

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

TUESDAY, FEBRUARY 16, 2010

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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 8:00 p.m. by Council President Zanfardino. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, and Zanfardino responded. Also present were Mayor John Quinn, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Parks and Recreation Director Michelle Grigore, Public Works Director Brian Craft, Utilities Director Kevin Maynard, and Acting Planning Director Heather Saylor.

Council President Zanfardino declared the minutes of the meeting held February 1, 2010 approved as distributed.

CORRESPONDENCE

Clerk noted that a listing of budget transfers for the month of February was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member Dunn moved, McOmber seconded, to approve the transfers as presented. On unanimous voice vote, Council President Zanfardino declared motion carried. A copy of the transfers is attached and made a part of these minutes.

Clerk noted that copies of the Budget Summary Report for the month of January 2010 was distributed to Council prior to this evening's meeting.

Council President Zanfardino read and presented a framed copy of a resolution adopted by City Council to former Council Member Jacob Redfern honoring his service on City Council.

OFFICIAL REPORTS

Mayor John Quinn invited interested Council Members to attend the new Council Member seminar sponsored by the Ohio Municipal League. Mayor Quinn noted that the City would cover the cost of the seminar and asked Council Members to let him know if they plan to attend.

Municipal Administrator John Fawcett reported that the second and third snow emergencies were declared on February 5 and February 7. During those snow events, 108 tickets were issued to vehicles parked on snow emergency streets. Fawcett also reported that 100 tons of salt were used and 450 overtime hours were utilized. Fawcett further noted that another snow emergency was declared on February 9-11 at which time 75 additional tickets were issued, 24 cars were towed, 150 tons of salt were used, and 342 overtime hours were utilized. Fawcett reported that the City still has 700 tons of salt on hand and has placed an order for an additional 500 tons.

Acting Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore had no report.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard responded to a question from Council Member Dunn regarding legislation to participate in the EfficiencySmart Program explaining that it was a program designed to educate users to use less energy. Maynard also noted that legislation is on the agenda tonight to allow for the emergency repair of a transformer. Maynard noted that the repairs will save the City approximately \$200,000 over the cost of a new transformer, and will hopefully be done in time so that the City can have the equipment back in working order to meet peak summer power demands.

Public Works Director Brian Craft reported that the N. Main Street waterline project will begin this week between Oak and Dill streets. Craft noted that the work will begin on Thursday and proceed south to north one block at a time and it will be necessary to reduce traffic to one lane each way in the work area. Craft also reported that a bid opening will be held tomorrow at 2:00 p.m. for the N. Main Street stimulus money project.

NEW LEGISLATION

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

Council Member McOmber, 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, 2010 and ending December 31, 2010.

Council Member McOmber, for the Finance Committee, introduced an ordinance amending and adopting Section 33.04(C) of the Codified Ordinances of the City of Bowling Green, Ohio, relative to pay scales.

Council Member Dunn, for the Public Lands and Buildings Committee, introduced a resolution authorizing the Mayor of the City of Bowling Green, Ohio, to file an application and enter into an agreement with the Ohio Department of Natural Resources for the purposes of acquiring funds through the Division of Forestry's Urban Forestry Assistance Program.

Council Member Dunn, for the Public Lands and Buildings Committee, introduced an ordinance amending and adopting Section 99.11 and Section 99.12 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding trees.

Council Member Dunn, for the Public Lands and Buildings Committee, introduced an ordinance authorizing the Utilities Director to enter into an agreement with AMP, Inc., for participation in the EfficiencySmart Power Plant Program.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into an agreement or agreements with the Bowling Green Community Development Foundation for the purchase of property at the Innovative Technology Park and the Bellard Business Center for economic development purposes.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the execution of Loan Agreement and execution and delivery of Promissory Note.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance declaring a real and present emergency and authorizing the Utilities Director to enter into a contract or contracts without advertising for competitive bids with General Electric International, Inc., for the repair and/or replacement of a 7.5 MVA station power transformer.

Council Member Frost, for the Planning, Zoning and Economic Development Committee, introduced an ordinance accepting annexation of approximately 1.413 acres of land in Center Township, Wood County, Ohio, from Wood Lane Residential Properties, petitioners.

Council Member Frost, for the Planning, Zoning and Economic Development Committee, introduced an ordinance accepting annexation of approximately 20 acres of land in Center Township, Wood County, Ohio, from Robert & Patricia Maurer, petitioners.

Council Member Frost, for the Planning, Zoning and Economic Development Committee, introduced an ordinance establishing interim zoning of M-1 Light Industrial zoning for the approximately 1.413 acres of land generally known as 10500 Bowling Green Road East, and recently annexed to the City by Wood Lane Residential Properties, Inc.

Council Member Frost, for the Planning, Zoning and Economic Development Committee, introduced an ordinance establishing interim zoning of M-1 Light Industrial zoning for the approximately 20 acres of land on Bowling Green Road East, and recently annexed to the City by Robert & Patricia Maurer.

