

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 101-B

MONDAY, SEPTEMBER 18, 2017

Held

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, and Seeliger responded. Council Member Zanfardino was not 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 Jeffers moved, McOmber seconded, to approve the minutes of the regular meeting held September 5, 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 months of July and August 2017 were distributed to Council prior to this evening's meeting.

LOBBY VISITATIONS

Wendy Chambers, Executive Director of the Bowling Green Convention & Visitors Bureau (CVB), addressed City Council regarding the upcoming renewal of the contract between the CVB and the City. Chambers introduced the Vice Chair of the CVB Board, Todd McGee. McGee explained that the Board is requesting a 3 year contract with the City and a continuation of the 60% share of the 3% hotel-motel tax. He also indicated that they are requesting a 1% increase to the hotel-motel tax that would be dedicated to the CVB. McGee further explained that the additional revenue would enable the CVB to put funding towards a branding campaign, increase marketing dollars and overall outreach to retain, research and implement new signature events for the City of Bowling Green. McGee indicated that all the tax increase has the support of all the hotel-motel operators in the City.

Council President Aspacher responded that the renewal of the contract will work its way through the legislative process and the 1% increase will be considered at that time by City Council. Aspacher thanked the CVB Board and its Director for their hard work promoting the City of Bowling Green and bringing events to our city.

Lawrence Williams, 242 S. Prospect Apt. B13, addressed City Council indicating that he was new in town and related to Antrone Moore. He noted that he is looking for housing and to get established in the City and asked for any help that anyone might be able to give him in those areas.

Sue Clark, Executive Director of the Community Development Foundation, invited Council Members to attend the groundbreaking ceremony of the new warehouse facility being constructed by Mosser Construction Company at Wood Bridge Business Park. Clark noted that the ceremony will be held on Wednesday, September 20, at 10:30 a.m.

Brad Holmes, 327A E. Evers, addressed City Council regarding the proposed Charter amendment, "Community Rights to a Healthy Environment and Livable Climate," on the upcoming November general election ballot to reaffirm its importance to the citizens of Bowling Green.

Lisa Kochheiser, 1045 Varsity West, also addressed City Council regarding the proposed Charter amendment noting that a challenge to the issue being placed on the ballot was filed with the Board of Elections. Kochheiser indicated that a hearing was held but no decision has been made at this point regarding its validity. Kochheiser noted

that she believes the validity will be upheld and the issue will move forward on the November ballot. She also expressed the importance of having this measure in place and encouraged citizens to support it.

OFFICIAL REPORTS

Mayor Dick Edwards reported that there will be a ribbon cutting held for the Best Western Motel on E. Wooster Street at 4:00 p.m. on Tuesday and also a groundbreaking for the warehouse facility at Wood Bridge Business Park on Wednesday at 10:30 a.m. He also noted that the annual Parks & Recreation Foundation Wine & Cheese fundraising event will be held on Friday and that Parks and Recreation Director would have more information on that event during her report.

Mayor Edwards discussed a recent conference call and letter he received from the Director of the Ohio EPA regarding the City's ongoing concerns about the Nexus pipeline project. The Mayor distributed copies of the Director's letter as well as his letter of response. Copies of those letters are attached and made a part of these minutes. Mayor Edwards noted that the Ohio EPA attempted to address in that letter all of the major concerns that have been brought forward by the City. He indicated that he is particularly pleased with the concluding statements in the letter regarding project oversight. The Mayor indicated that the Ohio EPA has learned a lot from the environmental issues caused by the Rover pipeline installation and has promised aggressive monitoring and oversight and agreed to give contingency and response plans to the City's Utilities Director.

Council President Aspacher responded that he also sat in on the conference call and noted the importance of the project oversight discussion and was impressed with the level of detail that the Director spoke on regarding lessons learned through experience.

Municipal Administrator Lori Tretter had no report.

Planning Director Heather Saylor reported that an Open House was held last week for the unveiling of the Community Action Plan (CAP). Saylor indicated that they are now seeking community input on the CAP through October 13.

Parks and Recreation Director Kristin Otley reminded Council Members of the upcoming Parks & Recreation Foundation Wine & Cheese Fundraiser that will be held on Friday, September 22, from 5-8 p.m. at the Simpson Garden Park.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell reported that the City has sent three electric linemen to Florida as part of a mutual aid effort to help restore power in the aftermath of the recent hurricane. O'Connell noted that the crew is expected to be back in Bowling Green on Tuesday or Wednesday.

