

MONDAY, FEBRUARY 16, 2021

Held

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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 Hollenbaugh. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Herald, Hollenbaugh, Robinette, Rowland, and Zanfardino were present. Council Members Dennis and Phipps attended via teleconferencing. Also present were Mayor Mike Aspacher, Municipal Administrator Lori Tretter, City Attorney Michael Marsh, and Planning Director Heather Saylor. Public Works Director Brian Craft, Utilities Director Brian O'Connell, and Parks and Recreation Director Kristin Otley were not present.

Council Member Herald moved, Rowland seconded, to approve the minutes of the regular meeting held February 1, 2021 as distributed. On unanimous voice vote, Council President Hollenbaugh declared motion carried.

#### **CORRESPONDENCE**

Clerk of Council Kay Scherreik reported that correspondence was received via email from Kimberly Burnham at 17485 Barr Road. The correspondence was regarding the installation of residential solar panels they are having installed at their residence and expressed her opinion on the fees being charged by the City. A copy of this correspondence was distributed to all Council Members and filed with the Clerk in accordance with the City's record retention policy.

#### **LOBBY VISITATIONS**

Joseph DeMare, 517 S. Main Street, addressed Council again regarding his objections to the City's policies of imposing fees for homeowners who install rooftop solar panels on their homes. He stated that this discourages anyone from putting solar panels on their homes. He also compared the logic of rooftop solar fees to charging people more for conserving power at their homes. He also likened the policy to when he testified against House Bill 6 two years ago at the state level and said it feels like the Utilities Director is more concerned about profits of coal plants than promoting the future of clean energy in Bowling Green. DeMare said it was very discouraging. He asked Council again to reverse the decision on the solar fees.

Council President Hollenbaugh thanked Mr. DeMare for his comments but disagreed with his analogy comparing it to House Bill 6. Hollenbaugh indicated that he will be reviewing the response received from Utilities Director Brian O'Connell.

Council Member Rowland commented that she is insulted that he would stand before City Council and compare it to one of the biggest bribery schemes that has taken place in the United States. She said that she thinks that's very low. DeMare responded that what he said is that it feels the same. He said he is not accusing anyone on Council or in the City government of any sort of wrongdoing. But as a citizen he saw something that was being done that hurts the switch over to renewable energy at the state level and now feels very upsetting to see that happening on the local level.

Rowland added that these policies are set and handled by the Utility Department and the Board of Public Utilities. They are people who can answer to what was done and why it is being done. She indicated that he should be appearing before the Utilities board talking about this rather than City Council. DeMare responded that the Utilities board has already made their decision and his experience is that they make their decisions based on what the professionals have told them. He is now asking Council to overturn that decision. He apologized to Council Member Rowland indicating that it was not his intent to impugn anyone on the City Council or the City Government. Rowland responded that it is a very bad comparison and she suggested that he save his time by going before the Board of Utilities with his concerns. DeMare responded that he did not see that as a good use of his time.

Council Member Dennis asked if these were policies set by an ordinance adopted by City Council or if it is within the purview of the Board of Public Utilities to set policy. Council President Hollenbaugh confirmed that the Board has the authority to set policy. Council Member Herald asked City Attorney Mike Marsh if City Council has the ability to change the rates and fees that are set up by the Board of Public Utilities. Marsh responded that City Council does not have the authority per the City Charter to do what DeMare is asking Council to do. Dennis confirmed that if Council wanted to change that provision in the Charter, it would have to go to a vote of the citizens on the ballot at the next election.

Council Member Phipps commented that she feels that City Council has a role to play in this issue and whether or not the City wants to be incentivizing residential renewable energy installations. She feels that that is an issue that is very appropriate for Council to be considering and discussing.

Council Member Herald indicated that he had a chance to talk to Utilities Director Brian O'Connell and get an idea of the reasoning that he used and the options that City Council has before it. Council President Hollenbaugh interrupted Herald and said that he agreed with Phipps indicating that he does not believe it is out of the purview of Council to discuss the issue of incentivizing various sources of energy, however he does not see that during lobby visitation is the proper time.

Council Member Robinette shared Rowland's concern at her disdain over the comments from Mr. DeMare. He stated that as a Council, they are not obligated to entertain personal attacks against members of this administration from members of the community. Lobby visitation is an opportunity for the public to come and address issues with Council. Robinette said that he is offended and apologized to Mr. O'Connell because Council did not step in and stop the travesty. He also stated that in the future if someone attacks a member of this administration in this forum, he would do everything in his power to stop it.

Council Member Zanfardino commented that he did not feel that Council was being told that it took a bribe in order for these policies to be put in place. However, he stated that House Bill 6 has been referred to as the worst environmental law in America. He said that he has concerns about the fees that Council is learning about and feels that the City needs to incentivize the future of clean energy.

