

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 18148

Held MONDAY, APRIL 6, 2009 _____ 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 8:00 p.m. by Acting Council President Heminger. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Dunn, Frost, Heminger, McOmber, Sorrells, and Zanfardino responded. Council Member Newlove was not present. Also present were Mayor John Quinn, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Parks and Recreation Director Michelle Grigore, Assistant Utilities Director Paul Brock, and Planning Director Rick Ketzenbarger. Public Works Director Brian Craft and Utilities Director Kevin Maynard were not present.

Acting Council President Heminger declared the minutes of the meeting held March 16, 2009 approved as distributed.

CORRESPONDENCE

Clerk noted for the record that the Bowling Green Municipal Court annual report was received on March 27, 2009 and distributed to Council Members along with their Council packets.

OFFICIAL REPORTS

Mayor John Quinn presented a Certificate of Appreciation to Dave Chatfield for his ten years of service as a member of the Wood County Board of Health.

Mayor Quinn invited interested Council Members to attend the upcoming Wood County Mayors Association meeting that will be hosted by the City of Bowling Green. The meeting will be held on June 29 at the Country Club. Mayor Quinn asked Council Members to make reservations through his office.

Municipal Administrator John Fawcett reported that the City has been working in conjunction with ODOT over the past several months to upgrade traffic signals throughout the City. The latest change which was fully funded by ODOT, was to re-time the traffic signal devices to increase the efficiency of traveling through town when following the posted speed limits. Fawcett indicated that the next phase is to tie the lights together through radio waves and to divide them into three geographical locations in order to time them to work together according to these locations.

Fawcett also reported that TMACOG has recommended funding from Federal stimulus dollars the amount of \$597,700 for the resurfacing of North Main Street from Clay Street to Dill Street. Fawcett noted that the funding of this project still needs to be approved by the Governor.

Fawcett also confirmed for Council Member McOmber that there will be a meeting of the Committee-of-the-Whole prior to the April 20 Council meeting at 7:00 p.m. to continue discussion of the 2010 budget.

Mayor Quinn readdressed Council and presented a proclamation to Sandy Rowland of the Human Relations Commission proclaiming April as Fair Housing Month in the City of Bowling Green.

Planning Director Rick Ketzenbarger had no report.

Parks and Recreation Director Michelle Grigore announced that the Bicycle Safety Commission is seeking nominations for Bicycle Spokesperson of the Year award.

City Attorney Michael Marsh had no report.

Assistant Utilities Director Paul Brock had no report.

Public Works Director Brian Craft was not present.

NEW LEGISLATION

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

Council Member Sorrells, for the Transportation and Safety Committee, introduced an ordinance abolishing Section 75.06 and amending and adopting revisions to Sections 75.07 and 75.28 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding bicycles, motorcycles and snowmobiles.

Council Member Sorrells, for the Finance Committee, introduced a resolution authorizing the Mayor of the City of Bowling Green, Ohio, to file an application with the U.S. Department of Justice, Office Justice Programs for the purpose of acquiring financial assistance from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program.

Council Member McOmber, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to contract with the Northwestern Water and Sewer District for an additional 25,000 gallon per day increase in the wholesale water supply contract.

Council Member McOmber, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with Infilco Degremont for the repair/rehabilitation of the Water Treatment Plant accelerators without advertising for bids.

Council Member McOmber, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with GIS Landmark, LLC for the sewer manhole GPS project.

Council Member McOmber, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with Thompson Electric for the removal of the 69-kV electric transmission facilities at East Poe Road and North Main Street.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino scheduled a meeting of the Community Improvement Committee for Monday, May 18, at 7:00 p.m. in the Council Chamber to continue discussion of proposed legislation regarding unlawful discrimination.

LOBBY VISITATIONS

Mark Hollowell, 16662 Haskins Road, address Council regarding proposed Ordinance #7848 which allows the detachment from the City additional property owned by the National Tractor Pullers Association. Mr. Hollowell's main concern centered around the placement of the driveway or point of access and where it would be placed. Mr. Hollowell indicated that by his measurements, the access point could begin nine feet from his garage workshop and about forty feet from his home. Mr. Hollowell asked Council to continue to table the ordinance until after the third and fourth ward meetings that will take place later in the month to allow citizens to voice their opinions on this issue.

READING OF LEGISLATION

Clerk read Resolution #3390 authorizing the Mayor of the City of Bowling Green, Ohio, to file an application with the U.S. Department of Justice, Office Justice Programs for the purpose of acquiring financial assistance from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, for first reading.

Clerk read Ordinance #7881 abolishing Section 75.06 and amending and adopting revisions to Sections 75.07 and 75.28 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding bicycles, motorcycles and snowmobiles, for first reading.

Clerk read Ordinance #7882 authorizing the Utilities Director to contract with the Northwestern Water and Sewer District for an additional 25,000 gallon per day increase in the wholesale water supply contract, for first reading.

Clerk read Ordinance #7883 authorizing the Utilities Director to enter into a contract or contracts with Infilco Degremont for the repair/rehabilitation of the Water Treatment Plant accelerators without advertising for bids, for first reading.

Clerk read Ordinance #7884 authorizing the Utilities Director to enter into a contract or contracts with GIS Landmark, LLC for the sewer manhole GPS project, for first reading.

Clerk read Ordinance #7885 authorizing the Utilities Director to enter into a contract or contracts with Thompson Electric for the removal of the 69-kV electric transmission facilities at East Poe Road and North Main Street, for first reading.