Council Member Frost, for the Planning, Zoning and Economic Development Committee, introduced an ordinance establishing interim zoning of M-1 Light Industrial zoning for the approximately 5 acres of land generally known as 10444 Bowling Green Road East, and recently annexed to the City by Bowling Green Congregation of Jehovah's Witnesses.

Council Member Frost, for the Planning, Zoning and Economic Development Committee, introduced an ordinance amending the Zoning District Map of the City of Bowling Green, Ohio, for approximately .6465 acres of land on Gorrell Avenue now owned by the Bowling Green Board of Education from S-3 Planned Institutional to M-1 Light Industrial zoning.

COUNCIL COMMITTEE REPORTS

There were no Council committee reports.

LOBBY VISITATIONS

There were no lobby visitations.

READING OF LEGISLATION

Clerk read Resolution #3428 authorizing the Mayor of the City of Bowling Green, Ohio, to file an application and enter into an agreement with the Ohio Department of Natural Resources for the purposes of acquiring funds through the Division of Forestry's Urban Forestry Assistance Program, for first reading.

Clerk read Ordinance #7981 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2010 and ending December 31, 2010, for first reading.

Council Member McOmber moved, Dunn seconded, to suspend the rules and give Ordinance #7981 its second and third reading. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #7981 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #7981. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Ordinance #7981 adopted.

Clerk read Ordinance #7982 amending and adopting Section 33.04(C) of the Codified Ordinances of the City of Bowling Green, Ohio, relative to pay scales, for first reading.

Clerk read Ordinance #7983 amending and adopting Section 99.11 and Section 99.12 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding trees, for first reading.

Clerk read Ordinance #7984 authorizing the Utilities Director to enter into an agreement with AMP, Inc., for participation in the EfficiencySmart Power Plant Program, for first reading.

Clerk read Ordinance #7985 authorizing the Utilities Director to enter into an agreement or agreements with the Bowling Green Community Development Foundation for the purchase of property at the Innovative Technology Park and the Bellard Business Center for economic development purposes, for first reading.

Council Member Aspacher moved, Frost seconded, to suspend the rules and give Ordinance #7985 its second and third reading. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #7985 for second and third reading by number and title only.

Council Member Aspacher moved, Dunn seconded, to adopt Ordinance #7985. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zanfardino, declared motion carried, and Ordinance #7985 adopted.

Clerk read Ordinance #7986 authorizing the execution of Loan Agreement and execution and delivery of Promissory Note, for first reading.

Council Member Aspacher moved, Kuhlman seconded, to suspend the rules and give Ordinance #7986 its second and third reading. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #7986 for second and third reading by number and title only.

Council Member Aspacher moved, Kuhlman seconded, to adopt Ordinance #7986. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #7986 adopted.

Clerk read Ordinance #7987 accepting annexation of approximately 1.413 acres of land in Center Township, Wood County, Ohio, from Wood Lane Residential Properties, petitioners, for first reading.

Clerk read Ordinance #7988 accepting annexation of approximately 20 acres of land in Center Township, Wood County, Ohio, from Robert & Patricia Maurer, petitioners, for first reading.

Clerk read Ordinance #7989 establishing interim zoning of M-1 Light Industrial zoning for the approximately 1.413 acres of land generally known as 10500 Bowling Green Road East, and recently annexed to the City by Wood Lane Residential Properties, Inc., for first reading.

Council Member Frost announced that a public hearing will be held for Ordinance #7989 on April 5, 2010 at 7:30 p.m. in the Council Chamber.

Clerk read Ordinance #7990 establishing interim zoning of M-1 Light Industrial zoning for the approximately 20 acres of land on Bowling Green Road East, and recently annexed to the City by Robert & Patricia Maurer, for first reading.

Council Member Frost announced that a public hearing will be held for Ordinance #7990 on April 5, 2010 at 7:30 p.m. in the Council Chamber.

Clerk read Ordinance #7991 establishing interim zoning of M-1 Light Industrial zoning for the approximately 5 acres of land generally known as 10444 Bowling Green Road East, and recently annexed to the City by Bowling Green Congregation of Jehovah's Witnesses, for first reading.

Council Member Frost announced that a public hearing will be held for Ordinance #7991 on April 5, 2010 at 7:30 p.m. in the Council Chamber.

Clerk read Ordinance #7992 amending the Zoning District Map of the City of Bowling Green, Ohio, for approximately .6465 acres of land on Gorrell Avenue now owned by the Bowling Green Board of Education from S-3 Planned Institutional to M-1 Light Industrial zoning, for first reading.

Council Member Frost announced that a public hearing will be held for Ordinance #7992 on April 5, 2010 at 7:30 p.m. in the Council Chamber.

Clerk read Ordinance #7993 declaring a real and present emergency and authorizing the Utilities Director to enter into a contract or contracts without advertising for competitive bids with General Electric International, Inc., for the repair and/or replacement of a 7.5 MVA station power transformer, for first reading.

Council Member Aspacher moved, Dunn seconded, to suspend the rules and give Ordinance #7993 its second and third reading. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #7993 for second and third reading by number and title only.

Council Member Aspacher moved, Kuhlman seconded, to adopt the emergency clause for Ordinance #7993. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member Aspacher moved, McOmber seconded, to adopt Ordinance #7993. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Ordinance #7993 adopted.

