

RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

OPTIONAL FORM NO. 10143

Held

MONDAY, OCTOBER 6, 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 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, Zanfardino seconded, to approve the minutes of the regular meeting held September 15, 2014 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk of Council Kay Scherreik noted that a listing of budget transfers for the month of October was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member McOmber moved, Gavarone 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 Richard Edwards reported that he was honored to take part in the BGSU Homecoming Parade last Friday as well as various other homecoming activities throughout the weekend.

Mayor Edwards also reported that he distributed a revised resolution regarding the Future Land Use update for the City's Master Plan. Mayor Edwards indicated that after having a few informal meetings with a few Council Members and other interested parties, he drafted a preamble for the resolution that helps to state some of the basic aspects of the plan and serves as an introduction to the plan. Mayor Edwards requested that Council consider amending the Resolution by substitution to include the new introduction.

Mayor Edwards indicated that at the November 3 meeting legislation will be introduced for consideration by City Council for the City to become a Certified City for Historic Preservation. The Mayor noted that if approved, Bowling Green would become the 63rd city in the State of Ohio to become certified. He also noted that becoming certified will allow the City access to more than \$60 million in tax credits set aside in the state budget for historic preservation.

Municipal Administrator John Fawcett noted that legislation is on tonight's agenda authorizing the City to hold a public auction to items no longer needed for municipal purposes. The auction is set for Thursday, October 16, at 4:30 p.m. at the Public Works garage, therefore three readings and the emergency clause are necessary on the legislation.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore reported that \$40,328 towards the \$85,000 goal has been raised thus far for the development of Ridge Park through the *Fund Your Parks* crowd funding website, an anonymous donation and the United Way.

City Attorney Michael Marsh had no report.

Public Utilities Committee Brian O'Connell had no report.

Public Works Director Brian Craft reported that curbside brush collection is still going on for the rest of this week and that leaf collection will be put off until the first part of November. Craft also noted that ODOT was able to procure 170,000 tons of road salt at a price of \$105/ton. The City will be getting 900 tons of that salt. Craft updated City Council on signal updates throughout the City.

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 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 authorizing the Municipal Administrator and the Utilities Director to sell obsolete items no longer needed for municipal purposes by public auction, and declaring an emergency.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Command Officers Association, and declaring an emergency.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to execute a contract with American Municipal Power, Inc., for the second amendment to the Ecosmart Choice Program.

Council Member Aspacher, for the Public Utilities Committee, introduced an Ordinance declaring a real and present emergency and authorizing the Utilities Director to execute an agreement with Thermal Process Systems, Inc., of Crown Point, Indiana, for the purchase of five replacement auto thermal thermophilic aerobic digestion pumps for the Water Pollution Control Facility, an declaring an emergency.

Council Member Gordon, for the Community Improvement Committee, introduced a resolution 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").

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance accepting a deed for right-of-way purposes from Word of Truth Christian Center, Inc.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino scheduled a meeting of the Transportation & Safety Committee on Monday, November 3, at 6:30 p.m. to discuss proposed complete street legislation and proposed House Bill 4726. Zanfardino indicated that if Council adopts a resolution supporting HB 4726 it enables possible transportation funding.

Council Member Jeffers indicated that he would like to have a discussion later in the meeting after giving Ordinance #8360 its third reading regarding the annexation process.

LOBBY VISITATIONS

There no lobby visitations.

READING OF LEGISLATION

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 first reading.

Clerk read Ordinance #8369 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, Rowland seconded, to suspend the rules and give Ordinance #8369 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 Ordinance #8369 for second and third reading by number and title only.

Council Member McOmber moved, Gavarone seconded, to adopt Ordinance #8369. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Ordinance #8369 adopted.

Clerk read Ordinance #8370 authorizing the Municipal Administrator and the Utilities Director to sell obsolete items no longer needed for municipal purposes by public auction, and declaring an emergency, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Ordinance #8370 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 #8370 for second and third reading by number and title only.

Council Member McOmber moved, Zanfardino seconded, to adopt the emergency clause for Ordinance #8370. 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, Gavarone seconded, to adopt Ordinance #8370. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8370 adopted.

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

Clerk read Ordinance #8373 declaring a real and present emergency and authorizing the Utilities Director to execute an agreement with Thermal Process Systems, Inc., of Crown Point, Indiana, for the purchase of five replacement auto thermal thermophilic aerobic digestion pumps for the Water Pollution Control Facility, and declaring an emergency, for first reading.

Council Member Aspacher moved, Jeffers seconded, to suspend the rules and give Ordinance #8373 its second and third reading. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8373 for second and third reading by number and title only.

Council Member Aspacher moved, Gavarone seconded, to adopt the emergency clause for Ordinance #8373. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member Aspacher moved, Jeffers seconded, to adopt Ordinance #8373. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8373 adopted.

Clerk read Ordinance #8374 authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Command Officers Association, and declaring an emergency, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Ordinance #8374 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8374 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt the emergency clause for Ordinance #8374. 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, Gavarone seconded, to adopt Ordinance #8374. Council Member McOmber commented that the specifics of this union contract are similar in nature to the other three contracts that have been ratified thus far this year. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8374 adopted.

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

Council Member Jeffers moved, Rowland seconded, to amend Resolution #3574 by substitution to add language to the preamble of the resolution. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Resolution #3574 amended by substitution.

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 second reading.

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 second reading.

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 second reading.

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 second reading.

Clerk read Ordinance #8360 accepting annexation of approximately 21.577 acres of land in Plain Township, Wood County, Ohio, from Robert W. & Patricia A. Maurer, petitioners, for third reading.

