

Resolution No. 3428 Passed March 15, 2010

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 PURPOSE OF ACQUIRING FUNDS THROUGH THE DIVISION OF FORESTRY'S URBAN FORESTRY ASSISTANCE PROGRAM

WHEREAS, the quality of urban life is enhanced by the proper management of the urban forest resource; and

WHEREAS, the City of Bowling Green recognizes the importance of providing tree and shrub related benefits to its citizens; and

WHEREAS, funding for the purchase, installation and care of trees and other urban vegetation is available through the Ohio Department of Natural Resources, Division of Forestry.

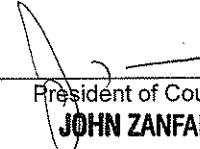
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Mayor of the City of Bowling Green is hereby authorized to apply for and, if awarded, enter into agreement with the Department to administer a grant to implement said program, and that the Mayor is hereby authorized to sign said agreement.

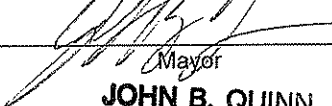
SECTION 2: That the Council of the City of Bowling Green, Ohio, hereby requests the Department of Natural Resources, Division of Forestry, to consider and fund its application project.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

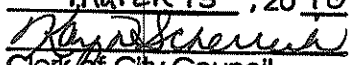
SECTION 4: This resolution shall take effect at the earliest time permitted by law.

Passed: March 15, 2010 Date  President of Council

Attest:  Clerk of Council
KAY D. SCHERREIK

Approved: March 16, 2010 Date  Mayor
JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res No. 3428 passed by the Council of the City of Bowling Green, Ohio.
March 15, 2010

Clerk of City Council

1st Reading: 3-15-10
 2nd Reading: 3-15-10
 3rd Reading: 3-15-10

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 3429 Passed March 15, 2010

RESOLUTION TRANSFERRING PREVIOUSLY APPROPRIATED FUNDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following transfers be made in the Finance Director's account:

Fund	Dept.	Account	Description	From	To
1010	150	73120	General, Finance, Management Services	\$ 10,500.00	
1010	150	74120	General, Finance, Computer Material <15,000		\$ 10,500.00

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

Passed: March 15, 2010 _____
Date President of Council

Attest: *Kay D. Scherreik* _____
Clerk of Council **JOHN ZANFARDINO**

Approved: March 16, 2010 _____
Date Mayor

JOHN B. QUINN

MICHAEL J. MARSH
 CITY ATTORNEY
 kds

CERTIFICATION
 This is to certify that the foregoing is a true copy of Res. No. 3429 passed by the Council of the City of Bowling Green, Ohio. March 15, 2010
Kay D. Scherreik
 Clerk of City Council

Resolution No. 3430 Passed March 15, 2010

RESOLUTION CONFIRMING THAT ORDINANCE #7949 APPROVES AND RATIFIES BOWLING GREEN BOARD OF PUBLIC UTILITIES RESOLUTION #11-2009-05

WHEREAS, on November 30, 2009 the Bowling Green Board of Public Utilities adopted Resolution #11-2009-05 granting the Utilities Director the authority to enter into power sales contracts for the purchase of power from American Municipal Power, Inc.,'s Meldahl and Greenup hydro electric projects and to take other actions in connection therewith.

WHEREAS, on January 4, 2010 this Council adopted Ordinance #7949 entitled "Ordinance approving the form and authorizing the Utilities Director to execute a power sales contract or contracts with American Municipal Power, Inc., and taking other actions in connection therewith regarding the Meldahl and Greenup hydro electric participation;" and

WHEREAS, while Ordinance #7949 did not explicitly reference Resolution #11-2009-05, it was the intent of this Council through Ordinance #7949 to authorize and ratify the actions set forth in Resolution #11-2005-05.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That this Resolution confirms that Ordinance #7949 was intended to and did authorize and ratify the actions set forth in Resolution #11-2009-05.

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

Passed: March 15, 2010 _____
Date President of Council

Attest: [Signature] _____
Clerk of Council
KAY D. SCHERREIK
JOHN ZANFARDINO

Approved: March 16, 2010 _____
Date Mayor
JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res No. 3430 passed by the Council of the City of Bowling Green, Ohio.
March 15, 2010
[Signature]
Clerk of City Council

1st Reading: 2-1-10

RECORD OF ORDINANCES 2nd Reading: 2-16-10

3rd Reading: 3-15-10

Tabled indefinitely on 2/16/10

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

7976

Passed

March 15, 2010

ORDINANCE 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

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

SECTION 1: That the Municipal Administrator is hereby authorized to execute a lease agreement with the Bowling Green Pee Wee League, Inc., in substantial accordance with the exhibit attached hereto and made a part hereof, in order to provide for expanded recreational activities for youth in Carter Park.

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

Passed: March 15, 2010
Date

President of Council

JOHN ZANFARDINO

Attest

Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: March 16, 2010
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. 7976 passed by the Council of the City of Bowling Green, Ohio.

March 15, 2010

Kay D. Scherreik
Clerk of City Council

PUBLIC HEARING SCHEDULED
Date 3/15/10 Time 7:45 pm

RECORD OF ORDINANCES

1st Reading: 2-1-10
2nd Reading: 2-16-10
3rd Reading: 3-1-10

Tabled until 3/15/10

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7979

Passed March 15, 2010

**ORDINANCE ESTABLISHING INTERIM ZONING OF
R-2 SINGLE FAMILY RESIDENTIAL FOR THE
SMITH PROPERTY RECENTLY ANNEXED TO
THE CITY OF BOWLING GREEN**

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

SECTION 1: That the approximately 3.11 acres of land recently annexed by James L. & Patricia J. Smith on the south side of Conneaut Avenue and more fully described on the exhibit attached hereto and made a part hereof, shall receive interim zoning of R-2 Single Family Residential.

