

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MONDAY, MARCH 15, 2021

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 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 Parks and Recreation Director Kristin Otley. Public Works Director Brian Craft, 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 March 1, 2021 as distributed. On unanimous voice vote, Council President Hollenbaugh declared motion carried.

CORRESPONDENCE

Clerk of Council Kay Scherreik noted for the record that copies of the Budget Summary Report for the month of February 2021 was distributed to Council prior to this evening's meeting.

Clerk presented a Board and Commission appointment on behalf of Mayor Aspacher of Christina Tracy to the Historic Preservation Commission for a term expiring May 31, 2023. Council Member Rowland moved, Herald seconded, to confirm the appointment as requested by the Mayor. On unanimous voice vote, Council President Hollenbaugh declared motion carried.

SPECIAL RECOGNITIONS – MAYOR ASPACHER

Mayor Mike Aspacher and Police Chief Tony Hetrick presented a Meritorious Service Award to Officer Robin Short for her efforts in administering CPR to an individual who had collapsed and was not breathing. Chief Hetrick noted that Officer Short's quick response and knowledge of CPR contributed immensely to the positive outcome of the incident.

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 Robinette, for the Finance Committee, introduced a resolution transferring previously appropriated funds.

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 Committee-of-the-Whole, introduced an ordinance enacting and adopting the 2020 S-13 Supplement to the Code of Ordinances for the City of Bowling Green, Ohio.

Council President Hollenbaugh, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to advertise a Request for Qualifications and enter into a contract or contracts for engineering services for the improvements to the Carter Park water tower.

OFFICIAL REPORTS

Mayor Mike Aspacher reported that Council is no doubt aware that last week Congress passed, and President Biden signed, the American Rescue Plan, which allocates \$1.9 trillion for pandemic relief. He noted that this has sparked curiosity here at the City as the final package allocates \$130 billion for local governments. Additionally, according to the Ohio Municipal league, the legislation allocates \$65.1 billion in relief for cities, town and villages across the country while Ohio municipalities have been allocated \$5.4 billion in aid and the state of Ohio will receive \$5.7 billion. This broad distribution of funds to cities, counties and other political subdivisions will allow for many impacted businesses and individuals to receive needed financial support, through direct distribution or resources allocated to existing programs. He noted that there have been some preliminary estimates on the amount Bowling Green will receive, but is holding off announcing that amount until official notification is received from the U.S. Department of Treasury. While the American Rescue plan does contain general guidance on the use of funds, experience indicates that a measured approach is warranted. As seen with last year's CARES act funding, the initial guidance differed significantly from the final product. Because the projected amount is substantial, it will be important for the City to be deliberate in discussions related to the allocation of these funds to determine the best approach to make certain that full advantage is taken of this unprecedented opportunity to not only help boost the recovery of the local economy, but also invest in infrastructure to assist economic growth. Mayor Aspacher said that he is thankful that the American Rescue Plan has provided direct funding for cities. Local governments impact people in their everyday lives by providing services that support safety and quality of life. He said he is excited by the opportunity that this allocation presents, an opportunity for recovery for the community.

Council Member Dennis complimented Mayor Aspacher on his recent State of City presentation.

Municipal Administrator Lori Tretter noted that she would be yielding her time to Sustainability Coordinator Amanda Gamby for an overview of the City's new composting program. Before yielding, Tretter asked City Council for an executive session at the end of this evening's meeting to discuss public employee compensation.

Gamby discussed details of the launching of the City's composting program noting that the drop off site located behind the City's Public Works garage is scheduled to open on Friday, March 26. She also noted that there has been community excitement over the startup of this program and that limited number of green food waste buckets are available for pickup in her office.

Council Member Dennis noted that Gamby mentioned that there were some young families interested in this program which means that efforts toward sustainability may help the City in attracting its target demographic.

Council Member Zanfardino commented that this is great news for the City.

Council Member Rowland commented that she is glad to learn that citizens can use their own containers if they don't want to use the 5-gallon buckets provided by the City.

