

**RECORD OF PROCEEDINGS**  
**CITY OF BOWLING GREEN CITY COUNCIL**

Minutes of

Meeting

CITY OF BOWLING GREEN, OHIO FORM NO. 10148

Held

**MONDAY, OCTOBER 7, 2013**

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 Zanfardino. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Gordon, Jeffers, McOmber, Piasecki, 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 President Zanfardino declared the minutes of the regular meeting held September 16, 2013 and the special meeting held September 23, 2013 approved as distributed.

**CORRESPONDENCE**

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

Clerk noted for the record that copies of the Budget Summary Report for the month of September 2013 was distributed to Council prior to this evening's meeting.

Clerk also noted that a fee schedule for Parks & Recreation programs was submitted on September 30, 2013 and distributed to Council for approval. Council Member Rowland moved, Piasecki seconded, to approve the fees as submitted. On unanimous voice vote, Council President Zanfardino declared motion carried.

**OFFICIAL REPORTS**

Mayor Dick Edwards thanked Council Member Gordon for arranging for the Chair of Transportation for America, John Robert Smith, to make a presentation to the Transportation & Safety Committee earlier this evening.

Mayor Edwards introduced representatives from the Bicycle Safety Commission who presented this year's Bicycle Spokesperson of the Year Award to Kristin Vessey.

Mayor Edwards reminded citizens and Council Members of the upcoming Project Homeless Connect event that is being held on October 16 from 9:00 a.m. until 3:00 p.m. at St. Mark's Lutheran Church.

Mayor Edwards commented that the proposed amendment to the City Charter which is to be voted on by the citizens of Bowling Green is a source of major concern. The more we study and analyze the proposed amendment, the more disturbing the unintended consequences become. The Mayor noted that he will be holding a press conference on Wednesday, October 9, at 9:30 a.m. at the Wood County Senior Citizens Center, to announce the formation of a community wide coalition in opposition to the proposed Charter amendment. He encouraged Council Members to attend if schedules permit. Mayor Edwards also indicated that if Council Members had questions regarding the computation of the projected 86% increase in electrical costs if the Charter amendment were to be adopted, that they should meet with Utilities Director Brian O'Connell to hear the explanation just as he did last Friday.

Municipal Administrator John Fawcett had no report.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore had no report.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell reported that the closing was held on the W. Newton Road property where the new water tower will be built. O'Connell noted that site work has begun on that project.

Public Works Director Brian Craft reported that unlimited curbside brush pick up continues this week and has moved into Ward 4.

### **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 the following pieces of legislation:

- Resolution transferring previously appropriated funds;
- 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, 2013 and ending December 31, 2013.
- Ordinance to provide for the issuance and sale of \$400,000 of notes in anticipation of the issuance of bonds for the purpose of paying costs of 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.
- Ordinance to provide for the issuance and sale of \$200,000 of notes in anticipation of the issuance of bonds for the purpose of paying costs of 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 declaring an emergency.
- Ordinance authorizing the Municipal Administrator to enter into a contract with the Bowling Green Convention & Visitors Bureau for the promotion and publicizing of the City of Bowling Green, Ohio, to bring the patronage and business of cultural, educational, religious, professional and sports organizations into the City for the benefit of the citizens of the City and the business community thereof, and authorizing the payment of 60% of the revenue generated by the hotel-motel tax for said purpose.
- Ordinance authorizing the Municipal Administrator to enter into an agreement or agreements for the purchase of air pack converter kits from Warren Fire Equipment, Inc., for use by the Fire Division, and declaring an emergency.

Council Member Jeffers, for the Public Lands and Buildings Committee, introduced an ordinance authorizing the Municipal Administrator to accept an easement from Alan Kramer and Mary Ellen Pratt for placement and maintenance of a sign and related plantings and decorations.

Council Member Zanfardino, for the Community Improvement Committee, introduced a resolution adopting and authorizing an amended B. G. Transit Drug and Alcohol Testing Policy.

Council Member Zanfardino, for the Community Improvement Committee, introduced a resolution adopting amendments to the Community Development Block Grant Citizen Participation Plan for the City of Bowling Green.

Council Member Gordon, for the Committee-of-the-Whole, introduced an ordinance authorizing the purchase of the property generally known as 225 Ridge Street from the Board of Education of the Bowling Green Area Schools, and declaring an emergency.

