

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

MONDAY, DECEMBER 5, 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, Seeliger 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, Seeliger seconded, to approve the minutes of the regular meeting held November 21, 2016 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk Kay Scherreik noted that a listing of budget transfers for the month of December was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member McOmber moved, Rowland 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 also read a resolution from the Senate of the Undergraduate Student Body in opposition of the granting of an easement on city-owned property for a Nexus Gas Transmission pipeline.

Council President Aspacher indicated that in light of the large, over-capacity crowd that was assembled this evening and for the safety of all, Council would depart from the regular agenda and give Ordinance #8544 its third reading at this point in the meeting and vote on the issue. Aspacher noted that this is the ordinance that would grant an easement to Nexus Gas Transmission for a pipeline. In response to citizen Joe DeMare of Bowling Green, who spoke out of order asking for more opportunities for public input and refusing to take his seat, Aspacher asked that he be escorted out of the Council Chamber by the police officer. Aspacher then asked the Clerk to give the ordinance its third reading.

Clerk read Ordinance #8544 authorizing the Utilities Director to execute and grant an easement on City-owned property located on King Road for the construction and maintenance of a gas transmission line by Nexus Gas Transmission, LLC, for third reading.

Council President Aspacher moved, Rowland seconded, to adopt Ordinance #8544.

Council Member Rowland commented that she would be voting no on this ordinance because she does not see the pipeline as benefitting the City or County and information provided to her indicated that it would not provide revenue or employment opportunities for citizens.

Council Member Gordon commented that he would be voting no on Ordinance #8544 and read from a prepared statement which is attached and made a part of these minutes.

Council Member Jeffers indicated that he would also be voting no on this issue citing safety concerns which is largely based on the need to do more extensive studies of the geology of the Maumee River pipeline crossing location. Jeffers also said that he feels that the use of natural gas should be used as a stepping stone to renewable types of energy and that without it, there is a reliance on coal and nuclear energy. He also indicated that another issue that activists could focus on is the possibility that the Ohio legislature will not renew its former commitment to renewable incentives with SB 320 and HB554.

Council Member Zanfardino commented that this issue did not require much deliberation on his part and that he was choosing to not be complicit with the development of the pipeline. He also indicated that he believes that the outcome would have been different if not for the unanimous and singular outcry from the citizens and encouraged those in attendance to stay involved.

Council Member Seeliger noted that he feels that Bowling Green is a great community is proud of how the University and private citizens united in making a stand for the environment and quality of life for the City. He further noted that although there is a reliance on natural gas, it is time to made a statement for developing other sources of energy. He indicated that he would be voting with the other Council Members and vote no on the issue.

Council Member McOmber indicated that he was leaning toward making a motion to table the ordinance this evening, but believed in the value of showing unanimous support on an issue such as this one. McOmber noted that he feels this is an issue where it was to Council's benefit to get a unanimous vote or as close to a unanimous vote as possible. He indicated that he felt similarly when the recent trash container regulations were adopted and several Council Members had to compromise in order to adopt that legislation. This time, he said it was his turn to compromise and that he would be voting no as well.

Council President Aspacher commented that he would be voting no on this ordinance, but said he was heartened by the public participation on this issue. He mentioned Council's discussions on other issues that have a chance for major improvements in the community, such as the Community Action Plan and East Wooster Street improvements and encouraged citizens to become engaged on those issues that represent change in the City. He challenged people to be engaged, educate themselves on the issues and participate in the process.

On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Seeliger, Zanfardino, and Aspacher voted no. Council President Aspacher declared motion defeated, and Ordinance #8544 defeated.

Council President Aspacher indicated that Council would not go on with the rest of the evening's meeting according to its agenda.

