

Held

MONDAY, OCTOBER 3, 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 7:10 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 Zanfardino moved, Rowland seconded, to approve the minutes of the regular meeting held September 19, 2016 as distributed. Council President Aspacher declared motion carried.

### CORRESPONDENCE

Clerk Kay Scherreik noted that a listing of budget transfers for the month of October was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member McOmber moved, Zanfardino 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 noted that the list of 2017 Parks & Recreation fees were distributed to Council last week noting that according to Section 97.14 of the Codified Ordinances those fees need to be approved by City Council. Council Member Rowland moved, Seeliger seconded, to approve the fees as presented. On unanimous voice vote, Council President Aspacher declared motion carried.

### OFFICIAL REPORTS

Mayor Dick Edwards noted that it was a weekend of celebrations in Bowling Green this past weekend with homecoming being celebrated at both the high school and BGSU, the official opening of the BGSU Greek Village on E. Wooster Street and the Kuhlín Center on campus, the beginning of National Hispanic Heritage Month in Bowling Green, the dedication of the newly restored stained glass windows at the First Presbyterian Church, and lastly, the closing of Myles Pizza after 39 years of business in Bowling Green. Mayor Edwards congratulated Chip and Bridget Myles on their retirement.

Mayor Edwards indicated that the City will be reaffirming the commitment as a City to the Not in Our Town (NIOT) movement during the week of October 17 and will be holding two events. On Thursday, October 20, a Peace March from the corner of Main and Wooster beginning at 12:00 noon and a 4:00 p.m. celebration event at the Falcon's Nest in the Bowen-Thompson Student Union. Mayor Edwards encouraged Council Members to attend these upcoming NIOT events.

Mayor Edwards noted that Resolution #3639 making the area at the corner of W. Wooster and S. Church Streets as "open public space" will be receiving its final reading at tonight's meeting. Not wanting to be presumptuous the Mayor wished to express his feelings of thanks and appreciation to City Council for making this happen and added his thanks to the Green Space Task Force and others who have been so supportive of protecting this historic 1.7 acres of downtown BG as green space. Assuming that the resolution is adopted tonight, the Mayor indicated that he will be meeting on October 11 with members of the task force and with officers of the Downtown BG Foundation tomorrow about possible next steps in the process.

Council Member Jeffers expressed concerns to the Mayor regarding the hiring practices of the contractor on the solar project that is being constructed in Bowling Green as it was his understanding that people working on the project would be paid prevailing wage.

Mayor Edwards commented that this is a situation that is taken very seriously and there have been frustrations associated with the solar project. Mayor Edwards noted that the City is not the primary contractor and that the City is working through AMP, Inc. who has contracted with NextEra to build the project. The Mayor assured Council that the City is conforming with every aspect of Ohio law, but perhaps those laws need to be changed. Mayor Edwards asked Utilities Director Brian O'Connell to address the issue during his report to City Council later in the meeting. Mayor Edwards stated that he hopes this doesn't detract from the overwhelming positive nature of this project noting that once completed, the project will be the largest solar field in the state of Ohio.

Municipal Administrator Lori Trotter had no report.

Planning Director Heather Saylor announced that the Community Meeting #2 for the BG Community Action Plan will be held on Tuesday, October 11, from 6:30-8:00 p.m. in the Bowen-Thompson Student Union on the BGSU campus.

Parks and Recreation Director Kristin Otley that the Simpson Garden Park parking lot will be closed for a couple of days this week for repaving. Otley also reported regarding upcoming Parks & Recreation programs and activities.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell reported that he attend the annual AMP Conference and was selected to serve on the AMP Board for the next three years.

O'Connell noted that he spoke to a representative from AMP today regarding the solar project who received reports from the contractor on the project (Blattner Energy) that they are using 85% Ohio labor on the project. O'Connell indicated that the tax abatement agreement with the County Commissioners required 80% Ohio domicile labor, but NextEra actually bumped up the requirement to 82%. O'Connell also noted that the Mayor is correct and according to Ohio law there is no requirement in the tax abatement agreement that they have to pay prevailing wage or hire union labor. However, if this were a City project, the City does have a prevailing wage requirement for projects such as this. When the City reached out to the third party solar developer through AMP, they assumed the construction risk for the project, so the hiring practices falls to them to follow Ohio labor laws. O'Connell noted that at the end of the day, the City is buying the kilowatt hours that are going to be generated by the project. So, the City is removed from the construction risks of the project. O'Connell said that Blattner Energy held a job fair in Bowling Green where 60 people attended and 14 of those were hired based on qualifications.

Council President Aspacher asked O'Connell how he accounts for an email Council received from an AMP official on September 2 indicating that prevailing wages would be paid to workers on the solar project. O'Connell indicated that he would have to research that. Aspacher there is some very conflicting information on what they were told and what is now actually being seen as the project progresses. Aspacher indicated that he would like a more detailed response from AMP and an explanation as to why local contractors were not considered for the project. He noted that on the night that the legislation was approved by City Council, representatives nodded approvingly when he expressed his desire that local contractors be given consideration for the project. Aspacher further noted that it appears as those comments fell on deaf ears as he knows two area contractors with considerable experience handling solar projects that were not even approached. Aspacher said that he understands that the City is removed from the construction phase of the project, but it is being built on Bowling Green property and in his mind that makes it a Bowling Green project. Aspacher asked O'Connell to check to see if any efforts were made to investigate possible attempts to skirt around the Ohio labor requirements and to seek information from AMP as to why they misrepresented the project as a prevailing wage job. Aspacher indicated that the information is not only important to him, but to all Wood County residents who have a stake in this project due to the large tax abatement granted to the project.

