

1st Reading: 9-21-09  
2nd Reading: 10-5-09  
3rd Reading: 10-19-09

Dayton Legal Blotk, Inc., Form No. 50045

Resolution No. 3409

Passed October 19 2009

**RESOLUTION ADOPTING AND AUTHORIZING AN AMENDED  
B.G. TRANSIT DRUG AND ALCOHOL TESTING POLICY**

WHEREAS, the City of Bowling Green receives state and federal funding annually from the Ohio Department of Transportation (ODOT) to provide public transportation to citizens; and

WHEREAS, a Drug and Alcohol Testing Policy is required for transit systems funded by the Ohio Department of Transportation (ODOT) and the Federal Transit Administration (FTA); and

WHEREAS, a B.G. Transit Drug and Alcohol Testing Policy was adopted by Council on January 7, 2008;

WHEREAS, the Ohio Department of Transportation (ODOT) recently announced that certain provisions of its drug and alcohol testing procedures (49 CFR Part 40) have been amended and that ODOT requires these amendments also be incorporated at the local level; and


WHEREAS, the amendments to the B.G. Transit Drug and Alcohol Testing Policy were prepared in accordance with applicable federal requirements; and


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

SECTION 1: Following consideration of the recommendation for adoption made by the Transit Advisory Committee on September 10, 2009, the Council does hereby approve the proposed amendments to the B.G. Transit Drug and Alcohol Testing Policy.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements.

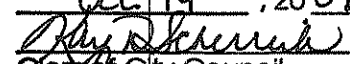
SECTION 3: This resolution shall take effect at the earliest time permitted by law.

Passed: October 19, 2009   
Date President of Council

Attest:   
Clerk of Council **MEGAN E. NEWLOVE**

Approved: October 20, 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 Res. No. 3409 passed by the Council of the City of Bowling Green, Ohio.  
Oct. 19, 2009  
  
Clerk of City Council

Resolution # 3411

1st Reading: 10-19-09  
2nd Reading: 10-19-09  
3rd Reading: 10-19-09

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(Village or City Council)  
Revised Code, Secs. 5705.34, .35

The Council of the ~~Village~~/City of Bowling Green, Wood County, Ohio, met in (regular or special) session on the 19th day of October, 2009 at the office of City Council with the following members present:

Terry Dunn

Michael Frost

Robert McOmber

Megan Newlove

Jacob Redfern

Larry Sorrells

John Zanfardino

Newlove moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Revenue Estimate for the next succeeding fiscal year commencing **January 1st, 2010** and

WHEREAS, The Budget Commission of Wood County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the ~~Village~~/City of Bowling Green, Wood County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village/City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET  
COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

BOWLING GREEN CITY	AMOUNT APPROVED BY BUDGET COMM. INSIDE 10 MILL LIMITATION	AMT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR EST. OF TAX RATE LEVIED	
			INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
	Column 2	Column 3		
SINKING FUND				
GENERAL FUND	1,650,811.29		3.00	
PARK, PLAYGRND & REC		680,673.67		1.40
FIRE PENSION	165,081.14		0.30	
POLICE PENSION	165,081.12		0.30	
STATE				
<b>TOTAL</b>	<b>1,980,973.55</b>	<b>680,673.67</b>	<b>3.60</b>	<b>1.40</b>

**SCHEDULE B**

Levies outside 10 mill limitation, Exclusive of Debt Levies

GENERAL FUND	MAXIMUM RATE AUTHORIZED TO BE LEVIED	AUDITOR'S ESTIMATE OF YIELD OF LEVY
Current Expense Levy Authorized by voters on for not to exceed _____ years.		
Current Expense Levy Authorized by voters on for not to exceed _____ years.		
Current Expense Levy Authorized by voters on for not to exceed _____ years.		
Current Expense Levy Authorized by voters on for not to exceed _____ years.		
Current Expense Levy Authorized by voters on for not to exceed _____ years.		
Special Levy Fund: Authorized by voters on for not to exceed _____ years.		
Park, Playgrd & Rec. Fund: Levy Authorized by voters on 5/3/05 for not to exceed 5years. 2005-2009 Fund: Levy Authorized by voters on _____ for not to exceed _____ years.	1.40	680,673.67

and be it further

RESOLVED, That the Clerk of this Board be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Frost \_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Dunn _____, Yes	Mr. Frost _____, Yes
Mr. McOmber _____, Yes	<del>Mr.</del> Ms. Newlove _____, Yes
Mr. Sorrells _____, Yes	Mr. Redfern _____, Yes