Clerk read Resolution #3427 authorizing the Mayor of the City of Bowling Green, Ohio, to file an annual application (plan) and a five-year consolidated plan and execute a contract upon grant application approval under the Community Development Block Grant: Entitlement Program as authorized by Housing and Community Development Act of 1974, as amended, for second reading.

Clerk read Ordinance #7976 authorizing the Municipal Administrator to enter into a lease agreement with the Bowling Green Pee Wee League to provide for recreational activities on City property in Carter Park, for second reading.

Council Member Kuhlman moved, Dunn seconded, to table Ordinance #7976 indefinitely. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and Ordinance #7976 is tabled.

Clerk read Ordinance #7977 accepting annexation of approximately 5 acres of land in Center Township, Wood County, Ohio, from Bowling Green Covenant of Jehovah's Witnesses, petitioners, for second reading.

Clerk read Ordinance #7978 accepting annexation of approximately 3.115 acres of land in Plain Township, Wood County, Ohio, from James L. & Patricia J. Smith, petitioners, for second reading.

Clerk read Ordinance #7979 establishing interim zoning of R-2 Single Family Residential for the Smith property recently annexed to the City of Bowling Green, for second reading.

Clerk read Ordinance #7963 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for the cleaning of uniforms for the Department of Safety, for third reading.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #7963. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and Ordinance #7963 adopted.

Clerk read Ordinance #7965 authorizing the Municipal Administrator and the Utilities Director to enter into a contract or contracts with specified vendors for work that may exceed \$25,000 annually for calendar year 2010, for third reading.

Council Member McOmber moved, Frost seconded, to adopt Ordinance #7965. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #7965 adopted.

Clerk read Ordinance #7966 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts and/or participate in State of Ohio purchase programs for the purchase of vehicles and equipment as well as the trade-in or outright sale of vehicles and equipment being replaced, for third reading.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #7966. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #7966 adopted.

Clerk read Ordinance #7967 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for facility repairs, improvements or rehabilitations for City-owned buildings, for third reading.

Council Member Dunn moved, Kuhlman seconded, to adopt Ordinance #7967. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #7967 adopted.

Clerk read Ordinance #7968 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 Hollenbaugh moved, Frost seconded, to adopt Ordinance #7968. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Ordinance #7968 adopted.

Clerk read Ordinance #7969 amending and adopting Section 73.15(B)(4) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding speed limits, for third reading.

Council Member Hollenbaugh moved, Frost seconded, to adopt Ordinance #7969. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council Member Dunn voted no. Council President Zanfardino declared motion carried, and Ordinance #7969 adopted.

Clerk read Ordinance #7970 amending and adopting Section 93.99(A) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding fire protection and prevention, for third reading.

Council Member Hollenbaugh moved, McOmber seconded, to adopt Ordinance #7970. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and Ordinance #7970 adopted.

Clerk read Ordinance #7971 amending and adopting Section 38.02(B) & (D) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding civil infractions, for third reading.

Council Member Hollenbaugh moved, Kuhlman seconded, to adopt Ordinance #7971. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and Ordinance #7971 adopted.

Clerk read Ordinance #7973 accepting an easement for utility purposes from Anthony Wulff, for third reading.

Council Member Aspacher moved, Dunn seconded, to adopt Ordinance #7973. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #7973 adopted.

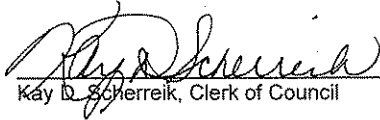
Clerk read Ordinance #7974 authorizing the Utilities Director to execute an extension for professional government affairs services with The Ferguson Group, for third reading.

Council Member Aspacher moved, Frost seconded, to adopt Ordinance #7974. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #7974 adopted.

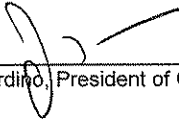
Clerk read Ordinance #7975 amending the Zoning District Map of the City of Bowling Green, Ohio, for the Wintergarden Park/St. John's Nature Preserve from S-3 Planned Institutional and R-1 Single Family Residential zoning to I-1 Institutional zoning, for third reading.

Council Member Frost moved to table Ordinance #7975 until March 1, 2010, Dunn seconded the motion. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #7975 tabled until March 1, 2010.

Council Member Dunn moved, Kuhlman seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the February 16, 2010 regular meeting of the City Council at 8:58 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



John Zanfardino, President of Council



February 16, 2010

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

Transfers requested for the month of February include:

Fund	Dept.	Account	Description	From	To
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 1,770.00	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 1,770.00
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 2,898.33	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 2,898.33
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	\$ 35,427.08	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 35,427.08
4018	810	92400	Capital Improvement, Capital Improvement, 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	\$ 14,789.58	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 14,789.58
4052	810	92300	Community Center, Capital Improvement, Transfer To Debt Service	\$ 22,899.00	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 22,899.00
5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 142,033.33	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 142,033.33
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 1,833.33	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 1,833.33
Total				\$ 231,233.98	\$ 231,233.98