

**RECORD OF PROCEEDINGS**  
**CITY OF BOWLING GREEN CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

**MONDAY, JULY 2, 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 Municipal Administrator Lori Tretter, City Attorney Michael Marsh, Planning Director Heather Saylor, and Parks and Recreation Director Kristin Otley. Mayor Richard Edwards, Public Works Director Brian Craft, and Utilities Director Brian O'Connell were not present.

Council Member Rowland moved, Jeffers seconded, to approve the minutes of the regular meeting held June 18, 2018 as distributed. On unanimous voice vote, Council President Aspacher declared motion carried.

**CORRESPONDENCE**

Clerk of Council Kay Scherreik noted that an application was received from the Ohio Division of Liquor Control for a new Class D51 permit for Roare Q, LLC, dba Porkbelly BBQ located at 1616 E. Wooster Street Units 10, 11 & 12, Bowling Green, Ohio. Clerk indicated that a check of the records was received from the Police Division and no detrimental information was noted.

**SPECIAL RECOGNITIONS – MAYOR EDWARDS**

There were no special recognitions at this evening's meeting.

**LOBBY VISITATIONS**

Earlene Kilpatrick, Director of the Bowling Green Chamber of Commerce, thanked the over 150 donors for contributions to this year's annual fireworks display. Kilpatrick also thanked the City for their support for the event.

**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 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 office, and declaring an emergency.

Council Member Jeffers, for the Finance Committee, introduced a resolution adopting the Estimate of Revenues for the year 2019.

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 tree trimming and removal services.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with the Village of Portage for wastewater treatment services.

**OFFICIAL REPORTS**

Municipal Administrator Lori Tretter reported that the annual community fireworks display will be held on Monday, July 3 at dusk at the BGSU Intramural Fields and reviewed safety reminders. She also noted that the Community Band Concert will begin at 8:00 p.m. near the BGSU Mileti Alumni Center.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Kristin Otley reported that two boys who are currently enrolled in swimming lessons were recognized by State Representative Theresa Gavarone for their bravery in rescuing a child who had jumped into the deep end of a swimming pool at a hotel they were visiting over the weekend. The boys were presented certificates honoring their bravery.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell and Public Works Director Brian Craft were not present.

**COUNCIL COMMITTEE REPORTS**

Council Member Gordon reported that the Community Improvement Committee met earlier this evening to begin discussions of changes to the preamble of the City's Charter. Gordon indicated that there were four versions considered and scheduled a second meeting for Monday, July 16, at 5:00 p.m. in the Council Chamber.

Council Member Zanfardino announced that a joint meeting of the Transportation & Safety Committee and the Bicycle Safety Commission is also scheduled for Monday, July 16, at 6:00 p.m. to discuss provisions in the CAP regarding bicycle safety.

**READING OF LEGISLATION**

Clerk read Resolution #3705 adopting the Estimate of Revenues for the year 2019, for first reading.

Clerk read Ordinance #8698 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.

Clerk read Ordinance #8699 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for tree trimming and removal services, for first reading.

Clerk read Ordinance #8700 authorizing the Utilities Director to enter into a contract or contracts with the Village of Portage for wastewater treatment services, for first reading.

Clerk read Resolution #3704 authorizing the City of Bowling Green to participate in the Local Park Improvement Grant Program and to file an application and accept grant funding upon grant application approval, for second reading.

Clerk read Ordinance #8696 for cleaning of streets by special assessment, for second reading.

Clerk read Ordinance #8697 authorizing the Municipal Administrator and the Utilities Director to sell obsolete items no longer needed for municipal purposes by public auction, and declaring an emergency, for second reading.

Council Member Jeffers moved, Rowland seconded to suspend the rules and give Ordinance #8697 its 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 #8697 for third reading by number and title only.

Council Member Jeffers moved, Zanfardino seconded, to adopt the emergency clause for Ordinance #8697. 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 #8697. On roll call vote, Council Members Jeffers, Robinette, Rowland, Zanfardino, Aspacher, Gordon, and Herald voted yes. Council President Aspacher declared motion carried, and Ordinance #8697 adopted.

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 third reading.

Council Member Gordon moved, Zanfardino seconded, to adopt Resolution #3703. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Gordon, Herald, and Jeffers voted yes. Council President Aspacher declared motion carried, and Resolution #3703 adopted.

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.

Council Member Jeffers moved, Gordon seconded, to adopt Ordinance #8692. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Herald, Jeffers, and Robinette voted yes. Council President Aspacher declared motion carried, and Ordinance #8692 adopted.

Clerk indicated that 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 comes off the table automatically.