Adopted the 19th day of October, 2009  
 Kay D. Scherreik \_\_\_\_\_ Clerk, City of Bowling Green,  
 Wood County, Ohio

  
 Mayor **JOHN B. QUINN**

  
 President of Council **MEGAN E. NEWLOVE**

**CERTIFICATE OF COPY**

Original on File


The State of Ohio, Wood County, ss.

I, Kay D. Scherreik, Clerk of the Council of the ~~Village~~ City of Bowling Green, within and for said County, and in whose custody

the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution #3411

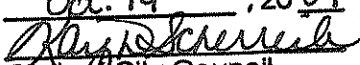
now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this 21st day of October, 2009

  
Clerk of Council Kay D. Scherreik  
Bowling Green ~~Village~~/City  
Wood County, Ohio

**CERTIFICATION**

This is to certify that the foregoing is a true copy of Res. No. 3411 passed by the Council of the City of Bowling Green, Ohio.

Oct. 19, 2009  
  
Clerk of City Council

1st Reading: 10-19-09  
 2nd Reading: 10-19-09  
 3rd Reading: 10-19-09

Dayton Legal Blank, Inc., Form No. 00045

Resolution No. 3412 Passed October 19, 2009


**RESOLUTION TRANSFERRING PREVIOUSLY APPROPRIATED FUNDS**


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

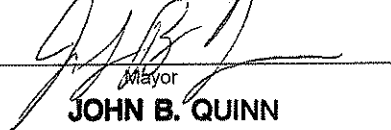
SECTION 1. That the following transfers be made in the Finance Director's account:

Fund	Dept.	Account	Description	From	To
1011	160	86060	Income Tax, Income Tax, Computer Hardware and Software > \$15000	\$ 15,000.00	
1011	160	74120.00	Income Tax, Income Tax, Computer Material <15,000		\$ 15,000.00


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

Passed: October 19, 2009   
 Date President of Council

Attest:   
 Clerk of Council **MEGAN E. NEWLOVE**

Approved: October 20, 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 Res. No. 3412 passed by the Council of the City of Bowling Green, Ohio. Oct. 19, 2009  
  
 Clerk of City Council

PUBLIC HEARING SCHEDULED  
Date 10/19/09 Time 7:45 pm

1st Reading: 9-8-09  
2nd Reading: 9-21-09  
3rd Reading: 10-5-09  
Tabled until 10/19/09

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 7933 Passed October 19, 2009

**ORDINANCE AMENDING AND ADOPTING  
SECTION 150.03 AND 150.17(E) OF THE CODIFIED  
ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO,  
REGARDING RAIN GARDENS**

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

SECTION 1: That Section 150.03 of the Codified Ordinances is hereby amended and adopted to read as follows:

**Section 150.03 Definitions**

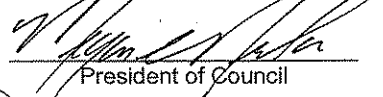
**RAIN GARDEN.** A man-made depression that is used as a landscaped bioretention area, collecting storm water runoff and storing it, permitting it to be filtered and slowly absorbed by the soil. A rain garden is strategically placed to intercept storm water runoff from down spouts, roofs, sump pumps, etc. Organic material (20%) is blended into sandy soil (50%) and top soil (30%) and planted with species that tolerate extremes, general riparian species.

