

Revised

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

TUESDAY, SEPTEMBER 5, 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, Rowland, Seeliger and Zanfardino responded. Council Member McOmber 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, and Planning Director Heather Saylor. Parks and Recreation Director Kristin Otley was not present.

Council Member Rowland moved, Jeffers seconded, to approve the minutes of the regular meeting held August 21, 2017 as distributed. Council President Aspacher declared motion carried.

CORRESPONDENCE

Clerk of Council Kay Scherreik noted that a listing of budget transfers for the month of September was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member Jeffers moved, Seeliger 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.

SPECIAL RECOGNITIONS – MAYOR EDWARDS

Mayor Dick Edwards introduced Mary Jane Saunders, chair of the City's Human Relations Commission. Saunders noted that in April the Human Relations Commission brought before Council a resolution about Bowling Green being a welcoming community for immigrants. She indicated that the resolution proclaims "Bowling Green as a welcoming and safe community for immigrants and condemning any discrimination, harassment or unjustified deportation of immigrant residents of Bowling Green". Saunders welcomed a group of City residents who each read the opening paragraph of the "welcoming resolution" in their own language. The group also presented the City with a "welcoming" poster that was designed by Ethan Jordan.

LOBBY VISITATIONS

Prudence Brott, 220 Meeker Street, addressed City Council regarding the proposed TREX liquor permit for Rapid Fired Pizza. Brott, who owns Sunset Bistro on W. Wooster Street, described her experience of getting a liquor license for her restaurant as not only frustrating and time consuming, but also expensive. She indicated that she paid \$50,000 to a local permit holder on top of the fees that she pays to the State of Ohio. She expressed her concern her investment in the license may lose its value and feels as though that value is somewhat threatened. Brott noted that she is not against having another restaurant in town, she is just troubled by the transfer of a liquor permit from another community. Brott indicated that at the time she was seeking a license, someone told her that she would not be allowed to purchase a license from another community and that she needed to wait until a local license was available. Brott expressed her desire to preserve the value of her investment. Brott stated that she was open for six months before she ever served her first beer to a customer because she had to wait for a local license to become available.

Council President Aspacher thanked Brott for speaking out and for her restaurant and its support of groups throughout the community. Aspacher suggested that she get together with Municipal Administrator Tretter and himself after the meeting to help answer questions she may regarding the process. Aspacher also indicated that it is his understanding that the owners of Rapid Fired Pizza has tried to get a locally owned liquor license and have not been successful, so this is the legal avenue that they have chosen to pursue.

OFFICIAL REPORTS

Mayor Dick Edwards reported that this week is a significantly important week for the City as preparations are being made for the 25th anniversary of the Black Swamp Arts Festival. He also noted that a re-dedication ceremony is planned for September 11 at 11:00 a.m. for the Veterans Memorial located in City Park.

Mayor Edwards reminded Council Members and citizens of the unveiling of the draft of the Community Action Plan that will be held at the Wood County Public Library on Tuesday, September 12, from 5-7 p.m. Mayor Edwards noted that the draft plan has major implications for neighborhood revitalization efforts and encouraged all citizens to attend and share their views.

Mayor Edwards highlighted two upcoming events related to the complexities of immigration. The events are as follows:

- "Immigration Misunderstood: Illegal or Undocumentable?" will be held on September 14 from 6-7:30 p.m. at the Wood County Public Library and will feature a presentation by Attorney Eugenio Mollo, Jr.
- November 2 another event will take place on the topic of "welcoming immigrants" and will highlight the work of Global Detroit.

As an update, Mayor Edwards noted that he participated in a conference call with the Director of the Ohio EPA, Craig Butler, and some other representatives from the Ohio EPA as a follow-up to the concerns regarding the Nexus pipeline. The Mayor indicated that Mr. Butler will be providing a summation of the points of discussion in the conference which he would share with Council Members upon arrival.

Municipal Administrator Lori Tretter reviewed street and parking lot closures for the Black Swamp Arts Festival which will be held in the downtown area of Bowling Green this coming weekend. Tretter noted that there will be shuttle service available from the high school parking lot, from the fairgrounds and also from the Meijer parking lot. She encouraged citizens to use the shuttle service.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Kristin Otley was not present.

City Attorney Michael Marsh had no report. Council Member Aspacher asked the City Attorney about liquor licenses that are being held by owners of businesses that are not using them. Marsh responded that it is called "safekeeping" by the State of Ohio. Marsh indicated that there are at least five liquor licenses in the City that are currently not being used even though there is a waiting list of businesses wanting the licenses. Marsh noted that the State sets the rules. Marsh also explained that the State used to be more aggressive about pursuing licenses that were not active since there are no revenues gained from them other than the annual fee. However, he was not sure exactly how the State currently handles those issues.