Council Member Herald noted that if anyone wants to make disparaging comments to City Council it is their right, Council Members have thick skin. But it is also reasonable to request decorum when addressing these types of issue to Council. He noted that one of the reasons he's on City Council is to be a sort of firewall between the craziness in Washington and local government.

#### **NEW LEGISLATION**

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

Council Member Robinette, 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, 2021 and ending December 31, 2021.

Council Member Robinette, for the Finance Committee, introduced an ordinance certifying unpaid cost of weed mowing to the County Auditor for placement on the tax duplicate.

Council Member Herald, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a real estate agreement for the exchange of real estate between the City of Bowling Green and McEwen Realty.

Council Member Herald, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the transformer replacement at the Gypsy Lane Substation.

**OFFICIAL REPORTS**

Mayor Mike Aspacher thanked Council Members Robinette and Rowland for their remarks relating to comments directed at members of the City Administration and joined them in feeling that they were very inappropriate.

Mayor Aspacher reported that this most recent snow event was a significant storm. The City received 12.4 inches of snow which ranks #5 on the list of the biggest 2-day snow events. The Mayor recognized the efforts of the Public Works Division and other public officials who were responsible for public health and safety during the storm. He also noted that he had the opportunity to ride along with one of the City's snowplow drivers for a few hours and gained a new respect and appreciation for the work they do. He said that these operators are skilled and dedicated working 12 hour shifts continuously to keep the roads safe.

Council Member Dennis asked about the unilateral action taken to put a hole in City Park and route traffic through that area. Mayor Aspacher responded that it was his decision and he approved it. When saying it was a unilateral decision, the Mayor explained that it was a decision he made after discussing the matter with the Parks & Recreation Director, Public Works Director and the Safety Director. He stated that it was his decision and it is in his purview as Mayor to make that decision. He reminded Council that he has been saying since the very beginning of the pandemic that it is incumbent upon the City to do all it can do to support the efforts of our community partners with the school system being one of the most valued partners. After assessing the situation of the request that was made by the school superintendent, Aspacher stated that it was his assessment that this was a situation that was worth trying to alleviate some of the traffic congestion during peak drop off and pick up times during the school year. Aspacher noted that they are open to monitoring the situation and its effects on park traffic, etc. Dennis noted that he did have a couple of people reach out to him with concerns about what it might do to traffic and pedestrian traffic in the area.

Council Member Herald commended Mayor Aspacher for the times he has taken bold actions in the time period of just over a year that he has been Mayor such as the removal parking meters and kiosks and this decision for Conneaut school. He indicated that he looks forward to seeing how it works and complimented him on finding areas where he can take bold action.

Municipal Administrator Lori Tretter had no report.

Council President Hollenbaugh asked about trash pick up this week with the holiday being Monday and snow storm. Tretter responded that trash pick up will be on a one-day delay as it is with other holiday weeks.

City Attorney Michael Marsh had no report.

Utilities Director Brian O'Connell updated Council reported to Council that there were no power outages due to the recent snow storm and explained the price increase for the City's aggregate natural gas program. O'Connell noted that notices had been sent out to customers who participate in the program.

Council President Hollenbaugh expressed his thanks to Public Works and Utilities employees for their work during the recent snow storm.

Planning Director Heather Saylor had no report.

**COUNCIL COMMITTEE REPORTS**

Council Member Zanfardino noted that the Committee-of-the-Whole held a meeting earlier this evening regarding the proposed historic preservation ordinance. He thanked the Historical Preservation Commission for attending the meeting and expressing their thoughts regarding the ordinance.

Zanfardino also noted that the Community Improvement Committee will hold a meeting at 6:00 p.m. on Monday, March 1, regarding the rental registration, licensing and inspections. He suggested that committee members review the draft legislation creating the rental registration portion which is the first aspect of this issue. He suggested a starting

time of 6:30 p.m., but after some discussion with other committee members, decided to keep the 6:00 p.m. starting time to allow for sufficient time for discussion.

### READING OF LEGISLATION

Clerk read Ordinance #8902 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2021 and ending December 31, 2021, for first reading.

Council Member Robinette moved, Rowland seconded, to suspend the rules and give Ordinance #8902 its second and third reading. On roll call vote, Council Members Herald, Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, and Dennis voted yes. Council President Hollenbaugh declared motion carried, and rules suspended.

Clerk read Ordinance #8902 for second and third reading by number and title only.

Council Member Robinette moved, Rowland seconded, to adopt Ordinance #8902. On roll call vote, Council Members Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, Dennis, and Herald voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8902 adopted.