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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

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, 2017 and ending December 31, 2017.

Council Member McOmber, for the Finance Committee, introduced an ordinance amending and adopting changes to sections of the Codified Ordinances of the City of Bowling Green, Ohio, regarding fees charged for services.

Council Member Gordon, for the Transportation & Safety Committee, introduced an ordinance repealing Chapter 118 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding emergency alarms.

COUNCIL COMMITTEE REPORTS

Council Member McOmber announced that a Committee-of-the-Whole meeting will be held on 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 #3679 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, for first reading.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Resolution #3679 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Rowland, Seeliger, and Aspacher voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3679 for second and third reading by number and title only.

Council Member McOmber moved, Jeffers seconded, to adopt Resolution #3679. On roll call vote, Council Members Jeffers, McOmber, Rowland, Seeliger, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3679 adopted.

Clerk read Ordinance #8629 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2017 and ending December 31, 2017, for first reading.

Council Member McOmber moved, Rowland seconded, to suspend the rules and give Ordinance #8629 its second and third reading. On roll call vote, Council Members McOmber, Rowland, Seeliger, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8629 for second and third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt Ordinance #8629. On roll call vote, Council Members Rowland, Seeliger, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Aspacher declared motion carried, and Ordinance #8629 adopted.

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 first reading.

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

Clerk read Resolution #3679 amending and adopting changes to the Procurement Manual for the Housing Revolving Loan Fund and the Community Development Block Grant (CDBG) Fund, for second reading.

Clerk read Ordinance #8622 amending and adopting Section 33.23(A) & (C) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding medical and dental insurance, for second reading.

Council Member McOmber moved, Rowland seconded, to amend Ordinance #8622 by substitution to add the words "at or" for the above \$40,000 salary level. On roll call vote, Council Members Seeliger, Aspacher, Gordon, Jeffers, McOmber, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8622 amended.

Clerk read Ordinance #8623 establishing a video service provider fee to be paid by any video service provider offering video service in the City; and authorizing the Municipal Administrator to give notice to the video service provider of the video service provider fee, for second reading.

Clerk read Ordinance #8624 accepting a utility easement from CTE, Ltd. (Principal Business Enterprises), for second reading.

Clerk read Ordinance #8625 authorizing the Utilities Director to enter into a contract or contracts with Pall Corporation for the purchase of microfiltration modules without advertising, and to advertise for bids and enter into a contract or contracts for the installation of the microfiltration modules at the Water Treatment Plant, for second reading.

Clerk read Ordinance #8628 authorizing the sale or disposal of miscellaneous transit service vehicles by the Municipal Administrator as no longer necessary for municipal purposes, for second reading.

Prior to the ending of the meeting, Council Member McOmber wanted to make a few remarks regarding the proposed City Charter amendment. McOmber indicated that the Charter amendment is in a bit of legal limbo at the moment, but there has not been any focus on it regarding the merits of the proposed amendment or lack of merit and he wanted to address that at this point. As a preface, he indicated that he feels that if this proposal does get on the ballot, all members of City Council and all candidates for City Council have an obligation to take a position on the amendment because of its importance to the community.

McOmber noted that this proposal is similar to one that was on the ballot three or four years ago that lost by a 3 to 1 margin. McOmber referred to the group that has brought this amendment forward, headed up by Lisa Kochheiser, as a "special interest group" and indicated that that is not necessarily a bad thing. However, McOmber stated that he does not think the introduction of this type of legislative amendment by a special interest group into the City Charter, which currently contains no special interest language whatsoever, is a good idea. McOmber referred to the Charter as being in a "pristine" state. One that simply focuses on the mechanics of City government. He indicated that to insert such language into the Charter would be a mistake and would likely open up the Charter to more such changes by other special interest groups. McOmber indicated that he believes that if the group had pursued the legislative route and asked City Council to adopt an ordinance that that would have been perfectly fair game. If they received four votes to support it then they could have gotten something passed, but going the City Charter route is a mistake for the City and would be a detriment to the governance of the City in the future. McOmber stated that there is language in the proposed amendment that he finds highly objectionable, but would address those issues once the measure is certain to be on the ballot. He also stated that regardless of the merits of the cause brought forward by Kochheiser's group, it is inappropriate to insert that cause into the City Charter. He finished by saying that he thinks it is highly unlikely and virtually impossible that doing something to the City Charter will override Federal law in regards to the Nexus pipeline. Passing this Charter amendment will not make any difference because Federal law grants almost unlimited authority to FERC and the law is heavily weighted against the group. McOmber concluded by saying that his position on this issue is steadfast and will not change.