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


Passed: March 15, 2010
Date


President of Council
JOHN ZANFARDINO

Attest: 
Clerk of Council

KAY D. SCHERREIK

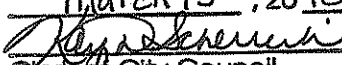
Approved: March 16, 2010
Date


Mayor
JOHN B. QUINN

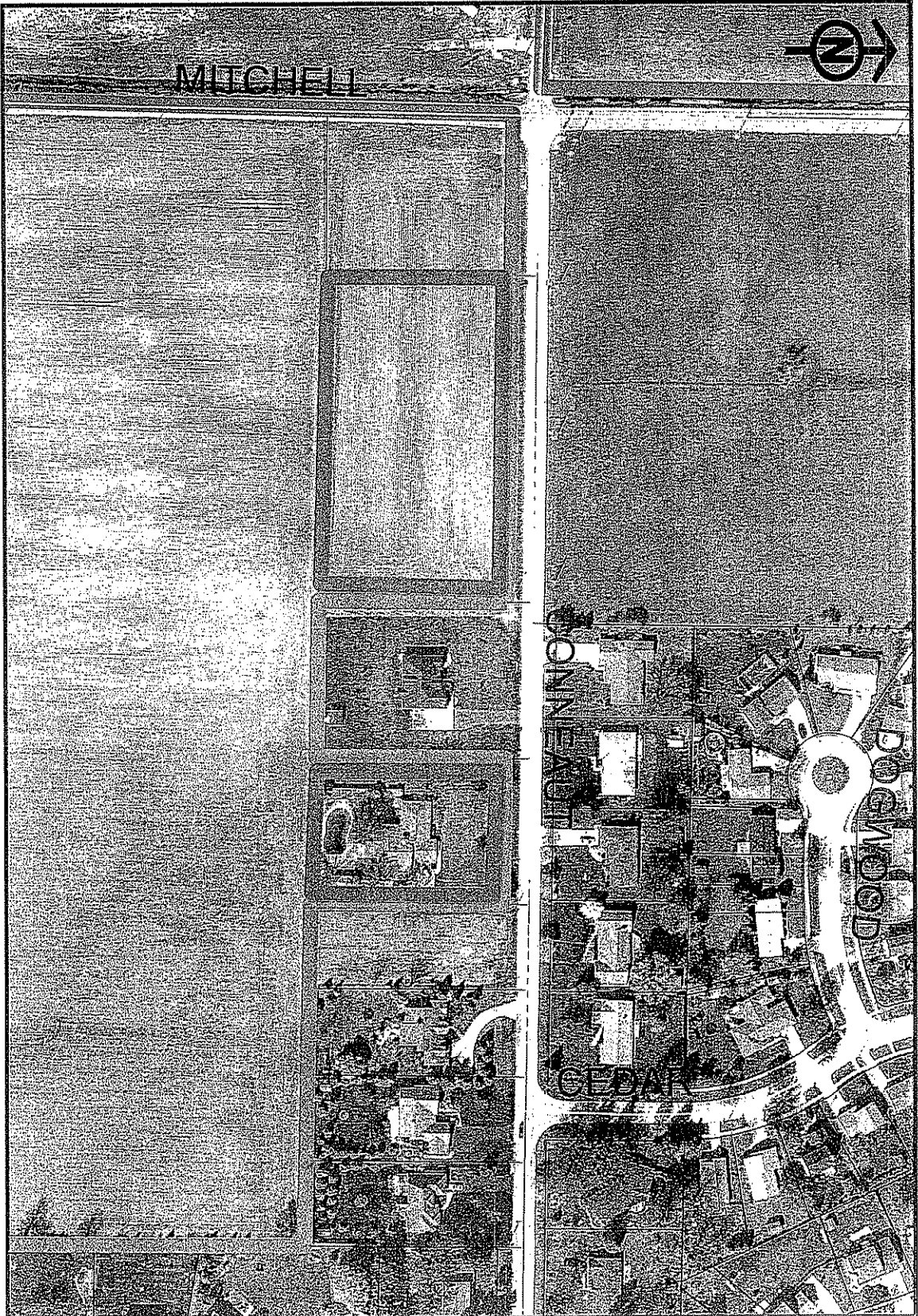
MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7979 passed by the Council of the City of Bowling Green, Ohio.

March 15, 2010

Clerk of City Council

Smith Annexation 3.11 acres



- City Limits
- Proposed Property for Annexation

1st Reading: 2-16-10
 2nd Reading: 3-1-10
 3rd Reading: 3-15-10

Ordinance No. 7982 Passed March 15, 2010

**ORDINANCE AMENDING AND ADOPTING SECTION 33.04(C)
 OF THE CODIFIED ORDINANCES OF THE CITY OF
 BOWLING GREEN, OHIO, RELATIVE TO PAY SCALES**

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

SECTION 1: That Section 33.04(C) of the Codified Ordinances of the City of
 Bowling Green, Ohio, is hereby amended and adopted to read as follows:

SECTION 33.04 PAY SCALES ESTABLISHED FOR TEMPORARY EMPLOYEES.

