

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MONDAY, OCTOBER 7, 2019

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

Council Member Rowland moved, Zanfardino seconded, to approve the minutes of the regular meeting held September 19, 2019 as distributed. On unanimous voice vote, 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 2019 was distributed to Council prior to this evening's meeting.

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

On behalf of Mayor Edwards, the Clerk read a list of appointments to the Sidewalk Commission for confirmation by City Council. The list is as follows:

Ryan Sanner – 2-year term ending 5/31/2021
Lori Young – 2-year term ending 5/31/2021
Richard Martin – 4-year term ending 5/31/2023
Cynthia Whipple – 4-year term ending 5/31/2023

Ex Officio members are as follows:

Mike Hammer (Traffic Commission)
Lori Tretter (Safety Director)
John Zanfardino (Transportation & Safety Committee representative from City Council)

Council Member Herald moved, Rowland seconded to approve the appointments as submitted by Mayor Edwards. On unanimous voice vote, Council President Aspacher declared motion carried.

SPECIAL RECOGNITIONS – MAYOR EDWARDS

Mayor Edwards read a proclamation for CROP Hunger Walk day that will be held on October 20, 2019.

LOBBY VISITATIONS

There were no lobby visitations.

NEW LEGISLATION

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

Council Member Rowland, for the Parks and Recreation Committee, introduced an ordinance authorizing the Municipal Administrator to execute an Assignment and Assumption Agreement and other documents related to the transfer/purchase of property from the Black Swamp Conservancy.

Council Member Jeffers, for the Finance Committee, introduced an ordinance amending and adopting Section 33.23(B)&(E) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding medical, dental and vision insurance.

Council Member Jeffers, 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, 2019 and ending December 31, 2019.

Council President Aspacher, for the Committee-of-the-Whole, introduced a resolution in support of the Bowling Green City Schools income tax and bond issue, and the schools generally.

OFFICIAL REPORTS

Mayor Dick Edwards had no report.

Municipal Administrator Lori Tretter updated Council on behalf of the Public Works Director Brian Craft that the downtown construction is still on track to receive the final course of paving in the middle of the month with substantial completion by the end of October. Tretter also noted that the upcoming Firefly Nights Festival will be held in the downtown area on Friday, October 18. Tretter indicated that citizens needing brush collected can call Public Works until October 14 to be placed on a list for collection the following week. The Tree Commission will be holding a seminar on Saturday, October 19, at Simpson Garden Park to discuss winterizing your garden. Tretter announced that the Fire Division will be holding an open house event on Saturday, October 12, from 10 a.m. – 1:00 p.m. at the Pearl Street station.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Kristin Otley had no report.

City Attorney Michael Marsh reported that according to Robert's Rules of Order the effect of tabling Ordinance #8784 and #8785 indefinitely and then not acting upon them at the next scheduled meeting caused them to no longer exist. He went on to explain that that does not mean that the two ordinances are dead, but they will no longer be on the agenda going forward and would need to be reintroduced by Council at a future meeting when they decide to take them up again. Marsh noted that the circumstances under which Council tabled the plastic bag ordinance have not changed on the State level as no vote has yet been taken. Marsh indicated that as a matter of future practice, it is his opinion that if Council tables any legislation to a date certain, Council is amending Robert's Rules which is authorized. However, if it is Council's intention to table something indefinitely he does not feel that that is something that is authorized under Robert's Rules or the City's Administrative code unless modified by a majority vote of Council. Marsh said that this was his fault that he didn't catch it. Council Member Zanfardino asked if the historic preservation ordinance that was tabled by Council indefinitely some time ago falls under this category. Marsh said that it did. He also noted that he looked back over the 31 years that he has been City Attorney and did not come up with an instance where Council adopted legislation that had been tabled indefinitely. Council Member Jeffers commented that he would like to take part of the blame for what happened with these ordinances indicating that he should have been more familiar with the rules and perhaps talked to him ahead of time regarding the process. Marsh responded that fortunately Council has options available to them if they choose to take up the issue in the future. Marsh recommended waiting to see what the State legislature does in the coming months.