Utilities Director Brian O'Connell had no report.

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 President Aspacher, for the Finance Committee, introduced a resolution transferring previously appropriated funds.

Council President Aspacher, 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 President Aspacher, for the Finance Committee, introduced an ordinance amending and adopting Section 33.23(A) & (C) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding medical and dental insurance.

Council President Aspacher, for the Finance Committee, introduced an ordinance 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.

Council President Aspacher, for the Public Utilities Committee, introduced an ordinance accepting a utility easement from CTE, Ltd. (Principal Business Enterprises).

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

Council President Aspacher, for the Public Utilities Committee, introduced an ordinance accepting a deed and an easement from WMOG Investment, Inc., and dedicating the property described therein for right-of-way, utility and municipal purposes, and declaring an emergency.

Council Member Gordon, for the Community Improvement Committee, introduced a resolution amending and adopting changes to the Procurement Manual for the Housing Revolving Loan Fund and the Community Development Block Grant (CDBG) Fund.

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance dedicating certain property in Wood Bridge Business Park for right-of-way purposes, and declaring an emergency.

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance authorizing the sale or disposal of miscellaneous transit service vehicles by the Municipal Administrator as no longer necessary for municipal purposes.

COUNCIL COMMITTEE REPORTS

Council Member Rowland indicated that she was asked by Parks and Recreation Director Kristin Otley to comment regarding the open house that was held recently to unveil concept plans for a new building in City Park. Rowland noted that this new building would replace two aging buildings in City Park that are too expensive to remodel. Rowland indicated that comments are being collected on the concept plans which are set up for viewing at the Community Center. Rowland further noted that the construction of this building would be funded by borrowed money in the form of a bond with low interest. Rowland reiterated that this plan was on a concept plan and not a final design.

Council Member Jeffers asked Municipal Administrator Tretter to explain the video service provider fee which is being proposed on legislation this evening. Tretter responded that the State of Ohio has provided for the collection of this fee since 2007, however Bowling Green had an existing franchise agreement which allows for the collection of a franchise fee through its expiration in July 2017. Action could not be taken to impose a service provider fee until the franchise agreement expired. Tretter explained that this legislation lays the groundwork for collecting the fee once things are settled at the state level.

Council Member Gordon commented that in light of the action taken on the Federal level regarding the expiration date of the DACA program and its effects on Bowling Green. Gordon indicated that there are students at BGSU that will be affected and suggested that the members of City Council and the Mayor draft a letter to be sent to Congress Member Bob Latta, Senator Sherrod Brown and Senator Rob Portman. to take action.

READING OF LEGISLATION

Clerk read Resolution #3678 transferring previously appropriated funds, for first reading.

Council President Aspacher moved, Seeliger seconded, to suspend the rules and give Resolution #3678 its second and third reading. On roll call vote, Council Members Gordon, Jeffers, Rowland, Seeliger, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3678 for second and third reading by number and title only.

Council President Aspacher moved, Rowland seconded, to adopt Resolution #3678. On roll call vote, Council Members Jeffers, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and Resolution #3678 adopted.

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 first reading.

Clerk read Ordinance #8621 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 President Aspacher moved, Jeffers seconded, to suspend the rules and give Ordinance #8621 its second and third reading. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8621 for second and third reading by number and title only.

Council President Aspacher moved, Rowland seconded, to adopt Ordinance #8621. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8621 adopted.

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 first reading.

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 first reading.

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

Clerk read Ordinance #8626 accepting a deed and an easement from WMOG Investment, Inc., and dedicating the property described therein for right-of-way, utility and municipal purposes, and declaring an emergency, for first reading.

Council President Aspacher moved, Rowland seconded, to suspend the rules and give Ordinance #8626 its second and third reading. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, Rowland, and Seeliger voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8626 for second and third reading by number and title only.

Council President Aspacher moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8626. On roll call vote, Council Members Aspacher, Gordon, Jeffers, Rowland, Seeliger and Zanfardino voted yes. Council President Aspacher declared motion carried, and emergency clause adopted.

Council President Aspacher moved, Gordon seconded, to adopt Ordinance #8626. On roll call vote, Council Members Gordon, Jeffers, Rowland, Seeliger, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8626 adopted.

Clerk read Ordinance #8627 dedicating certain property in Wood Bridge Business Park for right-of-way purposes, and declaring an emergency, for first reading.

Council President Aspacher moved, Rowland seconded, to suspend the rules and give Ordinance #8627 its second and third reading. On roll call vote, Council Members Jeffers, Rowland, Seeliger, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8627 for second and third reading by number and title only.

