

RECORD OF PROCEEDINGS

Minutes of

CITY OF BOWLING GREEN CITY COUNCIL SPECIAL MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

TUESDAY, JULY 14, 2020

Held

20

The special meeting of the Bowling Green City Council, held in the Council Chamber, 304 North Church Street, Bowling Green, Ohio was called to order at 6:00 p.m. by Council President Hollenbaugh. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Herald, Hollenbaugh, Robinette, and Zanfardino were present. Council Members Leontis, Phipps, and Rowland attended via teleconferencing. Also present were Mayor Mike Aspacher, Municipal Administrator Lori Tretter and City Attorney Michael Marsh.

CORRESPONDENCE

Clerk of Council Kay Scherreik read emails from the following individuals regarding a proposed mask ordinance.

- Darryl Kosciak – emailed in favor of enacting the mask ordinance;
- Ryan Patton, 3rd Ward Resident – also in favor of enacting a mask ordinance;
- Ann-Marie Lancaster, 29 Parkwood Drive – emailed in support of a mask ordinance;
- Cale and Jessica Hover, 1430 Wren Road – emailed strongly support a mask mandate in Bowling Green;
- Rhonda Garvey – emailed with some statistics and was not in favor of a mask ordinance.

NEW LEGISLATION

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

Council Member Zanfardino, for the Committee-of-the-Whole, introduced an ordinance requiring face coverings in certain public spaces to limit the spread of COVID-19, and declaring an emergency.

LOBBY VISITATIONS

Vassiliki Leontis, 119 N. Summit Street, began by showing signs that have been displayed throughout the community acknowledging the work of health care workers referring to them as heroes. Mrs. Leontis encouraged Council to pass a mask mandate to show by our actions that we are properly honoring the health care workers who are working on the front lines. She indicated that she feels that the action that can be taken and is small sacrifice on our part is to wear a mask. She feels that this would go a long way towards helping to stop the spread of the virus. She stated that she looks forward to the day when the motto "we are all in this together" is not meaningless.

Wendy Manning, 865 W. Wooster Street, noted that she spoke to Council last Monday asking for a mask ordinance to be put in place and since that time there has been a 22% increase in COVID-19 cases in Wood County. She said to think about all those people who might not be sick if Council had taken action. She stated that delaying action is not a good idea and hopes that the decision can be made this evening.

Jessica Carpenter, 10244 Bowling Green Road East, addressed City Council speaking against a mask mandate. Carpenter cited statistics for COVID-19 and stated that the virus had a 99.97% survival rate. She also expressed concerns for her individual liberties which are outlined in the Constitution and informed Council Members that if a mask ordinance is put in place that she and her family would not comply.

READING OF LEGISLATION

Clerk read Ordinance #8861 requiring face coverings in certain public spaces to limit the spread of COVID-19, and declaring an emergency, for first reading.

Council Member Zanfardino moved, Leontis seconded, to suspend the rules and give Ordinance #8861 its second and third reading. On roll call vote, Council Members Hollenbaugh, Leontis, Phipps, Robinette, Rowland, Zanfardino, and Herald voted yes. Council President Hollenbaugh declared motion carried, and rules suspended.

Clerk read Ordinance #8861 for second and third reading by number and title only.

Council Member Zanfardino moved, Leontis seconded, to adopt the emergency clause for Ordinance #8861. Council Member Leontis asked President Hollenbaugh for the ordinance to be read aloud or a summary given of what is contained in the ordinance. In response to the request, the Clerk of Council read the ordinance aloud. At the conclusion of the reading, Council President Hollenbaugh asked for the roll call vote. On roll call vote, Council Members Leontis, Phipps, Robinette, Rowland, Zanfardino, Herald, and Hollenbaugh voted yes. Council President Hollenbaugh declared motion carried, and the emergency clause adopted.

Council Member Zanfardino moved, Rowland seconded, to adopt Ordinance #8861.

Council President Hollenbaugh thanked those in attendance at this evening's meeting as well as those citizens who reached out to Council Members in the last two weeks to provide input. The input is valued and necessary when addressing an issue such as this. Hollenbaugh noted that this input came from a vast array of people including a bride asking how a mask mandate might impact her wedding in November. Hollenbaugh first and foremost thanked the public for their participation. He thanked the Clerk of Council for giving up a portion of her vacation time to attend the meeting this evening. He also thanked City Attorney Mike Marsh for his work in putting the ordinance in a proper and legal form. And he thanked all the Council Members who worked tirelessly over the last week and a half putting the legislation together and to Council Member Herald who put together a template of discussion to help shepherd Council through the process. Hollenbaugh noted that by everyone chipping in and doing their part, this was able to be done now rather than waiting until July 20 which was the original target date.