POSITION	WAGE BASIS	FIRST YEAR	SECOND YEAR	THIRD YEAR
(C) Concessions/Attendants				
1. Concession Manager	Hourly	\$10.50	\$10.75	\$11.00
2. Mobile Manager	Hourly	\$ 8.25	\$ 8.50	\$ 8.75
3. Senior Attendant	Hourly	\$ 7.75	\$ 8.00	\$ 8.25
4. Attendant	Hourly	\$ 7.30	\$ 7.55	

SECTION 2: All other existing portions of Section 33.04 remain unchanged.

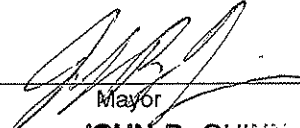
SECTION 3: This ordinance shall take effect at the earliest time permitted by
 law.

Passed: March 15, 2010
 Date

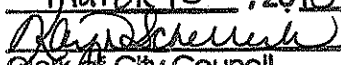

 President of Council
JOHN ZANFARDINO

Attest: 
 Clerk of Council
KAY D. SCHERREIK

Approved: March 16, 2010
 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. 7982 passed
 by the Council of the City
 of Bowling Green, Ohio.
March 15, 2010

 Clerk of City Council

Ordinance No. 7983

Passed March 15, 2010

**ORDINANCE AMENDING AND ADOPTING SECTION 99.11
AND SECTION 99.12 OF THE CODIFIED ORDINANCES
OF THE CITY OF BOWLING GREEN, OHIO,
REGARDING TREES**

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

SECTION 1: That Section 99.11 of the Codified Ordinances of the City of
Bowling Green, Ohio, is hereby amended and adopted to read as follows:

SECTION 99.11 TRIMMING TREES ON PRIVATE PROPERTY

All trees standing upon private property in the city having branches projecting into
public highways or public places shall, under the supervision of the arborist, be kept
trimmed by the owner or occupant of such private property to such an extent that
the lowest branches of such trees shall not come within **fourteen** feet of the ground
where they overhang any public sidewalk, public place, or public highway.

SECTION 2: That Section 99.12 of the Codified Ordinances of the City of
Bowling Green, Ohio, is hereby amended and adopted to read as follows:

SECTION 99.12 CERTAIN TREES PROHIBITED

None of the following trees shall be planted upon a public place in the City
without written permission of the City Arborist:

- Acer saccharinum (Silver Maple)
- Acer negundo (Boxelder)
- Aesculus species (Horse Chestnut, Buckeye)
- Ailanthus altissima (Tree of Heaven)
- Betula species (Birch species except River birch Betula nigra)
- Catalpa species (All Cataipa)
- Elaeagnus angustifolia (Russian Olive)
- Fruit Tree cultivars bred for fruit production
- Ginkgo biloba (Female Ginkgo)
- Juglans nigra (Black Walnut)
- Morus species (All Mulberry)
- Platanus occidentalis (Sycamore)
- Populus species (All poplar/cottonwood)
- Pyrus calleryana "Bradford" (Bradford Pear)
- Robinia pseudoacacia (Black Locust)
- Salix species (All Willow)
- Sorbus aucuparia (European Mountain Ash)
- Ulmus species susceptible to Dutch Elm disease
- Ulmus pumila (Siberian Elm)

SECTION 3: This ordinance shall take effect at the earliest time permitted by
law.

Passed: March 15, 2010 _____
Date President of Council

Attest: Kay D. Scherreik _____
Clerk of Council **JOHN ZANFARDINO**

Approved: March 16, 2010 _____
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. 7983 passed
by the Council of the City
of Bowling Green, Ohio.
March 15, 2010
Kay D. Scherreik
Clerk of City Council

Ordinance No. 7984 Passed March 15, 2010

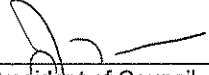
**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR
TO ENTER INTO AN AGREEMENT WITH AMP, INC.
FOR PARTICIPATION IN THE EFFICIENCYSMART
POWER PLANT PROGRAM**

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 execute an agreement with AMP, Inc., in substantial form as the exhibit attached hereto and made a part hereof, for participation in the EfficiencySmart Power Plant program.

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

Passed: March 15, 2010
Date



President of Council

Attest: 
Clerk of Council

JOHN ZANFARDINO

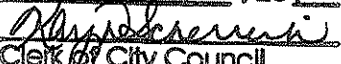
KAY D. SCHERREIK

Approved: March 16, 2010
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. 7984 passed by the Council of the City of Bowling Green, Ohio. March 15, 2010

Clerk of City Council

Ordinance No. 7987 Passed March 15, 2010

**ORDINANCE ACCEPTING ANNEXATION OF APPROXIMATELY
 1.413 ACRES OF LAND IN CENTER TOWNSHIP, WOOD COUNTY, OHIO
 FROM WOOD LANE RESIDENTIAL PROPERTIES, PETITIONERS**

WHEREAS, a petition for annexation of certain territory in Center Township was duly filed by the owners thereof, and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Wood County; and

WHEREAS, the Board of County Commissioners has approved the annexation to the City of Bowling Green; and

WHEREAS, the Board of County Commissioners certified the transcript of proceedings in connection with the annexation with a map and petition required in connection therewith to the Clerk of City Council, who received the same on the 15th day of December 2009; and

WHEREAS, 60 days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code Section 709.04.

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

SECTION 1: That the proposed annexation as applied for in the petition by Wood Lane Residential Properties of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Wood County, which petition sought annexation to the City of Bowling Green of certain territory adjacent thereto and as fully described on the exhibits attached, was approved for annexation to the City by the Board of County Commissioners, and the same is hereby accepted. The certified transcript of the proceedings for annexation with an accurate map of the territory together with the petition for its annexation and other papers relating the proceedings thereto of the County Commissioners are all on file with the Clerk of Council, and have been for more than 60 days.

