

PUBLIC HEARING SCHEDULED
Date 1/5/09 Time 7:45pm

1st Reading: 11-17-08
2nd Reading: 12-1-08
3rd Reading: 12-15-08

Tabled until 1/5/09

Davison Legal Blank, Inc.

Form No. 30143

Ordinance No. 7842

Passed January 5, 2009

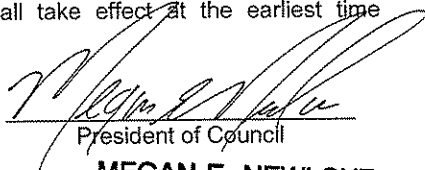
**ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF THE CITY OF BOWLING GREEN, OHIO FOR THE
PROPERTY GENERALLY KNOWN AS
520 AND 522 ORDWAY AVENUE FROM M-1 LIGHT
INDUSTRIAL TO B-4 OFFICE DISTRICT ZONING**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING
GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:


SECTION 1: That the property generally known as 520 and 522
Ordway Avenue, more fully described on the exhibit attached hereto and
made a part hereof, be rezoned from M-1 Light Industrial to B-4 Office
District zoning.

SECTION 2: This ordinance shall take effect at the earliest time
permitted by law.

Passed: January 5, 2009
Date

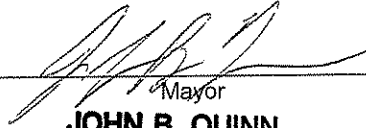

President of Council

MEGAN E. NEWLOVE

Attest: 
Clerk of Council

KAY D. SCHERREIK

Approved: January 6, 2009
Date

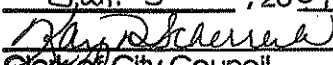

Mayor

JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the
foregoing is a true copy of
Ord No. 7842 passed
by the Council of the City
of Bowling Green, Ohio.

Jan. 5, 2009

Clerk of City Council

1st Reading: 12-1-08
2nd Reading: 12-15-08
3rd Reading: 1-5-09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7845

Passed January 5, 2009

ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN AN AMOUNT NOT TO EXCEED \$800,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING NORTH MAIN STREET AND THE NORTH MAIN STREET/POE ROAD INTERSECTION BY CONSTRUCTING, RECONSTRUCTING, WIDENING, PAVING, RESURFACING, GRADING, DRAINING, CONSTRUCTING CURBS, SIDEWALKS, ACCESS RAMPS, DRIVEWAY APPROACHES, GUTTERS AND RELATED DRAINAGE IMPROVEMENTS, INSTALLING SIGNALIZATION AND LIGHTING, AND ACQUIRING THE NECESSARY REAL ESTATE AND INTEREST THEREIN, 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

WHEREAS, the Finance Director, as fiscal officer of the City, certified to this Council that the estimated life of the improvement described in Section 1 is at least five years, the maximum maturity of bonds issued for that improvement is at least 20 years, and the maximum maturity of the notes to be issued in anticipation of the bonds is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bowling Green, County of Wood, State of Ohio, that:

SECTION 1: It is declared necessary to issue bonds of the City of Bowling Green in the aggregate principal amount not to exceed \$800,000 (the "Bonds") for the purpose of paying costs of improving North Main Street and the North Main Street/Poe Road intersection by constructing, reconstructing, widening, paving, resurfacing, grading, draining, constructing curbs, sidewalks, access ramps, driveway approaches, gutters and related drainage improvements, installing signalization and lighting, and acquiring the necessary real estate and interests therein, 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.

SECTION 2: The Bonds shall be dated approximately March 1, 2010; shall bear interest at the estimated rate of six percent (6%) per year, payable semi-annually until the principal is paid; and shall mature in 20 annual installments that are such that the principal and interest payments on the Bonds payable in each fiscal year in which principal of the Bonds is payable are substantially equal to the total payments on the Bonds in each other such year. The first principal and interest payments on the Bonds are estimated to be December 1, 2010.

SECTION 3: It is necessary to issue and this Council determines that notes in an amount not to exceed \$800,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate not to exceed seven percent (7%) per year, payable at maturity, with the actual rate of interest to be fixed by the Finance Director in his certificate awarding the Notes at private sale in accordance with Section 6 (the "Certificate of Award"). The Notes shall be dated their date of issuance and shall mature one year from their date of issuance; however, the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is a date not later than one year from the date of issuance by setting forth that maturity date in the Certificate of Award. The Notes shall be subject to redemption at par and accrued interest prior to maturity if agreed to by the purchaser.

SECTION 4: The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the office of one or more banks or trust companies designated by the purchaser, subject to approval of that designation by the Finance Director after determining that sufficient safeguards exist to protect the funds of this City.