Clerk read Ordinance #8903 certifying unpaid cost of weed mowing to the County Auditor for placement on the tax duplicate, for first reading.

Clerk read Ordinance #8904 authorizing the Utilities Director to enter into a real estate agreement for the exchange of real estate between the City of Bowling Green and McEwen Realty, for first reading.

Clerk read Ordinance #8905 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the transformer replacement at the Gypsy Lane Substation, for first reading.

Clerk read Ordinance #8901 authorizing the Municipal Administrator to enter into a contract with Hull & Associates, Inc., for design and engineering and to advertise for bids and enter into a contract or contracts for the construction of a MARCS communication tower, for second reading.

Clerk read Resolution #3788 authorizing the City Attorney to petition the Board of County Commissioners of Wood County, Ohio, to change township lines, for third reading.

Council Member Phipps moved, Zanfardino seconded, to adopt Resolution #3788. On roll call vote, Council Members Phipps, Robinette, Rowland, Zanfardino, Dennis, Herald, and Hollenbaugh voted yes. Council President Hollenbaugh declared motion carried, and Resolution #3788 adopted.

Council Member Robinette moved, Rowland seconded, to amend Ordinance #8896 by substitution to add the Utilities Director as authorized and a table of vehicles and equipment to be purchased by the Utilities Division. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Dennis, Herald, Hollenbaugh, and Phipps voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8896 amended by substitution.

Clerk read Ordinance #8896 as amended authorizing the Municipal Administrator and the Utilities Director to advertise for bids and enter into a contract or contracts and/or participate in State of Ohio or federal purchasing programs for the purchase and/or lease of vehicles, equipment and completion of projects as well as the trade-in or outright sale of vehicles and equipment no longer needed for municipal purposes, for third reading.

Council Member Robinette moved, Rowland seconded, to adopt Ordinance #8896 as amended. On roll call vote, Council Members Rowland, Zanfardino, Dennis, Herald, Hollenbaugh, Phipps, and Robinette voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8896 adopted as amended.

Clerk read Ordinance #8897 authorizing the Municipal Administrator and the Utilities Director to enter into a contract or contracts with specified vendors for work that may exceed \$50,000 annually for calendar year 2021, for third reading.

Council Member Robinette moved, Zanfardino seconded, to adopt Ordinance #8897. On roll call vote, Council Members Zanfardino, Dennis, Herald, Hollenbaugh, Phipps, Robinette, and Rowland voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8897 adopted.

Clerk read Ordinance #8898 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for sidewalk improvements, pavement striping, deicing salt, and improving streets, alleys, and other public ways in the City of Bowling Green, Ohio, for third reading.

Council Member Robinette moved, Herald seconded, to adopt Ordinance #8898. On roll call vote, Council Members Dennis, Herald, Hollenbaugh, Phipps, Robinette, Rowland, and Zanfardino voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8898 adopted.

Clerk read Ordinance #8899 authorizing an agreement between the City of Bowling Green, Ohio, and the Wood County Regional Airport Authority, for third reading.

Council Member Robinette moved, Rowland seconded, to adopt Ordinance #8899. On roll call vote, Council Members Herald, Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, and Dennis voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8899 adopted.

Clerk read Ordinance #8900 amending and adopting Sections 31.05(E) & (F) of the Codified Ordinances of the City of Bowling Green regarding standing committees, for third reading.

Council President Hollenbaugh moved, Herald seconded, to adopt Ordinance #8900. Hollenbaugh thanked Council Member Herald for bringing up the idea of looking at the Council committee structure. He noted that a lot of the issues that Council has been looking at are sustainability issues so the creation of a Sustainability Committee seems to be appropriate at this time. Hollenbaugh also noted that in light of this new legislation, new committee assignments will be forthcoming soon. On roll call vote, Council Members Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, Dennis, and Herald voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8900 adopted.

Clerk noted that Ordinance #8878 creating and adopting Chapter 158 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding Historic Preservation and amending and adopting certain sections of Chapter 30, 32, 35, 38, 150, and 152 of the Codified Ordinances to reflect changes regarding Historic Preservation comes off the table automatically.

Council President Hollenbaugh noted that it is his hope that Council can have a discussion this evening regarding proposed Ordinance #8878 concerning possible changes or options that are available to Council for additional input. Hollenbaugh noted that Council is in an unusual situation where an ordinance has received its three readings, but there are still questions surrounding it that have been brought to his attention over the last few days. He further noted that one of the options that is not available is to re-table the ordinance. Since it was tabled originally to tonight's meeting, it must be voted up or down at this point, or postponed after a motion to adopt is made and seconded. He explained that if it is postponed, there would be additional time to allow Council to do the necessary revisions to the ordinance and vote at a later date. Hollenbaugh stated that he is under the impression that Council Members support historic preservation but acknowledge that there are some changes that need to be made.

