

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

Minutes of

Meeting

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MONDAY, MAY 2, 2022

Held

20

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 7:00 p.m. by Acting Council President Rachel Phipps. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Dennis, Herald, O'Dorisio, Phipps, Robinette, and Rubando were present. Also present were Acting Mayor Mark Hollenbaugh, Municipal Administrator Lori Tretter, City Attorney Michael Marsh, Public Services Bureau Director Joe Fawcett, Public Infrastructure Bureau Director Brian O'Connell, and Planning Director Heather Saylor. Mayor Mike Aspacher was not present.

Council Member Herald moved, Rubando seconded, to approve the minutes of the regular meeting held April 18, 2022 as distributed. On unanimous voice vote, Acting Council President Phipps declared motion carried.

CORRESPONDENCE

There was no correspondence.

LOBBY VISITATIONS

David Wilson, 208 Eberly Avenue, addressed City Council regarding his concerns for an upcoming event called "Porchfest" being held in his neighborhood. Wilson said a similar event was held last year, but this year's event will be larger. His concern is that this event is not a private event, but a public event that infringes on the personal rights and wishes of the neighborhood residents.

Jacqui Nathan, 13541 Union Hill Road, and Lindsay Durham, 853 Parker Street, addressed City Council regarding the upcoming *Art Walk* being held in the downtown area on May 14, from 11 am to 3 pm noting that there will be 18 venues displaying local artisans.

Jo Ascunce, 517 Flanders Avenue, spoke on behalf of the newly formed *Citizens for BG Dog Parks Committee*, noting that there has been an outcry from residents to create a space for dogs and their owners to exercise, socialize, and enjoy public land within the City. She read a statement requesting that dog parks be included in the Parks and Recreation Master Plan to assist the committee in gaining approval for all the necessary steps going forward.

Rose Drain, 228 E. Court Street, also spoke in favor of a dog park in the community and talked about her use of parks in other communities.

NEW LEGISLATION

Council Member Robinette, for the Finance Committee, introduced the following new legislation:

- Resolution transferring previously appropriated funds;
- 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, 2022 and ending December 31, 2022;
- Ordinance amending and adopting Section 33.27(A) and (B) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding vacations, and declaring an emergency.

OFFICIAL REPORTS

Acting Mayor Mark Hollenbaugh addressed Council regarding the amending of the Parks & Recreation 5-Year Plan. He noted that it is unusual to propose changes to Master Plan updates at this late point in the process. He stated that changes have been made before, but it is usually done during the process when both the Park Board and the Planning Commission have a change to weigh in and participate in the process. He further stated that as Council President he has tremendous respect for the City's boards and commissions as they play an important role in the governing of Bowling Green. He indicated that Council should be mindful of the message that it might send to members of those boards and commissions should they make last minute amendments.

Council Member Dennis asked how amending the Parks & Recreation Master Plan differs from the planned amendment being proposed for the Economic Development Master Plan. Hollenbaugh responded that the planned amendment to the Economic Development plan is a recommendation from the Planning Commission that was made during the review process prior to sending to City Council for confirmation. Dennis responded that he has been in attendance at multiple Park Board meetings where the issue has been discussed and opportunities have been given to provide input on potential amendments.

Municipal Administrator Lori Tretter addressed City Council regarding the upcoming Porchfest event and what the City has done thus far. Tretter explained that Porchfest is an event organized and promoted by residents and friends on Eberly Avenue and features bands on different porches on the block. The City was contacted by various stakeholders to understand what, if any, permits are needed for the event. Two permits were considered:

- 1: Block Party Permit
2. Special Event Permit

The Block Party Permit was determined to be non-applicable for two reasons:

1. Porchfest organizers were not requesting a street closure;
2. Block Party Permit cannot be used for an event that is public in nature and held on private property;
3. Requires all neighbors to sign off on the event.

Since the block party permit was eliminated and not requested, this raised the question of the Special Event permit. The Special Event permit is used regularly and previously approved events have occurred in public spaces (Downtown and Wooster Green primarily) and is governed by Chapter 111 of the City's Code. Porchfest is slated to occur on private lawns, so therefore, it does not fit into the Special Event permit process because it is not on public property.

To better understand the event and also in response to neighbors with concerns about the event who were contacting the City, members of the Administration met with Porchfest organizers to discuss logistics and safety. The organizers agreed and that meeting occurred last month.

