

RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 101-98

Held

MONDAY, AUGUST 1, 2016

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, Gordon, Jeffers, McOmber, Rowland and Zanfardino responded. Also present were Mayor Richard Edwards, Municipal Administrator Lori Tretter, City Attorney Michael Marsh, Public Works Director Brian Craft, Utilities Director Brian O'Connell, Planning Director Heather Saylor, and Parks and Recreation Director Kristin Otley.

Council Member Rowland moved, Zanfardino seconded, to approve the minutes of the regular meeting held July 18, 2016 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk Kay Scherreik read a letter of resignation from 4th Ward Council Member Theresa Charters Gavarone who was recently appointed to the office of State Representative.

Clerk also noted that a listing of budget transfers for the month of August was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member Rowland moved, McOmber 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.

Clerk noted for the record that copies of the Budget Summary Report for the month of June 2016 was distributed to Council prior to this evening's meeting.

Council President Aspacher announced that applications will be received until August 8, 2016 to replace the 4th Ward Council Member. Aspacher noted that Clerk of Council Kay Scherreik will have a press release at the conclusion of the meeting announcing the details. Interested candidates will be asked to give a short presentation at a Committee-of-the-Whole meeting on August 15 at 6:00 p.m. in the Council Chamber.

OFFICIAL REPORTS

Mayor Dick Edwards reported to Council that the assessment team from the Commission on Accreditation for Law Enforcement Agencies (CALEA) indicated that the City's Police Division was in compliance with all of its standards and no changes or problems were encouraged. Mayor Edwards noted that the on-site assessment of the division was completed on July 27. Municipal Administrator Lori Tretter added her congratulations noting that accreditation doesn't just happen, it happens by hard work. Police Chief Hetrick indicated that CALEA is a way of life in the Police Division and everyone in the division has worked under the CALEA standards. Hetrick stated that they always strive for excellence and try to do their best to serve the community.

Municipal Administrator Lori Tretter updated Council on the resurfacing of City Lot #2 and indicated that the new kiosks have been ordered and will be installed in September. Tretter also asked for an Executive Session at the end of this evening's meeting to discuss a real estate matter.

Planning Director Heather Saylor reported that the consultants hired to formulate a neighborhood revitalization plan had their first visit to Bowling Green last week and over the course of the two days met with over 30 people to discuss various topics relating to the study. Saylor indicated that there are plans to form a task force with a broad representation for input into the plan. Saylor also announced that there will be no

Planning Commission or Zoning Board of Appeals meetings for the month of August due to the lack of agenda items. Saylor distributed to Council a detailed report regarding the International Town & Gown Association conference she recently attended.

Parks and Recreation Director Kristin Otley updated Council on current Parks & Recreation programming. Otley also announced an upcoming Foundation fundraising event being held on August 16 at Sunset Bistro where 20% of sales for lunch and dinner will be donated to the Foundation. Otley also announced that there will be a ribbon cutting for the new storage building at Wintergarden Park on August 25 at 4:00 p.m.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell updated Council on the granular activated carbon replacement at the Water Treatment Plant.

Public Works Director Brian Craft updated Council on the E. Gypsy Lane/Main Street intersection project and current 50/50 sidewalk projects.

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 amending and adopting Section 33.07(A) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding pre-employment medical examination and drug screening.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino scheduled a meeting of the Transportation & Safety Committee for Tuesday, September 6, 2016, at 6:00 p.m. to discuss complete streets.

LOBBY VISITATIONS

There were no lobby visitations.

READING OF LEGISLATION

Clerk read Resolution #3635 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Resolution #3635 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3635 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3635. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3635 adopted.

Clerk read Ordinance #8595 amending and adopting Section 33.07(A) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding pre-employment medical examination and drug screening, for first reading.

Clerk read Resolution #3633 adopting and authorizing amendments to the Community Development Block Grant (CDBG) Housing Policy & Procedures Manual, for second reading.

Clerk read Resolution #3634 adopting and authorizing an amended Housing Revolving Loan Fund Program Policy & Procedures Manual, for second reading.

Clerk read Ordinance #8593 amending and adopting Sections 150.40 and 150.103 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding the zoning code, for second reading.

Clerk read Ordinance #8594 amending and adopting Chapter 94 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding refuse and recycling collection, for second reading.

Council Member Gordon asked other members of the Community Improvement Committee if they had contacted or researched other cities regarding the penalty and enforcement efforts utilized to gain compliance from citizens on the trash container placement issue. Gordon also indicated that Council has received revised language that could be added to the ordinance they are considering that makes violations a civil infraction.

McOmber indicated that he did not contact anyone but did some online research and found that some sort of fine or civil infraction seemed to be the norm in other communities and did not find any community that confiscates the container of the offender. McOmber indicated that in his mind, a trash can placement violation goes along with other violations listed in the City's civil infractions and is agreeable to placing it there.

Council Member Zanfardino indicated that he contacted and reviewed nine different cities and found that all nine have either a civil infraction or misdemeanor for violating trash can placement ordinances. Zanfardino indicated that he is happy with the revised language making violations a civil infraction. Zanfardino noted that he is against confiscation of the containers.

Gordon indicated that his findings were the same as Council Members Zanfardino and McOmber and supports the civil infraction route for violations.

Council Member Rowland noted that she initially favored confiscation, but then thought about the mess that could occur with violators not having a trash container and having to pay a fine to get it back. Rowland indicated that she now favors the civil infraction route, but is still not happy about the placement of the trash cans and thinks they should be kept in back of the house and not allowed on the side. She said that she feels Bowling Green deserves better and that the limits should be set higher.