SECTION 2: That the Clerk of Council is hereby authorized and directed to make three (3) copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners, and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within 60 days after it becomes effective, and the Clerk of Council shall do all other things required by law.

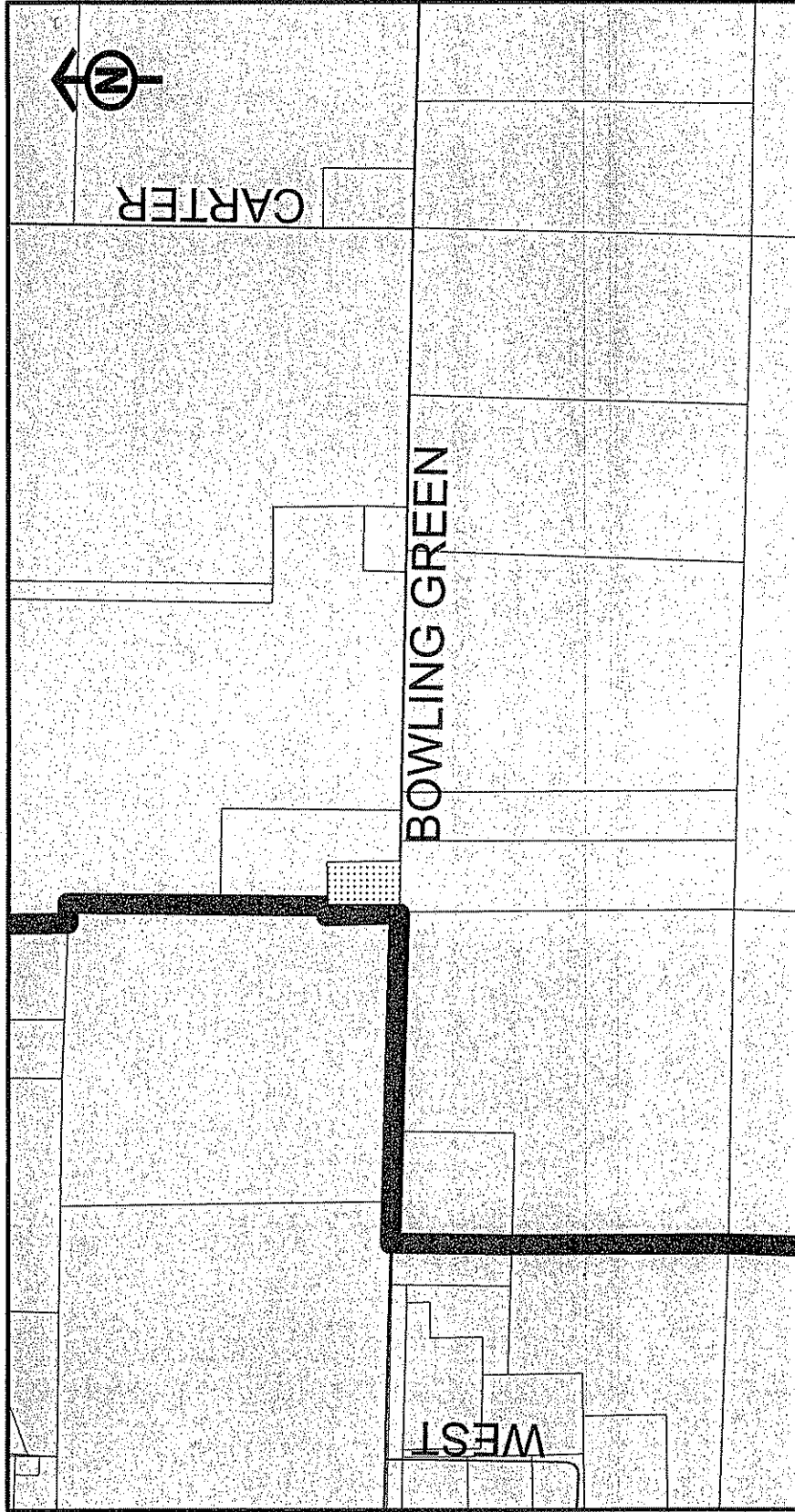
SECTION 3: This ordinance shall take effect at the earliest period allowed by law.

PASSED: March 15, 2010
 ATTEST: [Signature]
Clerk of Council
KAY D. SCHERREIK
 APPROVED: March 16, 2010
Date

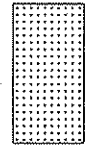
[Signature]
President of Council
JOHN ZANFARDINO
[Signature]
Mayor
JOHN B. QUINN

CERTIFICATION
 This is to certify that the foregoing is a true copy of Ord. No. 7987 passed by the Council of the City of Bowling Green, Ohio. March 15, 2010
[Signature]
Clerk of City Council

**Woodlane Residential Properties, Inc.
10500 Bowling Green Road East
1.413 acres**



Existing City Limits



Proposed Annexation Area

1st Reading: 2-16-10
 2nd Reading: 3-1-10
 3rd Reading: 3-15-10

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7988 Passed March 15 2010

**ORDINANCE ACCEPTING ANNEXATION OF APPROXIMATELY
 20 ACRES OF LAND IN CENTER TOWNSHIP, WOOD COUNTY, OHIO
 FROM ROBERT & PATRICIA MAURER, PETITIONERS**

WHEREAS, a petition for annexation of certain territory in Center Township was duly filed by the owners thereof, and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Wood County; and

WHEREAS, the Board of County Commissioners has approved the annexation to the City of Bowling Green; and

WHEREAS, the Board of County Commissioners certified the transcript of proceedings in connection with the annexation with a map and petition required in connection therewith to the Clerk of City Council, who received the same on the 31st day of January, 2001; and

WHEREAS, 60 days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code Section 709.04.

