

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014E

Held

TUESDAY, JULY 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, 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, Planning Director Heather Sayler, and Parks and Recreation Director Kristin Otley. Utilities Director Brian O'Connell was not present.

Council Member Rowland moved, Zanfardino seconded, to approve the minutes of the regular meeting held June 20, 2016 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

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

OFFICIAL REPORTS

Mayor Dick Edwards began his report with the swearing in of the City's newest Police Sergeant, Ryan Tackett who is replacing Sergeant Alan Carsey who recently retired from the Police Division.

Mayor Edwards presented a Proclamation to Parks and Recreation Director and Parks & Recreation Board Member Cheryl Windisch in recognition of the month of July as Parks and Recreation month in Bowling Green.

Mayor Edwards read a statement regarding the status of the green space located at the corner of W. Wooster and S. Church Streets. He asked for the citizens to be patient as the City analyzes the options for relocation of the City building and reaffirm the green space plan recommended by the task force. The Mayor indicated that he expects the City to make some decisions within the next two months.

Mayor Edwards expressed his appreciation to Earlene Kilpatrick and the BG Chamber of Commerce for an outstanding fireworks display on Sunday night.

Municipal Administrator Lori Tretter expressed her thanks as well to everyone involved with the 4th of July fireworks display. Tretter also noted that the Classics on Main Car Show will be held this coming Saturday and reviewed the logistics and street closures required for the show.

Planning Director Heather Sayler had no report.

Parks and Recreation Director Kristin Otley updated Council on current and upcoming parks and recreation activities and programs.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell was not present.

Public Works Director Brian Craft updated Council on the ongoing work in City Parking Lot #2 and the upcoming work to upgrade the intersection of Gypsy Lane Road and S. Main Street. Craft also reported that road salt bids came in lower than last year at \$39.77 a ton which is approximately \$10 less per ton than last year.

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 a resolution amending the City of Bowling Green Financial and Debt Policy.

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 Aspacher, for the Public Utilities Committee, introduced an ordinance accepting a utility easement from Maurer Rentals, LLC.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance accepting utility easements from 115 E. Court Street, LLC, and 223 Rentals, LLC and Sky BG Properties, LLC.

COUNCIL COMMITTEE REPORTS

Council Member Gordon reported that the Community Improvement Committee met earlier this evening to further discuss proposed changes to Chapter 94 of Codified Ordinances and voted to send the full language of the changes to Council at the next meeting. Gordon indicated that he would like to have a discussion among Council Members regarding the proposed language for the placement of trash receptacles on private property.

Council Member Gavarone began the discussion by indicating that she has had a number of residents in the 4th Ward contact her regarding this matter. She said that she is hearing complaints from those who keep their trash receptacles in front of their garages and those who have gone to the expense of putting in landscaping to hide them. She noted that she has received complaints regarding the difficulty of moving the trash bins from the back of the house to the front through snow and mud. She's had people asking that the bins still be permitted in front of garages. Gavarone also noted that she does not want to burden people unnecessarily and feels that there may be some sort of compromise that could be worked out so that those affected can gain some relief. Gavarone suggested language that states that the trash bins would not be allowed in front of the living portion of the residence, but would be allowed in front of garages.

Council Member Gordon indicated that he is open to compromise and is fine with doing due diligence to get the language right. Gordon said that those people who are saying that trash can placement is not a problem have not spent enough time in the areas of town where it is indeed a problem. He expressed his frustration saying that inconveniences for some residents does not trump the quality of life issues experienced by others, especially those citizens in his ward. He also indicated that it sends a bad message if Council can't get this done since there are likely to be other changes coming from the upcoming neighborhood revitalization study. He also said that he doesn't understand what makes Bowling Green different from other communities like Kent and Oxford who have implemented similar legislation without difficulties.

Council Member Rowland who also lives in the 4th Ward said that she has not heard complaints from residents about the proposed changes. Rowland, noting that she is a realtor, said that others in the real estate business have taken note of the trash bins left out in Bowling Green. Rowland indicated that she thinks that keeping the trash bins in the back of the residence is going to help the overall look of the community and

questioned whether or not moving a trash bin to the back yard is a true hardship for physically able residents. She also noted that this is not a big issue and wonders how successful Council will be in implementing the rest of the City's new land use plan if this issue cannot be solved.

Council President Aspacher noted that during his years on Council he has never heard any complaints about trash can placement until the new changes were proposed. He said that the City should not over-reach and create hardships for residents when trying to correct a problem that exists with 100 or fewer homes in the City. He also indicated that the issue seems to be in older neighborhoods where houses are closer to the streets and on narrower lots. Aspacher noted that there are a lot of residents who keep their trash bins on the asphalt in front of their garages that would be faced with dragging them back through the yard or pouring a sidewalk in order to get them from the back of the house to the front. Aspacher indicated that he advocated for a compromise that would not be over-reaching and put undue hardship on citizens and liked the idea of moving the trash cans away from the primary living portion of the house. He pointed out that there was a diagram created by Council Member Gavarone that he feels gives a good representation of where trash cans can be placed at a residence that achieves the goal of getting them out of the front yards. Aspacher indicated that he does not support the language recommended by the committee that says the trash bins cannot be visible from the street.

