

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, JULY 18, 2016

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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 Aspacher. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Gavarone, 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 Zanfardino moved, Rowland seconded, to approve the minutes of the regular meeting held July 5, 2016 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk Kay Scherreik had no correspondence.

OFFICIAL REPORTS

Mayor Dick Edwards presented a proclamation to Jill McGinn of Columbia Gas regarding the Ohio Home Energy Audit program being offered to Bowling Green residents. Mayor Edwards introduced Jill McGinn who explained the particulars of the program and encouraged citizens to participate in this money-saving opportunity.

Municipal Administrator Lori Tretter reported that the Police Division is scheduled for an on-site assessment as part of a program to maintain accreditation by verifying the agency meets professional standards. Tretter noted that as part of the on-site assessment, agency employees and members of the community are invited to offer comments at the public information session on Tuesday, July 26, 2016 at 5:30 p.m. being conducted at the Simpson Garden Park Building, 1291 Conneaut Avenue. The accreditation process is administered by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), and requires agencies to comply with internationally accepted best practices and standards in four basic areas: policy and procedures, administration, operations, and support services. The BGPD has been an accredited Law Enforcement Agency since 1993.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Kristin Otley updated Council on current and upcoming programming opportunities offered by the Parks & Recreation Department.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell had no report.

Public Works Director Brian Craft updated Council on current projects in City Lot #2 and the Gypsy Lane/S. Main Street intersections improvements. Craft also reported to Council regarding a new product that is being tried when replacing sidewalks in certain areas. Craft noted that the new material is made of recycled tires and provides some flexibility to sidewalks where large tree roots cause buckling of concrete sidewalks.

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 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2016 and ending December 31, 2016.

Council Member Jeffers, for the Planning, Zoning and Economic Development Committee, introduced an ordinance amending and adopting Sections 150.40 and 150.103 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding the zoning code.

Council Member Gordon, for the Community Improvement Committee, introduced a resolution adopting and authorizing amendments to the Community Development Block Grant (CDBG) Housing Policy & Procedures Manual.

Council Member Gordon, for the Community Improvement Committee introduced a resolution adopting and authorizing an amended Housing Revolving Loan Fund Program Policy & Procedures Manual.

Council Member Gordon, for the Community Improvement Committee, introduced an ordinance amending and adopting Chapter 94 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding refuse and recycling collection.

COUNCIL COMMITTEE REPORTS

Council Member McOmber began the conversation regarding the proposed ordinance making changes to Chapter 94 of the Codified Ordinances by asking Council Members if the language in the ordinance is what Council asked the City Attorney to put together. Council Member Zanfardino responded that the location of trash bins issue was well captured in the legislation, but he had issues with the penalty portion of the ordinance. Council Member Rowland indicated that she also had issues with the penalty portion and was concerned about enforcement. City Attorney Mike Marsh noted that he wrote the ordinance under the guidance from Council that they did not want to make it a crime when someone violated where their trash bin should be placed and/or other sections of this portion of the code. Marsh informed Council that there isn't a way to fine residents with first issuing a citation. He noted that the City does not want employees going on private property to confiscate trash bins, however, when the bins are on the public right-of-way, the City can take them and require the payment of a fee to get the trash bin back.

Council Members Zanfardino and Rowland suggested that a violation to the new trash bin ordinance be a civil infraction. Marsh explained that civil infractions are different than a misdemeanor or criminal citations in that the offender receives a civil citation and then contested citations are heard by a magistrate. The citizen pays a civil penalty if their issue is denied and the matter does not go to court. Marsh noted that it is a 60-day process if someone appeals a citation.

When asked if the Administration is ready to enforce the new regulations, Municipal Administrator Lori Tretter indicated that the Administration doesn't know at this point what law City Council is going to pass, therefore, they have not been able to discuss enforcement in detail. She reminded Council Members that staffing is tight and operates with one Code Enforcement Officer and utilizes Public Works employees for various projects throughout the City.

At the end of the discussion regarding enforcement and penalties for violators, Council Member Gordon, Chair of the Community Improvement Committee, suggested that he and the other members of the committee contact some of the communities that they researched previously to see how their enforcement efforts are working and what methods they are using in their communities and share this information at the next Council meeting.

Council Member Jeffers, for the Planning, Zoning and Economic Development Committee, reported regarding four areas of concern that the Committee is focused on at this time. A copy of his remarks are attached and made a part of these minutes.

LOBBY VISITATIONS

Margaret Montegue, 211 Willowood, suggested making trash receptacle storage requirements part of the leasing contract for those rental properties that have issues with tenants following the City's ordinance.

READING OF LEGISLATION

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

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

Clerk read Ordinance #8592 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2016 and ending December 31, 2016, for first reading.

Council Member McOmber moved, Gavarone seconded, to suspend the rules and give Ordinance #8592 its second and third reading. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3634 for second and third reading by number and title only.

