

# RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held

MONDAY, November 17, 2014

20

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 Zarfardino 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, Planning Director Heather Saylor, and Parks and Recreation Director Michelle Grigore.

Council Member Jeffers moved, Gavarone seconded, to approve the minutes of the regular meeting held November 17, 2014 as distributed. Council President Aspacher declared motion carried.

## CORRESPONDENCE

Clerk Kay Scherreik reported that the Financial Budget Summary report for the month of October 2014 was distributed to Council prior to the meeting.

## OFFICIAL REPORTS

Mayor Dick Edwards read a Proclamation and distributed a copy to each member of the Future Land Use Committee thanking them for their dedicated service on the committee that reviewed and made recommendations regarding the update to the Future Land Use Section of the City's Comprehensive Master Plan.

Municipal Administrator John Fawcett had no report.

Planning Director Heather Saylor distributed to Council Members a copy of the final version of the Future Land Use Plan. Saylor also discussed upcoming events being held in the community acknowledging *Not In Our Town* (NIOT) week.

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 reported that curbside leaf collection is still being done and that after this week, one more final pass through the City will be made.

## 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 authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Patrolman's Association OPBA, and declaring an emergency.

Council Member Jeffers, for the Planning, Zoning and Economic Development Committee, introduced an ordinance creating and adopting new Chapter 158, and amending Sections 30.86 and 30.95 and 30.104 and 32.01 and 38.02 and 93.01 and 150.01 and 150.04 and 150.10 and 150.49 and 150.103 and 150.132 and 151.27 of the Codified Ordinances of the City of Bowling Green, Ohio, in order to establish a Historic and Architectural Preservation Code, and modify certain existing code sections so as to be in alignment with said chapter.

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance authorizing the Municipal Administrator to request proposals and enter into a contract for the purchase of transportation service for the Bowling Green Transit Program.

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance accepting easement for utility and right-of-way purposes from Turkelton Properties, LLC.

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance accepting easements for utility and right-of-way purposes from A & M Green Family Limited Partnership and Vicky Valentine Adler, Trustee and Burwood, Ltd.

Council Member Gavarone, for the Public Lands and Buildings Committee, introduced an ordinance authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for HVAC maintenance for City-owned facilities.

### **COUNCIL COMMITTEE REPORTS**

Council Member Zanfardino reported that the Transportation & Safety Committee met on November 3 and began discussions regarding the complete streets concept. Zanfardino indicated that a second meeting is scheduled to continue the discussion for Monday, December 1, at 5:00 p.m. in the Council Chamber.

Council Member Jeffers reported that the Committee-of-the-Whole met earlier this evening to discuss the annexation of property on proposed Ordinance #8360. Jeffers also noted that a meeting of the Planning, Zoning and Economic Development Committee will be needed to discuss the proposed historic preservation ordinance. Jeffers suggested Tuesday, January 20, 2015 at 6:00 p.m.

Council Member McOmber reported that a meeting of the Finance Committee will be held on Thursday, November 20, 2014, to have a preliminary discussion regarding the 2015 budget.

Council President Aspacher announced that the December 1 meeting of City Council has been cancelled and that the December meetings will be held on the 15<sup>th</sup> and the 29<sup>th</sup> in order to effectively conduct year-end city business. Both meeting will be held in the Council Chamber beginning at 7:00 p.m.

### **LOBBY VISITATIONS**

Barbara Ruland, Executive Director of Downtown BG, and Earlene Kilpatrick, Executive Director of the Chamber of Commerce, both addressed Council regarding the upcoming holiday activities being held the weekend of November 21-23 in downtown Bowling Green.

### **READING OF LEGISLATION**

Clerk read Resolution #3578 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Resolution #3578 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 rules suspended.

Clerk read Resolution #3578 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Resolution #3578. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Resolution #3578 adopted.

Clerk read Ordinance #8382 creating and adopting new Chapter 158, and amending Sections 30.86 and 30.95 and 30.104 and 32.01 and 38.02 and 93.01 and 150.01 and 150.04 and 150.10 and 150.49 and 150.103 and 150.132 and 151.27 of the Codified Ordinances of the City of Bowling Green, Ohio, in order to establish a Historic and Architectural Preservation Code, and modify certain existing code sections so as to be in alignment with said chapter, for first reading.

Clerk read Ordinance #8383 authorizing the Municipal Administrator to request proposals and enter into a contract for the purchase of transportation service for the Bowling Green Transit Program, for first reading.

Clerk read Ordinance #8384 accepting easement for utility and right-of-way purposes from Turkelton Properties, LLC, for first reading.

Clerk read Ordinance #8385 accepting easements for utility and right-of-way purposes from A & M Green Family Limited Partnership and Vicky Valentine Adler, Trustee and Burrwood, Ltd, for first reading.

Clerk read Ordinance #8386 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for HVAC maintenance for City-owned facilities, for first reading.

Clerk read Ordinance #8387 authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Patrolman's Association OPBA, and declaring an emergency, for first reading.

Council Member McOmber moved, Zanfardino seconded, to suspend the rules and give Ordinance #8387 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 rules suspended.

Clerk read Ordinance #8387 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt the emergency clause for Ordinance #8387. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8387. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8387 adopted.

Clerk read Ordinance #8380 certifying unpaid cost of weed mowing to the County Auditor for placement on the tax duplicate, for second reading.

Clerk read Ordinance #8381 amending and adopting Section 73.15(B) of the Codified Ordinances of the Bowling Green, Ohio regarding speed limits, for second reading.

