

RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

OPTIONAL LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, OCTOBER 20, 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 8:00 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, 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 Rowland moved, Gavarone seconded, to approve the minutes of the regular meeting held October 6, 2014 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk Kay Scherreik presented the following liquor permit applications received from the Ohio Division of Liquor Control:

- Transfer of Class D1, D2 and D3 permit from Sub Me Quick, Inc., dba Cucina Di Betto, located at 121 S. Main Street, to Two Foxes, LLC at the same location;
- Transfer of a Class D1, D2 and D3 permit from 1096 NM, LLC, dba El Patron, located at 1096 N. Main Street, to Black Swamp Tacos, LLC, dba Guajillos Cocina Mexicana at the same location;
- New Class D5I permit for Main Street BG Ventures, LLC, dba The Melt Shoppe located at 145 N. Main Street.

Information received from a check of the records at the Police Division was distributed to Council prior to the meeting.

OFFICIAL REPORTS

Mayor Dick Edwards thanked all of the volunteers who came together to make the Project Connect Day a success for the second year. The event was held last Wednesday at St. Mark's Church. Mayor Edwards also noted that the last Farmers' Market for season has been held last Wednesday and is now closed for the season.

Mayor Edwards also noted that on October 8, thanks to the efforts of Professor Salim Elwazani, who teaches Environmental Design at BGSU, and his students, a number of people from the City Administration were treated to some interesting concepts and designs for potential use of the site where the former Junior High School once stood at the corner of W. Wooster between Church and Grove Streets. Mayor Edwards indicated that they had the opportunity to hear from and see the work of four teams with possible designs for that space. The Mayor also noted that he has been told another graduate class may be willing to also look at the property and propose design concepts for a possible City Building and green space.

Mayor Edwards also reported that a citizens group headed by Tom Klein, John Calderonello, Diane Votsberger and others would like a chance to share some of their ideas with the appropriate Council Committee, which the Mayor indicated that he assumed would be the Public Lands and Buildings Committee chaired by Council Member Gavarone.

Municipal Administrator John Fawcett noted that Trick or Treat events in Bowling Green will be held at the following times:

- Downtown Bowling Green – Thursday, October 30 from 4-6 p.m.;
- Community Trick or Treat – Friday, October 31 from 6:30-8 p.m.

Fawcett introduced Wood County Health Commissioner Benjamin Batey and Wood County Emergency Management Director Brad Gilbert who updated Council on efforts for preparedness for any outbreaks of Ebola in Northwest Ohio/Wood County.

Planning Director Heather Saylor publicly thanked the Steering Committee and citizens for their input throughout the Future Land Use Plan update.

Parks and Recreation Committee 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 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, 2014 and ending December 31, 2014.

Council Member McOmber, for the Finance Committee, introduced an ordinance amending and adopting Section 33.18 of the Codified Ordinances of the City of Bowling Green, Ohio, relative to salaried employees not subject to overtime pay, and declaring an emergency.

Council Member McOmber, for the Finance Committee, introduced an ordinance 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 Aspacher, for the Public Utilities Committee, introduced a resolution consenting to the transfer of cable television franchise from Comcast Corporation to Charter Communications.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance 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.

COUNCIL COMMITTEE REPORTS

Council Member Jeffers noted that the Planning, Zoning and Economic Development Committee held three public hearings prior to tonight's meeting and that votes will be taken later on in the meeting on the ordinances discussed at those hearings.

Council Member Zanfardino announced that the Transportation & Safety Committee will meet on Monday, November 3 at 6:30 p.m. to discuss complete street legislation.

LOBBY VISITATIONS

Zachery Johnson, 1017 S. Main Street, addressed Council indicating that he feels the City should be spending more money on infrastructure and fixing roads. He also expressed concern about losing power in the winter and thought the city should be using more fiber optic cables. Council President Aspacher responded to Johnson's concerns indicating that the City continually works on the condition of the roads throughout the City and feels that roads are maintained very well with funds that are availability. Aspacher also noted that the City's utilities have very few outages with an ongoing program to trim trees around power lines so that it happens as infrequently as possible.

READING OF LEGISLATION

Clerk read Resolution #3576 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Resolution #3576 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 #3576 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Resolution #3576. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Resolution #3576 adopted.

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

Clerk read Ordinance #8375 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, Gavarone seconded, to suspend the rules and give Ordinance #8375 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 #8375 for second and third reading by number and title only.

Council Member McOmber moved, Gordon seconded, to adopt Ordinance #8375. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8375 adopted.

Clerk read Ordinance #8376 amending and adopting Section 33.18 of the Codified Ordinances of the City of Bowling Green, Ohio, relative to salaried employees not subject to overtime pay, and declaring an emergency, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Ordinance #8376 its second and third reading. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8376 for second and third reading by number and title only.

Council Member McOmber moved, Gavarone seconded to adopt the emergency clause for Ordinance #8376. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8376. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8376 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, for first reading.

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 first reading.

Clerk read Resolution #3575 authorizing the Mayor of the City of Bowling Green, Ohio, to enter into a Programmatic Agreement between the City of Bowling Green and the State Historic Preservation Office (formerly known as "Ohio Historic Preservation Office") for the administration of activities funded by the U.S. Department of Housing and Urban Development and the Ohio Development Services Agency (formerly known as "Ohio Department of Development"), for second reading.

Clerk read Ordinance #8371 accepting a deed for right-of-way purposes from Word of Truth Christian Center, Inc., for second reading.

Clerk read Ordinance #8372 authorizing the Utilities Director to execute a contract with American Municipal Power, Inc., for the second amendment to the Ecosmart Choice Program, for second reading.

