

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, JULY 20, 2009

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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 Newlove. The meeting began with the Pledge of Allegiance.

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

Council President Newlove declared the minutes of the meeting held July 6, 2009 approved as distributed.

CORRESPONDENCE

Clerk noted that copies of the Budget Summary Report for the month of June 2009 was distributed to Council prior to this evening's meeting.

OFFICIAL REPORTS

Mayor John Quinn passed around an aerial photograph of the motor coaches parked out at the University for the Family Motor Coach Association's annual convention which is being held in Bowling Green.

Mayor Quinn introduced the Chair of the Human Relations Commission, Barbara Keller, who presented this year's *Honor Roll Award* to the staff of the Wood County Library. Receiving the award was the library's director, Elaine Paulette.

Mayor Quinn presented a Certificate of Appreciation to Julie Broadwell for her service on the Human Relations Commission from 2005 to 2009.

Mayor Quinn asked Personnel Director Barbara Ford to comment on actions taken regarding the City's residency rule. Ford reported that the Civil Service Commission met recently and rescinded the City's residency requirements based on the recent Supreme court ruling which upheld the 2006 law that took away an entity's ability to enforce a residency requirement for employment.

Mayor Quinn thanked City Council for their thoughtful deliberations concerning the City's financial condition over the last few months. Mayor Quinn noted that these are clearly the toughest economic times he has experience during his 30 years of involvement with Bowling Green's government and is much tougher than the 1980s. At that time, the City was successful in increasing its tax base by bringing in industry into town, which is a much harder objective to obtain during the present economic times. Mayor Quinn acknowledged that any tax increase at this time is going to be difficult to sell to the citizens, however, he pledged that the Administration will make a concerted effort to explain the situation and by early fall detail the cuts that will come whether the tax increase passes or fails. Mayor Quinn stated that either way, there will be additional cuts. Mayor Quinn noted that over the years, the City has been fortunate to be able to do incredible things with the basic 1.5% income tax. Even now, with the significant cuts that have already been made, the City will be able to get through 2009 without personnel cuts and without major reductions in services. Mayor Quinn stated that if he has a disappointment at all with actions taken by Council, it is that it will make it more difficult to explain to the public that the City's major on-going problem is with the Fire Levy Fund. It is the shortfall of the Fire Levy Fund, which has been a problem for six years, is the source of biggest concern regardless of economic conditions. Quinn noted that even if the economy bounces back, the Fire Levy shortfall will need to be addressed or it will continue to make inordinate demands on the General Fund. Quinn urged Council and candidates for Council to join with the Administration in an enthusiastic endorsement of the income tax increase that the City is seeking. Quinn expressed his deep concern for

the City's employees and the future quality of life that comes from the services the City has been able to provide to its citizens. The proposed increase would cost a resident with a \$50,000 income a total of \$3.30 per month. Quinn noted that this will go a long way in preserving jobs and maintaining a quality of life that makes Bowling Green one of the best hometowns in Ohio. Mayor Quinn noted that the economic situation is changing all of the time and that the Administration may consider adopting a temporary budget for the first three months of 2010 as was the practice of the City in years passed and then adopt a permanent budget in mid to late March 2010.

Municipal Administrator John Fawcett had no report.

Planning Director Rick Ketzenbarger had no report.

Parks and Recreation Director Michelle Grigore was not present.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard had no report.

Public Works Director Brian Craft mentioned that citizens in the Westgate area experiencing issues with gypsy moths may contact the City's Arborist for information regarding treatments.

NEW LEGISLATION

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

Council Member Zanfardino, for the Community Improvement Committee, introduced a resolution authorizing the filing of (a) proposal(s) and/or (an) application(s) with the Ohio Department of Transportation for grants through the U.S. Department of Transportation Federal Transit Administration (FTA), as authorized under Federal Transit Laws, as codified, 49 USC Section 5311 financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant Program, executing a contract/grant for the FY 2009 Ohio Elderly and Disabled Transit Fare Assistance Program, and executing a contract with the Ohio Department of Transportation upon grant proposal and/or application approval.

Council Member Newlove, for the Finance Committee, introduced an ordinance amending and adopting Section 33.01(Q) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to employment policies.

Council Member Sorrells, for the Transportation and Safety Committee, introduced an ordinance amending and adopting Section 75.01 and Section 75.10 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning bicycles, motorcycles and snowmobiles.