Council Member Jeffers stated that he is a strong support of the land use plan and feels that Council can find a way to deal with those nuisance properties without impacting people in other neighborhoods in a way that they don't want. Jeffers indicated that he did an informal poll of people working in their yards over the past weekend and most of the people he talked to kept their cans in their garages and were not in favor of the new restrictions. Jeffers noted that he thinks that Council can make some changes in a way that is not burdensome to the citizens. He agreed with Council Member Gavarone that it would be acceptable to him if the trash cans are on driveway at the corner of the garage and agreed that the lids should be closed either at all times or at the point of pickup.

Council Member McOmber stated that Council needs to give guidance to the City Attorney for language that is likely to get enough votes to be adopted. He indicated that he has heard some willingness to compromise, however, he didn't hear four Council Members say the same thing. He feels that no one on Council wants to do nothing, so they need to find common ground in order to draw up legislation.

Council Member Zanfardino noted that he felt that the comments the Mayor made earlier in the Community Improvement Committee meeting were helpful to him and significant because the Administration is suggesting something that they feel they can enforce. Zanfardino indicated these requirements have been enacted in a lot of cities and he does not understand why these changes are creating a crisis in Bowling Green.

Gordon led the discussion towards making a list of points that could be agreed upon in order to give the City Attorney guidance in preparing the legislation. They agreed to requiring all trash to be inside the container and that the lid must be closed at all times. As for placement of the trash bin, there was much discussion back and forth amount Council Members, but asked the City Attorney to use the language from the Kent, Ohio ordinance that requires trash containers to be stored behind the front end of a house except when at the curb for pickup. Council Members asked for the legislation to be introduced at the next meeting so that it can be enacted at the second meeting in August, prior to the students returning to BGSU for the fall semester.

LOBBY VISITATIONS

Lynn Ackerson, 8 Arlington Court, indicated that she has seen a culture change on her street where slowly over time more and more trash cans are being stored outside of the home rather than in the garage.

Les Barber, 303 N. Prospect, stated that he is disappointed and depressed that the majority of Council doesn't seem to be standing up for the viability of the older neighborhoods. He questioned how the City will be able to proceed with the upcoming neighborhood revitalization plan if they can't enact strong trash bin rules.

Lori Young, 325 N. Prospect, thanked Council for taking care of the blue and yellow house in getting the enormous amounts of trash removed. She also thanked Council for the healthy debate on the issue of trash and placement of trash bins.

William Herald, 1030 Conneaut, also thanked Council for their debate on the issue. Herald asked some specific questions regarding the placement of trash bins and suggested adding a specification for the number of feet from the street for where a trash bin can be stored.

Earlene Kilpatrick, Executive Director of the BG Chamber, thanked the City and the 140 donors for the July 4 fireworks display.

READING OF LEGISLATION

Clerk read Resolution #3631 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Gavarone seconded, to suspend the rules and give Resolution #3631 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 #3631 for second and third reading by number and title only.

Council Member McOmber moved, Gordon seconded, to adopt Resolution #3631. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Zanfardino, Aspacher, and Gavarone voted yes. Council President Aspacher declared motion carried, and Resolution #3631 adopted.

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

Clerk read Ordinance #8526 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, Jeffers seconded, to suspend the rules and give Ordinance #8526 its second and third reading. On roll call vote, Council Members Jeffers, McOmber, Rowland, Zanfardino, Aspacher, Gavarone, and Gordon voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8526 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8526. On roll call vote, Council Members McOmber, Rowland, Zanfardino, Aspacher, Gavarone, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8526 adopted.

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

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

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

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

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 second reading.

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 second reading.

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 second reading.

Clerk read 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, for second reading.

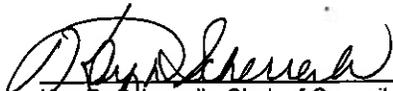
Clerk read Resolution #3629 authorizing the filing of a proposal(s) and/or application(s) with the Ohio Department of Transportation for grants through the US DOT Federal Transit Administration (FTA), as authorized under Federal Transit Laws, as Codified, 49 USC Section 5311, financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant program, executing a contract/grant for the FY 2017 Ohio Elderly and Disabled Transit Fare Assistance program, and executing a contract with the Ohio Department of Transportation upon grant proposal and/or application acceptance, for third reading.

Council Member Gordon moved, Zanfardino seconded, to adopt Resolution #3629. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Resolution #3629 adopted.

Clerk read Ordinance #8519 authorizing the Utilities Director to accept a utility easement from Meijer Distribution, Inc., for third reading.

Council Member Aspacher moved, Rowland seconded, to adopt Ordinance #8519. On roll call vote, Council Members Zanfardino, Aspacher, Gavarone, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8519 adopted.

Council Member Rowland moved, Zanfardino seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the July 5, 2016 regular meeting of the City Council at 9:00 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



Michael Aspacher, President of Council



July 5, 2016

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

Transfers requested for the month of July 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