Council Member McOmber moved, Gavarone seconded, to adopt Resolution #3634. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Resolution #3634 adopted.

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 first reading.

Council Member Jeffers announced that a public hearing will be held regarding Ordinance #8593 on Tuesday, September 6, 2016, at 6:45 p.m. in the Council Chamber.

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 first reading.

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

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

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

Clerk read Resolution #3630 adopting the Estimate of Revenues for the year 2017, for third reading.

Council Member McOmber moved, Rowland seconded, to adopt Resolution #3630. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, Gavarone, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3630 adopted.

Clerk read Ordinance #8521 for cleaning of streets by special assessment, for third reading.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8521. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8521 adopted.

Clerk read Ordinance #8522 amending and adopting Section 33.03(A) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to pay for school police, interns, and civil infractions hearing officer, for third reading.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8522. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8522 adopted.

Clerk read Ordinance #8523 accepting annexation of approximately 6.20 acres of land in Center Township, Wood County, Ohio, from Steven M. & Marcia L. Seubert, petitioners, for third reading.

Council Member Jeffers moved, Gavarone seconded, to adopt Ordinance #8523. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8523 adopted.

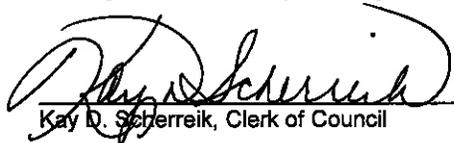
Clerk read Ordinance #8524 establishing interim zoning of R-1 Single-Family Residential for approximately 6.20 acres of land located on the south side of Napoleon Road between 1502 and 1518 Napoleon Road, recently annexed to the City as petitioned for by Steven and Marcia Seubert, for third reading.

Council Member Jeffers moved, McOmber seconded, to table Ordinance #8524 pending a public hearing scheduled for August 1, 2016 at 6:45 p.m. On roll call vote, Council Members Aspacher, Gavarone, Gordon, Jeffers, McOmber, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8524 tabled until August 1, 2016.

Clerk read Ordinance #8524 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, for third reading.

Council Member Jeffers moved, Gavarone seconded, to table Ordinance #8525 pending a public hearing scheduled for August 1, 2016 at 6:45 p.m. On roll call vote, Council Members Gavarone, Gordon, Jeffers, McOmber, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8525 tabled until August 1, 2016.

Council Member Gordon moved, Rowland seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the July 18, 2016 regular meeting of the City Council at 8:16 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



Michael Aspacher, President of Council

PZED Committee report July 18, 2016

- ① We are continuing to move forward, slowly and deliberately, with planning a variety of improvements for Bowling Green. The council, the mayor, and the administrative staff, with input from various citizens, are implementing several actions as directed by the land use section of the Comprehensive Master Plan. For example, we have rezoned a number of properties near downtown, along E. Wooster St. to the B5 type, which should help with mixed use revitalization along this corridor. Further to the east, we anticipate a great deal of street improvements with roundabouts at the I 75 interchange, and a long stretch of complete street type enhancements along E. Wooster.
- ② We have moved forward with the selection of consultants who will help us revitalize neighborhoods. Over the course of the next year, we will identify specific actions to that end. This will most certainly include, by way of example, public/private partnerships, coordinated financial incentives, the conversion of some subdivided houses back to single family- owner occupied status, and active resident participation in planning and implementing these and other items.
- ③ I think the garbage can issue is a significant aspect of neighborhood improvement. Aesthetic regulations are more elusive than we might first expect. And there are other aesthetics we might consider, such as building maintenance, landscaping, excessive clutter, and so forth. A very thorny issue, which many people mention, is signs. Signs have been discussed for at least forty years. As our codified ordinances state in section 150..."without adequate regulations and design standards, signs are a nuisance." We have to pick the items we can most likely be successful with. We might want to pursue a maintenance code or rethink our sign policies. But this could be very time consuming, so I would like to focus on big picture housing revitalization.

4. To emphasize the point that we are not the first group of people to think about housing improvements, I want to read through the list of items spelled out in the 2009 update of the housing section of the master plan. As I quickly read through the list, think of the level of progress that has or has not been made in neighborhood improvement since 2009.

- a. Worker incentives to buy houses in BG
- b. Revolving loan fund
- c. Senior housing
- d. Housing trust fund
- e. Code enforcement
- f. CDBG housing rehab loans
- g. Neighborhood associations
- h. Student involvement
- i. CDC
- j. Affordable housing
- k. Historic preservation
- l. Aging apartment buildings
- m. Green initiatives
- n. Conversion of rental properties
- o. Maintenance standards

A lot of good people have worked to improve neighborhoods for a long time. Many residents and businesses have made tremendous improvements at great expense over the years as well. I know this was a bit lengthy, but I wanted people to know we are not sitting on our thumbs.