Council Member Sorrells, for the Transportation and Safety Committee, introduced an ordinance amending and adopting Section 98.03 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding snow and ice covered sidewalks declared a nuisance.

Council Member Frost, 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 supplying of annual inventory requirements, vehicle fuel, underground and overhead lines insurance, and sale of scrap materials for calendar year 2010.

Council Member Frost, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to execute an amendment to the agreement with Corpro Companies for installation of additional sacrificial anodes on the 36-inch water transmission main.

COUNCIL COMMITTEE REPORTS

There were no Council committee reports.

LOBBY VISITATIONS

Mark Eberle, 623 Flanders Drive, addressed Council regarding his concerns on the proposed unlawful discrimination ordinances. Eberle expressed his concern for businesses and the ability of the City to attract business to Bowling Green by enacting this legislation. His concern is that it may cost the City more money and jobs brought into the City. Eberle continued by noting that the proposed ordinance mentions school exceptions and wondered if the Christian school located in town that is not part of any church would qualify as an exemption and who makes that decision. Eberle also questioned as to how the arbitrator would be appointed and by whom and how long would they serve, and who would be responsible for paying the legal fees. Eberle suggested taking time to consider all the legal and economical aspects of this ordinance before it is passed.

Sheri Wells-Jensen, 1040 Village Drive, spoke in favor of the non-discrimination ordinance. Wells-Jensen stated that she and her husband chose Bowling Green to raise their family and it is their desire to raise their family in a community that is welcoming. She expressed her gratitude to Council for considering this legislation.

Dariene Bevelhymmer, 914 N. Prospect Street, addressed Council in favor of the proposed unlawful discrimination ordinances. She noted that it is her opinion that the costs to the City will be minimal and that an arbitrator can be appointed as needed and that the costs related to this ordinance will be directly correlated to the number of cases that are filed. She mentioned that the City of Toledo has had unlawful discrimination ordinances for the past 20 years and that no cases have been filed during that time and feels that Bowling Green would experience the same. Bevelhymmer noted that she believes that the cost impact to the City would be minimal and should not be an impairment to the passage of this ordinance.

Mary Vollmar, 1443 Cardinal Road, commented that she loves Bowling Green and has raised her family here as well and is concerned and cares about the passage of the proposed legislation for unlawful discrimination. Vollmar stated that if it is true that there would not be a lot of costs involved and complaints filed, then there may be a possibility that it is not needed at all. Vollmar asked Council to consider unintended consequences, such as businesses deciding not to do business in the City because of the difficulties of doing business here. Another unintended consequence may be the safety factor involving the use of public restrooms and people choosing to use the ordinance as an excuse to take advantage of a situation. Vollmar stated that she has obtained legal advice regarding this ordinance and that she has studied it and feels that it is too broad and is not clear. She stated that it is not clear regarding the exemption of churches, whether or not a Christian bookstore would be exempt, or whether or not Bowling Green Christian Academy is exempt. Vollmar asked Council to consider her concerns to study this ordinance further and consider all of the consequences of enacting the legislation.

Barbara Keller, 971 Deer Ridge Run, addressed Council as the Chair of the Human Relations Commission. Keller stated that the Commission has discussed this proposed legislation on at least two occasions and that the Commission has endorsed the concept of the legislation.

Jane Rosser, 1736 Juniper Drive, indicated that the ordinance simply extends the same rights to all citizens that the City's Administrative Instruction #7 extends to its employees. Rosser said that this is not about special rights to particular groups, it is about insuring that everyone that lives in Bowling Green has equal access. Rosser distributed a chart of protected classes at the Federal, State and proposed local level and reviewed the categories of protected classes that would be covered under the ordinance.

Bev Eridon, 11918 Gypsy Lane Road, indicated that this proposed ordinance has her gravely concerned for the welfare of the City. Eridon said that she has always been proud to tell people that Bowling Green is a great place to raise their families. However, if this ordinance is passed, she indicated that she would no longer be able to truthfully express that sentiment. She further indicated that the ordinances are too broadly written and have too many unforeseen negative ramifications and do not reflect the heart-felt standards and values of the average Bowling Green family. Eridon urged Council to study these issues further before passing legislation that could potentially detrimentally impact the families and businesses of this city for years to come.