SECTION 2: That Section 150.17(E) is hereby amended and adopted to read as follows:

**Section 150.17 Uses by Right**

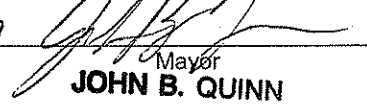
(E) Rain Gardens. Storm water (rain, melted snow and ice) from roofs, gutters, or downspouts from individual structures is directed to man-made depressions in primarily Residential Districts. A rain garden supplements storm water drainage, but does not replace retention ponds, detention ponds, or storm sewers.

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


Passed: October 19, 2009   
Date President of Council

Attest:  MEGAN E. NEWLOVE  
Clerk of Council

**KAY D. SCHERREIK**

Approved: October 20, 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. 7933 passed by the Council of the City of Bowling Green, Ohio, Oct. 19, 2009  
  
Clerk of City Council

PUBLIC HEARING SCHEDULED  
Date 10/19/09 Time 7:45 pm

RECORD OF ORDINANCES  
1st Reading: 9-8-09  
2nd Reading: 9-21-09  
3rd Reading: 10-5-09  
*Tabled until 10/19/09*

Davison Legal Blank, Inc.

Form No. 30043

Ordinance No. 7934 Passed October 19, 2009

**ORDINANCE AMENDING AND ADOPTING  
SECTION 150.107(D), SECTION 151.27(L)(3) AND  
SECTION 151.28(F) OF THE CODIFIED ORDINANCES OF THE  
CITY OF BOWLING GREEN, OHIO, REGARDING STORM  
WATER MANAGEMENT**

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

SECTION 1: That Section 150.107(D) of the Codified Ordinances is hereby amended and adopted to read as follows:

**Section 150.107 Plan Approval by Utilities Director**

(D) The Utilities Director shall not approve any application for zoning certificate until the site has obtained all necessary permits, approvals, and easements required for full conformity with Chapter 50.02 of the Code of Ordinances of the City of Bowling Green, Ohio.

SECTION 2: That Section 151.27(L)(3) of the Codified Ordinances is hereby amended and adopted to read as follows:

**Section 151.27 Final or Record Plat**


(L) Private restriction, if any, will be noted:  
(3) Restrictions placed on the subdivision for conformity with Chapter 50.02 of the Code of Ordinances of the City of Bowling Green, Ohio, as approved by the City Engineer.

SECTION 3: That Section 151.28(F) of the Codified Ordinances is hereby amended and adopted to read as follows:

**Section 151.28 Subdivision Not Requiring a Plat**

(F) A copy of the document(s) recorded for all properties in the subdivision showing full conformity with Section 50.02 of the Code of Ordinances of the City of Bowling Green, Ohio, as approved by the City Engineer.

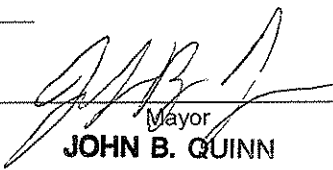
SECTION 4: This ordinance shall take effect at the earliest time permitted by law.

Passed: October 19, 2009   
Date President of Council

**MEGAN E. NEWLOVE**


Attest:   
Clerk of Council

**KAY D. SCHERREIK**

Approved: October 20, 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. 7934 passed by the Council of the City of Bowling Green, Ohio, Oct. 19, 2009  
  
Clerk of City Council

Ordinance No. 7936

Passed October 19, 2009

**ORDINANCE AMENDING AND ADOPTING SECTION 33.01(G)  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
BOWLING GREEN, OHIO, RELATIVE TO THE  
NON-BARGAINING SALARY SCHEDULE**

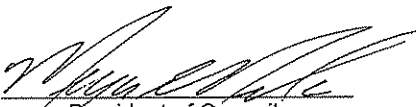
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:


SECTION 1: That Section 33.01(G) of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read as follows:

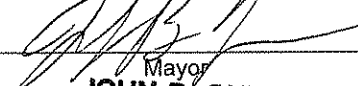
**SECTION 33.01 SALARY SCHEDULE ESTABLISHED**