Council President Aspacher moved, Jeffers seconded, to adopt the emergency clause for Ordinance #8627. On roll call vote, Council Members Rowland, Seeliger, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member Zanfardino moved, Gordon seconded, to adopt Ordinance #8627. On roll call vote, Council Members Seeliger, Zanfardino, Aspacher, Gordon, Jeffers, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8627 adopted.

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 first reading.

There was no legislation for second reading.

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 third reading.

Council Member Aspacher moved, Rowland seconded, to adopt Resolution #3674. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, Rowland, and Seeliger voted yes. Council President Aspacher declared motion carried, and Resolution #3674 adopted.

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

Council Member Jeffers moved, Zanfardino seconded, to adopt Resolution #3676. Jeffers commented that he appreciated the comments by Prudence Brott regarding her position on the transfer of this liquor license. He also indicated that he is disturbed that she was told at the time she was seeking a license that she would not be permitted to transfer one in from another town for her business. Jeffers indicated that for him what he is most focused on is the location of this new restaurant being in the south end of town which to him is not the same as if there was another bar opening in downtown. He also indicated that he does not like that people can hold on to the local liquor licenses in safekeeping for what seems like an indefinite period of time. With all that said, Jeffers indicated that he is in favor of going ahead with approving the transfer for the new business.

Council Member Rowland indicated that this is a difficult decision to make and does not want to appear as though she is anti-business. She noted that she plans to support the new restaurant and looks forward to eating the pizza. But she also noted that she supports the City's Police Chief's concerns about bringing in more liquor licenses from outside the City and suggested that the Rapid Fired Pizza owners take the same route as Brott took and wait for a local license to become available. She stated that she will be voting against the transfer.

Council Member Gordon asked the Administration if they could comment on the possible devaluation of the liquor license held by Sunset Bistro. Municipal Administrator Tretter responded that that is just something that is not known and undetermined. He asked if that was something that perhaps the City's economic development people could answer. Tretter said they may have more of an idea what affect it may have, but that

person is not present at this evening's meeting. Gordon indicated that the issue for him personally is that he does not feel comfortable voting on the issue without getting the information on whether or not the new license could potentially devalue others.

Council Member Zanfardino commented that he is conflicted about this complicated issue. He stated that he understands the position of the Police Chief, but he also understands the benefits for that part of town and the economic development issue of creating jobs. He indicated that he is leaning toward supporting the transfer.

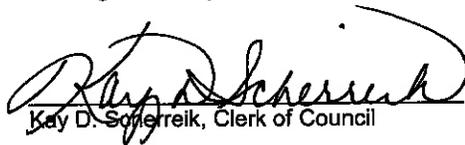
Council Member Seeliger expressed frustration with the State's regulations and the flawed licensing policies that putting people in bad situations. Seeliger stated that he also supports the Police Chief, but believes in the importance of support a new business. He said that this seems like a good thing and that the owners are committed to the community. Seeliger also said that he does not believe this opens the City up to a rush of more liquor licenses because they have to go through City Council for approval. He indicated that he will be voting in favor of the transfer.

Council President Aspacher said that he looks at this request as an economic development issue noting that residents ask him all the time about getting new restaurants in the City. This license transfer will help, even if it's a bit unorthodox, it is still a legal means of obtaining a license. He indicated that he will be voting in favor of the transfer.

On roll call vote, Council Members Jeffers, Seeliger, Zanfardino, and Aspacher voted yes. Council Member Rowland & Gordon voted no. Council President Aspacher declared motion carried, and Resolution #3676 adopted.

Council Member Jeffers moved, Gordon seconded, to excuse Council Member McOmber from this evening's meeting. On unanimous voice vote, Council President Aspacher declared motion carried.

Council Member Rowland moved, Jeffers seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the September 5, 2017 regular meeting of the City Council at 8:17 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Michael Aspacher, President of Council



September 5, 2017

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

Transfers requested for the month of September include:

1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,050.00	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,050.00
4030	710	92100	Green Space Acquisition Fund, Recreation Department, Transfer To General	\$ 2,225.00	
1010	000	69440	General, Revenue, Transfer From Capital Projects		\$ 2,225.00
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 2,916.67	
2007	000	69410	Payroll Stabilization, Revenue, Transfer From General		\$ 2,916.67
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
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 40,053.17	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 40,053.17
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 15,083.33	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 15,083.33
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 14,945.83	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 14,945.83
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 5,252.58	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 5,252.58

4055	710	92300	Aquatic Facility Capital Improvement, Recreation Department, Transfer To Debt Service	\$ 22,847.17	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 22,847.17
5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 205,611.00	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 205,611.00
5221	651	92500	Water Revenue, Administrative and General, Transfer To Enterprise	\$ 47,725.00	
5222	000	69450	Water Capital Reserve, Revenue, Transfer From Enterprise		\$ 47,725.00
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 13,805.50	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 13,805.50
				\$ 380,348.58	\$ 380,348.58