Parks and Recreation Director Kristin Otley reported that 2500 surveys have been mailed to local residents regarding park and recreational needs of the community. Otley noted that the surveys will be used to create a five-year master plan and provide needed information for the upcoming park levy on the ballot this fall. The results will be tabulated by graduate students of Dr. Orr's class at BGSU. Otley also reported that the department is cautiously optimistic about the opening of the City pool and the planning of summer programming. She indicated that things will probably look different due to COVID restrictions and guidelines, but she is optimistic about the summer.

City Attorney Michael Marsh had no report.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino noted that the Community Improvement Committee is scheduled to meet on April 5 at 6:00 p.m. and then again on April 19 at 6:00 p.m. Zanfardino canceled the April 19 meeting indicating that he wanted to reschedule that meeting for a night that wasn't backed up to another meeting. He also suggested moving the meeting to a location such as the Veterans Building that would be able to accommodate a larger group. After some discussion among the committee members, it was decided that the Clerk of Council would get some possible dates and get back with them to reschedule the meeting.

Council President Hollenbaugh noted that the City's current mask mandate ordinance is set to expire on March 31. Hollenbaugh opened the discussion by indicating that he is inclined to extend the mask mandate beyond the end of March, however, based on everything he has seen on the vaccination process that it may not need to go beyond the next quarter of the year which is June 30. He indicated that if it were extended to June 30, it would be with the intent to not extend it beyond that date.

Council Member Rowland agreed with Council President Hollenbaugh regarding the June 30 date with an option to rescind the mandate before if possible.

Council Member Herald also agreed with Council President Hollenbaugh and Council Member Rowland. He indicated that the June 30 date seems reasonable. He also noted that the mandate was meant to be temporary and taking it three months at a time is a reasonable approach. He also hoped that this would be the last time it would have to be extended.

Council Member Robinette requested that Council identify the criteria that would allow the mandate to be lifted sooner. He indicated that he has been asked when it will end by members of the community. He said the answer that he is forced to give is that he doesn't have a clue. Robinette said that he feels that Council owes it to the citizens to clearly define the conditions and criteria under which the mandate can and will be lifted.

Rowland responded that Gov. DeWine has already set standards under which he is ready to lift the mandate, which she thinks is 50 people per 100,000 testing positive for COVID-19.

President Hollenbaugh suggested that Council extend the mask mandate until June 30, which based on what he is currently seeing with the numbers and vaccinations, that June 30 would be the end of the mask extensions, and it would be allowed to expire. He also asked Council Members to think about what the ending the mask mandate looks like and think about what the goal should be. He suggested that a committee be tasked with deciding what that cutoff point should be. Hollenbaugh moved, Zanfardino seconded, to extend the mask mandate ordinance until June 30, 2021. On roll call vote, Council Members Herald, Hollenbaugh, Phipps, Rowland, Zanfardino, and Dennis voted yes. Council Member Robinette voted no. Council President Hollenbaugh declared motion carried.

READING OF LEGISLATION

Clerk read Resolution #3791 transferring previously appropriated funds, for first reading.

Council Member Robinette moved, Zanfardino seconded, to suspend the rules and give Resolution #3791 its second and third reading. On roll call vote, Council Members Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, Dennis, and Herald voted yes. Council President Hollenbaugh declared motion carried, and rules suspended.

Clerk read Resolution #3791 for second and third reading by number and title only.

Council Member Robinette moved, Rowland seconded, to adopt Resolution #3791. On roll call vote, Council Members Phipps, Robinette, Rowland, Zanfardino, Dennis, Herald, and Hollenbaugh voted yes. Council President Hollenbaugh declared motion carried, and Resolution #3791 adopted.

Clerk read Ordinance #8912 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, Zanfardino seconded, to suspend the rules and give Ordinance #8912 its second and third reading. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Dennis, Herald, Hollenbaugh, and Phipps voted yes. Council President Hollenbaugh declared motion carried, and rules suspended.