Council Member Robinette noted that he has been studying this issue in Robert's Rules and distributed to Council a list of three procedural options that are available for tabling an ordinance. The first is to "lay on the table" which is the procedure Council currently uses to table an ordinance until the next meeting in cases where there is a public hearing to be held. The second is to "table to a date certain", which is the scenario that the City Attorney explained. The third is to "postpone indefinitely" which can be used to table some indefinitely. He explained that it cannot be acted upon at the same meeting in

which it was postponed, but can be acted upon at any meeting in the future and it is a debatable motion. Council Member Jeffers reiterated that the point of tabling the ordinances in the first place was not to stop them from going forward but to give businesses and other people who were going to be affected by the change a chance to see if it's going to even move forward. The point was to not burden people with something until we were sure it would go forward.

Utilities Director Brian O'Connell had no report.

Public Works Director Brian Craft was not present.

COUNCIL COMMITTEE REPORTS

Council Member Robinette reported that the Planning, Zoning and Economic Development Committee held two public hearings prior to the Council meeting regarding Ordinance #8792 and #8793. Robinette indicated that no detrimental information was heard and the committee recommends adoption of the two ordinances.

READING OF LEGISLATION

Clerk read Resolution #3743 in support of the Bowling Green City Schools income tax and bond issue, and the schools generally, for first reading.

Council President Aspacher moved, Zanfardino seconded, to suspend the rules and give Resolution #3743 its second and third reading. On roll call vote, Council Members Hollenbaugh, Jeffers, Robinette, Rowland, Zanfardino, and Aspacher voted yes. Council Member Herald voted no. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Resolution #3743 for second and third reading by number and title only.

Council President Aspacher moved, Zanfardino seconded, to adopt Resolution #3743. Council Member Zanfardino commented that he is happy to see this resolution before Council tonight and feels that the school levy is urgent for the City of Bowling Green. He indicated that he is happy to cast a vote in support of them.

Council Member Jeffers stated that it is important for economic development that we have high quality schools and more important than that, he feels that it is important for kids to have a good place to go and learn and have a good experience.

Council Member Rowland concurred with the others have said and added that she feels it is important to take into consideration the safety of the children. She said that she is pleased that the City's Police Chief, Tony Hetrick, has issued a letter stating the safety benefits of having one community school. She feels that that is another good reason to support the levy.

Council Member Robinette highlighted portions of the resolution itself and talked about the importance of Council taking a stand on the school issue. He talked about having a new school would help the City continue its efforts to create and maintain a sustainable economic development strategy by attracting more businesses and more people into the City. Robinette said that he is proud to support the efforts of all of the schools in Bowling Green and he's proud to support the Bowling Green City Schools by adding his signature to the resolution.

Council President Aspacher stated that he has been outspoken proponent of this school levy request and that he will continue to be so until election day. Aspacher said that he is appreciative of the efforts of the Board of Education to go through the process of listening to the community to come up with a plan that is going to best meet the educational requirements of our children. Aspacher indicated that he is at the point where he is ready to accept the recommendations of the experts that have studied the issue and determined the best way to educate our children. He noted that he is perfectly comfortable endorsing this school levy and will encourage anyone that he knows to do the same. Aspacher further noted that if the issue passes, he feels that the community will be making a strong statement about the importance of education in the City.

Council Member Hollenbaugh noted that his grandfather was president of a school board a long time ago and he always told him never vote against a school levy because they would ask for it if they didn't need it. Hollenbaugh indicated that since he has been old enough to vote, he has not voted against a school issue and he didn't see it happening this time.

Council Member Herald stated that it has been his position and is his position now that it is inappropriate for City Council to take a stand on school levies. He indicated that while he is comfortable with that, he does find himself in a middle position. Herald recognized and commended Council President Aspacher's efforts to craft a resolution that would be acceptable to all Council Members. Herald noted that the City needs to have a sense of being one community whether you choose to send your children to the public schools or one of the private schools and he feels that this resolution does a good job in presenting that by mentioning support for all schools in the city, not just the public schools. So that brings him back to his dilemma. Herald indicated that it is important for the citizens to realize that the school board is not the enemy and they have done their job and should be respected. He noted that the ballot issue is not the same as the past two attempts and that the status quo of the schools is not acceptable.

On roll call vote, Council Members Hollenbaugh, Jeffers, Robinette, Rowland, Zanfardino, Aspacher, and Herald voted yes. Council President Aspacher declared motion carried, and Resolution #3743 adopted.

Clerk read Ordinance #8799 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2019 and ending December 31, 2019, for first reading.

Council Member Jeffers moved, Rowland seconded, to suspend the rules and give Ordinance #8799 its second and third reading. On roll call vote, Council Members Jeffers, Robinette, Rowland, Zanfardino, Aspacher, Herald, and Hollenbaugh voted yes. Council President Aspacher declared motion carried, and rules suspended.

