

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, NOVEMBER 21, 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, 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, Planning Director Heather Saylor, and Parks and Recreation Director Kristin Otley. Utilities Director Brian O'Connell was not present.

Council Member Zanfardino moved, Jeffers seconded, to approve the minutes of the regular meeting held November 7, 2016 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk Kay Scherreik reported that an application was received from the Ohio Division of Liquor Control for a transfer of a D1, D2, D3, D3A, and D6 liquor permit from JFU Limited, dba Howards Club H, located at 210 N. Main Street, to Feezly LLC, dba Howards at the same location. Clerk noted that a check of the records was received from the Police Division and no detrimental information was noted.

Clerk also noted for the record that the Financial Budget Summary Report for the month of October 2016 was distributed to Council prior to the meeting this evening.

OFFICIAL REPORTS

Mayor Dick Edwards reported that the NIOT March for Peace held on Friday was a very successful event with approximately 400 people participating. Mayor Edwards also reminded Council of the upcoming tree lighting on Friday and the annual holiday parade on Saturday.

Mayor Edwards introduced Dave Ridenour and Steve Benner of the American Legion Post 45 who presented a plaque to Public Works Director Brian Craft for the recent work on restoring the Veterans Memorial in City Park. Craft accepted the award indicating that the restoration was a team effort involving several City departments and divisions.

Municipal Administrator Lori Tretter invited Police Chief Tony Hetrick to address Council regarding the recent re-accreditation of the City's Police Division by CALEA (Commission on Accreditation for Law Enforcement Agencies). Chief Hetrick reported that this is the 8th time over the last 23 years that the BGPD has received the CALEA accreditation. He explained that the process is length and detailed and the agency must comply with 480 standards. Hetrick noted that the accreditation is valid for 4 years.

Planning Director Heather Saylor reported that Adam Rosa from Camiros visited the City today to bring the staff up to date on the progress of the Community Action Plan (neighborhood study). Saylor indicated that the plan is about a third of the way complete. She also announced that the third community meeting is tentatively scheduled for Tuesday, February 7. Saylor also reported that she attended the annual Northwest Ohio Planning Conference last week in Toledo. She noted that some of the most interesting presentations touched on the revitalization of Dayton, Ohio neighborhoods and the impact of autonomous cars on communities.

Parks and Recreation Director Kristin Otley took the opportunity to thank the citizens of Bowling Green for passing the levy that was on the ballot earlier this month. Otley also reported that the City was notified that Parks & Recreation will be receiving two grants totaling approximately \$9000 from the Wood County Park District.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell was not present.

Public Works Director Brian Craft had no report.

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 authorizing the Municipal Administrator to enter into a renewal agreement with the Wood County Public Defender.

Council Member McOmber, for the Finance Committee, introduced an ordinance 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.

Council Member McOmber, for the Finance Committee, introduced an ordinance 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.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance 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.

COUNCIL COMMITTEE REPORTS

Council Member Jeffers reported that the Planning, Zoning and Economic Development Committee met earlier this evening to hold a public hearing for Ordinance #8539. Jeffers noted that there was some discussion regarding the limits of the number of floors allowed in the B-5 district which will be brought up after the ordinance is given its third reading.

LOBBY VISITATIONS

Kris Phillips, 617 Knollwood Drive, indicated that he was a member of the Planning Commission and wished to address City Council regarding the proposed ordinance removing the number of stories allowed in zoning classifications and in particular the B-5 district. Phillips noted that he is an architect with a little over 20 years in the business. Phillips said that with floor restrictions removed from the City's zoning code, it would be not be possible, reasonably speaking, to build a 30-foot, three-story building with commercial use on the bottom floor and residential on the top floors. He noted that there was a fear that that could possibly happen if the floor restrictions were changed in the B-5 district. He stated that as the code is written now with the 30-foot limitation, it is essentially limited to buildings with flat roofs since it would be impossible to have a two-story building with a pitched roof and still meet the 30-foot limit. Phillips also said that the City needs to consider not only density issues but also how to allow potential developers to create attractive buildings.

Council Member Jeffers noted that one concern at the public hearing held by the Planning Commission was that a developer could build a basement as an extra story. Phillips responded that he supposed that could be done, but commercial developers tend to want the commercial part of the buildings to be exposed to the public for business purposes.

Jeffers went on to say that the City seems to be trying very hard to make sure that structures do not exceed two stories, but perhaps the height restriction issue needs to be revisited in the future in order to encourage development.

