

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

MONDAY, JUNE 4, 2018

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, Herald Jeffers, Robinette, Rowland, and Zanfardino were present. Also present were Mayor Richard Edwards, Assistant Municipal Administrator Joe Fawcett, City Attorney Michael Marsh, Public Works Director Brian Craft, and Parks and Recreation Director Kristin Otley. Municipal Administrator Lori Tretter, Utilities Director Brian O'Connell, and Planning Director Heather Saylor were not present.

Council Member Rowland moved, Herald seconded, to approve the minutes of the regular meeting held May 21, 2018 as distributed. On unanimous voice vote, Council President Aspacher declared motion carried.

CORRESPONDENCE

There was no correspondence.

SPECIAL RECOGNITIONS – MAYOR EDWARDS

There were no special recognitions.

LOBBY VISITATIONS

Francis Scrucci, Superintendent of Bowling Green Schools, announced that a Community Task Force Organization meeting will be held Monday, June 25, at 6:30 p.m. at the Performing Arts Center. Scrucci indicated that this meeting will be the first step in determining the direction in which the community wants the school district to go and what the taxpayers will support following the failure of the bond issue on the May ballot.

NEW LEGISLATION

The following new legislation was recommended by the Administration and presented to Council for introduction:

Council Member Jeffers, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for professional cleaning services for City owned buildings.

Council Member Jeffers, for the Finance Committee, introduced an ordinance amending and adopting Section 35.70 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding City fees and fees charged for services, and declaring an emergency.

Council Member Zanfardino, for the Transportation & Safety Committee, introduced an ordinance granting easements to Columbia Gas of Ohio, Inc., for the Columbia Gas Bowling Green Streetscape Project, and declaring an emergency.

Council Member Gordon, for the Community Improvement Committee, introduced a resolution authorizing the filing of (a) proposal(s) and/or (an) application(s) with the Ohio Department of Transportation for grants through the US DOT Federal Transit Administration (FTA), as authorized under Federal transit laws, as codified, 49 USC Section 5311, Financial Assistance for other than Urbanized areas and funds available from the Ohio Public Transportation Grant Program executing a contract/grant for the FY 2019 Ohio Elderly and Disabled Transit Fare Assistance Program, and 5339 and/or 5311 funding for capital and/or operating assistance, and executing a contract with the Ohio Department of Transportation upon grant proposal(s) and/or application(s) approval.

OFFICIAL REPORTS

Mayor Dick Edwards the dedication of the gazebo at the Wooster Green which was held on Friday, June 1, at 4:00 p.m. Mayor Edwards thanked Tom and Dianne Klein who donated the \$50,000 to build the gazebo.

Municipal Administrator Lori Tretter was not present. Assistant Municipal Administrator Joseph Fawcett had no report.

Planning Director Heather Saylor was not present.

Parks and Recreation Director Kristin Otley updated Council on upcoming Parks & Recreation activities.

City Attorney Michael Marsh had no report, but mentioned that Oak Grove Cemetery looked beautiful over the Memorial Day weekend. Marsh thanked Public Works employees for the attention to detail.

Utilities Director Brian O'Connell was not present.

Public Works Director Brian Craft reported that the Columbia Gas project started today in the downtown area and will proceed for the next several months. Craft also responded to questions from Council Members Robinette and Zanfardino regarding brush pickup and large item pickup service procedures.

COUNCIL COMMITTEE REPORTS

Council President Aspacher announced that a Committee-of-the-Whole meeting will be held at 6:00 p.m. prior to the June 18 meeting to discuss the proposed ordinances regarding changes to the City Charter.

READING OF LEGISLATION

Clerk read Resolution #3703 authorizing the filing of (a) proposal(s) and/or (an) application(s) with the Ohio Department of Transportation for grants through the US DOT Federal Transit Administration (FTA), as authorized under Federal transit laws, as codified, 49 USC Section 5311, Financial Assistance for other than Urbanized areas and funds available from the Ohio Public Transportation Grant Program executing a contract/grant for the FY 2019 Ohio Elderly and Disabled Transit Fare Assistance Program, and 5339 and/or 5311 funding for capital and/or operating assistance, and executing a contract with the Ohio Department of Transportation upon grant proposal(s) and/or application(s) approval, for first reading.

Clerk read Ordinance #8692 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for professional cleaning services for City owned buildings, for first reading.

Clerk read Ordinance #8693 amending and adopting Section 35.70 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding City fees and fees charged for services, and declaring an emergency, for first reading.

Council Member Jeffers moved, Rowland seconded, to suspend the rules and give Ordinance #8693 for second and third reading. On roll call vote, Council Members Gordon, Herald, Jeffers, Robinette, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8693 for second and third reading by number and title only.

Council Member Jeffers moved, Rowland seconded, to adopt the emergency clause for Ordinance #8693. On roll call vote, Council Members Herald, Jeffers, Robinette, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member Jeffers moved, Rowland seconded, to adopt Ordinance #8693. On roll call vote, Council Members Jeffers, Robinette, Rowland, Zanfardino, Aspacher, Gordon, and Herald voted yes. Council President Aspacher declared motion carried, and Ordinance #8693 adopted.

Clerk read Ordinance #8694 granting easements to Columbia Gas of Ohio, Inc., for the Columbia Gas Bowling Green Streetscape Project, and declaring an emergency, for first reading.

Clerk read Ordinance #8685 authorizing the Municipal Administrator to enter into a contract with Premier National Staffing for temporary staffing services, for second reading.

Clerk read Ordinance #8686 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for lime sludge disposal services for the Water Treatment Plant, for second reading.

Clerk read Ordinance #8687 authorizing the Utilities Director to purchase software upgrades from Aclara for the TWACS automated meter reading system, for second reading.