Although the Administration, after hearing the plan, recommended that organizers apply for a Special Event permit, it was agreed in the meeting that based on what organizers are planning, that the City could not compel a Special Event permit (no public property is being impacted nor services requested). Porchfest organizers were responsive to considerations being made by some neighbors, most specifically that events occurring on participating lawns should not spill onto lawns/porches of those not participating. Also discussed was safety and logistics. Organizers were encouraged to consider these issues as well other issues typically covered in the Special Event permit.

The Administration has heard from some other neighbors who are concerned about the event and those that are disappointed that the City is not intervening to force it onto public property (like Wooster Green), and that it is being allowed to occur in a neighborhood without the neighborhood getting to provide consent. Tretter stated that it is her opinion that this is a case where "both things are true." Porchfest organizers are striving to put on an event which reflects a notion that is frequently discussed by Council and cited in City planning documents—neighborhood cohesiveness, community, and a lively/interactive city. It is also true that the event could impact neighbors who do not want

to be a part of Porchfest. Those neighbors are questioning their rights to not have this event on their street.

Council Member O'Dorisio asked if this event has occurred before? Tretter responded that the event started during COVID and was more of block party event. However, in 2021 the event was expanded and concerns were raised by the neighbors as they have seen the event expanding again in 2022.

Council Member Robinette noted that the City has acknowledged that this is a public event, so why is it being treated as private. Tretter responded that it is a public event being held on private property, not public property. She indicated that the City is listening and trying to respect them, but there are concerns about public safety which is why the meeting with the organizers occurred. Under the current permitting process, the City is determining the best way to handle these concerns. Robinette noted that the City handles big events well and has continued to add to its green space for holding public events so he asked what was done to steer the organizers to utilizing one of those public spaces. Tretter responded that the organizers were not looking for a public space to hold the event, but they were at least informed of spaces available if desired. Tretter stated that this is a different area for the City and a different kind of event than the City has faced before, so it's good that a public conversation is being had and discussion of the best way to balance these types of events.

Council Member Dennis commented that he doesn't agree that this is an area that hasn't been experienced before and used the example graduation parties occurring on private property right now at this time of year which is essentially a public event being held on private property. Dennis noted that he attended Porchfest last year and it seemed like a fairly small group of people who brought their own lawn chairs to listen to music. He said he is not denying that there were issues that the organizers need to be cognizant of as they move forward with this year's event.

Council Member Robinette suggested that as a Council needs to clearly answer a question, when does a concert on private property in a residential zoning district cease to be a private event? Robinette said that in his opinion, it is when the public is invited to attend. He feels that Council needs to ask the question and answer the question as the legislative body of the City. Given the scope of the Porchfest event, it seems the City has the obligation to see to the health and safety of the public.

Tretter introduced Planning Director Heather Saylor who reported to Council that May is Historic Preservation Month. Saylor discussed upcoming events celebrating historic preservation. Saylor also noted that there will be a zoning code update given at the June 1 Planning Commission meeting at 7:00 p.m. at the Simpson Building.

City Attorney Michael Marsh had no report.

Public Services Bureau Director Joe Fawcett introduced Amanda Gamby who updated Council on sustainability efforts. Gamby noted that the City has acquired a 4-year membership to ICLIE (Local Governments for Sustainability) which gives the City access to the ClearPath Tool that can be used by local governments to complete greenhouse gas emissions inventories.

Public Infrastructure Bureau Director Brian O'Connell had no report.

COUNCIL COMMITTEE REPORTS

Acting Council President Phipps noted that the Planning, Zoning and Economic Development Committee held public hearings earlier this evening regarding Resolution #3819 and #3820. The committee heard from several citizens and from Bowling Green Economic Development Director, Kati Thompson. There were robust discussions regarding dog parks which will likely continue during the reading of legislation. Phipps noted that the committee voted unanimously to recommend the Planning Commission's addition of "identifying opportunities for redevelopment" to the Economic Development Master Plan.

READING OF LEGISLATION

Clerk read Resolution #3822 transferring previously appropriated funds, for first reading.

Council Member Robinette moved, Herald seconded, to suspend the rules and give Resolution #3822 its second and third reading. On roll call vote, Council Members Herald, O'Doriso, Phipps, Robinette, Rubando, and Dennis voted yes. Acting Council President Phipps declared motion carried, and rules suspended.