Clerk read Ordinance #8799 for second and third reading by number and title only.

Council Member Jeffers moved, Zanfardino seconded, to adopt Ordinance #8799. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Aspacher, Herald, Hollenbaugh, and Jeffers voted yes. Council President Aspacher declared motion carried, an Ordinance #8799 adopted.

Clerk read Ordinance #8800 amending and adopting Section 33.23(B)&(E) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding medical, dental and vision insurance, for first reading.

Clerk read Ordinance #8801 authorizing the Municipal Administrator to execute an Assignment and Assumption Agreement and other documents related to the transfer/purchase of property from the Black Swamp Conservancy, for first reading.

Clerk read Resolution #3742 authorizing the Municipal Administrator to enter into a renewal agreement with the Wood County Public Defender, for second reading.

Clerk read Ordinance #8797 amending the Zoning District Map of the City of Bowling Green, Ohio, for Inlot #2801 and Inlot #2802, approximately 0.3582 acres of land, located at the northwest corner of North Enterprise Street and Frazee Avenue, from M-2 General Industrial to R-2 Single-Family Residential, as petitioned for by Maurer Rentals, LLC, for second reading.

Clerk read Ordinance #8796 determining certain real properties no longer necessary for municipal purposes, and authorizing the Municipal Administrator to transfer said properties to the Bowling Green City School District Board of Education, for third reading.

Council President Aspacher moved, Rowland seconded, to adopt Ordinance #8796. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Herald, Hollenbaugh, Jeffers, and Robinette voted yes. Council President Aspacher declared motion carried, and Ordinance #8796 adopted.

Clerk noted that the following two ordinances come off the table automatically.

Council Member Robinette moved, Jeffers seconded, to adopt Ordinance #8792 amending the Zoning District Map of the City of Bowling Green, Ohio, for the properties generally known as 1019 Mourning Dove Lane and 936 Robinwood Lane from S-1 Planned Residential to R-2 Single Family Residential zoning. On roll call vote, Council Members Zanfardino, Aspacher, Herald, Hollenbaugh, Jeffers, Robinette, and Rowland voted yes. Council President Aspacher declared motion carried, and Ordinance #8792 adopted.

Council Member Robinette moved, Jeffers seconded, to adopt Ordinance #8793 amending and adopting Section 150.55 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding off-street parking. On roll call vote, Council Members Aspacher, Herald, Hollenbaugh, Jeffers, Robinette, Rowland, and Zanfardino voted yes. Council President Aspacher declared motion carried, and Ordinance #8793 adopted.

Council Member Jeffers moved, Herald seconded, to adjourn. On unanimous voice vote, Council President Aspacher adjourned the October 7, 2019 regular meeting of the City Council at 7:45 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



Michael Aspacher, President of Council



October 7, 2019

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

Transfers requested for the month of October include:

Fund	Dept.	Account	Description	From	To
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 3,042.58	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 3,042.58
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	\$ 7,500.00	
3025	000	69420	Debt Service, Revenue, Transfer From Special Revenue		\$ 7,500.00
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 33,055.25	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 33,055.25
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 11,616.67	
4005	000	69440	Equipment Capital Reserve, Revenue, Transfer From Capital Projects		\$ 11,616.67
4055	710	92400	Aquatic Facility Capital Improvement, Recreation Department, Transfer To Capital Projects	\$ 2,083.33	
4010	000	69440	Facility Capital Reserve, Revenue, Transfer From Capital Projects		\$ 2,083.33
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 38,481.58	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 38,481.58
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 4,542.92	

2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 4,542.92
4055	710	92300	Aquatic Facility Capital Improvement, Recreation Department, Transfer To Debt Service	\$ 21,001.58	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 21,001.58
2016	710	92300	Park, Playground and Recreation, Recreation Department, Transfer To Debt Service	\$ 17,389.08	
3025	000	69420	Debt Service, Revenue, Transfer From Special Revenue		\$ 17,389.08
5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 184,036.00	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 184,036.00
5221	651	92500	Water Revenue, Administrative and General, Transfer To Enterprise	\$ 78,623.00	
5222	000	69450	Water Capital Reserve, Revenue, Transfer From Enterprise		\$ 78,623.00
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 16,040.00	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 16,040.00
Total				\$ 422,553.66	\$ 422,553.66