

RECORD OF PROCEEDINGS  
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MONDAY, OCTOBER 16, 2017

Held

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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 were present. 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 Rowland moved, Zanfardino seconded, to approve the minutes of the regular meeting held October 2, 2017 as distributed. Council President Aspacher declared motion carried.

**CORRESPONDENCE**

Clerk of Council Kay Scherreik noted for the record that copies of the Budget Summary Report for the month of September 2017 was distributed to Council prior to this evening's meeting.

Clerk also noted that the updated Parks & Recreation fees for 2018 was distributed to Council prior to the meeting for their approval. Council Member Rowland moved, Seeliger seconded, to approve the fees as presented. On unanimous voice vote, Council President Aspacher declared motion carried.

**LOBBY VISITATIONS**

Holly Cipriani, 1120 Conneaut Avenue, representing NIOT (Not In OurTown) addressed City Council to invite the public to join in the annual Peace March sponsored by NIOT which will be held on Friday, November 3, at noon beginning downtown and marching to BGSU.

Lisa Kochheiser, 1045 Varsity West, addressed City Council regarding the proposed Charter amendment on the November ballot. Kochheiser stated that the purpose of the amendment is to expand the rights of people against harm to the environment. She spoke specifically about the Nexus pipeline and its potential impact to the City's water. She read a strongly worded statement criticizing the City and City Council for not taking stronger actions to stop the construction of the pipeline.

Brad Holmes, 327A Evers Avenue, also addressed City Council regarding the proposed Charter amendment. He indicated that the amendment allows citizens to peacefully demonstrate against pipelines and other environmental threats without the risk of being arrested.

Sally Mott, 339 S. Wintergarden Road, spoke to City Council regarding her concerns about the City not having an ordinance that keeps oil and gas operations out of the City.

**OFFICIAL REPORTS**

Mayor Dick Edwards commented on two upcoming events in Bowling Green:

- Building Global: Welcoming Immigrants & Economic Growth open forum featuring speaker, Steve Tobocman, will be held on Thursday, November 2, from 6:00-7:30 p.m. in the Wood County Library Atrium;
- As previously mentioned, NIOT will be holding the annual Peace March on Friday, November 3, beginning downtown at noon.

Municipal Administrator Lori Tretter announced that Trick or Treat throughout the community will be held on Tuesday, October 31, from 6:30-8:00 p.m.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Kristin Otley reported that the remodeling project at the Rotary Nature Center has begun. Otley noted that this project is being funded by the Parks & Recreation Foundation.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell had no report.

Public Works Director Brian Craft updated Council on current roadway projects and noted that the sewer project on Wolffy will begin on October 23.

### **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 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.

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

Council Member McOmber, for the Finance Committee, introduced an ordinance amending and adopting Section 101.01 and 101.03 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding the hotel-motel tax.

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

Council Member Jeffers, for the Planning, Zoning and Economic Development Committee, introduced an ordinance amending the Zoning District Map of the City of Bowling Green, Ohio, for 0.4683 acres of land located at the southwest corner of Clough Street and Manville Avenue from S-3 Planned Institutional to R-2 Single Family Residential zoning as requested by Habitat for Humanity of Wood County.

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 supplying annual inventory requirements, underground and overhead lines insurance, sale of scrap materials, and participation in the AMP Joint Purchasing Program in 2018.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts for the removal of the multi-tech treatment system and to upgrade the lime softening transfer pumps at the Water Treatment Plant.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to execute an agreement or agreements for the installation and maintenance of a wildlife habitat restoration area at 16520 Carter Road.

**COUNCIL COMMITTEE REPORTS**

Council Member McOmber reminded Council Members of the Committee-of-the-Whole scheduled for Wednesday, November 1, at 5:00 p.m. in the Council Chamber to have a preliminary discussion regarding the 2018 budget.

**READING OF LEGISLATION**

Clerk read Resolution #3681 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Resolution #3681 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 #3681 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Resolution #3681. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3681 adopted.

Clerk read Ordinance #8633 amending and adopting Section 33.04 of the Codified Ordinances of the City of Bowling Green, Ohio, relative to pay scales for seasonal employees, for first reading.

Clerk read Ordinance #8634 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, for first reading.

Clerk read Ordinance #8635 amending and adopting Section 101.01 and 101.03 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding the hotel-motel tax, for first reading.

Clerk read Ordinance #8636 authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Patrolman's Association OPBA, and declaring an emergency, for first reading.

Council Member McOmber moved, Zanfardino seconded, to suspend the rules and give Ordinance #8636 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 #8636 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt the emergency clause for Ordinance #8636. 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 #8636. McOmber noted that this is the last of the five union contracts negotiated this year and the terms of the agreement are similar to the others previously adopted. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8636 adopted.

Clerk read Ordinance #8637 amending the Zoning District Map of the City of Bowling Green, Ohio, for 0.4683 acres of land located at the southwest corner of Clough Street and Manville Avenue from S-3 Planned Institutional to R-2 Single Family Residential zoning as requested by Habitat for Humanity of Wood County, for first reading.