Clerk read Ordinance #8688 providing for the submission to Article II, Section 2.03 of the Municipal Charter of the City of Bowling Green concerning vacancies, for second reading.

Council Member Robinette commented that he has been studying this amendment to the Charter and discussing it with the City Attorney. He explained that when the language that is currently in the Charter was drafted, it was drafted to be different than what was in the Ohio Revised Code. Robinette noted that the proposed new language seeks to return procedures used for filling vacancies on City Council back to the default position of the Ohio Revised Code. He feels that adopting this particular language is redundant and gets to the same end of defaulting to the Ohio Revised Code. Robinette indicated that he believes this could be better achieved by rescinding this particular section of the Charter rather than amending it because it reaches the same conclusion in a more efficient manner. City Attorney Michael Marsh concurred that both of the scenarios would achieve the same end result. Council President Aspacher suggested that Robinette discuss this with him in more detail prior to the Committee-of-the-Whole meeting so that it can be resolved at that time.

Clerk read Ordinance #8689 providing for the submission of an amendment to Article VI, Section 6.09 of the Municipal Charter of the City of Bowling Green concerning Department of Planning, for second reading.

Clerk read Ordinance #8690 providing for the submission of an amendment to Article VII, Section 7.01 of the Municipal Charter of the City of Bowling Green concerning Civil Service Commission, for second reading.

Clerk read Ordinance #8691 providing for the submission of an amendment to Article IX, Section 9.02 of the Municipal Charter of the City of Bowling Green concerning amendments to the Charter, for second reading.

Council Member Herald noted that at the last meeting he brought up that it was his opinion that the phrase "at least every ten years" in this proposed Charter amendment was ambiguous. He indicated that he sent an email to all Council Members explaining his position in an attempt to bring clarity. Herald noted that by adding one word to the phrase and say "at least *once* every ten years", it is his opinion that it would add the clarity as to the intended frequency of reviews of the Charter. He spoke to the City Attorney and he does not have issue with the inclusion of the one word. Herald indicated that he feels Council has the responsibility to put forward something that is not ambiguous and speaks clearly to the intent of the Charter Commission. He noted that he will bring this forward at the Committee-of-the-Whole meeting. Council Member Robinette commented that he feels this conversation is unnecessary. Robinette noted that this is not a mathematical equation, it is a matter of legal lexicon. He noted that the City Attorney drafted the legislation and offered his legal opinion that the proposed language "at least every ten years" is not ambiguous. Robinette indicated that that is also his legal opinion. He stated that the phrase "at least every ten years" and the phrase "at least once every ten years" mean exactly the same thing. He also indicated that if a motion to amend is brought forward to add the word "once" he will support it with the understanding that the addition of the word does not change the meaning of the sentence at all, but that if by making the amendment the ordinance can move forward, he will support it. Herald asked the City Attorney Mike Marsh that if the word is added to make the phrase "at least once every ten years," would it still meet the intent of the Charter Commission. Marsh responded affirmatively and agreed with Robinette that either way works. Herald confirmed that the City Attorney does not have a problem with

adding the word and that by making that addition, he feels that it makes it clearer for the voters.

Clerk read Ordinance #8678 adopting the City of Bowling Green Job Creation & Retention Program, for third reading.

Council Member Robinette moved, Zanfardino seconded, to adopt Ordinance #8678.

Council Member Jeffers commented that he is not against business, but wondered why the City needs to offer incentives for businesses to located in Bowling Green. He indicated that the answer seems to be because everyone else does it. City Attorney Michael Marsh explained that while that is partially true, incentives like tax abatements are not new. Marsh noted that he wrote the first tax abatement legislation 32 years ago. He also noted that while the City doesn't offer every possible incentive, it does pick and choose what works best to attract businesses to the City. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Herald, and Jeffers voted yes. Council President Aspacher declared motion carried, and Ordinance #8678 adopted.

Clerk read Ordinance #8679 amending the Zoning District Map of the City of Bowling Green, Ohio, for property generally known as 500 Sixth Street from M-1 Light Industrial to R-3 Multiple Family Residential, for third reading.

Council Member Rowland moved, Jeffers seconded, to table Ordinance #8679 until June 18, 2018 at which time a public hearing will be held. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Herald, Jeffers, and Robinette voted yes. Council President Aspacher declared motion carried, and Ordinance #8679 tabled.

Clerk read Ordinance 8683 amending and adopting Chapter 113 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding mobile food vendors, peddlers, solicitors, and itinerant merchants, and declaring an emergency, for third reading.

Council Member Herald moved, Rowland seconded, to amend by substitution Ordinance #8683 to incorporate changes discussed at the May 21 Committee-of-the-Whole meeting. Clerk noted that a copy of the revised ordinance was distributed to Council via electronic mail last Thursday. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Herald, Jeffers, Robinette, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8683 amended by substitution.

Council Member Herald moved, Zanfardino seconded, to adopt the emergency clause for Ordinance #8683. Herald noted that the reason for the emergency clause is that as we move into good weather it is a good time to get things moving towards issuing permits. On roll call vote, Council Members Aspacher, Gordon, Herald, Jeffers, Robinette, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and the emergency clause adopted.

Council Member Herald moved, Rowland seconded, to adopt Ordinance #8683 as amended. Herald thanked his fellow committee members, Rowland and Zanfardino, for their work on this legislation. On roll call vote, Council Members Gordon, Herald, Jeffers, Robinette, Rowland, Zanfardino, and Aspacher voted yes. Council President Aspacher declared motion carried, and Ordinance #8683 adopted.

Council Member Rowland moved, Herald seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the June 4, 2018 regular meeting of the City Council at 7:54 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Michael Aspacher, President of Council