Council Member Jeffers moved, McOmber seconded, to adopt Ordinance #8360. Council Member Jeffers noted that he feels that in light of the proposed revisions to the City's Future Land Use Plan that are currently being considered by Council, that they need to be mindful of how annexations relate to the future of the City. Jeffers indicated that he feels a basic question that needs to be asked is what is the cost-benefit analysis of annexing this property, but realizes that that is a difficult question to answer.

Council Member Zanfardino agreed with Jeffers and indicated that going through the process of updating the Future Land Use Plan has resulted in him looking at annexations in a different light. Zanfardino noted that the Plan focuses on the core of the City rather than spreading out its boundaries further. Zanfardino further noted that most of the concerns he has heard about this particular property come from the Police Chief and the Fire Chief and the providing of services. Because of those reasons, he indicated that he is not in support of this annexation.

Council Member Gavarone noted that by annexing this property it gives the City more control regarding the zoning and the overall north entrance into the City as the land is brought into Code over time.

Council Member Rowland indicated that in her opinion what Council Member Gavarone discussed might be the only reason in favor of annexing this property. Rowland noted that there are many questions that exist regarding this annexation and many that have yet to be answered. Rowland stated that some of these questions could be more fully answered if better tools were provided to the City's Planning Director in order to address them with the petitioners. She also stated that she is concerned with the staffing levels of the City's Fire and Police Divisions and feels that the City is not in a financial position to be providing services to more and more customers. She said there were also issues with the buildings and whether or not they were up to the current building code and feels that it's unfair to existing businesses if these are allowed to come into the city not being up to date with the code.

Council Member McOmber asked if this property is being annexed because they are part of an agreement with Plain Township and are currently receiving utilities from the City and are now contiguous with the City's boundaries. Utilities Director Brian O'Connell responded yes.

Several Council Members continued the discussion regarding the proposed annexation regarding the following:

- How many businesses are located on the property and what kinds of business are they;
- One business in particular is a microbrewery and there was much discussion regarding the legality of the business being located in a dry township and what kind of licensing it must have;
- Discussed the providing of utilities and the Board of Public Utilities policies;
- In response to code compliance issues, City Attorney Mike Marsh indicated that once this property is in the City and as the businesses turnover and there is a change of use, there are opportunities to bring them into alignment with the City's code; Marsh also said that if the businesses are not in compliance with the township code now, they do not get a free pass when they come into the City;

Council Member Rowland asked if there was a way to bring the businesses into compliance with the building code prior to accepting the annexation. Marsh responded that that could not be made a condition of the annexation. He stated that Council could turn down the annexation and that applicant would never have to apply again. Marsh also pointed out that the City has agreements with both townships to accept the annexations and share in the property tax revenue for a 15-year period.

City Attorney Michael Marsh attempted to answer as many questions as he could regarding the legality of the microbrewery and finished with indicating that he would contact State Liquor Control and get the information.

Planning Commission Member Mark Hollenbaugh approached the microphone and provided some information regarding the microbrewery and its licensing and when asked about concerns the Planning Commission had regarding the annexation, he responded that the Planning Commission expressed concern with how choppy the City's boundary line is on the north side of the City and that it is hard to discern what properties are in and what properties are outside the City limits.

Community Development Foundation Director Sue Clark noted that two businesses now located in the City were started in the properties being discussed, so from an economic development standpoint she sees these buildings as possibilities for businesses to start out in and then grow into bigger businesses elsewhere in the City. Clark indicated that she thinks Council would be short-sighted if they were to stop bringing property into the City because the City has much stricter controls than they do in the townships. She further noted that she has always been proud of how well the City has worked with the townships and that the agreements have been in place since before she started her job which is over 25 years ago. She said that those agreements have been in place and they have always been honored and have become a model to other townships throughout the state. Clark said that there are economic benefits to annexing this property, there are jobs out there along that stretch of property. When asked about how many people are employed by those businesses, Clark responded that she would be happy to find out and report back to Council.

Council Member McOmber asked the Police Chief and Fire Chief to indicate their concerns regarding the annexation.

Police Chief Brad Conner indicated that given the fact that some properties on the north border of the City are in the City and some are out, there could be confusion as to who should be contacted in an emergency and whose responsibility it is to respond. He also indicated that he has issues with the microbrewery and whether or not its business is being conducted legally. He would like to see that matter dealt with and brought into compliance.

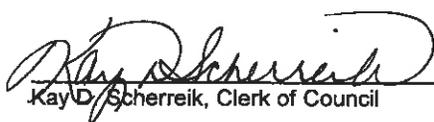
Fire Chief Tom Sanderson expressed concerns regarding fire code occupancy for the buildings and expressed concern that as properties are annexed to the north, it begins to have an adverse effect on fire response time.

After all of the discussion, Council Member Jeffers withdrew his motion to adopt and Council Member McOmber made a motion to table Ordinance #8360 so that more information can be obtained and questions that were raised could be answered. Council Member Gavarone seconded, the motion. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8360 tabled indefinitely.

Mayor Edwards asked Mike Marsh to comment on the City's recent audit findings. Marsh stated that in all the years that he has been involved in the city governments, which is over 36 years, he has never seen a state audit with no conditions or side letters in all of those years. He said that it was incredible and amazing and congratulated members of the Administration.

Council President Aspacher reminded everyone that the 6:00 p.m. hearing regarding the future land use plan on October 20 will be held in the Library Atrium, followed by three public hearings being held in the Council Chamber at 7:45 p.m. and the Council meeting at 8:00 p.m.

Council Member Zanfardino moved, Gavarone seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the October 6, 2014 regular meeting of the City Council at 8:46 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Michael Aspacher, President of Council



October 6, 2014

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of October include:

Fund	Dept.	Account	Description	From	To
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				\$ 291,258.32	\$ 291,258.32