Laura Sanchez, 202 W. Reed, spoke in opposition to the granting of an easement to Nexus Gas Transmission and cited a court decision in Wood County by Judge Pollex which denied a gas company the right to use eminent domain in that pipeline case. Sanchez stated that she feels passage of Ordinance #8544 is fiscally irresponsible because of the relatively small amount of money gained versus the potential harm the pipeline could do to the environment.

Lisa Kochheiser, 1045 Varsity West, noted that on her way home from work this afternoon driving down Dunbridge Road, she noticed that Nexus just started restructuring the drainage tile along the high-voltage power lines where the right-of-way is to run. Kochheiser inquired they just found out about this easement coming before Council less than a month ago when landowners in the area affected by the pipeline found out almost two years ago. She also asked if the City owned property along the Utopia and Rover pipeline routes. In her opinion, the location of this pipeline and its proximity to the Bowling Green water supply is too close. Kochheiser asked to see the report requested by Council Member Rowland from the Utilities Director regarding this matter. Rowland responded that she received it late this afternoon and would be sure she was given a copy. She also asked that Council follow the County Commissioner's lead and pass a resolution opposing the pipeline.

Aiden Hubbell-Staeble, 137 E. LeRoy, voiced his opposition to the easement for the Nexus pipeline urging Council to look beyond the monetary costs and to do what is right for the community.

Anita Britt, Wayne, Ohio, indicated that she recently had the privilege to deliver supplies to protesters opposing the pipeline at Standing Rock, North Dakota, feeling that it was her duty to serve in that capacity. Britt asked Council to protect the City's water supply.

Some who addressed City Council traveled from other parts of the state and Michigan to express their opposition to the pipeline easement and urged Council not to pass the ordinance that gives Nexus the right to cross over City-owned property. Some indicated that they were fighting the same pipeline in their areas of the state. Here is a list of those people who spoke to Council from outside the community:

- Rev. Dr. Sharon Kiesel, Medina, Ohio
- Tish O'Dell, Broadview Heights, Ohio
- Kathy Jones, Medina, Ohio
- Wendy Lyons, Waterville, Ohio
- Paul Wohlfarth, Ottawa Lake, Michigan
- Carrie Owens, Maumee, Ohio
- Albert Smith, Elyria, Ohio

Matthew Cunningham, 1470 Clough Street, stated that this pipeline is not in the community's best interest and indicated that he has not heard from anyone who has publicly stated that they are in favor of this pipeline. Cunningham noted that there are injustices taking place from the same companies that are trying to put this pipeline in our community.

Rachel Chapman, 649 Sixth Street, stated that in her opinion this pipeline is not helping the citizens of Bowling Green aside from the money that is being offered for the easement. She indicated that the people benefiting from this are the rich people on Wall Street that line their pockets with oil money and Bowling Green does not need to help them get rich faster at the expense of the community.

Ross Martin, 224 Troup Street, indicated that it is the responsibility of all of us to take a stand on this pipeline for the future of others so that these gas companies take notice of what was done in our community.

Janice Lower, 17450 W. River Road, noted that she lives 400 feet from the proposed pipeline route and expressed her strong opposition to the placement of the pipeline and the compressor station in our community and to the government conferring the right of eminent domain upon Nexus for their corporate gain. She noted that the pipeline would be at the expense of the health, safety, property values and the future of the community.

Scott Simmons, 212 S. Summit Street, indicated that supporting the pipeline supports fracking and Bowling Green took a stand against fracking back in 2013.

Daniel Myers, 707 E. Merry Avenue, spoke on behalf of the BGSU Environmental Action Group, said that this is our chance to stand up for what is right as a community.

Sally Medbourn-Mott, 339 S. Wintergarden, stated that there are six pipelines running through Wood County. She noted that the Nexus pipeline will run very close to the City's water intake, so there is the water situation, across the river there is ongoing quarry blasting in Waterville, there is Waterville's benzene and formaldehyde spewing compressor, and the entire area's ongoing fracking and waste well injections all going on in a geologically unstable region. She said that maybe Council can send a message to Nexus that in Bowling Green residents are worried about the pipelines. She said that the City should deny the easement and let them carry through on their eminent domain threats.

Alex Schoen, 2055 Napoleon Road, made a Native American statement, "when the last tree has been cut down, the last fish caught, and the last river poisoned, only then can we realize that we cannot eat money."

Ryan McConnell, 1101 E. Wooster Street, made statements regarding the morality of the pipeline companies.