Clerk read Resolution #3822 for second and third reading by number and title only.

Council Member Robinette moved, Herald seconded, to adopt Resolution #3822. On roll call vote, Council Members O'Doriso, Phipps, Robinette, Rubando, Dennis, and Herald voted yes. Acting Council President Phipps declared motion carried, and Resolution #3822 adopted.

Clerk read Ordinance #9007 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2022 and ending December 31, 2022, for first reading.

Council Member Robinette moved, Herald seconded, to suspend the rules and give Ordinance #9007 its second and third reading. On roll call vote, Council Members Phipps, Robinette, Rubando, Dennis, Herald, and O'Doriso voted yes. Acting Council President Phipps declared motion carried, and rules suspended.

Clerk read Ordinance #9007 for second and third reading by number and title only.

Council Member Robinette moved, Herald seconded, to adopt Ordinance #9007. On roll call vote, Council Members Robinette, Rubando, Dennis, Herald, O'Doriso, and Phipps voted yes. Acting Council President Phipps declared motion carried, and Ordinance #9007 adopted.

Clerk read Ordinance #9008 amending and adopting Section 33.27(A) and (B) of the Codified Ordinances of the City of Bowling Green, Ohio, regarding vacations, and declaring an emergency, for first reading.

Council Member Robinette moved, Herald seconded, to suspend the rules and give Ordinance #9008 its second and third reading. On roll call vote, Council Members Rubando, Dennis, Herald, O'Doriso, Phipps, and Robinette voted yes. Acting Council President Phipps declared motion carried, and rules suspended.

Clerk read Ordinance #9008 for second and third reading by number and title only.

Council Member Robinette moved, Herald seconded, to adopt the emergency clause for Ordinance #9008. On roll call vote, Council Members Dennis, Herald, O'Doriso, Phipps, Robinette, and Rubando voted yes. Acting Council President Phipps declared motion carried, and the emergency clause adopted.

Council Member Robinette moved, Herald seconded, to adopt Ordinance #9008. On roll call vote, Council Members Herald, O'Doriso, Phipps, Robinette, Rubando, and Dennis voted yes. Acting Council President Phipps declared motion carried, and Ordinance #9008 adopted.

Clerk read Resolution #3821 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 financial assistance from the Natureworks Program, for second reading.

Clerk read Ordinance #9004 authorizing the Utilities Director to advertise for qualifications and enter into a contract or contracts for engineering services for final clarifiers at the Water Pollution Control facility, for second reading.

Clerk read Ordinance #9005 authorizing the Utilities Director to execute a loan agreement with the Ohio EPA/Ohio Water Development Authority for a Water Pollution Control Loan Fund loan for design and engineering services for final clarifiers at the Water Pollution Control facility, for second reading.

Clerk read Ordinance #9006 authorizing the Utilities Director to advertise for qualifications and enter into a contract or contracts for engineering services for lighting improvements at Carter Park, for second reading.

Clerk read Ordinance #8998 authorizing the Utilities Director to enter into a contract or contracts to complete odor control improvements at the Poe/Mercer Pump Station, for third reading.

Council Member Herald moved, Dennis seconded, to adopt Ordinance #8998. On roll call vote, Council Members O'Dorisio, Phipps, Robinette, Rubando, Dennis, and Herald, voted yes. Acting Council President Phipps declared motion carried, and Ordinance #8998 adopted.

Clerk read Ordinance #8999 authorizing the Utilities Director to enter into a contract or contracts for repairs to the flocculation tank and sedimentation basin at the Water Treatment Plant, for third reading.

Council Member Herald moved, Rubando seconded, to adopt Ordinance #8999. On roll call vote, Council Members Phipps, Robinette, Rubando, Dennis, Herald, and O'Dorisio voted yes. Acting Council President Phipps declared motion carried, and Ordinance #8999 adopted.

Clerk noted that Resolution #3819 approving revisions to the Parks and Recreation Department Section of the Comprehensive Master Plan of the City of Bowling Green, Ohio, comes off the table automatically.

Council Member Robinette moved to adopt Resolution #3819. The motion died due to the lack of a second.

