

# RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

MONDAY, SEPTEMBER 16, 2013

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The regular meeting of the Bowling Green City Council, held in the Council Chamber, 304 North Church Street, Bowling Green, Ohio was called to order at 7:00 p.m. by Council President 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 meeting held September 3, 2013 approved as distributed.

## CORRESPONDENCE

There was no correspondence.

Council President Zanfardino noted that an Executive Session of Council was requested by the Administration at this point in the meeting to discuss a land acquisition matter. Council Member Rowland moved, Piasecki seconded, to move Council into Executive Session at 7:03 p.m. for the purpose of discussing land acquisition. On roll call vote, Council Members Gordon, Jeffers, McOmber, Piasecki, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried.

Council Member Aspacher moved, McOmber seconded, to move Council out of Executive Session at 7:40 p.m. ON roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried.

## OFFICIAL REPORTS

Mayor Dick Edwards requested that City Council and members of the audience observe a moment of silence in memory of Al Baldwin who passed away yesterday.

Mayor Edwards reported that Joyce Kepke will not be able to serve on the Historic Preservation Ad Hoc Committee and noted that he appointed Heidi Reger to replace her.

Municipal Administrator John Fawcett had no report.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore gave the final numbers regarding the usage of the new City pool noting that attendance this year was at 34,000 versus 19,000 that utilized the pool last year.

City Attorney Michael Marsh had no report.

Public Utilities Director Brian O'Connell reported that as part of the Efficiency Smart Energy Conservation Program, the Utilities Business Office is having two Customer Appreciation Days, today and tomorrow. Utility customers can visit the business office and receive an assortment of CFL light bulbs.

O'Connell also reported that the contractor will begin work on the demolition of the Haskins Road water tower during the week of September 24. The Manville water tower will also come down once the City's new water is built on West Newton Road.

Public Works Director Brian Craft reported that heavy item pick up is being done this week throughout the City and will be followed by unlimited brush pick up the week of September 30.

### **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, 2013 and ending December 31, 2013.

Council Member McOmber, for the Finance Committee, introduced an ordinance 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.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the purchase of approximately twenty (20) acres of land generally located on Haskins Road and on Newton Road from Robert W. Maurer, trustee, and declaring an emergency.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for Buttonwood Avenue sewer improvements.

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

Council Member Piasecki, for the Planning, Zoning and Economic Development Committee, introduced an ordinance approving the S-District Site Plan for a garage at Falcon's Pointe, located at 912 Klotz Road.

Council Member Piasecki, for the Planning, Zoning and Economic Development Committee, introduced an ordinance 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.

### **COUNCIL COMMITTEE REPORTS**

Council Member Gordon announced that the Transportation & Safety Committee will meet prior to the next Council meeting on October 7 at 6:00 p.m. in the Council Chamber to hear a speaker from Transportation America talk about regional transportation issues.

Council President Zanfardino scheduled a meeting of the Community Improvement Committee for Monday, November 4, at 6:00 p.m. in the Council Chamber to discuss things learned on the recent visit to Oxford, Ohio.

### **LOBBY VISITATIONS**

Leslie Harper, 23767 W. River Road, Grand Rapids, Ohio, addressed Council to update them on the Charter Amendment issue on the upcoming November ballot. Harper introduced Tish O'Dell from Broadview Heights, Ohio, who also addressed Council regarding experiences with fracking in that northeast Ohio community.

**READING OF LEGISLATION**

Clerk read Resolution #3549 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Resolution #3549 its second and third reading. On roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Resolution #3549 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt Resolution #3549. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Resolution #3549 adopted.

Clerk read Ordinance #8269 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, Rowland seconded, to suspend the rules and give Ordinance #8269 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 #8269 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8269. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Piasecki voted yes. Council President Zanfardino declared motion carried, and Ordinance #8269 adopted.

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 first 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 first 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 first reading.

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

Council Member Piasecki announced that a public hearing will be held for Ordinance #8273 on Monday, October 21, 2013, at 6:30 p.m. in the Council Chamber.

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 first reading.

Council Member Piasecki announced that a public hearing will be held for Ordinance #8274 on Monday, October 21, 2013, at 6:30 p.m. in the Council Chamber.

Clerk read Ordinance #8275 authorizing the purchase of approximately twenty (20) acres of land generally located on Haskins Road and on Newton Road from Robert W. Maurer, trustee, and declaring an emergency, for first reading.

