

RECORD OF PROCEEDINGS  
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, AUGUST 21, 2017

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 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. Mayor Richard Edwards was not present.

Council Member Rowland moved, Seeliger seconded, to approve the minutes of the regular meeting held August 7, 2017 as distributed. Council President Aspacher declared motion carried.

**CORRESPONDENCE**

Clerk Kay Scherreik noted that a resolution was distributed to Council prior to the meeting that was not included on the agenda which would be required in order for a proposed community rights charter amendment to be placed on the General Election ballot.

**LOBBY VISITATIONS**

Jennifer Karches, 407 N. Main Street, addressed Council urging the City to file a Motion to Intervene with FERC regarding the Nexus pipeline.

Brad Holmes, 327A E. Evers Avenue, commented that it is important that citizens have a say in what happens in their community. Holmes indicated that he thinks it's important to have the Charter amendment on the November ballot. He noted that three weeks ago today, a petition was turned in to the City to place the Charter amendment for proposed community rights on the November ballot. He also noted that just as the 10 day holding period was coming to an end, it was reported in the media that this petition was going to be banned from the upcoming November ballot because the petitions were not turned in by the deadline set forth by the Board of Elections as reported by City representatives. He further stated that as a result of these damaging reports which have not yet been rescinded and with the knowledge that these reports were a mistake, he "demanded" that the City set the record straight regarding that incident. Since that time, the Board of Elections has determined that the petitions contain enough signatures to have the issue on the ballot and Council has before it tonight a resolution that must be adopted to move the process along.

Council President Aspacher responded that there are a clear set of procedures set forth by the Board of Elections that determines whether or not the Charter amendment appears on the ballot. Aspacher stated that the City up to this point has most definitely followed through to the letter what is set forth by those rules and procedures that is their role in the process. Any insinuation to the contrary is not accurate. Aspacher noted that the next step in the process will be Council's role by adopting the resolution this evening that will move it forward if the Board of Elections determines that it meets the criteria which is out of the hands of the City of Bowling Green.

Ross Wiley, Lima, Ohio and Peter Wiley, Beavercreek, Ohio, addressed City Council regarding their TREX liquor permit application that is being considered by Council for a Rapid Fire Pizza location at 852 S. Main Street. The Wiley's explained that there aren't any liquor permits available in Bowling Green, and that while they prefer to only have a beer license, they have found a D3 license that is available in Howard, Ohio that can be transferred by the TREX application process with the State of Ohio. They explained that they would like to serve local craft beers along with their pizzas. Concerns were expressed by Council Members about allowing another liquor license in

the City that if the pizza restaurant were to go out of business, the license could be used to open a bar either at that location or at another location in Bowling Green. Peter Wiley assured City Council that they do not intend to move or change their business model. He indicated that they have invested approximately \$500,000 in the South Main location and have entered into a long-term lease with options to renew. Council Member Rowland said that she is concerned that if the restaurant moves, the license could be transferred to a downtown location which would present competition for existing downtown restaurants serving beer and take a location that would be better utilized for retail. She also indicated that residents have expressed their desire to have more restaurants, but not more bars. Again, the Wiley's assured Council that they have no desire to open a bar and are making the investment at the South Main location and intend to stay there and operate as a Rapid Fire Pizza restaurant.

Laura Sanchez, 202 W. Reed Street, address Council regarding the proposed Charter amendment. She said that people have worked hard to get the signatures required for the citizens to consider an environmental bill of rights. She's concerned that the City is being impacted by the Nexus pipeline and this is a chance for voices to be heard. She asked Council for a fair discussion on the Charter amendment and support from the City.

### OFFICIAL REPORTS

Mayor Dick Edwards was not present. Municipal Administrator Lori Tretter read Mayor Edward's report, a copy of which is attached and made a part of these minutes.

Municipal Administrator Lori Tretter reported that the City is starting a Citizens Academy that will be utilized to educate members of City Boards and Commissions on City operations. The first meeting will be held on September 12 at 6:30 p.m.

Planning Director Heather Saylor reported that the Community Action Plan (CAP) update will be held on Tuesday, September 12, from 5-7 p.m. at the Wood County District Library. Saylor noted that attendees are welcome to come anytime during the 2-hour open house time period. Saylor noted that a group of City/BGSU representatives attended the Ohio Town & Gown Summit in Oxford at Miami University. She also noted that the summit will be held in Bowling Green next year on July 19 & 20. Saylor also reported that the 2<sup>nd</sup> Annual Optimal Aging Community Fair – Optimally Aging at Home and in the Community will be held on Tuesday, September 19 from 8 a.m.-3 p.m. at the BGSU Student Union.

Parks and Recreation Director Kristin Otley reminded Council Members of the meeting being held in the Veterans Building at City Park tomorrow, August 22, to see plans for a new building in City Park. Otley noted that the plans will be available for viewing beginning at 5:00 p.m. with a presentation by the architect beginning at 6:00 p.m.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell reported that the solar panels were producing 18 megawatts of power just prior to the solar eclipse this afternoon and went down as low as 3 megawatts at 2:30 p.m. at the peak of the eclipse.

Public Works Director Brian Craft updated Council on current roadway projects noting that Conneaut and Fairview paving is complete with the striping of the pavement to be done in the next week or so. Craft also noted that heavy item pickup will be done the week of September 11.

### 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 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, and declaring an emergency.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Command Officers Association, and declaring an emergency.