Council Member Jeffers stated that he appreciates McOmber's comments and indicated that it is appropriate to focus on the Charter and the potential changes. Jeffers pointed out that by raising environmental concerns and bringing them to City Council it led Council to refuse the granting of an easement for the Nexus pipeline and gave time for further thought and study on the matter. He also indicated that he thinks that the process is partly responsible for the contacts made to FERC and the Ohio EPA regarding the issue. He further noted that as Mayor Edwards has outlined that the City now has some additional guarantees of project oversight of the drilling aspect of the pipeline. He stated that the Mayor deserves a lot of credit as he has reached out to a lot of people on behalf of the City and used whatever connections he has to get in touch with people who are critical to the process. Jeffers noted that regardless of the outcome of the proposed Charter amendment, the City is better off because of the activities of the environmental group with regard to this issue.

Council President Aspacher noted that he thinks the comments of McOmber and Jeffers are appropriate. Aspacher indicated that as this discussion continues, he highly recommends that all members of Council and the citizens of the community take time to re-read the City Charter as it very instructive document on the functions of our City government. He noted that it is available on the City's website.

Council Member Jeffers moved, Seeliger seconded, to excuse Council Member Zanfardino from this evening's meeting. On unanimous voice vote, Acting Council President Jeffers declared motion carried.

Council Member McOmber moved, Jeffers seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the September 18, 2017 regular meeting of the City Council at 8:00 p.m., subject to call.



Kay Q. Scherreik, Clerk of Council



Michael Aspacher, President of Council



September 18, 2017

Craig W. Butler, Director
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216

Dear Director Butler:

Thank you for your deeply appreciated letter of September 8, 2017 which we received on September 13th.

Your summary of the major points of discussion from our conference call with you on September 5th was most helpful.

For the record, I wish to identify all who joined with me as participants in that discussion session: Michael Aspacher, President of City Council; John Zanfardino, City Council; Megan Newlove, Chairperson of the Board of Public Utilities; Lori Tretter, Municipal Administrator; Mike Marsh, City Attorney; Brian O'Connell, Director of Utilities; Joe Fawcett, Assistant Municipal Administrator.

All of us found our exchange with you, NW Ohio Division Chief Shannon Nabors and other key ODNR personnel dealing with the NEXUS - BG related pipeline issues to be informative and reassuring.

You not only addressed our major points of concern but we are especially grateful for the breadth and depth of the information shared with us based on your thorough examination of the issues and concerns related to the pipeline project and its potential impacts on the City's Water Treatment Plant on the Maumee River in Middleton Township some 9 1/2 miles from BG's City Limits.

Of particular concern to us is of course the proximity of the pipeline to the reservoir and the inadvertent returns from the proposed drilling process and its potential effects.

Given my concerns as outlined and expressed on behalf of BG City Government including City Council and the Board of Public Utilities and the citizens served by the water treatment plant, I am especially pleased with your concluding statements about "Project Oversight."

Against the backdrop of the recent Rover pipeline mishaps in SE Ohio, we take comfort in knowing that you and the members of the Ohio EPA staff with personnel from FERC will aggressively monitor and provide oversight of the project to ensure strict compliance with Ohio's environmental regulations. We also appreciate the fact you have requested that NEXUS share its contingency and inadvertent returns response plans with the City's Director of Public Utilities, Brian O'Connell.

Again, thank you Director Butler and your Division Heads for your dedicated and unswerving attention to the concerns raised by the City of Bowling Green with the NEXUS pipeline project.