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

SECTION 1: That the proposed annexation as applied for in the petition by Robert & Patricia Maurer of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Wood County, which petition sought annexation to the City of Bowling Green of certain territory adjacent thereto and as fully described on the exhibits attached, was approved for annexation to the City by the Board of County Commissioners, and the same is hereby accepted. The certified transcript of the proceedings for annexation with an accurate map of the territory together with the petition for its annexation and other papers relating the proceedings thereto of the County Commissioners are all on file with the Clerk of Council, and have been for more than 60 days.

SECTION 2: That the Clerk of Council is hereby authorized and directed to make three (3) copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners, and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within 60 days after it becomes effective, and the Clerk of Council shall do all other things required by law.

SECTION 3: This ordinance shall take effect at the earliest period allowed by law.

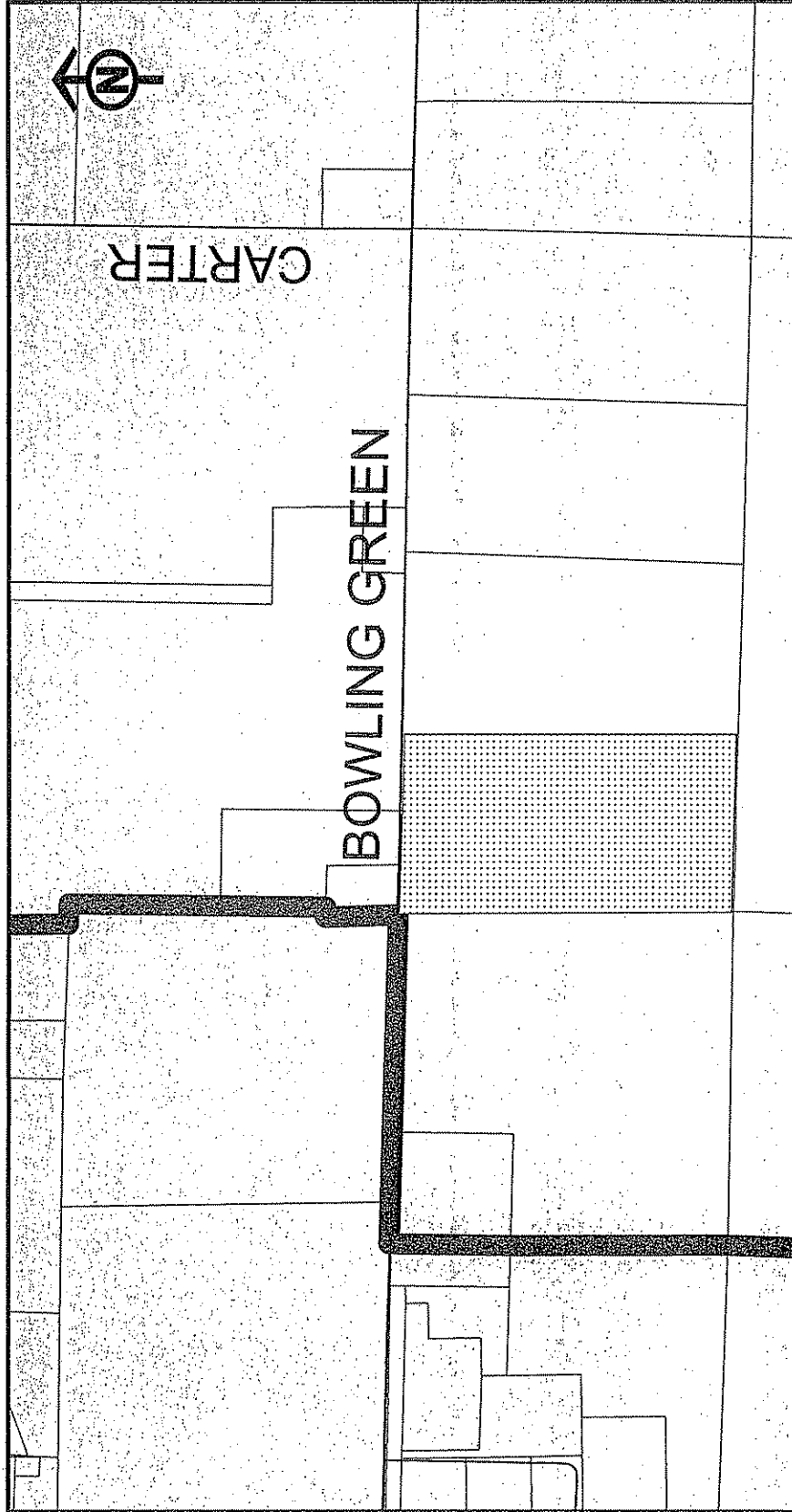
PASSED: March 16, 2010
 ATTEST: Kay D. Scherreik
 Clerk of Council
KAY D. SCHERREIK
 APPROVED: March 17, 2010
 Date

John Zanfardino
 President of Council
JOHN ZANFARDINO
John B. Quinn
 Mayor
JOHN B. QUINN

CERTIFICATION
 This is to certify that the foregoing is a true copy of Ord. No. 7988 passed by the Council of the City of Bowling Green, Ohio. March 15, 2010
Kay D. Scherreik
 Clerk of City Council

MICHAEL J. MARSH
 CITY ATTORNEY
 kds

Robert & Patricia Maurer
Parcel No. C11-511-210000016500
20 acres - Bowling Green Road East



Existing City Limits

Proposed Annexation Area

1st Reading: 3-1-10
2nd Reading: 3-15-10
3rd Reading: 3-15-10
RECORD OF ORDINANCES ADOPTED
EMERGENCY CLAUSE 3/15/10

Dayton Legal Blank, Inc.