Public Works Director Brian Craft updated Council on current roadway projects and on progress towards educating residents regarding the new refuse pickup regulations. Craft indicated that he has instructed employees that they should move on to the next step after the education process and be issuing warnings for violations. If the violations continue, then fines will be issued.

**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 COMMITTEE REPORTS**

Council Member Zanfardino noted that the Transportation & Safety Committee met earlier this evening to further discuss complete streets and scheduled another meeting for Monday, October 17, at 6:00 p.m. to further discuss the issue.

**LOBBY VISITATIONS**

Jim Stainbrook, Wood County Committee on Aging, addressed Council regarding the upcoming renewal levy on the November ballot. Stainbrook discussed the services that were provided by the agency and indicated that the levy helps pay for those services for the County's senior citizens.

Wendy Chambers from the Bowling Green Convention & Visitors Bureau (CVB) addressed Council regarding the bureau's activities and introduced two members of the CVB Board, Patrick Nelson and Todd McGee.

**READING OF LEGISLATION**

Clerk read Resolution #3643 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Resolution #3643 its second and 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 Resolution #3643 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Resolution #3643. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3643 adopted.

Clerk read Ordinance #8534 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for professional cleaning services for the Municipal Court Building, for second reading.

Clerk read Ordinance #8535 authorizing the City's participation in the Treasurer of Ohio's Market Access Program; authorizing the preparation and filing of an application for that program and the execution and delivery of a Standby Note Purchase Agreement with the Treasurer, and other necessary and appropriate documents, and declaring an emergency, for second reading.

Clerk read Resolution #3638 adopting and authorizing an amended B.G. Transit Drug and Alcohol Testing Policy, for third reading.

Council Member Zanfardino moved, Gordon seconded, to adopt Resolution #3638. On roll call vote, Council Members McOmber, Rowland, Seeliger, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and Resolution #3638 adopted.

Clerk read Resolution #3639 declaring the City-owned real estate generally known as 215 West Wooster Street as open public space, for third reading.

Council Member Aspacher moved, Rowland seconded, to adopt Resolution #3639.

Council Member Rowland indicated that she supports this legislation with her soul and her heart. She feels that preserving this green space downtown makes the City more attractive and brings the community together.

Council Member Jeffers indicated that his opinion is a little different from Rowland's in that he feels that the space worked better with a building located on it, but realizes his view is in the minority. He said that it is a beautiful space and it will continue to be a beautiful space so he's happy to support it. Jeffers noted that this whole process has helped Council focus on the need to replace the current City Building as soon as possible.

Council Member McOmber commented that it has taken Council a long time to get to this point due to the different opinions on uses for the space by Council Members. McOmber indicated that he felt that it was important to sort out all the possibilities and to not turn the issue into a negative battle. McOmber noted that he supports preserving the property as green space.

Council Member Zanfardino noted that there had been some discussion that a phrase be added to the resolution that the action taken by Council be made permanent and that he was in favor of doing that. City Attorney Mike Marsh said that Council could add that language to the resolution, but it would not guarantee that a future Council would abide by that wording. Council declined making any changes to the wording.

On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Resolution #3639 adopted.

Clerk read Resolution #3640, as amended, imposing a temporary moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Bowling Green, Ohio, for third reading.

Council Member Aspacher moved, McOmber seconded, to adopt Resolution #3640. Council Member Gordon commented that his opinion on the merit of the resolution had not changed during the time this resolution was going through the process and indicated that the matter was unnecessary and counterproductive. Council Member Jeffers agreed with Gordon's comments and said that he did not see any problematic zoning issues concerned with medical marijuana. On roll call vote, Council Members Seeliger, Aspacher, and McOmber voted yes. Council Members Gordon, Jeffers, Rowland, and Zanfardino voted no. Council President Aspacher declared motion defeated, and Resolution #3640 was not adopted.

Clerk read Ordinance #8531 amending and adopting Section 12.02 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding bench mark; grade datum, for third reading.

Council Member Jeffers moved, Gordon seconded, to adopt Ordinance #8531. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Rowland, and Seeliger voted yes. Council President Aspacher declared motion carried, and Ordinance #8531 adopted.

Clerk read Ordinance #8532 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, Gordon seconded, to adopt Ordinance #8532. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Rowland, Seeliger and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8532 adopted.

Council Member Zanfardino moved, Rowland seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the October 3, 2016 regular meeting of the City Council at 8:20 p.m., subject to call.

  
Kay D. Bonnerreik, Clerk of Council

  
Michael Aspacher, President of Council



October 3, 2016

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

Transfers requested for the month of October 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
<b>Total</b>				\$ 294,931.90	\$ 294,931.90