Sincerely,

Richard A. Edwards
Mayor

cc: City Council
Board of Public Utilities
Lori Tretter
Brian O'Connell
Mike Marsh
Joe Fawcett



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

Received

SEP 13 2017

City of Bowling Green
Administration

September 8, 2017

RE: City of Bowling Green
General Correspondence
Drinking Water
Wood County
PWSID: OH8700311

Honorable Richard Edwards
Mayor, City of Bowling Green
304 North Church Street
Bowling Green, Ohio 43402

Dear Mayor Edwards:

Thank you for the opportunity you provided on September 5, 2017, to discuss your community's concerns about the Nexus Natural Gas Transmission Pipeline project in the vicinity of the City of Bowling Green's Water Treatment facility. We appreciate your interest in the technical reviews by Ohio EPA and Ohio Department of Natural Resources (ODNR) staff needed to fully address your questions and concerns about the Federal Energy Regulatory Commission's (FERC) assessment of the geology, and potential risks posed to the safety of local residents and the water treatment facility.

During our discussion, we reviewed six topics; this letter will summarize the Ohio EPA and ODNR's evaluation of each topic.

Bowling Green Fault: Analyses of the Bowling Green Fault by the ODNR Division of Geological Survey indicates the fault is presently inactive. The fault was primarily active during the Precambrian (more than 550 million years ago) and was associated with the Mid-Continent Rift. Glacial sediments that cover the area do not appear to show any displacement along the fault. This would indicate that no significant movement took place on the fault since the last glacial episode (11,000 years ago).

Presence of Karst features Local Bedrock: Light distance and ranging (LiDAR) analyses by the ODNR Division of Geologic Survey for the immediate study area do not indicate discernible sinkholes, solution collapse, caves, or other features typical of karst terrain. While the bedrock is of the type (carbonate) where karst typically occurs, the thick glacial cover around Bowling Green makes it less prone to dissolution by reducing the interaction with surface water. Further, its clay content is relatively high, also making it less prone to karst. It is possible that karst could be encountered, but it would likely be less developed than in the more karst-prone areas to the east, such as Bellevue, where the glacial cover is thin and the carbonate content is higher.

Inadvertent Returns from the Drilling Process: The pressure used to circulate the drilling fluids – primarily bentonite clay and water - is monitored during drilling. Decreases or increases in this pressure outside of the normal range are cause for the drilling to be halted until the cause of the deviation can be determined.

Richard Edwards, Mayor
City of Bowling Green
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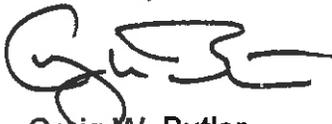
Potential Effect of Pipeline Installation on the City of Bowling Green's Reservoir: The ODNR Division of Water Resources has evaluated the pipeline route and has determined that the Nexus pipeline will be installed at a sufficient distance to the City of Bowling Green's upland reservoir that it will not impact the structure.

Effect of Blasting on Pipeline Integrity: The ODNR- Division of Mineral Resources Management has determined that compliance with the ground vibration limits for blasting under Hanson Aggregates Midwest's industrial minerals permit will protect the Nexus Pipeline. This is because the limits are designed to protect dwellings and commercial buildings that are closer to the current blasting area (less than 1,500 feet) than the pipeline (over 4,000 feet). As the State of Ohio ground vibration limits applicable to buildings are actually more stringent than the limits typically recommended to protect buried pressurized gas lines, compliance with limits at the dwellings will automatically protect the more distant pipeline, with a large margin of safety. This would hold true even if blasting is later moved to a part of the quarry that is closer to the pipeline.

Project Oversight: As the agency that granted the permit FERC has field staff in Ohio who provide on-site oversight and inspections of FERC-permitted projects for compliance with the permit conditions. In addition, Ohio EPA staff are committed to providing oversight of the project for compliance with Ohio's environmental regulations. Through our Clean Water Act Section 401 permitting process, we will also request that Nexus share its contingency and inadvertent returns response plans with the City of Bowling Green's Water Department.

Should you have any further questions or concerns please contact Shannon Nabors, Chief of Ohio EPA's Northwest District Office.

Sincerely,



Craig W. Butler
Director

cc: Beth Messer, Acting Chief, Division of Drinking and Ground Waters
Lindsay Taliaferro III, Acting Assistant Chief, Division of Drinking and Ground Waters
Shannon Nabors, Chief, Northwest District Office
Andrew Ware, Deputy Director, Ohio Department of Natural Resources
Dr. Tom Serenko, State Geologist of Ohio, Ohio Department of Natural Resources