Council Member Jeffers announced that a public hearing will be held regarding Ordinance #8637 on Monday, November 20, 2017, at 6:45 p.m. in the Council Chamber.

Clerk read Ordinance #8638 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 2018, for first reading.

Clerk read Ordinance #8639 authorizing the Utilities Director to enter into a contract or contracts for the removal of the multi-tech treatment system and to upgrade the lime softening transfer pumps at the Water Treatment Plant, for first reading.

Clerk read Ordinance #8640 authorizing the Utilities Director to execute an agreement or agreements for the installation and maintenance of a wildlife habitat restoration area at 16520 Carter Road, for first reading.

Clerk read Resolution #3680 adopting the Bowling Green Fire Division Standards of Cover for 2017, for second reading.

Clerk read Ordinance #8632 vacating approximately 90 feet of right-of-way adjacent to Betco Corporation on Newton Road, and declaring an emergency, for second reading.

Clerk read Ordinance #8630 amending and adopting changes to sections of the Codified Ordinances of the City of Bowling Green, Ohio, regarding fees charged for services, for third reading as amended.

Council Member McOmber moved, Gordon seconded, to adopt Ordinance #8630 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 #8630 adopted as amended.

Clerk read Ordinance #8631 repealing Chapter 118 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding emergency alarms, for third reading.

Council Member Gordon moved, Jeffers seconded, to adopt Ordinance #8631. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Rowland, Seeliger and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8631 adopted.

Council Member McOmber made a statement regarding the Nexus pipeline and the proposed Charter amendment. That statement is attached to and made a part of these minutes.

Council Member Rowland moved, Seeliger seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the October 16, 2017 regular meeting of the City Council at 7:47 p.m., subject to call.



Kay D. Scherreik, Clerk of Council



Michael Aspacher, President of Council

Four weeks ago, I spoke in opposition to the proposed amendment to Bowling Green's City Charter. At that time, I did not address the merits of the proposal. My point and still my biggest objection to the proposal is that this is special interest legislation brought forward by a very small group of people who hold extreme views. The City Charter currently contains no special interests within its terms and is wholly centered on the mechanics of local government. I think it is completely inappropriate to contaminate the charter with the causes of special interest groups.

However, I said 4 weeks ago that at this meeting I would address the merits of the proposal. In all the talk and speeches that have come out in Council meetings in recent months regarding the proposed amendment, I do not believe anyone has ever quoted a single word or phrase from the proposal itself. Tonight I want to highlight some of the wording of the proposal itself which I think exposes the real intent of the proposal - that is to grant a great deal of power to a small group of people.

Let's look at the document itself. Words matter. Read the proposal for yourself. Do not just accept the representation that has been made that the proposal is intended to ensure that Bowling Green has clean water. The proposed amendment is 627 words long. The word "water" appears in the document once.

The first quotation from the proposed amendment that I would bring to your attention comes in the third whereas clause which states, "...we... seek to alter our form of government." What is the form of government sought if we are going to alter what currently exists? Read on.

In the meat of the proposal, the following statements appear. "...any person may enforce this Amendment through direct nonviolent action...City of Bowling Green law enforcement ...shall have no lawful authority to surveil, detain, arrest, or otherwise impede persons enforcing these rights." In a hearing before the Board of Elections as reported in the media, Ms. Kocheiser admitted that the proposal would allow the group to hold sit-ins or put up blockades on roads without being subject to arrest. If the only distinction between what is legal and illegal is whether it is violent or non-violent action, I could suggest a number of nonviolent actions that I think the vast majority of Bowling Green citizens would not want to legalize.

Here's another objectionable portion of the proposal. "If...a court fails to uphold this Amendment, any person may enforce this amendment through nonviolent direct action." In other words, court decisions that rule against the interests of the backers of this proposal do not have to be abided by.

So courts can be ignored and the police are powerless. What else does the proposal state? "That right (to make law through the initiative process) shall include the right to be free...of any attempt to stop the placement of an initiative onto the ballot on the basis of claimed substantive illegality or unconstitutionality." So, if this group, or really any group, wants to try and pass a law, no matter how extreme, no one can even attempt to

keep the issue off the ballot even if it blatantly conflicts with existing law or even the United States Constitution!

Here is a final quote from the proposal. "The right shall also preclude any substantive review of an initiative's contents before it is enacted into law." That means that the comments I am making right now could have me fined or thrown in jail under the terms of this proposal because I am most certainly "substantively reviewing" the contents of the proposal.

The backers of this proposal want to go about their business without having to pay attention to the courts, without being concerned that they might be arrested, without concerning themselves with existing law or even the Constitution, and they would even make it illegal for anyone to criticize them.

This looks to me like an attempted power grab. It is virtually an attempt to legalize anarchy - the courts don't matter, existing law and the Constitution do not matter, the police are powerless.

As I said 4 weeks ago, even if this was good legislation, it does not belong in the City Charter. But it is not good legislation. It is terrible legislation.

I would like to see the proposal voted upon. I have faith that the same voters who rejected a similar proposal 4 years ago by a 3-1 margin will deliver a decisive message on November 7. Please read the proposal. Then, vote "no".