Council Member Dennis moved, Rubando seconded, to amend Resolution #3819's Parks & Recreation 5-Year Master Plan Section of the City's Comprehensive Master Plan by adding the following to the Administration Section of the plan:

- (1) Consider opportunities to repurpose public land that may be suitable for off-leash areas; and
- (2) Work with a committee of citizens to establish walkable, accessible neighborhood dog parks.

(These items were added to the Master Plan by City Council on May 2, 2022.)

Dennis feels that this is an issue that should not blindsides anyone. Dennis noted that Council Member Herald has been speaking at Park Board meetings and hearing from constituents as far back as mid-2019. He feels that discussing costs and location is premature and is reflected in the language of the amendment. He feels that it should be established as a priority in this 5-year strategic plan and begin the process of evaluating the challenges that will be encountered to see if they can be overcome. Dennis also noted that the survey completed by the Parks & Recreation Department provides ample support for the development of a dog park with 32 mentions in support of the issue.

Council Member Herald commented that this topic has come up a number of times and there is a lot to be said about it both ways. Herald reiterated that he has the utmost respect for the members of the City's boards and commissions and adding this amendment should not be interpreted negatively. He indicated that he views this as part of the process, as Council is meant to weigh in and hold a public hearing. Making this amendment at this point is a legitimate part of the process and a good example of the legislative process at work.

Council Member Robinette commented that he will be voting no out of deference to the Park Board and the Foundation.

Acting Council President Phipps stated that she is happy to support the amendment as it continues the discussion regarding dog parks in the community and does not mandate that a dog park be developed.

On roll call vote, Council Members Rubando, Dennis, Herald, O'Dorisio, and Phipps voted yes. Council Member Robinette voted no. Acting Council President Phipps declared motion carried, and Resolution #3819 amended.

Acting Council President Phipps moved, Herald seconded, to adopt Resolution #3819 as amended. On roll call vote, Council Members Rubando, Dennis, Herald, O'Dorisio, Phipps, and Robinette voted yes. Acting Council President Phipps declared motion carried, and Resolution #3819 adopted as amended.

Clerk noted that Resolution #3820 approving revisions to the Economic Development Section of the Comprehensive Master Plan of the City of Bowling Green, Ohio, comes off the table automatically.

Council Member Herald moved, Dennis seconded, to amend Resolution #3820's Economic Development Section of the City's Comprehensive Master Plan under item #1 to read as follows: The City of Bowling Green attracts, retains, and facilitates the expansion of **appropriate** industrial, professional, and commercial business.

Council Member O'Dorisio asked who decides what is appropriate? Council Member Dennis responded that his reading of that is that not all growth is appropriate and it is the City's desire to grow in a measured way. Council Member Herald agreed with Dennis and said the City is not in for economic growth just for economic growth's sake, but rather what fits into the community.

Acting Council President Phipps asked Herald if he discussed this amendment with the Economic Director, Kati Thompson and Herald confirmed that he did.

On roll call vote, Council Members Dennis, Herald, O'Dorisio, Phipps, Robinette, and Rubando voted yes. Acting Council President Phipps declared motion carried, and Resolution #3820 amended.

Council Member Robinette moved, Dennis seconded, to amend Resolution #3820's Economic Development Section of the City's Comprehensive Master Plan to add the Planning Commission's recommended language by adding an additional bullet point to the last section of the plan to read as follows:

- **Identifying opportunities for redevelopment.**


On roll call vote, Council Members Herald, O'Dorisio, Phipps, Robinette, Rubando, and Dennis voted yes. Acting Council President Phipps declared motion carried, and Resolution #3820 amended for a second time.

Council Member Robinette moved, Dennis seconded, to adopt Resolution #3820 as amended. On roll call vote, Council Members O'Dorisio, Phipps, Robinette, Rubando, Dennis, and Herald voted yes. Acting Council President Phipps declared motion carried, and Resolution #3820 adopted as amended.

Council Member Robinette noted that last week he attended the TMACOG General Assembly along with Mayor Aspacher and Council Member Rubando. Robinette thanked Rubando for stepping up to serve on the Board of Trustees. With that representation and the Mayor as chair of the Trustees, the City will be well represented.

Council Member Herald moved, Dennis seconded, to adjourn. On unanimous voice vote, Acting Council President Phipps adjourned the May 2, 2022 regular meeting of the City Council at 8:17 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


Rachel Phipps, Acting President of Council