Gary Thompson, 559 Sand Ridge Road, opposed the proposed unlawful discrimination legislation and feels that the citizens of Bowling Green should be given the opportunity to vote by ballot to determine the fate of this ordinance. Thompson said that Bowling Green has a high level of diversity and has experienced very little discrimination. He questioned whether or not Council should be passing legislation to address problems that do not exist in our community. Thompson also said that this legislation is based on perception or perceived discrimination and not an accurate law. Thompson pointed out that the City Administrator is responsible for adjudicating the law rather than a judge and jury and feels that that places unnecessary burden on the City Administration. Enactment of this legislation cuts to the core beliefs of many of the citizens of this city and could divide the city creating disharmony. Thompson ended with asking Council to let the people vote.

Al Caperna, 700 Brittany, addressed his concerns about adding additional burden to businesses and to the human resources staff personnel of businesses. He indicated that he feels that the laws set forth by the Federal government and the State government are sufficient. Caperna also indicated that he hasn't talked to a single business person that is in support of this legislation.

Mary Krueger, 14543 Sand Ridge Road, said that is the mother of an average family in Bowling Green and has always taught her family that there is enough equality for everybody and that equal rights for one person does not mean taking away equal rights from someone else. Krueger indicated that she is comforted by the fact that this law has been on the books for over 20 years in Toledo without a case being brought forward, which indicates to her that there probably won't be stampedes of people bringing cases forward in Bowling Green. Krueger also said that she and her husband want their children to be raised to be around as many different kinds of people as possible and see them as God's children and to understand their neighbors as God's children. She also indicated that it is important to them that they live in a community that stands up and says that as well. Krueger indicated that within the last six months she has been involved in two hiring situations wherein the candidates asked specifically about protection for their family's status and whether or not their family would be welcome in Bowling Green and one of those two chose to withdraw from consideration of a position for which she was a final candidate. Krueger said that are business costs associated with having the chance to enact this legislation and not responding to the opportunity and that it goes both ways.

Ryan Holley, 1018 Charles, said that there are costs associated with this legislation either way. Holley indicated that his the President of the Wood County Apartment Association and advocated placing the issue on the ballot. He noted that he is aware of two discrimination complaints in the past 10 years and does not believe that is enough to warrant the legislation.

Erol Lam, 535 W. Gypsy Lane, did come prepared to speak but has heard some things said tonight that made him feel it was necessary to speak. Lam said that it does not make sense to him not to have protection for people who are different. Lam said that he is aware of many discrimination issues at Bowling Green State University over the many years of his association with the University that could not be proven in a court of law. The costs associated are not important at the cost of human relations. Lam said that he hears that Bowling Green is a diverse city, but indicated that he does not agree with that. He also said that if this community wants to be a better community, it should pass this legislation.

Ed Sitter, 897 E. Back Bay Road, said that because the City of Toledo hasn't had a case filed during the 20 years that the anti-discrimination legislation has been on the books indicates to him that there wasn't a problem in the beginning. Secondly, Sitter cited the list handed out earlier this evening asking where does the list end? Sitter indicated that as a realtor in the Bowling Green area for 25 years he has never discriminated against anyone. In a reverse manner, Sitter said that he has had clients not choose to work with him because he was not of the same sexual persuasion. Sitter said that that is their right. Sitter also said that the way you build community is through relationships, not by passing legislation. The legislation is not going to change anyone's heart or attitude. Sitter said that he doesn't think government should be in the business of passing ordinances just to make themselves feel good. If there is a problem, then it needs to be addressed. If the taxpayers have the right to vote on increases in their taxes, then they have the right to vote on this issue as well.

Corky Dunsmore, 914 N. Prospect Street, feels that people are getting hung up on the sexual orientation issue and it is more likely that one of the proposed protected classes that might complain first would be those with military status. Dunsmore said that she believes they are one of the most vulnerable classes on the list. Secondly, Dunsmore said that she is gay and that when she realized this she did not change, but the world changed and the world became a much more dangerous place because there were people out there that could hate her and treat her badly. Dunsmore continued to say that she loves Bowling Green and chose to live here, but for the first time in a long time after hearing things she has heard tonight, Bowling Green does not feel safe to her anymore and she is personally frightened by some of the comments she has heard.