Form No. 31043

Ordinance No. 7995

Passed March 15, 2010

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$90,000,000 HOUSING REVENUE BONDS AND THE LOAN OF THE PROCEEDS OF THE BONDS TO CFP I LLC FOR THE PURPOSE OF PAYING COSTS OF STUDENT HOUSING FACILITIES TO BE DEVELOPED ON THE CAMPUS OF BOWLING GREEN STATE UNIVERSITY; AUTHORIZING A TRUST INDENTURE AND LOAN AGREEMENT PROVIDING FOR THE PAYMENT OF THE BONDS AND A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS; AND AUTHORIZING CERTAIN OTHER RELATED DOCUMENTS AND ACTIONS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Bowling Green, Ohio, a municipal corporation and political subdivision organized and existing under the laws of the State of Ohio, is authorized under Article VIII, Section 16 of the Ohio Constitution to provide by ordinance for the issuance of revenue bonds of the City for the purpose of making a loan to assist in providing, housing and to secure such bonds by a lien on the revenues derived from that housing; and

WHEREAS, CFP I LLC (the *Borrower*), working with Capstone Development Corp, a nationally recognized and experienced developer of student housing facilities, intends to construct new, replacement student housing facilities to be located on the campus of Bowling Green State University (the *University*), consisting of two new buildings, one to be located in the south central area of the campus and providing approximately 664 beds in predominately shared, two-bedroom suites serving primarily freshman students, and the other to be located in the northwest area of the campus and providing approximately 634 beds in predominately single-bed, four-bedroom suites serving primarily sophomore students (the *Project*); and

WHEREAS, the City has determined to issue self-supporting revenue bonds in one or more series under the authority of Article VIII, Section 16 of the Ohio Constitution and this Ordinance in a principal amount not to exceed \$90,000,000 (the *Bonds*) and to loan the proceeds of the Bonds to the Borrower under the terms of a loan agreement to be entered into by the City and the Borrower (the *Loan Agreement*) providing for the use of the proceeds of the Bonds solely to pay costs of the Project and the obligation of the Borrower to make loan payments sufficient to pay the principal of and interest and any redemption premium on the Bonds when due and at maturity or upon any prior redemption (the *Debt Service Payments*); and

WHEREAS, the Bonds will be payable from the revenues derived from the Project, including the loan payments, and from the special funds held under a trust indenture (the *Indenture*) between the City and the bank or trust company serving as trustee for the Bonds (the *Trustee*), and the Bonds will not be payable from any money of the City, and will not be indebtedness of the City within the meaning of any laws of the State of Ohio limiting the permitted debt of the City;

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

SECTION 1: Authorization of Bonds. Pursuant to the authority of Article VIII, Section 16 of the Ohio Constitution and this Ordinance, the City shall, issue, sell and deliver the Bonds in a principal amount not to exceed \$90,000,000 for the purpose of making a loan to assist the Borrower in financing the costs of acquiring, constructing, equipping and improving the Project in accordance with the provisions of the Indenture and the Loan Agreement, including funding interest on the Bonds, debt service reserves, costs of any credit enhancement, costs of issuance and any other item constituting a "Cost of the Project" as defined in the Indenture. The final terms of the Bonds, including the principal amount to be

issued, shall be determined at the time of sale of the Bonds and shall be specified in the Indenture and in the Bond Purchase Agreement authorized in Section 3.

SECTION 2: Terms and Provisions of Bonds.

- (a) Bond Terms. The Bonds shall (i) be issued and secured under the terms of the Indenture; (ii) be issued in one or more series in the aggregate principal amount, specified in the Bond Purchase Agreement, which shall not exceed the amount authorized in Section 1; (iii) be designated "City of Bowling Green, Ohio, Student Housing Revenue Bonds (CFP I, LLC – Bowling Green State University Project)" with such additional identifying details as may be appropriate to differentiate one series from another series or otherwise; (iv) be issuable only in fully registered form, which may be in a book-entry system, and be payable without deduction for the services of any paying agent as provided in the Indenture; (v) be exchangeable only for Bonds of the same series in the authorized denominations provided in the Indenture; (vi) be numbered in a manner that will distinguish each Bond from each other Bond of the same series; (vii) be dated their date of delivery; (viii) bear interest at the rates and payable on the dates provided in the Indenture and not inconsistent with this Ordinance; (ix) be subject to redemption prior to maturity as specified in the Indenture; and (x) mature, subject to prior redemption, on the dates set forth in the Indenture, the final maturity date of which shall not exceed forty years from the date of issuance of the Bonds.
- (b) Interest Rates. If the Bonds bear interest at fixed rates of interest, the weighted average of such rates (taking into account the principal amount and maturity of each bond to which a rate applies) shall not exceed seven and one-half percent (7.50%) per year. If the City determines that the Bonds shall be issued as obligations bearing interest at variable rates, then the City shall specify in the Indenture the method and procedure by which the variable rate of interest to be borne by the variable rate Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Bonds shall not bear interest at a rate in excess of twenty-five percent (25%) per year. If the City designates any Bonds as variable rate obligations, and if the holders of the variable rate bonds are to be entitled to tender the variable rate Bonds for purchase, then the City shall also designate in the Indenture the tender agent or agents and the remarketing agent or agents.
- (c) Security for the Bonds. The City shall under the Indenture assign to the Trustee for the Bonds all of the City's rights under the Loan Agreement except the Unassigned Rights as defined therein. The Bonds shall be further secured by all moneys held by the Trustee in the special funds and accounts created under the Indenture (other than the Rebate Fund as defined therein) and by the assignment by the City to the Trustee of any and all rights of the City in moneys held in those funds and accounts, including any proceeds of the Bonds. The Bonds may be further secured by a policy of bond insurance or a bank letter of credit or other form of credit enhancement from a third party, but the Bonds are not required to be supported by any such credit enhancement. If not secured by a credit enhancement instrument provided by a third reading party, the Bonds shall be secured by a mortgage lien granted by the Borrower to the Trustee in the Borrower's interests in the Project and by an assignment to the Trustee of the Borrower's interests in the leases, rents, and other revenues derived from the Project. The Bonds may be otherwise secured as provided in the Indenture.
- (d) Execution. The Bonds shall be signed by the Mayor and the Finance Director in the name of the City and in their official capacities. Both of those signatures may be facsimiles. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if that officer had remained in office until after that time.