Council President Aspacher, for the Committee-of-the-Whole, introduced a resolution to place a proposed community rights Charter amendment on the General Election ballot.

### **COUNCIL COMMITTEE REPORTS**

Council Member Jeffers reported that the Planning, Zoning and Economic Development Committee held a public hearing this evening regarding proposed Ordinance #8614 which makes changes to the City's zoning code for vocational training school use.

### **READING OF LEGISLATION**

Clerk read Resolution #3677 to place a proposed community rights Charter amendment on the General Election ballot, for first reading.

Council President Aspacher moved, Rowland seconded, to suspend the rules and give Resolution #3677 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 #3677 for second and third reading by number and title only.

Council President Aspacher moved, Rowland seconded, to adopt Resolution #3677. Council Member McOmber commented that this action taking by City Council is a matter of procedure and not an endorsement of the proposed Charter amendment. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3677 adopted.

Clerk read Ordinance #8619 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, and declaring an emergency, for first reading.

Council Member McOmber moved, Seeliger seconded, to suspend the rules and give Ordinance #8619 its second and third reading. On roll call vote, Council Members McOmber, Rowland, Seeliger, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8619 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt the emergency clause for Ordinance #8619. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8619. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8619 adopted.

Clerk read Ordinance #8620 authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Command Officers Association, and declaring an emergency, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Ordinance #8620 its second and third reading. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Rowland, and Seeliger voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8620 for second and third reading by number and title only.

Council Member McOmber moved, Seeliger seconded, to adopt the emergency clause for Ordinance #8620. 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 #8620. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Seeliger, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8620 adopted.

Clerk read Resolution #3674 authorizing the Municipal Administrator to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the purpose of purchasing vehicles, machinery, materials, supplies, or other articles, for second reading.

Clerk read Resolution #3676 for City Council not opposing the transfer of a Class D5 liquor permit to Wiley Ventures II, LLC, for second reading.

Clerk read Ordinance #8618 authorizing the transfer of approximately 2.0 acres in the Bellard Business Park to the Bowling Green Community Development Foundation, in lieu of dues, and declaring an emergency, for second reading.

Council Member Jeffers moved, McOmber seconded, to suspend the rules and give Ordinance #8618 its 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 Ordinance #8618 for third reading by number and title only.

Council Member Jeffers moved, Rowland seconded, to adopt the emergency clause for Ordinance #8618. On roll call vote, Council Members McOmber, Rowland, Seeliger, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member Jeffers moved, McOmber seconded, to adopt Ordinance #8618. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8618 adopted.

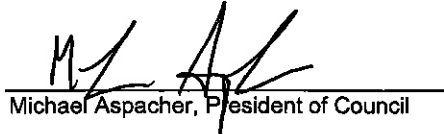
Clerk read Ordinance #8614 amending and adopting Section 150.03, 150.37(C), 150.45(C) & 150.59(A) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding vocational training school use in the City's zoning code, for third reading.

Council Member Jeffers moved, Zanfardino seconded, to adopt Ordinance #8614. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8614 adopted.

Council Member Rowland moved, Seeliger seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the August 21, 2017 regular meeting of the City Council at 7:55 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



Michael Aspacher, President of Council

August 21, 2017

Mayor's Report to City Council

Richard A. Edwards

- What a remarkable and interesting day for science, especially for astrophysicists.
- And from all reports, the weekend was hugely successful for the 51<sup>st</sup> annual National Tractor Pull, the largest event of its kind in the world for truck and tractor pulling competitors and of special import for us a traditional American college town, all of the move in and orientation programs came off nicely and of course today marks the start of the 2017-18 academic year at BGSU.
- President Mazey and I along with Vice President for Student Affairs Dr. Thomas Gibson made the rounds of the E. Wooster Street neighborhoods on Friday afternoon and I also know that Rose Hess and a volunteer corps of 41 walkers from throughout the city helped to distribute 488 Welcome Flyers to single family rentals on the East Side. Thank you all and thank you, Rose, for your leadership.
- I've been asked to call your attention to the second annual Optimal Aging Community Fair at BGSU on Tuesday, September 19<sup>th</sup>. I believe you have a copy of the program announcement has been shared with you.
- I received a call this past week from the Chief of the Bowling Green Regional Office of the Ohio EPA, namely Shannon Nabors, who reported that Director Craig Butler and staff in Columbus are nearly completion of a systematic review of our concerns related to the proposed positioning of the pipeline in Middleton Township close to the City's Water Treatment Plant. I anticipate receiving a report soon in concert with some direct discussion with Director Butler and his staff including Division Chief Shannon Nabors.
- In conclusion, I want to underscore my thanks and appreciation to you, Daniel, for organizing a special gathering of concerned citizens at the Wooster Green and for speaking on my behalf. I am also pleased that you were joined at the event by the Co-Chair of the Human Relations Commission (Mary Jane Saunders) and others including the Community Co-Chairs of Not In Our Town (Gary Saunders and Julie Broadright).
- We have a ribbon cutting ceremony at 4 this Wednesday for the Positive Community Connection program and on Saturday at 4 for the Bobcat Fan Fare and the opening of the new track at the high school. Also on Friday we will be honoring the Black Swamp Players in celebration of 50 years of community theatre in BG. That event will take place at Four Corners from 4 – 6:30.

Mr. President and Members of Council, this concludes my report unless you have questions.