Council Member Gordon, for the Transportation & Safety Committee, introduced an ordinance amending and adopting Sections 75.09(D), 75.07(A)(1) & (A)(2) and 75.07(B) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding bicycles.

Council Member Gordon, for the Transportation & Safety Committee, introduced an ordinance dedicating the western most twenty (20) feet of the City-owned property recently acquired from the Board of Education of the Bowling Green Area Schools, and legally known as Lot Number 326, less the north 30 feet thereof, for right-of-way purposes as an alley and for utility construction and maintenance purposes.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to execute an agreement with AMP, Inc., for participation in the Efficiency Smart Program (formerly known as Efficiency Smart Power Plant Program).

### **COUNCIL COMMITTEE REPORTS**

Council Member Gordon commented that the Transportation & Safety Committee met earlier this evening and heard a presentation from John Robert Smith from Transportation for America.

Council Member Jeffers made the following statement regarding the proposed Charter Amendment:

Amending our City Charter is nothing to be taken lightly. During an anti-fracking presentation to City Council, we asked the attorney for CELDF why they did not bring the proposed charter amendment to City Council first, so we could have a chance to contribute to language that makes sense for Bowling Green. He told us we could make changes after it becomes law. This seems exactly backwards to me.

It seems the language of the charter amendment would indeed prohibit us from using or transmitting any energy created in unsustainable ways. Though BG will soon be getting about a third of our energy from sustainable sources, we could be in big trouble with the rest of our current energy sources. Words matter. The ordinance the Council passed has very targeted language, which makes sense.

Even in terms of the stated goal of stopping fracking and wastewater injection, it has not been proven to me that the charter amendment would be more legally binding than our ordinance. I also do not see any signs that fracking is imminent in our area. There are a couple of injection wells south of BG, and they are certainly worth monitoring.

Finally, and more important than any of this, we need to be focused on creating renewable sources of energy. There are lots of people in BG looking for new ways for our utility system to make meaningful, positive changes. No fossil based source is without environmental hazards and those hazards need to be taken seriously. But the battle to protect the environment needs to be fought in smart ways that make sense for our community. Our ordinance makes sense. The charter amendment does not.

### **LOBBY VISITATIONS**

Wendy Stramm, Executive Director of the Convention & Visitors Bureau, addressed Council thanking them for the City's support of the CVB.

Doug Cubberly, 4 Parkwood Drive, addressed Council regarding the proposed tree trimming ordinance. Cubberly expressed his concern about the idea of allowing the City to enter onto private property when there is a tree concern. Cubberly noted that this is a serious issue that should not be taken lightly as the City already has laws on the books that deal with trees that fall on the public right-of-way.

Sue Clark, Executive Director of the Community Development Foundation, addressed City Council regarding the Ridge School property. Clark indicated that she has talked to a number of clients interested in purchasing the school property, none of which intend to develop it as apartments. She noted that the inquiries have been from viable businesses that would comply with the current zoning of the property. She further noted that one of the businesses that she has been working with for 18 months has had an architect and a contractor go through the building and believes it is structurally sound and could be retrofitted to meet their needs. Clark said that the business would employ 15-20 people and generate approximately \$10,000 a year in City income tax. Clark indicated that it is her job to advocate for business and urged Council to slow down this process and seek input from the entire community before moving forward with the purchase. Clark also noted that Council recently established a historical preservation board, yet they are now deciding to tear down a historical and viable building with many years of life remaining.

Erica Sleek, 919 N. Prospect Street, informed Council that she was working on plans to establish a charter school in the former Ridge School building and asked Council to hold off on its plans to purchase the property.

Leslie Harper, 23767 W. River Road, Grand Rapids, Ohio, representing the group for the proposed Charter Amendment, read into the record a letter from their attorney, Terry Lodge. A copy of the letter is attached and made a part of these minutes. The letter took exception to a statement made by Utilities Director Brian O'Connell at the recent Board of Public Utilities meeting.

Don Smith, 223 Eberly, questioned the Administration concerning statements put forth by the City regarding utility rate increases should the proposed Charter Amendment be adopted. Mayor Edwards confirmed that because the language in the Charter Amendment is so loosely written, the City would have to spend \$2.75 million in additional power costs per month which would have to be passed on to utility customers. Mayor Edwards noted that the statement put out by the City's Utilities Director is based on language in the Charter Amendment. Smith asked if the Charter Amendment prohibited the use of coal in the supply of the City's power and City Attorney Michael Marsh confirmed that it is indeed prohibited.