Clerk read Resolution #3574 approving revisions to the Future Land Use Section of the Comprehensive Master Plan of the City of Bowling Green, Ohio, as amended, for third reading.

Council Member Jeffers moved, Zanfardino seconded, to adopt Resolution #3574. Jeffers noted that the process of revising the Future Land Use Section of the Master Plan has been ongoing for about a year. Jeffers commented regarding a concern that was raised about language in the plan revolving around expanding the downtown business district into areas including North Prospect and South Church Streets. He noted that after a hearing held by the Planning Commission, they voted to remove that particular bullet point outlining that expansion. Council Members Rowland and McOmber indicated that they were in favor of removing the bullet point as recommended by the Planning Commission. McOmber further noted that the maps on pages 24 and 30 also need to be changed to reflect what the downtown area is currently.

Council Member Jeffers withdrew his motion to adopt and Council Member Rowland moved to amend the Future Land Use Plan by removing the first bullet point under Item #9 on page 37 and to update the maps on pages 24 & 30 so that they are the same as the official zoning maps, Gavarone seconded the motion. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Resolution #3574 amended.

Council Member McOmber brought up the subject of non-conforming uses indicating that in Item #1 on page 51 of the Appendix that he doesn't feel that that statement accurately reflects the situation with respect to non-confirming uses in Bowling Green. McOmber indicated that he believes there are some misconceptions about what the non-conforming uses are and how they came to exist in the City. McOmber explained that the non-conforming uses came into being because the City had properties that were being used in certain ways prior to the existence of the City's zoning code and these uses were allowed to continue because they predated the zoning code. The misconception is that the non-conforming uses came into being because the City did not enforce the zoning code, which is not the case. Planning Director Heather Saylor commented that perhaps a better term for those properties would be "legal non-conforming uses."

Council Member Gavarone commented that she appreciates all the hard work of the Steering Committee and indicated that she agrees with the seven core principles of the plan and likes the flexibility of the document noting that there are portions of it that can be applied on the west side of town as well as the east side.

Council Member Rowland read from the preamble that was written by Mayor Edwards of the adopting Resolution the following statement: "...it is a plan that will serve as the fundamental basis for considering, weighing and adopting specific land use recommendations and improvements for the City's foreseeable future." Rowland thanked the general public for their input into the plan and noted that she sees the plan as a valuable tool for the future of Bowling Green.

Council Member Gordon noted that he thinks one of the defining features of the plan is that it had so much public participation which is an ideal situation in governance. Gordon also echoed the sentiments of his colleagues and thanked the Steering Committee and Council Member Jeffers for their work on the development of the plan. Gordon stated that he looks forward to more meetings in the future to discuss steps that can be taken to implement the plan.

Council Member Jeffers wanted to be sure to point out that the University has been very involved in the development of this plan and he fully believes that they are serious about getting some development projects moving in conjunction with the City and that he thinks that is critical as issues are addressed in the future.

Council President Aspacher commented that he feels that other Council Members have expressed very clearly the positive aspects of the plan. Aspacher went on to say that while everything in the plan is not perfect, it will lead to debate as action items are put into place. He noted that it provides a solid framework and a vision for the City to move forward.

Council Member Jeffers moved, Zanfardino seconded, to adopt Resolution #3574. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Resolution #3574 adopted.

Clerk read Ordinance #8364 to provide for the issuance and sale of \$600,000 of notes in anticipation of the issuance of bonds for the purpose of paying costs of (i) acquiring real and personal property in the City and improving the same by performing site clearance, improvement and preparation and placing the site in a condition for use and operation for park, recreational and other public purposes and (ii) acquiring real and personal property in the City and improving the same to create sports fields and for other park, recreational and public purposes, and declaring an emergency, for third reading.

Council Member McOmber moved, Rowland seconded, to adopt the emergency clause for Ordinance #8364. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, Gavarone, and Gordon voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Jeffers seconded, to adopt Ordinance #8364. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8364 adopted.

Clerk read Ordinance #8365 amending the Zoning District Map of the City of Bowling Green, Ohio, for approximately 3.3 acres of land between Ridge Street and Evers Avenue now known as "Ridge Park" from S-3 Planned Institutional to R-C Recreational-Conservation zoning, for third reading.

Council Member Jeffers moved, Rowland seconded, to adopt Ordinance #8365. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8365 adopted.

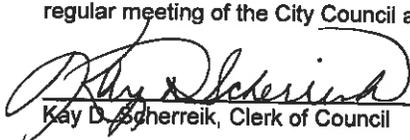
Clerk read Ordinance #8366 establishing interim zoning of B-2 General Commercial and A-1 Agricultural for approximately 21.577 acres of land recently annexed by Robert W. & Patricia A. Maurer located on the west side of North Main Street and north of Bishop Road, for third reading.

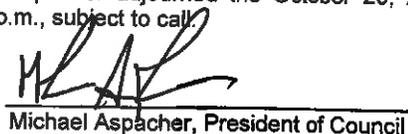
Council Member Jeffers moved, Rowland seconded, to table Ordinance #8366 indefinitely. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8366 tabled indefinitely.

Clerk read Ordinance #8367 amending the Zoning District Map of the City of Bowling Green, Ohio, for approximately 5.95 acres generally known as 200 Campbell Hill Road from B-2 General Commercial to R-3 Multiple Family Residential zoning, for third reading.

Council Member Jeffers moved, Rowland seconded, to adopt Ordinance #8367. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8367 adopted.

Council Member Rowland moved, Gavarone seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the October 20, 2014 regular meeting of the City Council at 9:20 p.m., subject to call.


Kay D. Scherreik, Clerk of Council


Michael Aspacher, President of Council