ordinances (Chapter 98 of the Codified Ordinances) was submitted to Council Members prior to the meeting for their review and recommendations.

Fawcett noted that as a temporary measure, the 100 block of S. Summit Street has been made a one-way street to allow for better access for construction vehicles while work is being done at St. Aloysius Church and school property.

Fawcett also noted that the City's annual fireworks display will be held on Thursday, July 3, at the BGSU Intramural Fields beginning at dusk. Fawcett also noted that a concert of the Community Band will be held outside the Alumni Center beginning at 8:00 p.m.

Planning Director Heather Saylor commented regarding the NIOT Conference that she will be attending next week noting that Bowling Green is actually helping with the conference by conducting seminars, etc.

Parks and Recreation Director Michelle Grigore had no report.

City Attorney Michael Marsh was not present.

Public 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 a resolution adopting the Estimate of Revenues for the year 2015.

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, 2014 and ending December 31, 2014.

Council Member McOmber, for the Finance Committee, introduced an ordinance for cleaning of streets by special assessment.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for professional cleaning services for the Municipal Court Building.

COUNCIL COMMITTEE REPORTS

Council Member Jeffers reported that the Planning, Zoning and Economic Development Committee met earlier this evening to hold a public hearing regarding proposed Ordinance #8326 that makes changes to the S-District Site Plan approval process and voted to recommend that City Council adopt the ordinance as it is written.

Council Member Gavarone noted that it was suggested to her that information regarding when City Council meets and who the Council Members are be included in the informational letter that goes out from the Planning Department informing adjoining property owners of a pending S-District Site Plan. Gavarone indicated that this would give citizens a chance to come before City Council and voice concerns directly to Council.

Council President Aspacher commented that he was comfortable with the proposed changes and feels that it is a good compromise and speeds up the approval process.

Council Member McOmber noted that the one point that didn't come up at the public hearing is that a motivating factor behind these changes is that if the Planning Department reviews the site plan and approves it as being compliant, there is no legal standpoint where City Council or the Planning Commission have any choice but to approve it as well.

Jeffers also reported that the Land Use Steering Committee continues to work and is getting to the point where they will be ready to present a final document soon.

LOBBY VISITATIONS

Barbara Ruland, Executive Director of Downtown BG, addressed Council regarding the upcoming Classics on Main Car Show being held on July 12 from 12:00-4:00 p.m., and indicated that many more volunteers are needed for the show.

Laura Sanchez, 202 W. Reed, and Christine Englebrock, 631 Crestview Drive, both addressed City Council regarding proposed Ordinance #8335 regarding guns in city parks. Both citizens expressed their concerns about this ordinance and suggested that there are options that need to be explored rather than adopting the legislation.

Council Member Gavarone commented that she wants to be perfectly clear that the issue is not whether we should or should not allow guns in the City's parks. She reminded citizens that that issue has already been decided by the Ohio General Assembly and the Supreme Court of Ohio and has essentially been taken out of City Council's hands. Gavarone noted that the only issue before Council is whether to vote to keep the City's ordinances in line with Ohio's current gun laws or have a law on the City's books that cannot be enforced and possibly expose the City to lawsuits and liabilities. Gavarone stated that this is the only issue before Council at this time.

Council Member Zanfardino responded that the other issue before them is how complicit does the City want to be with State law. Zanfardino cited the fact that Council adopted an ordinance last year that bans fracking in the City and that law contradicts State law. He stated that he's not sure that it is as black and white as it's being presented.

Council Member Rowland noted that she has become aware that there are other communities who have not changed their laws, but use the state law rather than enforcing their own. Rowland also noted that she has been told that there are other laws on the City's books that are in conflict with state laws, but the state law always supersedes local law. She also said she's been told that there are other laws on the City's books which are not always not enforced, such as the sidewalk law. Rowland indicated that it is much more complicated and more difficult to make a decision than it appears and feels that Council has more to learn on the issue.

Council Member McOmber indicated that the gun law issue is a different situation than not citing people under current sidewalk laws. McOmber noted that although the sidewalk law is not enforced vigorously, it is used from time to time to tell people that their sidewalks are in disrepair and need to be fixed or they will be cited under the law. McOmber went on to say that in the situation with the gun law, City police officers cannot possibly enforce the city ordinance, so they are entirely different situations. He also said that now that the ordinance has been introduced, he feels that to table it indefinitely or to vote it down puts the City's police officers in a no-win situation as they are trying to do their duty and indicated that that bothers him quite a bit.