Council President Aspacher indicated that he is comfortable with the civil infraction approach. Aspacher noted that after conversations with the City's Administration, he is heartened by the fact that they intend to educate the residents as to what the new requirements are and will use the civil infractions code as a last resort to gain compliance. Aspacher further noted that he is happy with the new language and favors amending the current ordinance to add the civil infractions portion.

Council President Aspacher asked the Clerk of Council to read the new proposed penalty language for Section 94.99(B).

Council Member Jeffers pointed out that there is another section in the ordinance that permits the granting of waivers for those who cannot comply with the requirements and that makes him more comfortable with the tougher penalties.

Council Member Gordon moved, Zanfardino seconded, to amend Ordinance #8594 by changing the penalty Section 94.99(B) to read as follows:

- (B) Whoever violates any of the provisions of §94.04 or §94.05 shall be subject to the following:
- i. First violation within any twelve (12) month period: Written warning affixed or mailed to the premises.
 - ii. Second violation within any twelve (12) month period: A civil citation to the occupants and a fine of \$25.00.

- iii. Third violation within any twelve (12) month period: A civil citation to the occupants and fine of \$50.00.
- iv. Fourth and subsequent violation within any twelve (12) month period: A civil citation to the occupants, and a fine of \$100.00 for each violation.
 - (a) Any law enforcement officer, the Municipal Administrator, or the Municipal Administrator's designee shall be authorized to issue citations for any violation of this section.
 - (b) For premises with privately collected refuse/recycling containers, any violation shall result in a civil violation.

On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8594 amended as noted above.

Council Member Gordon indicated that some members of Council are interest in seeing this item be moved along in order to begin the education process prior to when the BGSU students arrive later this month. Other Council Members agreed and noted that the public wants Council to move on from this issue.

Council Member Gordon moved, Zanfardino seconded, to suspend the rules and give Ordinance #8594 its third reading. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8594 as amended for third reading by number and title only.

Council Member Gordon moved, Jeffers seconded, to adopt Ordinance #8594, as amended. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8594 adopted as amended.

Clerk read Resolution #3632 amending the City of Bowling Green Financial and Debt Policy, for third reading.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3632. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Resolution #3632 adopted.

Clerk read Ordinance #8527 accepting a utility easement from Maurer Rentals, LLC, for third reading.

Council Member Aspacher moved, McOmber seconded, to adopt Ordinance #8527. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8527 adopted.

Clerk read Ordinance #8528 accepting utility easements from 115 E. Court Street, LLC, and 223 Rentals, LLC and Sky BG Properties, LLC, for third reading.

Council Member Aspacher moved, Zanfardino seconded, to adopt Ordinance #8528. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Ordinance #8528 adopted.

Council Member Jeffers commented that a public hearing was held for Ordinance #8524 and #8525 earlier this evening and no detrimental information was heard at that time.

Council Member Jeffers moved, Rowland seconded, to adopt Ordinance #8524 establishing interim zoning of R-1 Single-Family Residential for approximately 6.20 acres of land located on the south side of Napoleon Road between 1502 and 1518 Napoleon Road, recently annexed to the City as petitioned for by Steven and Marcia Seubert. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gordon, and

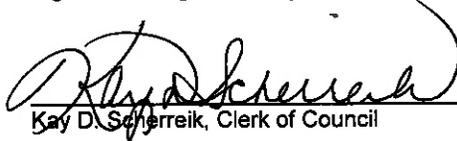
Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8524 adopted.

Council Member Jeffers moved, Zanfardino seconded, to adopt Ordinance #8525 amending and adopting Section 150.03 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding zoning code definitions, and declaring an emergency. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8525 adopted.

Council Member Rowland moved, Zanfardino seconded to move Council into Executive Session at 8:05 p.m. for the purpose of discussing a real estate matter. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes.

Council Member Rowland moved, Jeffers seconded, to move Council out of Executive Session at 8:45 p.m. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried.

Council Member McOmber moved, Rowland seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the August 1, 2016 regular meeting of the City Council at 8:46 p.m., subject to call.



Kay D. Scherreik, Clerk of Council



Michael Aspacher, President of Council



August 1, 2016

TO: Bowling Green City Council
 FROM: Brian Bushong, Finance Director

Transfers requested for the month of August include:

Fund	Dept.	Account	Description	From	To
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 4,734.58	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 4,734.58
1010	190	92300	General, Miscellaneous, Transfer To Debt Service	\$ 16,841.67	
3025	000	69410	Debt Service, Revenue, Transfer From General		\$ 16,841.67
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,088.33	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,088.33
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
4005	810	92400	Equipment Capital Reserve, Capital Improvement, Transfer To Capital Projects	\$ 13,127.08	
4018	000	69440	Capital Improvement, Revenue, Transfer From Capital Projects		\$ 13,127.08
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 41,086.50	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 41,086.50
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 2,083.33	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 2,083.33
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 2,083.33	

4010	000	69440	Facility Capital Reserve, Revenue, Transfer From Capital Projects		\$ 2,083.33
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 16,329.17	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 16,329.17
4055	710	92300	Aquatic Facility Capital Improvement, Recreation Department, Transfer To Debt Service	\$ 23,072.25	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 23,072.25
5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 107,875.00	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 107,875.00
5221	651	92500	Water Revenue, Administrative and General, Transfer To Enterprise	\$ 46,472.00	
5222	000	69450	Water Capital Reserve, Revenue, Transfer From Enterprise		\$ 46,472.00
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 11,305.33	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 11,305.33
Total				\$ 294,931.90	\$ 294,931.90