(G) Pay bands 4 through 9 include "exempt" salaried job classifications. These job classifications, **when paid on a salaried basis**, are exempt from federal overtime requirements. The bi-weekly compensation for full-time employees, whose job classifications are also listed in Section 33.18, shall be calculated by multiplying the calculated hourly rate by 80, irrespective of the number of hours actually worked during the bi-weekly pay period, except where otherwise limited by applicable laws of the state or the federal government. The bi-weekly compensation for part-time exempt, salaried employees, whose job classifications are listed in Section 33.18, shall be calculated by multiplying the calculated hourly rate by 40, irrespective of the number of hours actually worked during the bi-weekly pay period, except where otherwise limited by applicable laws of the state or the federal government. **Lastly, in order to provide maximum flexibility part-time hires in job classifications assigned to Pay Bands 4 through 9 may also be paid on an hourly basis, when such is agreed to by both the employee and the City. In such cases work hours shall not exceed 40 hours per week, but it is understood that in those cases when work hours exceed 40 per work week that overtime will be paid.**

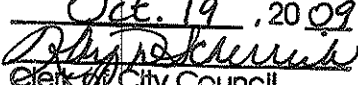
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: October 19, 2009   
Date President of Council

Attest:   
Clerk of Council **MEGAN E. NEWLOVE**

Approved: October 20, 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. 7936 passed by the Council of the City of Bowling Green, Ohio.  
Oct. 19, 2009  
  
Clerk of City Council

Ordinance No. 7937

Passed October 19, 20 09

**ORDINANCE AMENDING AND ADOPTING SECTION 33.18  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
BOWLING GREEN, OHIO, RELATIVE TO SALARIED  
EMPLOYEES NOT SUBJECT TO OVERTIME PAY**

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

SECTION 1: That Section 33.18 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read as follows:

**Section 33.18 Salaried Employees Not Subject to Overtime Pay**

(A) The following **job classifications, if paid on a salaried basis**, are considered as being exempt, executive, administrative, learned professional, or creative professional; or if they meet some other exemption criteria under Federal law; or are members of an elected official's personal staff; appointed officials serving in policy-making positions; or are appointed officials serving as advisors of the constitutional or legal powers of an elected official's office and are deemed exempt from earning overtime compensation:

**CLASS TITLE**

Arborist  
Assistant Municipal Administrator  
Assistant Prosecutor  
Assistant Superintendent Electric Division  
Assistant Superintendent Public Works Division  
Assistant Superintendent Water Distribution and Wastewater Collection Division  
Assistant Superintendent Water Pollution Control  
Assistant Superintendent Water Supply Division  
Assistant to the Municipal Administrator  
Assistant to the Utilities Director  
Assistant Utilities Director  
City Attorney  
City Engineer  
City Prosecutor  
City Surveyor  
Civil Engineer  
Network Administrator  
Information Technology Manager  
Electric Superintendent  
Facilities Coordinator  
Finance Director  
Fire Chief  
Fire Captain  
Fire Deputy Chief  
Grants Administrator  
Municipal Administrator  
Natural Resources Coordinator  
Ombudsperson  
Parks and Recreation Director  
Personnel Director  
Planning Director  
Police Chief  
Police Deputy Chief  
Public Information Specialist  
Public Works Director  
Public Works Superintendent


**CLASS TITLE (Continued)**

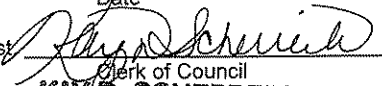
- Recreation Coordinator
- Safety Director
- Senior Planner
- Tax Commissioner
- Utilities Business Office Manager/Deputy Finance Director
- Utilities Director
- Water Distribution and Wastewater Collection Superintendent
- Water Pollution Control Superintendent
- Water Supply Superintendent

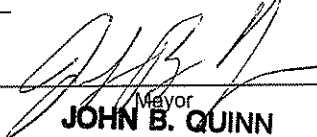
(B) Certain temporary employees, who work for the City's Parks & Recreation Department at its outdoor aquatics center or other "seasonal" recreational establishment(s) may be exempt from federal minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). The eligibility for overtime for the following job classifications will be considered on a case-by-case basis dependent upon review and analysis of the Federal law and the specific job and job duties for which each employee is employed to fulfill.