Council Member Robinette commented that his initial assessment of proposed Charter amendment regarding Section 6.09 regarding the Department of Planning was that it was too detailed and too limiting. He indicated that he has reviewed comments made by the Mayor and other representatives from the Charter Review Commission and his position has not changed. Robinette noted that it is the responsibility of City Council to not only be good stewards of the City's Charter, but to be defenders of its intent and simple and functional structure. Robinette suggested that all of the language proposed by the Charter Commission can be implemented but by a different approach. He suggested that Section 6.09 of the Charter be amended as originally proposed by creating the Department of Planning and then City Council could amend the Administrative Code to include all of the language proposed by the Charter Commission which defines the functions of the department. He noted that the benefits to this approach would be that it can become law quickly and City Council would have complete control over the outcome, it also recognizes the work and recommendations of the Charter Review Commission, and the Administrative Code can be amended as the needs of the City require. Robinette distributed a copy of proposed amendments to Section 30.86 of the Administrative Code for review by City Council. Robinette also suggested that at a later date City Council review 30.106 regarding the Planning Commission and consider amending that section to better define and perhaps expand the description of the Planning Commission's duties. Robinette reiterated that he supports the expanded language, but in an ordinance rather than by placement in the Charter.

Council President Aspacher clarified that Robinette's proposal is to approve Ordinance #8689 as it presently exists and to amend the Administrative Code legislatively to further describe the functions of the Planning Department.

Council Member Herald commented that if a motion is made and seconded to amend Ordinance #8689 by substitution to included the expanded wording and that motion is adopted by the majority of City Council, then that version would be what goes before the voters in November. If it doesn't pass, then Council would vote on the original language that is in the current proposed Ordinance #8689. City Attorney Mike Marsh confirmed that Herald's scenario was correct.

Council Member Herald then made a motion, Gordon seconded, to amend Ordinance #8689 to include the expanded language provided by City Attorney Mike Marsh.

Council Member Jeffers commented that he has been talking to a few people involved in the Charter review and it was their view that if the expanded language is in the Charter it is more prominent and gives it more emphasis. Jeffers indicated that he feels that the first proposed language gives it the prominence that it needs, and supports the proposal by Council Member Robinette because he does not like all the details being spelled out in the Charter. He feels that those details belong in the Administrative Code.

Council Member Aspacher agreed with Jeffers and indicated that until recently he was not supportive of putting either version of the proposed changes in the City Charter because he didn't feel it was necessary. He stated that he feels there is a great awareness of planning by City Council and the current Administration and he didn't think there was need to increase its prominence by placing it in the Charter. However, he stated that he could support the language in the original ordinance and Robinette's proposal of putting the expanded, more descriptive language in the Administrative Code which gives more flexibility to Council in the future. He indicated that he will be voting no on amending the original Ordinance #8689.

Council Member Rowland stated that she supports the amended language and will be voting in favor of amending by substitution because she feels it is the best representation of the spirit of what the Charter Commission intended with its recommendation and is supported by both chairs of the Commission and the Mayor.

Council Member Zanfardino indicated that there seems to be some confusion and pointed out to Rowland that the Mayor actually supports the original version presented in Ordinance #8689, not the expanded language. Zanfardino noted that he supports the amended expanded language and will be voting in favor of amending by substitution. He noted that the arguments against the expanded language is that it places an emphasis on violating the purity of the City Charter and he feels that that reasoning is not sound. He indicated that he feels the expanded language does not limit the Planning Department, but rather states its importance.

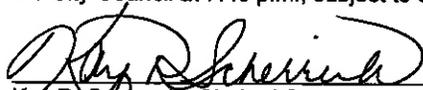
Council Member Gordon agreed with the desire to keep the City Charter as streamlined as possible, but if changing the Charter can make a greater impact on people's quality of life, then he thinks that matters more. He also said that while City Council, the Mayor, and the Administration today clearly care about planning, that there is an indication that in the past that hasn't always been the case. Gordon supports the expanded language and the amendment because he feels it will do some good towards prioritizing planning in the future.

Council Member Herald said that Council Member Robinette's proposal is sound, but it boils down to a weight between an emphasis of the planning function and the desire to clarify it, and the desire to keep the Charter uncluttered. Herald indicated that both of those are worthy goals. He noted that there are valid arguments on both sides, but in this case he wants to error on the side of emphasizing planning and will support amending by substitution.

On roll call vote, Council Members Zanfardino, Gordon, Herald, and Rowland voted yes. Council Members Aspacher, Jeffers, and Robinette voted no. Council President Aspacher declared motion carried, and Ordinance #8689 amended by substitution.

Council Member Herald moved, Zanfardino seconded, to adopt Ordinance #8689 as amended. On roll call vote, Council Members Gordon, Herald, Rowland, and Zanfardino voted yes. Council Members Aspacher, Jeffers, and Robinette voted no. Council President Aspacher declared motion carried, and Ordinance #8689 adopted as amended.

Council Member Jeffers moved, Robinette seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the July 2, 2018 regular meeting of the City Council at 7:45 p.m., subject to call.

  
Kay D. Spierreik, Clerk of Council

  
Michael Aspacher, President of Council