Kay Chapman, residing in Bowling Green, said in response to those who have said that we don't need this legislation, then why are there so many people in the audience tonight to say we don't need the legislation. Chapman said that she thinks that proves the point that we need the legislation and she finds it difficult to imagine people fighting to stop discrimination. Chapman said that this is the United States of America and no one should be discriminated against...no one. She also said that she is also fearful and has had things shouted at her and fists raised to her in the past. She feels that we have come a long way, but thinks we all need to feel safe where we live and where we work.

Joelle Ruby Ryan, 230 S. College Drive, spoke in strong support of the legislation. Ryan said that there is prejudice and discrimination in Bowling Green as there is in most communities across the nation. Ryan further said that this legislation is a straight-forward and simple non-discrimination ordinance. Ryan went on to say that while concerns have been heard tonight, Ryan did not see them as relevant to the discussion. Ryan asked Council not to buy into the fear notion and that this issue is about people and human dignity. Ryan said that human beings are always more important than financial considerations.

Katherine Clark, 9145 Scotch Ridge Road, said that the comment was made earlier tonight that this ordinance would insure that no one would be discriminated against and she is wondering how any ordinance could actually do something like that. She said that legislation is never going to get Bible-believing Christians to agree with legislation accepting different sexual orientations. Clark said that people are more important than money, but not to City Council, because they are using the taxpayer's money, so they have to think about how they are spending the money. Clark said that as an employer in this city with two plants, one inside the city and one outside the city. Clark indicated that it is possible to move all of the businesses outside of the city. There are already enough rules and regulations that they have an entire department dedicated to compliance. Clark asked that they not be given anymore and especially vague regulations that will be difficult to enforce.

Marcy St. John, 610 Rosewood Drive, is an elder in her church (First Presbyterian of Bowling Green) and she stated that not all Bible-believing Christians object to the inclusion of all sexual orientations in God's family. She indicated that she finds it reprehensible that people would use faith in that way.

Crystal Thompson, 514 W. Wooster Street, said that she is married to a Haitian and she has not experienced any racial discrimination and she does not feel any fear in this city. Thompson said that there have been so many issues facing the City recently and she doesn't think that enacting very vague laws for problems that don't exist is a good idea. She ended with saying that she feels that the issue should go up before the people to vote.

Ben Vollmar, 1443 Cardinal Road, stated that he feels that this issue should go up for a vote of the people.

Janet Parks, 810 Sharon Street, remembers when she lived in Chattanooga, Tennessee, during the Civil Rights battles of the 1960s. Parks said that she feels that legislation does make a difference in how we get along and that without the Civil Rights legislation, segregation and separate but equal would still be the rule.

Wes Steiner, 143 S. Grove Street, formally apologized to the Mayor and citizens of Bowling Green for the destruction of an ice sculpture during Winter Fest activities in February.

Megan Sutherland, 143 S. Grove Street, stated that the majority protects the majority and the minority needs protected by other recourse.

READING OF LEGISLATION

Clerk read Resolution #3400 authorizing the filing of (a) proposal(s) and/or (an) application(s) with the Ohio Department of Transportation for grants through the U.S. Department of Transportation Federal Transit Administration (FTA), as authorized under Federal Transit Laws, as codified, 49 USC Section 5311 financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant Program, executing a contract/grant for the FY 2009 Ohio Elderly and Disabled Transit Fare Assistance Program, and executing a contract with the Ohio Department of Transportation upon grant proposal and/or application approval, for first reading.

Clerk read Ordinance #7913 amending and adopting Section 33.01(Q) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to employment policies, for first reading.

Clerk read Ordinance #7914 amending and adopting Section 75.01 and Section 75.10 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning bicycles, motorcycles and snowmobiles, for first reading.

Clerk read Ordinance #7915 amending and adopting Section 98.03 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding snow and ice covered sidewalks declared a nuisance, for first reading.

Clerk read Ordinance #7916 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the supplying of annual inventory requirements, vehicle fuel, underground and overhead lines insurance, and sale of scrap materials for calendar year 2010, for first reading.

Clerk read Ordinance #7917 authorizing the Utilities Director to execute an amendment to the agreement with Corpro Companies for installation of additional sacrificial anodes on the 36-inch water transmission main, for first reading.

Clerk read Ordinance #7904 enacting Section 33.22(A)(4) & (9) and Section 33.22(B)(4) & (9) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to sick leave, for second reading.