Council Member Herald spoke in favor of historic preservation and is thankful for efforts put forth by the Historic Preservation Commission (HPC) in putting this ordinance together. He stated that he is enthusiastically in favor of the concept and thinks that Council is very close. He feels that a little more time is needed in addressing the cleanup of the legalese. He noted that Council has a different perspective than the Planning Commission and the HPC in that Council needs to do what is in the best interest of the community, but balance that with the freedom that people have with their property.

Council Member Robinette further explained the postponement procedure according to Robert's Rules of Order noting that it allows Council more time to make the refinements that are needed to the legislation and when finalized the item can appear on Council's agenda for a vote. Robinette also noted the motion can be debated and that it can be postponed indefinitely or to a date certain. He feels that utilizing this tool will allow

Council to move forward with the proposed ordinance that Council has on its agenda with a few modifications.

Council Member Rowland indicated that she supports historic preservation in Bowling Green, but wants to have an ordinance that members of Council can feel comfortable putting into place, but one that still fulfills the mandate put forward by the Ohio Historic Commission. She also indicated that she supports the postponement procedure but prefers it being postponed until a date certain.

Council Member Zanfardino stated that he could support the ordinance as it is written, but would go along with a postponement. He indicated that he does not support suggestions to make it voluntary or super-majority voting issues that were suggested at the Planning Commission. However, if there are more specifics that will make members more comfortable, then he favors the postponement, but he would not support changing the general substance of the ordinance.

In response to Zanfardino's comments, Council President Hollenbaugh noted that there is a difference between being in support of historic preservation and being support of meaningful historic preservation. He also noted that some of the things brought up in the Planning Commission jeopardized establishing meaningful historic preservation.

Robinette pointed out to Council President Hollenbaugh that Council is not in a period of debate and suggested that a motion be made in order for Council to debate the issue.

Council Member Dennis asked for clarification regarding the postponement whether it would be a date certain or indefinitely. Hollenbaugh explained that it could be done either way. Dennis stated that he thinks it is important that Council put itself against a wall and move forward.

Zanfardino moved, Herald seconded, to adopt Ordinance #8878. Council President Hollenbaugh acknowledged that it has been properly moved and seconded. Robinette moved, Hollenbaugh seconded, to postpone indefinitely the motion to adopt. President Hollenbaugh then opened it up for discussion.

President Hollenbaugh summed up Council's options by saying that Council could adopt the ordinance as is and then make recommendations for changes later. This approach sends a message that Council is serious about historic preservation. A second option would be to go with the postponement, meaning that Council would not have to start over. The ordinance could be sent to committee for further recommendations and then adopted later. After discussion, Council concurred with the postponement and suggested that President Hollenbaugh assign it to the Committee-of-the-Whole for further study. Herald noted that all changes to the ordinance should be passed through the City Attorney for comment.

Hollenbaugh summarized by saying that he feels there is a consensus of Council to take another look at the proposed ordinance by the Committee-of-the-Whole and that a working session should be scheduled where Council Members would bring forward their suggested edits. After that meeting, it would be sent back to the City Attorney for finalization.

Council discussed whether or not the motion to adopt should be postponed indefinitely or to a date certain. It was decided that a meeting of the Committee-of-the-Whole would be held on Monday, February 22, at 6:00 p.m. in the Council Chamber and that the motion would be postponed until the March 15, 2021 meeting. Robinette withdrew his motion to postpone indefinitely and Hollenbaugh withdrew his second.

Council Member Rowland moved, Zanfardino seconded, to postpone the motion to adopt Ordinance #8878 until March 15, 2021. On roll call vote, Council Members Phipps, Robinette, Rowland, Zanfardino, Dennis, Herald, and Hollenbaugh voted yes. Council President Hollenbaugh declared motion carried, and the motion to adopt postponed until March 15, 2021.

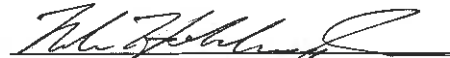
Hollenbaugh requested that Council Members email their suggested edits to him by midnight on Friday, February 19 and the that the Committee-of-the-Whole will meet on Monday, February 22, 2021, at 6:00 p.m. in the Council Chamber to finalize the changes.

Council Member Herald moved, Zanfardino seconded, to adjourn. On unanimous voice vote, Council President Hollenbaugh adjourned the February 16, 2021 regular meeting of the City Council at 8:44 p.m., subject to call.



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Kay D. Scherrek, Clerk of Council



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Mark Hollenbaugh, President of Council