Jennifer Karches, 407 N. Main Street, indicated that she recently discovered a PDF version of a brochure regarding the proposed Charter Amendment that she assumes will be mailed out in the near future. Karches indicated that the brochure was created by a public/private group named Bowling Green Economic Development. She asked if there were public resources being used for this and feels that it is betrayal of the public trust with the claims made in the brochure.

#### **READING OF LEGISLATION**

Clerk read Resolution #3550 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Gordon seconded, to suspend the rules and give Resolution #3550 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Piasecki, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Resolution #3550 for second and third reading by number and title only.

Council Member McOmber moved, Piasecki seconded, to adopt Resolution #3550. On roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3550 adopted.

Clerk read Resolution #3551 adopting amendments to the Community Development Block Grant Citizen Participation Plan for the City of Bowling Green, for first reading.

Clerk read Resolution #3552 adopting and authorizing an amended B. G. Transit Drug and Alcohol Testing Policy, for first reading.

Clerk read Ordinance #8276 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 first reading.

Council Member McOmber moved, Aspacher seconded, to suspend the rules and give Ordinance #8276 for second and third reading. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8276 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8276. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8276 adopted.

Clerk read Ordinance #8277 authorizing the purchase of the property generally known as 225 Ridge Street from the Board of Education of the Bowling Green Area Schools, and declaring an emergency, for first reading.

Council Member Gordon moved, Jeffers seconded, to suspend the rules and give Ordinance #8277 its second and third reading. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Piasecki voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8277 for second and third reading by number and title only.

Council Member Gordon moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8277. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Piasecki, and Rowland voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member Gordon moved, Jeffers seconded, to adopt Ordinance #8277. Gordon read the following statement regarding his position on this ordinance:

When the Ridge Street School property was put up for auction earlier this year, many First Ward residents – and even some residents around the city – contacted me with concerns. Residents expressed fears over the uncertainty of the auction process and that the property might be turned into an apartment complex, when the ratio of rental units to family-owned and occupied homes in the First Ward is already severely imbalanced. Families told me they were disheartened that the only public play-space for children in the First Ward would no longer exist. The message that I heard over and over again was that we needed to act, and, given the auction deadline, we needed to act quickly. I am very pleased to report that, after much discussion, Council reached a unanimous decision that the optimal course of action would be for the City to acquire the Ridge Street School property and convert it into a neighborhood park. Bowling Green citizens regularly report that they desire more green space and park land, and that, combined with citizen concerns about the existing space, makes for an extremely compelling case to save the property for public purposes. Now First Ward families – as well as all citizens of Bowling Green – can continue to enjoy the Ridge Street play-space, and now as a neighborhood park. A neighborhood park is likely to have a number of additional positive benefits. It will improve the aesthetics of the neighborhood, and is likely to attract new homeowners and retain current homeowners. Property values and home marketability will likely increase. And while children will continue to have a place to play, older residents – student and non-student alike – will have a place to meet, socialize, and maintain and sustain good relations. Overall, a Ridge Street park will improve the quality of life for First Ward residents and the Bowling Green community as a whole. To improve our community, we have to be willing to invest in our community. This legislation authorizes us to do just that. I want to thank my colleagues on Council and in the Administration for supporting this endeavor. I am very proud to work with elected and appointed officials who come together to work for the common good. We are **very** fortunate to live in a city that prides itself on such collaboration.

Council Member Jeffers commented that old school buildings have a poor track record of remaining viable when let go by the school system because they are costly to maintain and difficult to convert to other uses. Jeffers indicated that he has a hard time envisioning this situation would fair differently from other former schools.

Council Member Rowland indicated that she also supports community development, but indicated that she supports the purchase of this property because the value of green space is important to economic development. She indicated that as a realtor, she knows the property values in the First and Second Wards have gone down and feels that this will make the area more welcoming and would improve property values.

Council Member Piasecki noted that if the City does not purchase this property, it would be going up for auction and there is no guarantee that Erica Sleek would be the highest bidder. Piasecki indicated that purchasing the property is the only way to make sure the property meets the needs of the community.