Clerk read Ordinance #8912 for second and third reading by number and title only.

Council Member Robinette moved, Rowland seconded, to adopt Ordinance #8912. On roll call vote, Council Members Rowland, Zanfardino, Dennis, Herald, Hollenbaugh, Phipps, and Robinette voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8912 adopted.

Clerk read Ordinance #8913 enacting and adopting the 2020 S-13 Supplement to the Code of Ordinances for the City of Bowling Green, Ohio, for first reading.

Council Member Robinette moved, Rowland seconded, to suspend the rules and give Ordinance #8913 its second and third reading. On roll call vote, Council Members Zanfardino, Dennis, Herald, Hollenbaugh, Phipps, Robinette, and Rowland voted yes. Council President Hollenbaugh declared motion carried, and rules suspended.

Clerk read Ordinance #8913 for second and third reading by number and title only.

Council Member Robinette moved, Rowland seconded, to adopt Ordinance #8913. On roll call vote, Council Members Dennis, Herald, Hollenbaugh, Phipps, Robinette, Rowland, and Zanfardino voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8913 adopted.

Clerk read Ordinance #8914 authorizing the Utilities Director to advertise a Request for Qualifications and enter into a contract or contracts for engineering services for the improvements to the Carter Park water tower, for first reading.

Clerk read Resolution #3790 authorizing the filing of (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, Formula Grants for Rural Areas, Ohio's Rural Transportation Program and/or the Ohio Transit Partnership Program and executing a contract for the FY 2022 Ohio Elderly and Disabled Transit Fare Assistance Program, and 5339 and/or 5311 funding for capital and/or operating assistance, and the Ohio Transit Partnership Program, and executing a contract with the Ohio Department of Transportation upon project approval, for second reading.

Clerk read Ordinance #8907 to provide for the issuance and sale of bonds in the maximum principal amount of \$8,885,000 for the purpose of paying costs of construction, furnishing and equipping a new City Administrative Services Building, including the demolition of a portion of a building currently on the proposed site and the old City Building, clearing and improving those sites, constructing and paving a parking lot and related entry drives, and including landscaping, together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities, and declaring an emergency, for second reading.

Clerk read Ordinance #8908 to provide for the issuance and sale of bonds in the maximum principal amount of \$1,115,000 for the purpose of paying costs of improving the City's Park and Recreation facilities by construction, furnishing, and including landscaping, paving an entry drive and parking lot, and construction of a patio, together with necessary incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities, and declaring an emergency, for second reading.

Clerk read Ordinance #8909 to provide for the issuance and sale of bonds in the maximum principal amount of \$3,000,000 for the purpose of refunding at a lower interest cost for certain of the City's outstanding various purpose improvement and refunding bonds, series 2013, dated March 13, 2013, and declaring an emergency, for second reading.

Clerk read Ordinance #8910 accepting annexation of approximately 10.822 acres of land in Center Township, Wood County, Ohio from Richard E. and Judith L. Carpenter, petitioners, for second reading.

Clerk read Ordinance #8911 establishing interim zoning of M-3 Business Park Zoning for the approximately 10.822 acres of land located on Bowling Green Road West and recently annexed to the City as petitioned for by Richard E. and Judith L. Carpenter, for second reading.

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

Council Member Robinette moved, Rowland seconded, to adopt Ordinance #8903. On roll call vote, Council Members Herald, Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, and Dennis voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8903 adopted.

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 third reading.

Council Member Herald moved, Zanfardino seconded, to adopt Ordinance #8904. On roll call vote, Council Members Hollenbaugh, Phipps, Robinette, Rowland, Zanfardino, Dennis, and Herald voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8904 adopted.

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 third reading.

Council Member Herald moved, Robinette seconded, to adopt Ordinance #8905. On roll call vote, Council Members Phipps, Robinette, Rowland, Zanfardino, Dennis, Herald, and Hollenbaugh voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8905 adopted.