SECTION 3: Sale of the Bonds. The Bonds shall be sold and awarded at private sale to the firm or firms identified as the original purchaser of the Bonds in the agreement for the sale of the Bonds to be entered into among the City, the Borrower and such original purchaser (the *Bond Purchase Agreement*) at a purchase price of not less than ninety-seven per cent (97%) of the amount equal to the principal amount of the Bonds less any original issue discount and in accordance with the terms of the Bond Purchase Agreement. It is determined that the manner of sale and the terms of the Bonds, as provided in this Ordinance, the Bond Purchase Agreement and the Indenture, are consistent with all legal requirements and will carry out the public purposes set forth in Article VIII, Section 16 of the Ohio Constitution and this Ordinance.

The Mayor, the Municipal Administrator, and the Finance Director each is authorized, acting alone or in conjunction with any of the foregoing, to make the necessary arrangements with the original purchaser of the Bonds to establish the date, location, procedures and conditions for the delivery of the Bonds, and to take all steps necessary to effect due execution, authentication and delivery of the Bonds to the original purchaser of the Bonds under the terms of this Ordinance, the Bond Purchase Agreement and the Indenture.

The City consents to the use and distribution by the original purchaser of the Bonds of an offering document, in its preliminary and final forms, relating to the original issuance of the Bonds. Except to the extent described in the Bond Purchase Agreement, the City has not confirmed, and assumes no responsibility for, the truthfulness, accuracy, completeness, sufficiency or fairness of any statements in the preliminary or final forms of the offering documents, or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the original purchaser of the Bonds, the Trustee, the Project, the Borrower, the University, Capstone Development Corp. or the history, properties, organization, management, financial condition, market area or any other matter relating to any of the foregoing or contained otherwise in the offering documents.

SECTION 4: Federal Tax Matters. The representations and covenants in this Section apply to any of the Bonds that are issued and sold as obligations the interest on which is excluded from gross income for federal income tax purposes. References in this Section to Bonds refer only to such tax-exempt Bonds and do not refer to any Bonds that may be issued and sold as taxable obligations. In its performance of these covenants, and other covenants of the City pertaining to federal income tax laws, the City may rely upon the advice of nationally recognized bond counsel that is provided to the City at the Borrower's expense.

To the extent within its authority and control, the City will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The Mayor, the Municipal Administrator, the Finance Director or any other officer of the City having responsibility for the issuance of the Bonds, alone or in conjunction with the Borrower or any officer, employee or agent of or consultant to the Borrower, shall execute and deliver a tax regulatory agreement (the *Tax Agreement*) for inclusion in the transcript of proceedings for the Bonds setting forth the reasonable expectations of the City, in reliance on the representations of the Borrower, regarding the amount and use of all of the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

The City will (i) take, or require to be taken, to the extent within its authority and control, all actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (ii) not take or authorize to be taken any actions that would adversely affect that exclusion under the provisions of the Code. The Mayor, Municipal Administrator, Finance Director and any other appropriate officers are hereby authorized and directed to take any and all actions and make or give such reports and certifications, as may be appropriate to assure such exclusions of that interest.

SECTION 5: Authorization of Loan Agreement Indenture, Bond Purchase Agreement and Other Documents to be Executed by the City. To provide for the issuance and sale of the Bonds, and the consummation of the transactions contemplated herein, the Mayor, the Municipal Administrator and the Finance Director, acting alone or in conjunction with any of the foregoing, are authorized to execute, acknowledge, accept, assign and deliver, as appropriate, in the name and on behalf of the City, the Indenture, the Loan Agreement, the Tax Agreement and the Bond Purchase Agreement (collectively, the *Issuer Documents*), each substantially in the form on file with the Clerk of Council on the date of passage of this Ordinance, with such changes therein which are not inconsistent with this Ordinance, which are not adverse to the City, which are permitted by law, and which are approved by the official or officials executing the respective Issuer Documents in consultation with the City Attorney. The approval of those changes by that official or officials, and the character of those changes as not being adverse to the City and as permitted by law, shall be evidenced conclusively by the execution and delivery of the respective Issuer Documents by that official or officials.

The Mayor, the Municipal Administrator, the Finance Director, the Clerk of Council or any other officer of the City, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable, file, for and in the name and on behalf of the City, any certifications, financing statements, assignments and other instruments and documents which are, in the opinion of the City Attorney and bond counsel, necessary or appropriate to perfect the assignments contemplated in the Indenture and to consummate the transactions contemplated in the Issuer Documents.