Council Member McOmber admitted that he had some qualms about this purchase partly because the City's Administration was not in favor of it and also because of the finances involved. McOmber indicated that this is a different situation than the purchase of the soccer fields because that purchase is being funded from the Greenspace Acquisition Fund and was recommended by the Parks and Recreation Director as being the highest priority in terms of parkland acquisition. However, there are General Fund implications with the purchase of Ridge Street school. McOmber indicated that the City is borrowing the funds to purchase the school and to improve the site and that interest rates are so low at this time that the payment on the interest will be minimal at this time, but payments on the principal will eventually have to be made. On the other hand, McOmber stated that it is a fact that there is no public park in the northeast quadrant of the City and that that was a deciding factor for him.

On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Piasecki, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8277 adopted.

Clerk read Ordinance #8278 to provide for the issuance and sale of \$400,000 of notes in anticipation of the issuance of bonds for the purpose of paying costs of 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 first reading.

Council Member McOmber moved, Gordon seconded, to suspend the rules and give Ordinance #8278 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Piasecki, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8278 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt the emergency clause for Ordinance #8278. On roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8278. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Ordinance #8278 adopted.

Clerk read Ordinance #8279 to provide for the issuance and sale of \$200,000 of notes in anticipation of the issuance of bonds for the purpose of paying costs of 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 declaring an emergency, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Ordinance #8279 its second and third reading. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8279 for second and third reading by number and title only.

Council Member McOmber moved, Gordon seconded, to adopt the emergency clause for Ordinance #8279. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Piasecki voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8279. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Piasecki, and Rowland voted yes. Council President Zanfardino declared motion carried, and Ordinance #8279 adopted.

Clerk read Ordinance #8280 authorizing the Municipal Administrator to enter into a contract with the Bowling Green Convention & Visitors Bureau for the promotion and publicizing of the City of Bowling Green, Ohio, to bring the patronage and business of cultural, educational, religious, professional and sports organizations into the City for the benefit of the citizens of the City and the business community thereof, and authorizing the payment of 60% of the revenue generated by the hotel-motel tax for said purpose, for first reading.

Clerk read Ordinance #8281 authorizing the Municipal Administrator to enter into an agreement or agreements for the purchase of air pack converter kits from Warren Fire Equipment, Inc., for use by the Fire Division, and declaring an emergency, for first reading.

Council Member McOmber moved, Piasecki seconded, to suspend the rules and give Ordinance #8281 its second and third reading. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Piasecki, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8281 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8281. On roll call vote, Council Members Gordon, Jeffers, McOmber, Piasecki, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8281. On roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Ordinance #8281 adopted.

Clerk read Ordinance #8282 authorizing the Municipal Administrator to accept an easement from Alan Kramer and Mary Ellen Pratt for placement and maintenance of a sign and related plantings and decorations, for first reading.

Clerk read Ordinance #8283 amending and adopting Sections. 75.09(D), 75.07(A)(1) & (A)(2) and 75.07(B) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding bicycles, for first reading.

Clerk read Ordinance #8284 dedicating the western most twenty (20) feet of the City-owned property recently acquired from the Board of Education of the Bowling Green Area Schools, and legally known as Lot Number 326, less the north 30 feet thereof, for right-of-way purposes as an alley and for utility construction and maintenance purposes, for first reading.

Clerk read Ordinance #8285 authorizing the Utilities Director to execute an agreement with AMP, Inc., for participation in the Efficiency Smart Program (formerly known as Efficiency Smart Power Plant Program), for first reading.

Clerk read Ordinance #8270 authorizing the Municipal Administrator to execute the Ohio Department of Transportation's (ODOT) preliminary legislation to participate in the ODOT project to upgrade traffic signals by adding back-plates, battery backups, and LED street name signs to signalized intersections on State Route 64 & State Route 25 at Newton Road in the City of Bowling Green, for second reading.

Clerk read Ordinance #8271 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for Buttonwood Avenue sewer improvements, for second reading.

Clerk read Ordinance #8272 authorizing the Utilities Director to seek qualifications and enter into a contract or contracts for engineering services for the grit removal system improvements at the Water Pollution Control facility, for second reading.

Clerk read Ordinance #8273 approving the S-District Site Plan for a garage at Falcon's Pointe, located at 912 Klotz Road, for second reading.

Clerk read Ordinance #8274 amending and adopting Section 150.132(E)(5) of the Codified Ordinances of the City of Bowling Green, Ohio, concerning Zoning Board of Appeals authority to grant variances for driveways, for second reading.