Council Member Gordon commented that he feels that the purpose of leaving the current City ordinance as it currently is regarding guns in City Parks is that it upholds the community values regardless of the liability issue and even if the law on the state level changes from time to time. Gordon indicated that he feels that it is not best to settle this issue tonight and that more time is needed to explore different ways to approach the matter, therefore, he would be in favor of tabling the ordinance.

Council Member Jeffers indicated that he feels there may be a way to make a local ordinance that complies with the state law but also allows the City to use a little "home rule" and get a few features into the ordinance that might be beneficial. Jeffers said that he would like to see what some other cities have done and possibly come up with something that is better than what is before Council right now.

READING OF LEGISLATION

Clerk read Resolution #3566 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Gordon seconded, to suspend the rules and give Resolution #3566 its second and third reading. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted **yes**. Council President Aspacher declared motion carried, and the rules suspended.

Clerk read Resolution #3566 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3566. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Resolution #3566 adopted.

Clerk read Resolution #3567 adopting the Estimate of Revenues for the year 2015, for first reading.

Clerk read Ordinance #8336 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2014 and ending December 31, 2014, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Ordinance #8336 its second and third reading. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, Gavarone, and Gordon voted yes. Council President Aspacher declared motion carried, and the rules suspended.

Clerk read Ordinance #8336 for second and third reading by number and title only.

Council Member McOmber moved, Gavarone seconded, to adopt Ordinance #8336. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8336 adopted.

Clerk read Ordinance #8337 for cleaning of streets by special assessment, for first reading.

Clerk read Ordinance #8338 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for professional cleaning services for the Municipal Court Building, for first reading.

Clerk read Resolution #3565 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 2015 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 #8332 enacting and adopting the 2014 S-6 Supplement to the Code of Ordinances for the City of Bowling Green, Ohio, for third reading.

Council Member Aspacher moved, Jeffers seconded, to adopt Ordinance #8332. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8332 adopted.

Clerk read Ordinance #8333 authorizing the Utilities Director to apply for a grant and execute an agreement with the Ohio Public Works Commission for the grit removal system improvements at the Water Pollution Control facility, for third reading.

Council Member Aspacher moved, Zanfardino seconded, to adopt Ordinance #8333. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes.

Clerk read Ordinance #8334 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the lease of municipal property for agricultural purposes, for third reading.

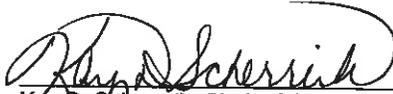
Council Member Aspacher moved, Gavarone seconded, to adopt Ordinance #8334. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8334 adopted.

Clerk read Ordinance #8335 amending and adopting Section 97.05(C) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding recreational activities, for third reading.

Council Member Rowland moved, Jeffers seconded, to table Ordinance #8335 until July 21, 2014. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8335 tabled until July 21, 2014.

Council Member Jeffers moved, Rowland seconded, to adopt Ordinance #8326 amending and adopting Section 150.16, Section 150.40(C)(3), (C)(7) and (E)(18) and Section 150.41(B) & (C) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding site plan approval. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Ordinance #8326 adopted.

Council Member Gavarone moved, Rowland seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the June 16, 2014 regular meeting of the City Council at 7:58 p.m., subject to call.



Kay D. Scherreik, Clerk of Council

Michael Aspacher, President of Council



June 16, 2014

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of June include:

Fund	Dept.	Account	Description	From	To
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 15,838.34	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 15,838.34
1010	190	92300	General, Miscellaneous, Transfer To Debt Service	\$ 16,833.33	
3025	000	69410	Debt Service, Revenue, Transfer From General		\$ 16,833.33
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,094.17	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,094.17
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	\$ 11,458.33	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 11,458.33
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 43,919.83	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 43,919.83
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 19,629.17	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 19,629.17

4055	710	92300	Aquatic Facility Capital Improvement, Recreation Department, Transfer To Debt Service	\$ 27,055.00	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 27,055.00
5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 100,735.58	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 100,735.58
5221	651	92500	Water Revenue, Administrative and General, Transfer To Enterprise	\$ 31,166.67	
5222	000	69450	Water Capital Reserve, Revenue, Transfer From Enterprise		\$ 31,166.67
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 26,366.25	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 26,366.25
Total				\$ 307,096.65	\$ 307,096.66