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Council Member McOmber moved, Aspacher seconded, to suspend the rules and give Ordinance #8275 its second and third reading. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council Member Piasecki voted no. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8275 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8275. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council Member Piasecki voted no. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8275. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council Member Piasecki voted no. Council President Zanfardino declared motion carried, and Ordinance #8275 adopted.

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 second reading.

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 second reading.

Clerk read Resolution #3546 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, for third reading.

Council Member McOmber moved, Gordon seconded, to adopt Resolution #3546. On roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and Resolution #3546 adopted.

Clerk read Resolution #3547 authorizing the City Attorney to petition the Board of County Commissioners of Wood County, Ohio, to change township lines, for third reading.

Council Member Piasecki moved, Jeffers seconded, to adopt Resolution #3547. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Resolution #3547 adopted.

Clerk read Ordinance #8265 creating and adopting Section 100.05 of the Codified Ordinances of the City of Bowling Green, Ohio, prohibiting drilling for oil, gas, or other minerals, not including water, by hydraulic fracturing, or the use of similar water pressured technology, and prohibiting deep well storage of waste brine from fracking operations, and declaring an emergency, for third reading.

Council Member McOmber moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8265. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Piasecki seconded, to adopt Ordinance #8265.

Council Member Aspacher commented that he strongly endorsed passage of this ordinance as he feels that this is an opportunity to protect the safety and well-being of the citizens. Aspacher stated that this ordinance addresses the issue of fracking in a very direct and open fashion and leaves no room for interpretation as opposed to the proposed Charter Amendment which is overly broad and vague. Aspacher noted that his opinion is that passage of the proposed Charter Amendment is not in the best interest of the City of Bowling Green and urged residents to take time to read the ordinance, the City's Charter and the Charter Amendment. He said the ordinance is

very clear and the Charter Amendment is not and may have unintended consequences for businesses and the City's municipal utilities.

Council Member McOmber commented that the only reason that Council is considering this ordinance is because of the proposed Charter Amendment. McOmber indicated that he believes that Bowling Green will likely never face hydraulic fracturing because of the area's geology and acknowledged that the ordinance probably wouldn't exist if weren't for the amendment on the November ballot that supposedly addresses the issue. McOmber noted that some of his constituents have indicated that this ordinance is a solution in search of a problem, but he feels that the Ohio Supreme Court will ultimately decide the issue. McOmber stated that the language of the proposed Charter Amendment is very broadly written which makes it very difficult to determine what the amendment covers and what it doesn't cover and could possibly undermine the City's utility operations and contract commitments to purchase power from coal fired power plants.

Council Member Gordon stated that in his opinion fracking is disastrous to both the environment and public safety and that is his main reason for supporting the ordinance. Gordon continued to say that he fully supports the peoples' right to petition government and he has reached his own private opinion about the proposed Charter Amendment. He encouraged fellow Council Members to vote in favor of the ordinance.

Council Member Piasecki noted that he does not want the assumption to be made that a vote in favor of this ordinance is a vote against the Charter Amendment. He indicated that he supports the ordinance, but does not want anyone to assume that that translates into how he intends to vote on the issue in November.

Council Member Jeffers suggested that the Charter Amendment group involve the Ohio Department of Natural Resources in community discussions regarding this issue.

Council Member Rowland indicated that she is disturbed that the state prohibits the City from having any direct input on this issue. Rowland said that she supports this ordinance because she knows that the residents of Bowling Green do not want fracking inside the City limits.

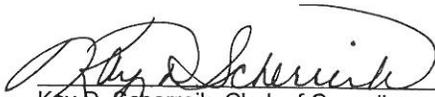
Council President Zanfardino agreed with other Council Members in that he views the ordinance and the proposed Charter Amendment as separate issues as well and encouraged the public to read the Charter and the proposed amendment and make an independent decision on that.

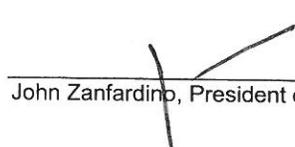
On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Piasecki voted yes. Council President Zanfardino declared motion carried, and Ordinance #8165 adopted.

Council Member Rowland moved, Aspacher seconded, to move Council into Executive Session at 8:40 p.m. for the purpose of discussing land acquisition. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Piasecki, and Rowland voted yes. Council President Zanfardino declared motion carried.

Council Member Gordon moved, Piasecki seconded, to move Council out of Executive Session at 9:35 p.m. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Piasecki, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried.

Council Member Jeffers moved, Gordon seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the September 16, 2013 regular meeting of the City Council at 9:36 p.m., subject to call.

  
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Kay D. Scherrek, Clerk of Council

  
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John Zanfardino, President of Council