SECTION 6: Covenants of City. In addition to the other covenants of the City herein and in the Issuer Documents, the City further covenants and agrees as follows:

- (a) Authority and Actions. The City is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, particularly and without limitation Article VIII, Section 16 of the Ohio Constitution and this Ordinance, to issue the Bonds, to execute and deliver the Issuer Documents and other instruments and documents pertaining to the Bonds to which it is a party, and to provide the security for payment of the Debt Service Payments on the Bonds in the manner and to the extent set forth in the Indenture. All actions on the part of the City for the issuance of the Bonds and the execution and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Bonds will be valid and enforceable special obligations of the City according to the terms thereof.
- (b) Payment of Bond Service Charges. The City will, solely from the sources identified in the Indenture, cause the payment by the Trustee from those sources of the Debt Service Payments on the Bonds on the dates, at the places and in the manner provided in the Indenture.
- (c) Performance of Covenants. The City will at all times observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bonds and in the Issuer Documents, and in all proceedings of the City pertaining to the Bonds. Each provision of this Ordinance, the Bonds, the Issuer Documents and all other documents to be executed by the City in connection with the issuance of the Bonds, is binding upon each officer of the City as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the City and of its officers and employees undertaken pursuant to such proceedings for the Bonds is established as a duty of the City and of each such officer and employee having authority to perform such duty, specifically enjoined by law as a duty resulting from an office, trust or station within the meaning of Section 2731.01 of the Ohio Revised Code, providing for enforcement by writ of mandamus. In no event shall this provision be construed as granting a right to subject any officer or employee of the City to personal liability for the City's obligations under the Bonds or the Issuer Documents.

(d) Further Assurances. To the extent within its authority and control, the City shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in the Issuer Documents shall be construed as requiring the City to operate the Project or to use any moneys from any source other than those set forth in the Indenture for the payment of Debt Service Payments on the Bonds.

SECTION 7: Transcript of Proceedings. The Clerk, or other appropriate officer of the City, shall furnish to the original purchaser of the Bonds a true transcript of proceedings, certified by the Clerk or other officer, of (i) all proceedings had with reference to the issuance of the Bonds and (ii) any other information from the records of the City which may be necessary or appropriate to determine the regularity and validity of the issuance of the Bonds.

SECTION 8: No Debt or Tax Pledge. The Bonds do not and shall not represent or constitute debt or general obligations or a pledge of the faith and credit of the City or the State or any political subdivision or instrumentality of the State. The owners of the Bonds shall not have the right to have excises or taxes levied by the City or the State or the taxing authority of any other political subdivision of the state for the payment of Debt Service Payments on the Bonds. The Bonds shall contain a statement to that effect and to the effect that the Bonds shall be payable solely from the loan payments to be made by the Borrower and the funds identified or provided for in the Indenture.

SECTION 9: Compliance with Open Meeting Requirements. This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, which resulted in those formal actions, were in meetings open to the public in compliance with the law.

SECTION 10: Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds which is necessary to provide funds to enable the construction of the Project to be timely undertaken, wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: March 15, 2010
Date
President of Council
JOHN ZANFARDINO

Attest: *Kay D. Scherreik*
Clerk of Council
KAY D. SCHERREIK

Approved: March 16, 2010
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. 7995 passed by the Council of the City of Bowling Green, Ohio. March 15, 2010
Kay D. Scherreik
Clerk of City Council

1st Reading: 3-1-10
RECORD OF ORDINANCES Reading: 3-15-10
EMERGENCY CLAUSE ADOPTED 3/15/10 3rd Reading: 3-15-10

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 7998 Passed March 15, 2010

ORDINANCE AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO PARTICIPATE IN THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION SODIUM CHLORIDE (ROCK SALT) PURCHASE AGREEMENT FOR THE 2010-2011 WINTER SEASON, AND DECLARING AN EMERGENCY


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

SECTION 1: That the Municipal Administrator is hereby authorized to participate in the State of Ohio Department of Transportation sodium chloride (rock salt) purchase agreement for the 2010-2011 winter season, including participation in contract or contracts with respect thereto, including binding the City to all terms and conditions created thereby.

SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is to facilitate the City's success in obtaining the lowest possible bid price for salt for the 2010-2011 winter season, thereby protecting the public health, safety, and well-being of our citizens.


Passed: March 15, 2010 _____
Date President of Council


JOHN ZANFARDINO

Attest:  _____
Clerk of Council
KAY D. SCHERREIK

Approved: March 16, 2010 _____
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. 7998 passed by the Council of the City of Bowling Green, Ohio. March 15, 2010

Clerk of City Council

Ordinance No. 8000

Passed March 15, 2010

**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**

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

SECTION 1. That the following sums be appropriated as follows:

Fund	Dept.	Account	Description	Amount
2030	180	73650.41	Parking , Parking , Repair Vehicle External	\$ 1,000.00
2023	570	73980	Revolving Loan, Revolving Loan, Revolving Loans - New Loans	\$ 150,000.00
1010	230	73120	General, Ambulance, Management Services	\$ 15,400.00
2030	180	94100	Parking , Parking , Refunds	\$ 495.00
4029	423	91300	Street Repair, Street Repair, Redemption Notes	\$ 800,000.00
2070	210	74150	Civil Infraction, Police Department , Special Forms	\$ 375.00

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

Passed: March 15, 2010 _____
 Date President of Council
JOHN ZANFARDINO

Attest: [Signature] _____
 Clerk of Council
KAY D. SCHERREIK

Approved: March 16, 2010 _____
 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. 8000 passed
 by the Council of the City
 of Bowling Green, Ohio.
March 15, 2010
[Signature]
 Clerk of City Council