

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held

TUESDAY, SEPTEMBER 3, 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 7:15 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, Parks and Recreation Director Michelle Grigore.

Council President Zanfardino declared the minutes of the meeting held August 19, 2013 approved as distributed.

#### CORRESPONDENCE

There was no correspondence.

#### OFFICIAL REPORTS

Mayor Dick Edwards began his report by requesting a moment of silence out of respect for Joan Gordon and in recognition of her many contributions to the enhancement of life in the Bowling Green community over the years. Mayor Edwards indicated that Mrs. Gordon passed away earlier today.

Mayor Edwards reported that State Representative Gary Scherer of Circleville held a Ohio House Tax Reform session today here in Bowling Green. Mayor Edwards noted that Bowling Green was one of five sites selected to receive input from individuals representing a wide rate of interests in the state.

The Mayor discussed the recent visit of a 17-person delegation of Council Members, City Administrators and others from the community who visited Oxford, Ohio on August 20. Municipal Administrator John Fawcett has arranged for the members of the delegation to meet on Tuesday, September 10, at 2:00 p.m. in the Council Chamber to recap the visit and share what was learned.

Municipal Administrator John Fawcett reviewed street and parking lot closures for the Black Swamp Arts Festival which will be held in the downtown area of Bowling Green this coming weekend.

Fawcett also requested an Executive Session of City Council at the end tonight's meeting to discuss land acquisition.

Planning Director Heather Saylor reported that the issuance of zoning permits is running 10% lower than this point last year and that there have been 14 single-family housing starts thus far in 2013 versus 15 in 2012.

Parks and Recreation Director Michelle Grigore had no report.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell reported that customer appreciation days in the Utility Business Office will be held September 16 & 17 in conjunction with the Efficiency Smart Energy Conservation Program. O'Connell noted that customers that come in will receive a free CFL bulb.

Public Works Director Brian Craft reported that curbside heavy item pick up will be done the week of September 16.

**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 creating and adopting Section 33.38 of the Codified Ordinances of the City of Bowling Green, Ohio, relating to the authorization for the City of Bowling Green to pick up the statutorily required contribution to the Ohio Police & Fire Pension Fund for the Police and Fire Division employees of the City pursuant to O.R.C. Section 742.31, and declaring an emergency.

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 improvements at the Water Treatment Plant.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance amending and adopting Section 50.35 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning prohibited storm drainage.

**COUNCIL COMMITTEE REPORTS**

Council Member Jeffers reported that the Public Lands and Buildings Committee met earlier this evening to begin discussions regarding the future of Oak Grove Cemetery and a general discussion regarding a new City building.

Jeffers also commented regarding the issue of fracking noting that his concerns are in three areas:

- concerned with the immediate safety of the public and Bowling Green's citizens;
- environmental concerns;
- economic impacts of the proposed Charter Amendment versus the proposed ordinance that Council is considering.

**LOBBY VISITATIONS**

Roger Anderson, 463 Truman Street, addressed Council regarding proposed Ordinance #8263 which deals with the trimming of trees on private property. Anderson indicated that he supports the ordinance and urged Council to adopt it. Anderson noted that with regards to dead trees on private property, he supports the City doing something about it. He compared the ordinance to the City ordinances on snow shoveling, etc. which charges the landowner for snow removal if the property owner doesn't do it themselves after a reasonable time. Anderson also indicated that he supports proposed ordinance #8265 banning fracking, but does not support the proposed Charter Amendment.

Marc Brunner, 209 Sand Ridge Road, addressed Council in opposition of proposed Ordinance #8263, wondering what was wrong with the policy that the City has had in place for years which allows neighbors to deal with tree issues themselves. Brunner said that this proposed change to allow the City to take down a dead or diseased tree on private property could result in a bill of thousands of dollars to the homeowner.

Lisa Kohiser, 1045 Varsity West, addressed Council regarding the Community Bill of Rights Charter Amendment and how it relates to citizens Constitutional rights. Kohiser indicated that ordinances by themselves are not enough to stop the oil and gas companies from drilling in communities.