Clerk read Ordinance #7877 amending and adopting Section 33.01 of the Codified Ordinances of the City of Bowling Green, Ohio, relative to the non-bargaining salary schedule, and declaring an emergency, for second reading.

Council Member McOmber moved, Dunn seconded, to suspend the rules and give Ordinance #7877 its third reading. On roll call vote, Council Members Frost, Heminger, McOmber, Sorrells, Zanfardino, and Dunn voted yes. Acting Council President Heminger declared motion carried, and rules suspended.

Clerk read Ordinance #7877 for third reading by number and title only.

Council Member McOmber moved, Frost seconded, to adopt the emergency clause for Ordinance #7877. On roll call vote, Council Members Heminger, McOmber, Sorrells, Zanfardino, Dunn, and Frost voted yes. Acting Council President Heminger declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Dunn seconded, to adopt Ordinance #7877. On roll call vote, Council Members McOmber, Sorrells, Zanfardino, Dunn, Frost, and Heminger voted yes. Acting Council President Heminger declared motion carried, and Ordinance #7877 adopted.

Clerk read Ordinance #7879 unpaid cost of snow removal to the County Auditor for placement on the tax duplicate, for second reading.

Clerk read Resolution #3389 adopting a Community Development Block Grant Citizen Participation Plan for the City of Bowling Green, for third reading.

Council Member Zanfardino moved, McOmber seconded, to adopt Resolution #3389. On roll call vote, Council Members Sorrells, Zanfardino, Dunn, Frost, Heminger, and McOmber voted yes. Acting Council President Heminger declared motion carried, and Resolution #3389 adopted.

Clerk read Ordinance #7875 authorizing the Municipal Administrator to seek proposals and enter into a contract or contracts for income tax processing software, installation, configuration, and data conversion for the City Income Tax Division, for third reading.

Council Member McOmber moved, Zanfardino seconded, to adopt Ordinance #7875. On roll call vote, Council Members Zanfardino, Dunn, Frost, Heminger, McOmber, and Sorrells voted yes. Acting Council President Heminger declared motion carried, and Ordinance #7875 adopted.

Council Member Frost moved, Dunn seconded, to adopt Ordinance #7874 establishing interim zoning of R-2 Residential zoning for the properties on the south side of East Gypsy Lane Road recently annexed to the City by the Dana M. Frank, et al, petitioners annexation. On roll call vote, Council Members Dunn, Frost, Heminger, McOmber, Sorrells, and Zanfardino voted yes. Acting Council President Heminger declared motion carried, and Ordinance #7874 adopted.

Council Member Frost moved, Dunn seconded, to remove from the table Ordinance #7848 assenting to the detachment of approximately 20.5248 acres of land owned by the Northwest Ohio Tractor Pullers Association from the City of Bowling Green to Plain Township, Wood County, Ohio. On roll call vote, Council Members Frost, Heminger, McOmber, Sorrells, and Dunn voted yes. Council Member Zanfardino voted no. Acting Council President Heminger declared motion carried.

In response to questions raised by Council Member McOmber, Planning Director Rick Ketzenbarger noted that all access to this property is in the control of ODOT. Ketzenbarger stated that whether or not the property is in the City, the City does not control the access because Haskins Road is State Highway 64. The City will have no input into that decision making process.

Council Member Frost and the Planning Director discussed the pros and cons of keeping the property inside the City limits. Ketzenbarger pointed out that the costs to develop the property if it stays in the city is much higher because of the City's requirements for paving and drainage. Council Member Sorrells noted that there would be too much confusion if this portion of the Tractor Pullers' property stayed inside the city limits while other portions were outside the city limits if fire or police services were needed. Mayor Quinn commented that the City Administration supports the detachment for those safety reasons and to remain consistent.

Council Member Dunn suggested re-tabling the ordinance for an additional two meetings to allow time for the Tractor Pullers Association and Mr. Hallowell to work out an agreeable location for the proposed driveway. Council Member Frost commented that he has talked to members of the Tractor Pullers Association and Mr. Hallowell, but doesn't feel that those negotiations are part of Council's decision making process since Mr. Hallowell's property is in the township as well.

Council Member Dunn moved, Zanfardino seconded, to re-table Ordinance #7848 for two more meetings. On roll call vote, Council Members Heminger, McOmber, Sorrells, and Frost voted no. Council Members Zanfardino and Dunn voted yes. Acting Council President Heminger declared motion defeated.

Council Member McOmber asked if the City wanted to help Mr. Hallowell with any of his objections, is there a way to do that.

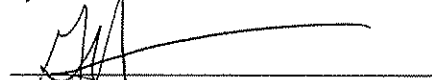
City Attorney Michael Marsh responded that Council is voting only on one question. The question before Council is whether or not to detach the property from the City. Marsh indicated that Council is not voting on zoning, location of any driveways, or how the property is going to be used. With the respect to the driveway and its location, it is not within the City's jurisdiction whether the property is in the City or in the township. ODOT has the sole jurisdiction over whether access is granted to the site and the location of that access.

Council Member Frost moved, Heminger seconded, to adopt Ordinance #7848. On roll call vote, Council Members McOmber, Sorrells, Zanfardino, Dunn, Frost, and Heminger voted yes. Acting Council President Heminger declared motion carried, and Ordinance #7848 adopted.

Council Member Frost moved, Dunn seconded, to excuse Council Member Newlove from this evening's meeting. On roll call vote, Acting Council President Heminger declared motion carried.

Council Member Zanfardino moved, Dunn seconded, to adjourn. On unanimous voice vote, Acting Council President Heminger adjourned the April 6, 2009 regular meeting of the City Council at 8:55 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Gordy Heminger, Acting President of Council