Council Member Robinette moved, Hollenbaugh seconded, to allow for informal consideration of amendments to 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. On unanimous voice vote, Council President Hollenbaugh declared motion carried, and opened the floor to discussion regarding the ordinance.

Council Member Phipps stated that she wished to raise two issues regarding this ordinance that she feels will improve this legislation. The first issue raised was regarding the survey requirements in Section 158.06. She said that she is worried that the current definition of "owner" for the purposes of the survey is going to be a headache for the Historic Preservation Commission (HPC) and the property owners. She suggested making the survey just one factor to consider when evaluating a proposed historic district. She indicated that the survey must still be completed and included in the HPC's written recommendation to Council, but a majority of property owners will not need to agree with the proposed district before the designation process can begin. Phipps noted that this requires a change to Section 158.06. She stated that she thinks this is a good change because the current definition of "owner" in the legislation is fairly confusing and not necessarily how it is expected that such a survey would operate. She indicated that she is confident that the designation process in this legislation allows for plenty of participation by property owners. In addition to the survey, there are at least two, possibly three public hearings on the designation at the HPC, Planning Commission and City Council level. Practically speaking, the survey will remain a persuasive indicator of property owner support, and it is difficult seeing a district being created by Council that did not have evidence of a majority of property owner support.

Council Member Herald asked for clarification of the process of voting for amending the current version of the legislation with what was distributed to Council with the legislative package on Friday, and then further amending it with the suggested changes by Council Member Phipps. After some discussion with President Hollenbaugh and Council Member Robinette regarding the process, Hollenbaugh asked City Attorney Mike Marsh for his opinion on how to proceed. Marsh suggested that Council not get lost

in the process and that they could certainly include amendments suggested by Phipps into the amended version received by Council on Friday.

Council President Hollenbaugh asked for Council Members thoughts regarding the proposed amendment by Council Member Phipps.

Herald responded that he has respect for all the time and wise counsel that Council Member Phipps and Dennis have put into this legislation. He noted that all of the discussions up to this point have been in the context that the historic district designation process would move forward only if a majority of property owners were in favor of moving forward. He stated that he thinks that is a very important thing that establishes a balance. He also stated that he is very much against eliminating, as one of the checkmarks to go forward, the requirement that a majority of those in the area are in favor of moving forward. He noted that he doesn't even want the process to proceed without a majority of the property owners in favor of it.

Council Member Rowland stated that Phipps knows this legislation inside and out and has been working on it very intensely for the last month. Rowland noted that she heard from two people today that don't think the definition of "owner" is fair. She also heard from members of the HPC indicating that they support the changes that Phipps is proposing. Rowland considers the members of the HPC the experts as they have worked on this legislation for two years and live in historic homes, therefore she supports the amendment.

Council Member Zanfardino stated that he recognizes Herald's comment and that it makes a certain amount of sense to him, but said he is comfortable with Phipps' suggestion because he believes that if an overwhelming rejection of a proposed historic district comes back from a survey, the Council and the bodies it goes through in the process will be mindful that it was rejected. So, based on that comfort of the decision-makers of the future, he supports Phipps' amendment.

Herald commented that the HPC has done a great job, but in their endorsement of this particular change, it gives them quite a bit more power. The current HPC wouldn't disregard the intent or the desire of the property owners in the area, but that can't be guaranteed for the future. He stated that to him, the idea that a future commission could dictate above the objections of the people in the district, is concentrating too much power in one area. That's the reason why he feels it would be prudent to have a safeguard in place.

Council Member Dennis said that he also supports Phipps' amendment. He noted and also supports the change that she's made to the end of the section which restores the one vote per owner in a proposed district. He feels that if it's non-binding, that it would be helpful in providing an accurate picture of what portion of the proposed district favors the creation of a historic district. Also, if this is a non-binding survey, there is absolutely no reason why Council would not want to have as much information and as clear a picture possible when considering approval of the district.