Clerk read Resolution #3577 consenting to the transfer of cable television franchise from Comcast Corporation to Charter Communications, for third reading.

Council Member Aspacher moved, Gavarone seconded, to adopt Resolution #3577. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Resolution #3577 adopted.

Clerk read Ordinance #8377 amending and enacting Section 33.04 of the Codified Ordinances of the City of Bowling Green, Ohio, relative to pay scales for seasonal employees.

Council Member McOmber moved, Zanfardino seconded, to adopt Ordinance #8377. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8377 adopted.

Clerk read Ordinance #8378 authorizing the Utilities Director to enter into a contract or contracts with specified vendors for work that may exceed \$50,000 annually for calendar year 2014, for third reading.

Council Member McOmber moved, Gavarone seconded, to adopt Ordinance #8378. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8378 adopted.

There was some confusion regarding tabled Ordinance #8360 and whether or not it came off the table automatically and a motion to adopt was made and a discussion ensued regarding the ordinance. After the discussion, it was discovered that a motion to remove the ordinance from the table was needed prior to adopting the ordinance. The first motion to adopt was withdrawn.

Council Member Jeffers moved, Gavarone seconded, to remove from the table Ordinance #8360 accepting annexation of approximately 21.577 acres of land in Plain Township, Wood County, Ohio, from Robert W. & Patricia A. Maurer, petitioners. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, Gavarone, and Gordon voted yes. Council President Aspacher declared motion carried, and Ordinance #8360 removed from the table.

Council Member Jeffers moved, McOmber seconded, to adopt Ordinance #8360. Council Member Jeffers commented that as Council moves through the process of annexing property, that they need to be careful as they learn how to apply the newly adopted Future Land Use Plan that they don't negatively impact utilities or economic development prospects. Jeffers went on to say that in his mind that he is satisfied that the annexation of this property will be generally beneficial and will generally follow important guidelines in the improvement plan.

Council Member Rowland commented feels that it is unfortunate that this annexation comes to Council so quickly after adoption of the Future Land Use Plan because had Council had more time they could have gotten more answers to questions that they had and the perhaps the annexation process and the role of Council would have been more clearly defined. Rowland indicated that this has been a difficult decision for her and that she is not at all comfortable with the speed in which they have to make the decision. For that reason, Rowland said that she will not be voting in favor of the annexation tonight and would like to see changes made to the process in order for Council to have more time to look at each annexation in detail.

Council Member Zanfardino indicated that he would also be voting no because he does not see it as a good move for Bowling Green. He noted that he would like to focus on the core of the City. Zanfardino also indicated that he doesn't view the annexed property as a favorable "gateway" into the City.

Council Member Gavarone commented that Council was presented with a detailed analysis by the Administration wherein the seven principles of the Future Land Use Plan were applied to this annexation in particular. Gavarone pointed out that based on that in depth review, the Administration recommends annexing this property. Gavarone further pointed out that Council heard from Community Development Director Sue Clark who talked about the impact on economic development and she also agreed that it is very important to annex this property. Gavarone indicated that she views the annexation of this property as an opportunity to gain some control over what the northern gateway into the City looks like in the future. Therefore, for those reasons, Gavarone stated that she is in favor of the annexation.

Council Member Gordon indicated that he has felt very conflicted about this issue. Gordon noted that he feels that from his perspective, the annexation of this property is simultaneously consistent with the Future Land Use Plan, but is also contradictory. He also said that while the Administration gave a thoughtful analysis of the annexation, they rightfully point out that they cannot answer two questions because they require guidance from Council. Gordon stated that he would like to see Council lay down a vision for annexations and how they are dealt with in the future. So, due to the time of this particular annexation, he is not comfortable voting in favor of it.

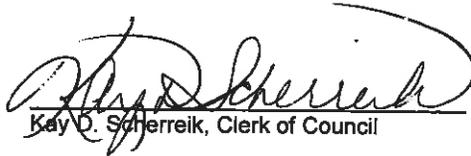
Council Member McOmber stated that he agrees that you could look at the Future Land Use update and argue for or against the annexation of this property. He noted that because the location of this property is no further north than the current city limits, is consistent with the Board of Public Utilities policy, has been recommended by the Planning Commission and the Administration, he doesn't have a problem with annexing it at this time and is inclined to vote in favor of it. He feels that the strongest

argument he has heard tonight is that the City would be gaining some control into the appearance of the northern gateway into the City and he sees that as a plus.

Council President Aspacher agrees that there is great value in having discussions about how far north should the City limits be going and is hopeful to have that discussion soon. Aspacher indicated that he intends to support the request and that it came down to a couple of key points. He noted that to him there is more risk in not annexing this property than there is annexing. He sees gaining the ability to have some control of the northern gateway into the City is too important to ignore. He also noted that according to the City's township agreements, this annexation request only needs to be made one time. If it isn't approved at this time, there is no obligation on the part of the property owner to petition the City again. He feels that Council needs to take the long view and cease the opportunity to gain the control of this gateway into the city as the opportunity presents itself.

On roll call vote, Council Members Jeffers, McOmber, Aspacher, and Gavarone voted yes. Council Member Gordon, Rowland, and Zanfardino voted no. Council President Aspacher declared motion carried, and Ordinance #8360 adopted.

Council Member Zanfardino moved, Gordon seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the November 17, 2014 regular meeting of the City Council at 8:09 p.m., subject to call.

  
Kay D. Scherrek, Clerk of Council

  
Michael Aspacher, President of Council