Council Member Herald thanked President Hollenbaugh for his leadership in the process. Herald noted that he originally thought that getting this legislation put together by July 20 was an ambitious target, however what he did not see at that point was how everything would come together. He further noted that generally legislation is given more time to gain public input, but he feels that there was no problem with that due to the large numbers of emails he received over the last week and a half. He indicated his surprise that Council was able to pull all of the thoughts and input from citizens into legislation form so quickly, given the nature of the issue and the nature of the legislative process, there will be time to make adjustments in the future if needed. Herald stated that Council has had to balance individual liberties with community safety. He noted that those in favor and those opposed to the legislation have valid points and should be respected. Herald suggested that as this ordinance is implemented that if citizens have suggestions for how it can be improved to please let Council know.

Council Member Leontis thanked President Hollenbaugh and Mayor Aspacher for their leadership on this ordinance and thanked Council Member Herald for getting things organized. Leontis stated that this is an emergency as COVID-19 cases are rising rapidly in Wood County and in Bowling Green. This needs to be anticipated so that hospitals are not overrun as is happening in Texas and Florida. As the one scientist on City Council, he wished to address himself to the last lobby visitor. He indicated that she raised a lot of good points and provided a lot of good data. He wanted her to know that as a scientist he has looked in to that data in the last month and has written about it and addressed those concerns she raised. He noted that his response to those points has been published in the Sentinel Tribune and the BG Independent News so she can read that response with scientific data and references to the original sources.

Council Member Rowland noted that the "Whereas" sections of the ordinance were not read aloud, and she wished to point out that the CDC does encourage the wearing of masks in public as well as the Wood County Hospital and the Wood County Health Commissioner.

Council Member Zanfardino thanked Council President Hollenbaugh for moving this along quickly and noted that Herald's template was very helpful. Zanfardino indicated that he received approximately 100 communications regarding this issue and about 91% of those were in favor of a mask mandate. He commented that he feels that Council has heard what the people have to say and that it's overwhelmingly clear that a majority of people in Bowling Green would like to see this legislation enacted.

Council Member Robinette read a prepared statement. That statement is attached to and made a part of these minutes.

Council Member Phipps commented that she has had to remind herself often that we will not be wearing masks forever and that we are absolutely going to get through this. She further commented that she sees this ordinance as a tool that helps us live better while this virus is with us and while we are figuring out treatments and while a vaccine can be developed. She stated that more people wearing masks in Bowling Green means it is less likely that we have to shut down restaurants and businesses again. More people wearing masks in Bowling Green means that we are attempting to protect the most vulnerable and our health care workers. More people wearing masks means that hopefully this fall and this winter will look a little bit closer to normal. For those reasons, she indicated that she intends to vote in favor of this ordinance. She also indicated that she is grateful to the many people who reached out to Council and shared their thoughts and grateful to Council President Hollenbaugh for moving this along so quickly.

Council Member Herald noted that there is one issue that Council seems to be split on and that is regarding the end date of December 31, 2020 on the ordinance. He noted that he is adamant that an end date be put on this ordinance. Council needs to communicate the message that this mandate is temporary. He had originally thought that September 30 might be a good date, but perhaps that is too soon. He suggested have a short discussion about changing the date to something between October 31 and December 31.

Council President Hollenbaugh said that there are advantages and disadvantages to the different dates. He stated that he has heard from people that having a sooner date might provide a feeling of hope that this situation might end sooner rather than later. It is obvious that no one knows what the coming months are going to look like. An earlier date would allow Council to look back on the ordinance and possibly make some changes if they are needed. Hollenbaugh noted that if there was an earlier date that does not mean that it's going to expire on the earlier date. It means that if conditions are as they are now or worse, it would most certainly be extended beyond that date. He doesn't want anyone to think that an earlier date means this order will terminate any sooner than what is needed. He stated that this order will be in effect as long as it is needed to be in effect and no longer. Hollenbaugh noted that the Mayor's emergency order is in effect until December 31, so there was some thought that this would go along with that order.

Council Member Rowland suggested that as we move along and we find how things are going. She indicated that she feels that the date should remain at December 31 because that coincides with the Mayor's emergency order, but if things get better then Council can repeal the ordinance at that time.