Neocles Leontis, 129 N. Summit Street, raised a different perspective regarding the issue explaining that Ohio has had very low natural gas prices in the past several years because of all the fracking taking place in the region. Leontis explained that because of that the pipeline companies can make far more profits by exporting the natural gas to Canada or other countries questioning who benefits from those profits. Council Member Rowland asked Mr. Leontis if he was aware of how the citizens of Bowling Green may benefit from the natural gas from the Nexus pipeline. He indicated that he would research it and get back with her on that matter.

READING OF LEGISLATION

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

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

Clerk read Ordinance #8541 authorizing the Municipal Administrator to enter into a contract or contracts with a specified vendor for work that will exceed \$50,000 for calendar year 2016, for second reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Ordinance #8541 its third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Seeliger, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8541 for third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8541. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Ordinance #8541 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 second reading.

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

Council Member McOmber asked City Attorney Michael Marsh to look into what Nexus Gas Transmission needs to do to proceed with gaining eminent domain for the installation of the pipeline, when is it likely to occur, how long will the proceedings take, and how does Judge Pollex's recent decision in another pipeline case affect a case by Nexus. Marsh responded that Nexus is not a public utility and does not currently have eminent domain power but they are in the process of obtaining it. As far as how long it would take, it could actually take as little as one day to acquire the rights to the property because in Ohio once the papers are filed, Nexus would take control of the property. Marsh continued by noting that the \$151,000 that Nexus agreed to pay for the easement on City-owned property was not the most important thing in negotiations with Nexus. The location of the pipeline was important in that the property in question already has two Toledo Edison electric easements on it. The City negotiated with Nexus to move their pipeline to be located adjacent to those easements so that it would have the least affect on the remaining property. Marsh continued responding to McOmber's questions saying that he isn't sure if the decision made by Judge Pollex against another pipeline company's plans would have any bearing on the Nexus project, however, it is contrary to all the other decisions made regarding similar issues. Council Member Jeffers asked if the City had any chance at resisting eminent domain. Marsh responded that if Nexus secures eminent domain powers, the City cannot stop its plans and that that is the most powerful weapon someone can have. Marsh explained that allowing this easement was the City's efforts to control where the pipeline was located and where it would have the least affect on City-owned property.

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 second reading.

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 second reading.

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 second reading.

Clerk read Resolution #3644 designating financial institutions as public depositories, for third reading.

Council Member McOmber moved, Rowland seconded, to adopt Resolution #3644. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Resolution #3644 adopted.

Clerk read Ordinance #8538 authorizing the Municipal Administrator to enter into a contract with the Bowling Green Convention & Visitors Bureau for the promotion and publicizing of the City of Bowling Green, Ohio, to bring the patronage and business of cultural, educational, religious, professional and sports organizations into the City for the benefit of the citizens of the City and the business community thereof, and authorizing the payment of 60% of the revenue generated by the hotel-motel tax for said purpose, for third reading.

Council Member McOmber moved, Zanfardino seconded, to adopt Ordinance #8538. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8538 adopted.

Clerk read Ordinance #8539 amending and adopting Section 150.16 of the Codified Ordinances of the City of Bowling Green, Ohio, relating to bulk and density regulations, for third reading.

Council Member Jeffers moved, Zanfardino seconded, to amend Ordinance #8539 by retaining the 2-story floor limitation in the B-5 zoning district.

Council Member McOmber asked if retaining the story limitation for a single zoning classification creates any legal problems. City Attorney Michael Marsh responded that it doesn't worry him, it just means that the overall problem and confusion they had originally with the limitations will only apply to the B-5 zone which makes the situation better, but not totally better. Council President Aspacher commented that he will be voting against the amendment because he thinks that the request as presented by the Administration simplifies things and will have little effect. He also indicated that he feels that the physical characteristics of construction will sufficiently limit the concerns expressed about 3-story buildings in the B-5 district. Council Member Seeliger noted that he was leaning towards the support of the 2-story limitation until it was clarified that the first story must be commercial. He indicated that that alleviated most of his concerns. On roll call vote, Council Members Zanfardino, Gordon, Jeffers, McOmber, and Rowland voted yes. Council Members Seeliger and Aspacher voted no. Council President Aspacher declared motion carried, and Ordinance #8539 is amended.

Council Member Jeffers moved, Zanfardino seconded, to adopt Ordinance #8539 as amended. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Rowland, and Seeliger voted yes. Council President Aspacher declared motion carried, and Ordinance #8539 adopted as amended.

Council Member Zanfardino moved, Gordon seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the November 21, 2016 regular meeting of the City Council at 9:10 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



Michael Aspacher, President of Council