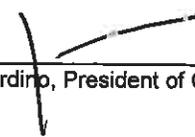
Clerk read Ordinance #8267 authorizing the Utilities Director to seek qualifications and enter into a contract or contracts for engineering services for improvements at the Water Treatment Plant, for third reading.

Council Member Aspacher moved, Gordon seconded, to adopt Ordinance #8267. On roll call vote, Council Members McOmer, Piasecki, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Ordinance #8267 adopted.

Clerk read Ordinance #8268 amending and adopting Section 50.35 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning prohibited storm drainage, for third reading.

Council Member Aspacher moved, Jeffers seconded, to adopt Ordinance #8268. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmer voted yes. Council President Zanfardino declared motion carried, and Ordinance #8268 adopted.

Council Member Piasecki moved, Gordon seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the October 7, 2013 regular meeting of the City Council at 8:25 p.m., subject to call.

  
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Kay D. Scherrek, Clerk of Council  
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John Zanfardino, President of Council



October 7, 2013

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of September 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
<b>Total</b>				<b>\$ 379,433.32</b>	<b>\$ 379,433.32</b>

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October 7, 2013

TO: Leslie Harper, Protect BG Campaign:

As we discussed, I cannot make the BG Council meeting this evening because of pre-existing commitments. We'll be providing a fuller response to the memo from Brian O'Connell about the implications of the anti-fracking charter amendment, but owing to the short time before the referendum election, it is important for Council to understand the absurd falsehoods which are being circulated in the City's name.

If the City administration were serious about attacking the legal implications of the Charter Amendment, they would have a qualified lawyer perform the task. The unqualified interpretations of law rendered by Brian O'Connell, a departmental director who can be fired at will by the Mayor, are ridiculous. It appears that in voting to oppose the amendment, the Board of Public Utilities sought no legal advice, relying on Mr. O'Connell, who is practicing law without a license.

And does that ever show. For example, Mr. O'Connell does not understand the difference between aspirational language (in the phrases stating the rights of BG citizens), versus directive or mandatory wording (stating what is to be made unlawful). Consequently, he complains that the right to "access, use and consume" water could make it impossible for the City to charge for water - a completely nonsensical conclusion. Then, because "pure" water does not exist, according to him, Mr. O'Connell says he will nonetheless be forced to penalize Bowling Green residents with a 35% water rate increase for endorsing an aspiration. His cynical interpretation extends to the nonsense that it will no longer be possible for street and sewer repairs to be made and for utility billing to happen, all because of the aspiration that residents have a right to peaceful enjoyment of their homes. I can only wonder how Mr. O'Connell would interpret the Preamble to the U.S. Constitution: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." No court has ever relied on that clause in issuing a single opinion.

The threat of an 86% electric rate increase in order for BG, a leader in clean energy, to comply with his skewed interpretation of the charter proposal is even more ridiculous. Mr. O'Connell seizes on

the language that "It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation" regarding fossil fuel, nuclear or other non-sustainable energy production and delivery. Had he sought the advice of a real lawyer instead of pretending to be one, he would have learned that use of the unmodified word "corporation" means something entirely different than "municipal corporation."

Bowling Green is a "municipal corporation," quite distinctively from a private for-profit or nonprofit corporation. A municipal corporation can be established only by a specific act of the General Assembly. A private corporation, whether for-profit or nonprofit, can be established simply by filing of papers and paying registration fees to the Secy of State. One is a governmental entity; the other is very different from a government. The words "director, officer, owner or manager of a corporation" as used in the charter amendment clearly refer only to a private company and not the City. Thus, no private corporation can engage in the creation of fossil fuel, nuclear or other nonsustainable energy production and delivery infrastructures in BG. That, incidentally, describes what is already true about Bowling Green. The City already does not allow any private electric utility corporation to do business within BG. There is no likelihood of any private electrical utility corporation appearing and seeking a franchise to build nuclear or coal-fired utility infrastructure in BG. And since the City distributes electricity to residential and commercial customers, even if energy from Davis-Besse or Perry or a coal plant comes into BG, it is through the City's system and not through a private supplier. While we can confidently predict that the day is not far off when all electricity distributed in Bowling Green will be renewable, the charter proposal will not make it necessary for a single penny of rate increase.

It is troubling to think that the Administration is circulating so-called "legal interpretations" which are so bad that it can't get a lawyer to sign onto them. That's a pretty clear sign of how uninformed these attacks are.

Thank you.

Very truly yours,

/s/ Terry J. Lodge