OFFICIAL REPORTS

Mayor Dick Edwards commended the BGSU Undergraduate Student Government for its attention to developments in City government and taking initiative to addressed a concern on behalf the student body. Mayor Edwards also acknowledged that he is mindful of some concerns and tensions in the aftermath of the recent election and is pleased that one forum has already been held on campus with others planned in the future to help alleviate concerns. The Mayor indicated that the City is fully committed to making the Bowling Green community as welcoming and as inviting as possible which is why emphasis is placed on the efforts of the Not In Our Town movement and the work of the City's Human Relations. In that context, Mayor Edwards announced that the date of April 5, 2017 has been selected as the date for the 3rd Annual Inter-Faith Campus Community Breakfast.

Mayor Edwards brought to the attention of City Council that Ohio municipalities are being challenged by proposed legislation before the Ohio General Assembly that would make it virtually impossible for municipalities to control or to have a say in the placement of a wireless support structure. He noted that the bill severely limits where a municipality can build or attach wireless facilities. The city has joined with AMP, the Ohio Municipal League and the Ohio Planning Association in expressing concerns with state representatives.

Municipal Administrator Lori Tretter had no report.

Planning Director Heather Saylor was not present.

Parks and Recreation Director Kristin Otley announced that there would be a fundraising event held on December 30 at Campus Quarters for Clara's Creature (splash pad creatures). Otley also reported that plans are in process for a fitness trail that would connect Simpson Garden Park to the Wood County Hospital to Conneaut Haskins Park. Otley noted that this will be done in partnership with Wood County Hospital.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell discussed the proposed legislation pending in the Ohio legislature regarding the placement of wireless equipment on City property indicating that this legislation would affect local control over where the equipment could be placed. O'Connell also discussed proposed amendments to the Senate bill and indicated that he will be following this issue closely in the coming weeks.

Public Works Director Brian Craft reported that City crews are making the last pass through the city for curbside leaf pickup. After leaf pickup is complete, crews will be gearing up for snow plow operations. Craft also updated Council on the S. Main/Gypsy Lane intersection project.

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 Jeffers, for the Planning, Zoning and Economic Development Committee, introduced an ordinance accepting annexation of approximately 0.75 acres of land in Plain Township, Wood County, Ohio, from Linda St. Arnaud, petitioner.

Council Member Aspacher, for the Public Utilities Committee, introduced a resolution supporting the Toledo Metropolitan Area Council of Government (TMACOG) efforts for emergency interconnection with neighboring water systems.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino reported that the Committee-of-the-Whole met earlier this evening to discuss the complete streets process. Zanfardino indicated that the process will be that the matters will still come before the Transportation & Safety Committee and then recommendations will be made to the full Council where the final decision would be made. Council President Aspacher noted that the ultimate goal is to start consideration of complete street improvements earlier in the project process in order to allow the committee and Council to have adequate time to get to the decision-making stage of the project sooner.

Zanfardino scheduled a meeting of the Transportation & Safety Committee for Tuesday, January 17, and requested that it be a joint meeting with the Bicycle Safety Commission regarding complete streets and the YAY Bikes tour.

LOBBY VISITATIONS

Andrew Zigmund, Elyria, Ohio, Vassiliki Leontis, 119 N. Summit St., and Anita Britt, Wayne, Ohio, all came forward to express their thanks and appreciation to City Council for unanimously voting down the legislation that would have allowed Nexus Gas Transmission to have an easement on City-owned property for the installation of a natural gas pipeline.

Charlotte Mondorf, a Bowling Green resident, addressed City Council regarding safety issues at intersections she's experienced being in a wheelchair. She also discussed concerns regarding sidewalks.

Michael Brogan, a Bowling Green resident, expressed concerns about the safety of school children waiting for school buses noting that there are parts of the City on the west side that do not have sidewalks.

Bud Henschen, 426 S. Mitchell Road, discussed the proposed roundabouts planned for the I-75 overpass. Henschen indicated that he did not like roundabouts and feels that before the tax dollars are spent, the issue needs to be studied further.

READING OF LEGISLATION

Clerk read Resolution #3648 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Resolution #3648 its second and third reading. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3648 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3648. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3648 adopted.

Clerk read Resolution #3649 supporting the Toledo Metropolitan Area Council of Government (TMACOG) efforts for emergency interconnection with neighboring water systems, for first reading.