Gary Hess, 216 Baldwin, spoke in favor of the proposed trimming of trees ordinance (#8263) and predicted that it would only be used in cases of negligent homeowners. He said that people will continue to deal with dead or diseased trees as they always have, they will remove them and this will only come into play when a homeowner does not take the responsibility that they need to in those cases.

Jennifer Karches, 407 S. Main Street, addressed Council defending the proposed Charter Amendment regarding fracking and questioned statements made by the City Administration regarding rising energy rates. Karchers noted that Broadview Heights where a similar charter amendment was adopted has not seen any rate increases. Karchers also asked City Attorney Michael Marsh to recuse himself from any decisions regarding the Charter Amendment due to his role on the Wood County Board of Elections.

Ryan Holley, 938 Clark Street, spoke in favor of portions of the proposed tree trimming ordinance, but objected to the timeframe in the ordinance which requires that trees be removed in 60 days due to the cost involved in taking down a large tree.

Dawn McCaghy, 221 Williams Street, also spoke in favor of the proposed tree trimming ordinance and suggested that notices regarding trees be not only posted at the house but also sent to the landowner on record.

### READING OF LEGISLATION

Clerk read Ordinance #8266 creating and adopting Section 33.38 of the Codified Ordinances of the City of Bowling Green, Ohio, relating to the authorization for the City of Bowling Green to pick up the statutorily required contribution to the Ohio Police & Fire Pension Fund for the Police and Fire Division employees of the City pursuant to O.R.C. Section 742.31, and declaring an emergency, for first reading.

Council Member McOmber moved, Piasecki seconded, to suspend the rules and give Ordinance #8266 its second and third reading. On roll call vote, Council Members Gordon, McOmber, Piasecki, Rowland, Zanfardino, and Aspacher voted yes. Council Member Jeffers voted no. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8266 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt the emergency clause for Ordinance #8266. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council Member Jeffers voted no. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8266. Council Member McOmber clarified that this ordinance does not expend any City dollars, but is needed in order to pass on money withheld from employees' for pension purposes on to the pension fund. Council Member Jeffers explained that he is voting no because he is opposed to the increase in the amount being withheld and the changes being made to the retirement system. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council Member Jeffers voted no. Council President Zanfardino declared motion carried, and Ordinance #8266 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 first 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 first 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 second reading.

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

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 second reading.

Clerk read Ordinance #8263 amending and adopting Section 99.11 of the Codified Ordinances of the City of Bowling Green, Ohio, with respect to trimming trees on private property, for third reading.

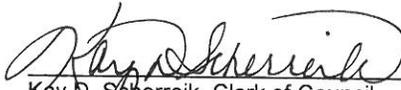
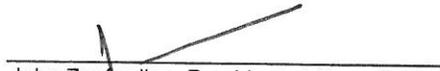
Council Members discussed the particulars of this ordinance with some members expressing their reservations about the changes. McOmber suggested that Council try to reach a consensus on what they are trying to accomplish regarding the trimming of trees on private property and then rely on the City Attorney to let Council know if the current ordinances accomplish those goals or if changes need to be made. McOmber went on to say that he sees a difference when there is a possibility that a diseased or dead tree could fall over onto the street or public right-of-way versus when a tree could fall over and hit a house. Council Member Aspacher stated that if Council were to define the goal to prevent threats to public safety, then he agrees that this is a relevant issue. Aspacher further stated that he does feel that it is government's role to interject itself in situations on private property except in the case where it was a threat to public safety. Other Council Members indicated that they too would like to see the ordinance used on a very limited basis and preferred only if definite danger to the public existed. Council Member Gordon suggested that the ordinance be tabled until Council can work out the different issues with the changes and moved to table ordinance #8263 indefinitely. Council Member Rowland seconded the motion. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8263 tabled.

Council Member Gordon moved, Rowland seconded, to table Ordinance #8263 indefinitely. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8263 tabled indefinitely.

Council Member Jeffers moved, Piasecki seconded, to move Council into Executive Session at 8:55 p.m. for the purpose of discussing land acquisition. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Piasecki voted yes. Council President Zanfardino declared motion carried.

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

Council Member Rowland moved, Aspacher seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the September 3, 2013 regular meeting of the City Council at 9:36 p.m., subject to call.

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