- Assistant Manager – Carter Park Sports Complex
- Scorekeeper – Carter Park Sports Complex
- Assistant Manager – Attendants – Aquatics Complex
- Assistant Manager – Lifeguards – Aquatics Complex
- Attendant (Concessions)
- Concession Manager
- Instructor (Aquatics Complex)
- Lifeguard
- Official – Basketball
- Official – Volleyball
- Program Assistant
- Program Supervisor
- Programmer
- Safety Town Assistant
- Safety Town Director
- Scorekeeper (Basketball)
- Scorekeeper (Softball)
- Senior Attendant (Concessions)
- Senior Lifeguard
- Senior Programmer
- Special Programmer
- Student Co-op
- Swim Program Director
- WSI Instructor


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

Passed: October 19, 2009   
 Date President of Council  
**MEGAN E. NEWLOVE**

Attest:   
 Clerk of Council  
**KAYD. SCHERBEIK**

Approved: October 20, 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. 7937 passed by the Council of the City of Bowling Green, Ohio.  
Oct. 19, 2009  
  
 Clerk of City Council

1st Reading: 9-21-09  
RECORD OF ORDINANCES 2nd Reading: 10-5-09  
3rd Reading: 10-19-09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7938


Passed October 19, 2009

**ORDINANCE ACCEPTING UTILITY EASEMENT  
FROM HARTUNG BROTHERS, INC.**

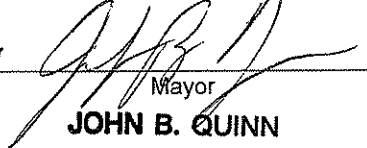
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING  
GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the easement from Hartung Brothers, Inc., more  
fully described in the exhibit attached hereto and made a part hereof, is  
hereby accepted for municipal purposes.


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

Passed: October 19, 2009   
Date President of Council

Attest:   
Clerk of Council  
**MEGAN E. NEWLOVE**

Approved: October 20, 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. 7938 passed  
by the Council of the City  
of Bowling Green, Ohio.  
Oct. 19, 2009  
  
Clerk of City Council

1st Reading: 9-21-09  
2nd Reading: 10-5-09  
3rd Reading: 10-19-09

RECORD OF ORDINANCES

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7939

Passed October 19, 2009

**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR  
TO EXECUTE AN AGREEMENT WITH THE  
BOWLING GREEN CITY SCHOOLS FOR  
INSTALLATION AND MAINTENANCE OF FIBER  
OPTIC COMMUNICATIONS CABLE**

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 the Bowling Green City Schools for installation and maintenance of fiber optic communications cable, in substantial accordance with the exhibit attached and made a part hereof.

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

Passed: October 19, 2009 [Signature]  
Date President of Council

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

Approved: October 20, 2009 [Signature]  
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. 7939 passed by the Council of the City of Bowling Green, Ohio. Oct. 19, 2009  
[Signature]  
Clerk of City Council

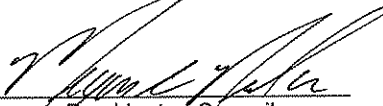
Ordinance No. 7940 Passed October 19, 2009


**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO EXECUTE AN AGREEMENT WITH THE VILLAGE OF TONTOGANY FOR WHOLESALE ELECTRIC SERVICE**

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 in substantial accordance with the exhibit attached hereto and made a part hereof with the Village of Tontogany for wholesale electric service.

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

Passed: October 19, 2009   
Date President of Council


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

Approved: October 20, 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. 7940 passed by the Council of the City of Bowling Green, Ohio.

Oct. 19, 2009  
  
Clerk of City Council