SECTION 5: The Notes shall be signed by the Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Finance Director, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Revised Code Chapter 133, the Charter of the City and this Ordinance.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Finance Director to be advantageous to the City, the Notes may be issued in book entry form for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Notes may be issued in the form of a single, fully registered typewritten Note and registered in the name of a depository or its nominee, as registered owner, and immobilized in the custody of a depository; (ii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the depository and its participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the depository and its participants subject to the terms of this Ordinance; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

The Finance Director is also authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with a book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6: The Notes shall be awarded and sold by the Finance Director at private sale at not less than the par value thereof in accordance with law and the provisions of this Ordinance. The Finance Director shall designate the purchaser, fix the interest rate and make the other designations authorized in this Ordinance in a Certificate of Award, and cause the Notes to be prepared, signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Finance Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

SECTION 7: The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8: The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9: During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the municipal income tax is available for the payment of the debt charges on the Notes or Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes or Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the

Charter of the City, and the City covenants, subject and pursuant to such authority, including particularly Revised Code Sections 133.05(B)(7) and 5705.51(A)(5) and (D), to appropriate annually from those municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this Section in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Notes or Bonds.

SECTION 10: The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

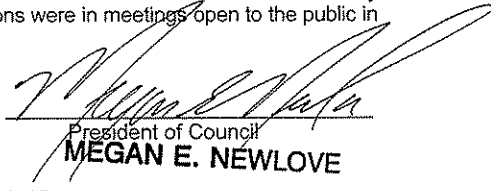
The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

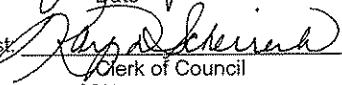
SECTION 11: The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Wood County.


SECTION 12: The legal services of Squire, Sanders & Dempsey L.L.P., as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services, whether or not the Notes are ever issued. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 13: This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City of Bowling Green have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

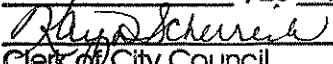
SECTION 14: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Passed: January 5, 2009 
Date President of Council
MEGAN E. NEWLOVE

Attest: 
Clerk of Council
KAY D. SCHERREIK

Approved: January 6, 2009 
Date Mayor
JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7845 passed by the Council of the City of Bowling Green, Ohio.
Jan. 5, 2009

Clerk of City Council

RECORD OF ORDINANCES

1st Reading: 12-1-08
2nd Reading: 12-15-08
3rd Reading: 01-5-09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7846

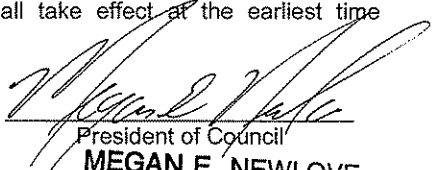
Passed January 5, 2009

ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE SOUTH MAPLE STREET STORM WATER RETENTION PROJECT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

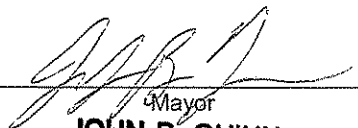
SECTION 1: That the Utilities Director is hereby authorized to advertise for bids and enter into a contract or contracts for the South Maple Street storm water retention project.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: January 5, 2009 
Date President of Council

Attest: 
Clerk of Council

MEGAN E. NEWLOVE

Approved: January 6, 2009 
Date Mayor

JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7846 passed by the Council of the City of Bowling Green, Ohio.

Jan. 5, 2009


Clerk of City Council

1st Reading: 12-1-08
RECORD OF ORDINANCES Reading: 12-15-08
3rd Reading: 1-5-09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7847

Passed January 5, 2009

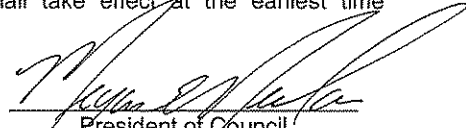
**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR
TO ACCEPT UTILITY EASEMENTS FROM
STEPHEN J. FULLER, THERESA M. MARSH, AND
JAMES R. AND JOAN H. GORDON FOR PROPERTY
LOCATED ON CONNEAUT AVENUE TO FACILITATE
THE CONNEAUT AVENUE SEWER
REPLACEMENT PROJECT**


BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to accept the utility easements in accordance with the attached exhibits from Stephen J. Fuller, Theresa M. Marsh, and James R. and Joan H. Gordon, for property located on Conneaut Avenue to facilitate the Conneaut Avenue sewer replacement project.

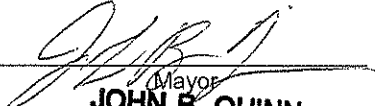
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: January 5, 2009
Date

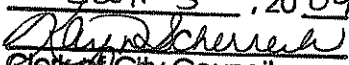

President of Council
MEGAN E. NEWLOVE

Attest: 
Clerk of Council
KAY D. SCHERREIK

Approved: January 6, 2009
Date


Mayor
JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7847 passed by the Council of the City of Bowling Green, Ohio. Jan. 5, 2009

Clerk of City Council