Clerk read Ordinance #8551 accepting annexation of approximately 0.75 acres of land in Plain Township, Wood County, Ohio, from Linda St. Arnaud, petitioner, for first reading.

Clerk read Resolution #3647 authorizing the Municipal Administrator to enter into a renewal agreement with the Wood County Public Defender, for second reading.

Clerk read Ordinance #8548 authorizing the Municipal Administrator to execute the Ohio Department of Transportation's Preliminary Legislation for the conversion of two stop controlled intersections to roundabouts at I-75, for second reading.

Clerk read Ordinance #8549 amending and adopting Section 33.04 of the Codified Ordinances of the City of Bowling Green, Ohio, relative to pay scales for seasonal employees, and declaring an emergency, for second reading.

Clerk read Ordinance #8550 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for electric and sewer utility improvements near 115 E. Court Street, for second reading.

Council Member Aspacher moved, Jeffers seconded, to suspend the rules and give Ordinance #8550 its third reading. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8550 for third reading by number and title only.

Council Member Aspacher moved, Gordon seconded, to adopt Ordinance #8550. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8550 adopted.

Clerk read Resolution #3646 approving the draft adopted amended Wood County Solid Waste Management Plan, for third reading.

Council Member Gordon moved, Seeliger seconded, to adopt Resolution #3646. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Rowland, and Seeliger voted yes. Council President Aspacher declared motion carried, and Resolution #3646 adopted.

Clerk read Ordinance #8542 amending and adopting Section 95A.03 and Section 95A.05(A) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding Income Tax Regulations Effective Beginning January 1, 2016, and declaring an emergency, for third reading.

Council Member McOmber moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8542. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Rowland, Seeliger and Zanfardino voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8542. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Seeliger, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8542 adopted.

Clerk read Ordinance #8543 accepting an easement for right-of-way purposes from CECW2, LLC, for certain property on South Main Street, for third reading.

Council Member Jeffers moved, Rowland seconded, to adopt Ordinance #8543. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Ordinance #8543 adopted.

Clerk read Ordinance #8545 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for supplying annual inventory requirements, underground and overhead lines insurance, sale of scrap materials, and participation in the AMP Joint Purchasing Program in 2017, for third reading.

Council Member Aspacher moved, Zanfardino seconded, to adopt Ordinance #8545. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Ordinance #8545 adopted.

Clerk read Ordinance #8546 authorizing the Utilities Director to execute lease agreements with Amplex Electric, Inc., for the lease of dark fiber and also for the use of City water towers to mount network service antennas, for third reading.

Council Member Aspacher moved, Rowland seconded, to adopt Ordinance #8446. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8446 adopted.

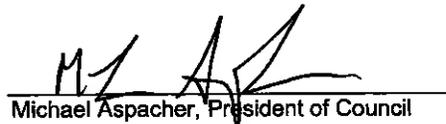
Clerk read Ordinance #8547 amending and adopting Section 76.28(D) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding parking prohibitions, for third reading.

Council Member Zanfardino moved, McOmber seconded, to adopt Ordinance #8547. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8547 adopted.

Council Member Rowland readdressed the roundabout issue brought up during Lobby Visitations by Mr. Henschen saying that roundabouts have been studied by safety experts and have been found to be safer than traditional intersections, cheaper to construct and environmentally sound.

Council Member Zanfardino moved, Seeliger seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the December 5, 2016 regular meeting of the City Council at 8:30 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Michael Aspacher, President of Council



December 5, 2016

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of December include:

Fund	Dept.	Account	Description	From	To
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 4,734.62	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 4,734.62
1010	190	92300	General, Miscellaneous, Transfer To Debt Service	\$ 16,841.63	
3025	000	69410	Debt Service, Revenue, Transfer From General		\$ 16,841.63
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,088.37	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,088.37
2078	170	92300	Municipal Court Special Projects, Municipal Court, Transfer To Debt Service	\$ 6,833.37	
3025	000	69420	Debt Service, Revenue, Transfer From Special Revenue		\$ 6,833.37
4005	810	92400	Equipment Capital Reserve, Capital Improvement, Transfer To Capital Projects	\$ 13,127.12	
4018	000	69440	Capital Improvement, Revenue, Transfer From Capital Projects		\$ 13,127.12
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	\$ 2,083.37	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 2,083.37
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 2,083.37	
4010	000	69440	Facility Capital Reserve, Revenue, Transfer From Capital Projects		\$ 2,083.37

4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 16,329.13	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 16,329.13
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	\$ 11,305.37	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 11,305.37
Total				\$ 294,932.10	\$ 294,932.10

Daniel Gordon
Remarks on Ordinance 8544

I've done a lot of listening these past few weeks. I appreciate the feedback from all of you who have called us, written to us, spoken up at Council meetings, and joined together to make your voices heard. I have been skeptical and critical of this easement request, and your voices have only reinforced that.

I oppose it, and will therefore be voting against Ordinance 8544.

I do so for a number of reasons. First, because I think it's the right thing to do. I'm not inclined to support a gas pipeline that poses a threat to our public health and safety, as well as our environmental health and safety. Or one that may well make people considering moving to or starting a business in Bowling Green hesitate or decide to locate their home or company someplace else.

And I'm not inclined to support a gas pipeline when the people behind such projects have to threaten eminent domain to get their way. As with several actions taken by Ohio state and executive officials over the years, I am continually disheartened by the threats to municipal authority and local control that wind up costing us here in Bowling Green.

So overall I believe the pipeline does not serve the public interest. Now some have said that this issue is not about the pipeline itself, but ensuring the least worst implementation of it as it concerns us. That is not my view. Our action today may well not stop the pipeline, but I am not yet convinced the chance of stopping it is zero. I believe that if we stand together and vote against this ordinance, it may well give us a small but real opportunity to stop the pipeline project. And this is my second major reason for opposing the easement.

If this Council stands united against the pipeline, then it can only proceed through Bowling Green by the power of eminent domain. But to do that, the people behind the pipeline have to acquire eminent domain rights in the first place. They do not currently have eminent domain, and they can only be granted that power if they can demonstrate the project benefits the state of Ohio. So if enough cities, towns, and villages stand together against the pipeline, we make their case much more difficult to make. And maybe at the end of the day, with Bowling Green's help, enough communities will have stood together to make their case not credible.

I don't necessarily believe this is likely to happen. But it seems like there is a chance, and if there is a chance, however small it may be, in my view we have a moral responsibility to take it. We should try.

Finally, I oppose the easement request because I respect and affirm the public will. While we have not surveyed all citizens on this question, and I'm sure there are some folks out there who don't outright oppose the pipeline, the sample of people who have showed up at our meetings and spoken to me – people from all across Bowling Green – show that the preponderance of

people want us to reject this easement request. They say so knowing that it may cost us to do so. And they have told us that it's a worthy sacrifice.

In addition, we have two pieces of legislation passed by officials that directly or indirectly call on us to oppose the easement request. The Wood County Commissioners unanimously passed Resolution 15-00346, which says that they "actively oppose" the pipeline and that they "call upon citizens and elected officials across Ohio to support this resolution."

More recently, the Bowling Green State University Undergraduate Student Government passed, with no opposing votes, Senate Resolution 2016/2017-04, which specifically requests that we deny this easement request for the reasons we've laid out.

So, for these reasons, I oppose Ordinance 8544, will vote against it, and encourage my colleagues to join me in doing so. I hope that we will be on the right side of this issue, just as our colleagues in the federal government finally came down on the right side of the Dakota Access Pipeline yesterday.

And a final message to the folks assembled here and before tonight. It is a message I repeat regarding many issues, because it is applicable to all. So, remember that this is how you change things. You show up. You fight for what you think is right. Because otherwise it may not happen. If you sit back, others will shape the world instead of you. No matter the issue, in the final analysis, justice is us.

Thank you.