Clerk read Ordinance #7905 amending Section 153.01 of the Codified Ordinances of the City of Bowling Green, Ohio, relating to the definition of "discriminate" and "discrimination" and amending Section 153.02 in multiple sections to effectuate said new definition, for second reading.

Council Member Zanfardino commented that in light of an anticipated absence of a council member and the resignation of Council Member Heminger, he would like to move to table Ordinance #7906 until August 17, 2009 when it is anticipated that all Council Members will be present to vote on this issue. Council Member Dunn seconded the motion. On roll call vote, Council Members Frost, Newlove, Sorrells, Zanfardino, and Dunn voted yes. Council President Newlove declared motion carried, and Ordinance #7906 tabled until August 17, 2009.

Clerk read Ordinance #7906 creating and adopting Chapter 39 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning Unlawful Discrimination, for second reading.

Citing the same reason, Council Member Zanfardino moved to table Ordinance #7906 until August 17, 2009. Council Member Dunn seconded the motion. On roll call vote, Council Members Newlove, Sorrells, Zanfardino, Dunn, and Frost voted yes.

Clerk read Ordinance #7907 authorizing the Utilities Director to execute Amendment #1 to the owner-engineer agreement with Reiss Engineering, and to advertise for bids for additional items connected with the Water Treatment Plant membrane technology expansion project, for second reading.

Clerk read Ordinance #7908 adopting Section 150.101(E) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to requirement of financial guarantees for work in the public right-of-way, for second reading.

Clerk read Ordinance #7909 amending and adopting Section 150.03 of the Codified Ordinances of the City of Bowling Green, Ohio, relating to definitions for electronic message boards, for second reading.

Clerk read Ordinance #7910 amending the Zoning District Map of the City of Bowling Green, Ohio, for 0.100 acres located behind 507 Harvest Lane from M-1 Light Industrial to R-2 Single Family Residential zoning, for second reading.

Clerk read Ordinance #7911 approving the S-District Site Plan for four (4) rooming houses on the north side of Fourth Street at the intersection of South College Drive, as petitioned for by Kelen Properties, for second reading.

Clerk read Resolution #3397 adopting the Estimate of Revenues for the year 2010, for third reading.

Council Member Newlove moved, Frost seconded, to adopt Resolution #3397. On roll call vote, Council Members Sorrells, Zanfardino, Dunn, Frost, and Newlove voted yes. Council President Newlove declared motion carried, and Resolution #3397 adopted.

Clerk read Ordinance #7900 for cleaning of streets by special assessment, for third reading.

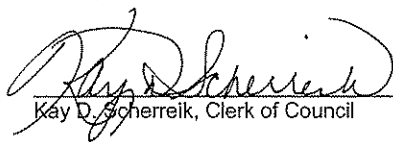
Council Member Newlove moved, Dunn seconded, to adopt Ordinance #7900. On roll call vote, Council Members Zanfardino, Dunn, Frost, Newlove, and Sorrells voted yes. Council President Newlove declared motion carried, and Ordinance #7900 adopted.

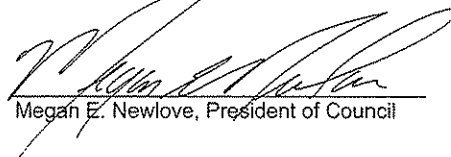
Clerk read Ordinance #7901 adopting a Storm Water Management Plan and amending and adopting Sections 50.01 and 50.02 and 50.99 of the Codified Ordinances of the City of Bowling Green, Ohio, in order to establish a Storm Water Management Program, for third reading.

Council Member Frost moved, Sorrells seconded, to adopt Ordinance #7901. On roll call vote, Council Members Dunn, Frost, Newlove, Sorrells, and Zanfardino voted yes. Council President Newlove declared motion carried, and Ordinance #7901 adopted.

Council Member Dunn moved, Zanfardino seconded, to excuse Council Members Heminger and McOmber from this evening's meeting. On unanimous voice vote, Council President Newlove declared motion carried.

Council Member Zanfardino moved, Dunn seconded, to adjourn. On unanimous voice vote, Council President Newlove adjourned the July 20, 2009 regular meeting of the City Council at 9:38 p.m., subject to call.


Kay D. Scherrelk, Clerk of Council


Megan E. Newlove, President of Council