Council Member Robinette commented that it's important to recognize the great concern of many that this is not a permanent measure and that we will get back to life that resembles normalcy. He stated that he feels that it does not detract from what is being accomplished if the date is moved a little bit earlier just to emphasize that this is considered a temporary measure that will be reevaluated as needed, extended when needed, or terminated when needed. Robinette moved, Herald seconded, to amend Ordinance #8861 to change the ending date from December 31, 2020 to October 31, 2020.

Council Member Leontis reminded fellow Council Members that October 31 will be right in the middle of the BGSU fall semester and he's afraid that it's going to send a wrong message to the students. At the beginning of the semester there are going to be efforts to educate students on the wearing of masks and to support it. Anything before the end of the semester or November 30 is sending the wrong message. He also reminded Council Members that the Dayton ordinance said until the emergency is over.

Robinette commented that this mask mandate is not tied to the Mayor's declaration, it is tied to the situation on the ground and to the progress of the virus. He supports the earlier date in that it sends a positive message to the citizens of the temporary nature of the mask mandate. He stated that if we get to the second meeting in October and things have not improved, Council can act then to extend the date so there will be no period of uncertainty.

Council Member Phipps stated that she is in favor of moving the date earlier for two reasons. One is that she has been hearing psychologically looking at December 31 is very painful for a lot of people. Secondly, Council moved quickly to put this ordinance together and she likes the idea of looking at it sooner rather than later to make any necessary adjustments that may have been missed or needed at that time.

Council Member Zanfardino acknowledged the valid points brought forward by other Council Members, but he feels that the October 31 date is too soon and he will not be supporting the amendment. Zanfardino stated that if there is some improvement by October, then Council can repeal the ordinance at that time.

Council President Hollenbaugh reiterated that this mask mandate will be in effect as long as it is needed.

Council Member Leontis commented that as he has written in articles, this virus can be brought under control if we adhere to the guidelines, if we do more testing, perform contact tracing.

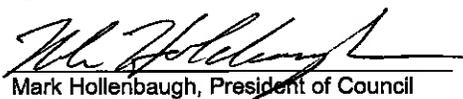
On roll call vote on the motion to amend, Council Members Robinette, Herald, Hollenbaugh and Phipps voted yes. Council Members Rowland, Zanfardino, and Leontis voted no. Council President Hollenbaugh declared motion carried, and Ordinance #8861 amended to change the date to October 31, 2020.

Referring back to the original motion to adopt Ordinance #8861 as amended, Council Members Rowland, Zanfardino, Herald, Hollenbaugh, Leontis, Phipps, and Robinette voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8861 adopted as amended.

Council Member Zanfardino moved, Herald seconded, to adjourn. On unanimous voice vote, Council President Hollenbaugh adjourned the July 14, 2020 special meeting of the City Council at 7:20 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



Mark Hollenbaugh, President of Council

7/14/2020 G. Rob. Hoffe notes

Unless the proposed legislation is significantly amended, I will vote for this temporary mask mandate.

I feel that it is the right thing to do now under the circumstances in which we find ourselves.

I have heard from many citizens, and the comments only fell into two groups – for the mandate or against the mandate. There was nothing resembling a middle ground position.

Most writers were passionate about their views. Far too many of the comments on both sides of the issue were full of vitriol and anger. Many has a similar theme: vote the way I say because the those who disagree with me are ignorant, stupid, or worse.

One writer optimistically wrote that "we will survive and be civil." The writer was sadly wrong – civility has left the building. What I have read and heard lately is a complete lack of civility.

Although this evening's speakers have been civil,

For the record, no one, not one writer, persuaded me to do anything except take an antacid and a migraine strength pain reliever. And no, I was not persuaded by the science cited by either side of this issue.

But I am persuaded by the humanity of everyone required to engage the public to run their businesses or as part of their job and source of income.

I want Bowling Green to not just survive this pandemic, but to thrive on the other end when we have defeated or have gained control of the spread of this virus.

I want businesses to stay open for themselves and for the community.

I want shoppers to put themselves in the place of the people who mask-up every day and go to work to support themselves, their customers, and the community. People who do not need the added stress of wondering if the next unmasked customer is an unknowing carrier.

I want kids and teachers back in the classroom, and gatherings of more than 10 people.

So in the short term, I vote to err on the side of humility (I don't know if I have the virus, but I will mask),^{of} kindness (I do not know if those I encounter have underlying health conditions, so I will mask), and^{of} community (as I stated a moment ago, I want Bowling Green to thrive, businesses to stay open, people to be employed and healthy, so I will mask).

I respect the views of our local health officials at the Wood Co. Health Commission & Wood Co. Hosp