President Hollenbaugh said that he can see this both ways. It is impossible to predict what future HPCs and City Councils will look like. On one side, he indicated that he was a little bit alarmed that it does seem to lessen the importance of the citizens because it will be "a factor" rather than "the factor." However, on the other side, he is equally alarmed by the fact that it removes the language limiting the votes to one per person. With this particular issue, he sees problems either way. Hollenbaugh asked for a show of hands of those in favor of including Phipps' amendment in the current language of the legislation. Those in favor numbered five, allowing Phipps' amendment to be included. Those opposed were Council Members Herald and Robinette.

Phipps noted that her second and final suggested amendment reduces the fine in Section 158.11B from \$500 per day to \$100 per day. She indicated that she believes the fines are too hefty and note that the state's historic preservation office sets the model legislation at \$100 per day. She suggested reducing it to \$100 or something closer to that amount.

Council Members Robinette and Dennis stated that they both fully support the amendment lowering the fine to \$100 per day.

Council Member Rowland questioned whether that amount would serve the purpose of motivating property owners to make the necessary changes and to make them quickly, however, stated that she would support what Council wants.

President Hollenbaugh asked for a show of hands of those in favor of lowering the daily fine from \$500 to \$100 per day. All seven members raised their hands allowing the amendment to be included.

Council Member Dennis asked for more input from Council Members regarding the landscaping standards indicating that he has had a couple of people reach out to him with concerns. He asked if Council Members were happy with the current language which requires foundation plantings to match the historic period of the structure.

Council Member Robinette commented that he has looked at this component of the legislation closely as well and has concerns. He noted that he sees a major disconnect between the definition and application of Sections 158.03A, 158.03N and 158.09. He feels that there is more work to be done on the landscaping portion of the legislation. Robinette stated that it is his intent, that if this passes tonight, he will raise the landscaping issue at a future meeting to, at a minimum, allow for a grandfather clause for current property owners to keep the landscaping they have if it is well-maintained.

President Hollenbaugh asked for a show of hands of those in favor of moving forward with the legislation as previously discussed with the intention of addressing landscaping concerns at a later time. All seven members raised their hands allowing the legislation to move forward. Hollenbaugh ended the time of informal consideration and returned to normal order of business.

Council Member Zanfardino moved, Rowland seconded, to amend Ordinance #8878 by substitution. President Hollenbaugh clarified that this amendment would include the changes that were distributed to Council dated 3/8/2021, and include the two amendments proposed by Council Member Phipps this evening. On roll call vote, Council Members Robinette, Rowland, Zanfardino, Dennis, Herald, Hollenbaugh, and Phipps voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8878 amended by substitution.

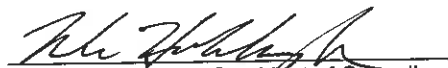
Hollenbaugh noted that the motion to adopt has already been made. Hearing no further discussion, asked the Clerk to call the roll. On roll call vote, Council Members Rowland, Zanfardino, Dennis, Herald, Hollenbaugh, Phipps, and Robinette voted yes. Council President Hollenbaugh declared motion carried, and Ordinance #8878 adopted as amended.

Council Member Rowland moved, Zanfardino seconded, to move Council into Executive Session at 8:20 p.m. for the purpose of discussing public employee compensation. On roll call vote, Council Members Zanfardino, Dennis, Herald, Hollenbaugh, Phipps, Robinette, and Rowland voted yes. Council President Hollenbaugh declared motion carried.

Council Member Rowland moved, Herald seconded, to move Council out of Executive Session at 9:00 p.m. On roll call vote, Council Members Dennis, Herald, Hollenbaugh, Phipps, Robinette, Rowland, and Zanfardino voted yes. Council President Hollenbaugh declared motion carried.

Council Member Herald moved, Robinette seconded, to adjourn. On unanimous voice vote, Council President Hollenbaugh adjourned the March 15, 2021 regular meeting of the City Council at 9:00 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Mark Hollenbaugh, President of Council