

MINUTES OF THE MEETING OF THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON FEBRUARY 2, 2009 AT 7:30 P.M.

The February 2, 2009 meeting of the Ottawa Hills Village Council was called to order by Mayor Kevin Gilmore at 7:30 p.m. Roll was taken with Council members Jeff Gibbs, Jack Straub, Norma King, Jim Walter and Robert Reichert present. Mr. Decker was not present, but was expected soon. Also present were Mayor Kevin Gilmore, Clerk Treasurer Katherine O'Connell, Village Solicitor Sarah McHugh and Village Manager Marc Thompson. Members of the audience included Kim Walter, Betsy Rumpf, Jay Brewster, Hans Gottgens and Tony Bassett.

Mayor Gilmore then led the Pledge of Allegiance.

Mr. Reichert made a motion to approve the minutes from the January 5, 2009 meeting of the Village Council. Mr. Walter seconded the motion which passed unanimously.

Council member Decker entered the meeting at this time.

Mayor Gilmore then called on Kim Walter and Betsy Rumpf to address the Council. They were present to seek financial assistance for the After Prom program. For the past two years the Village has contributed \$1,500 towards funding of the After Prom program at the high school. After Prom is an effort undertaken by parents to assure that prom participants have a fun, safe, drug and alcohol free place to go after the prom activities.

Mr. Reichert made a motion to authorize a payment of \$1,500 to the After Prom activities. Mr. Straub seconded the motion which passed unanimously.

Mayor Gilmore then elected to change the order of the agenda and call on Mr. Straub for a report of the Utilities, Equipment, Buildings & Grounds Committee.

Mr. Straub reported on the recent committee meeting which included representatives from First Energy Solutions and Toledo Edison. As a result of discussions with the First Energy Solutions representative regarding electric aggregation, the committee recommends that the Village enter into an agreement with First Energy Solutions. The agreement would result in First Energy Solutions continuing to file the necessary paperwork for the Village to maintain its status as a governmental aggregator. In return, the Village would agree to give First Energy Solutions the opportunity to match or better any proposal for any future electric aggregation efforts. Since any such proposal would be public information, First Energy Solutions would have access to that information under any circumstances.

The committee recommends that legislation be placed on the agenda for the next meeting which would authorize such an agreement.

Nasrin Afjeh entered the meeting at this time.

Mr. Straub continued stating that the second item of discussion involved a proposal to submit an application for funding to improve the overlook at the former dam site on the Ottawa River. Village residents Jay Brewster and Hans Gottgens approached the committee suggesting that the Council authorize an application for funding through the

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Natureworks Program. The program will allocate \$72,000 for use in Lucas County in the coming year so there is substantial competition for the grant funding. The budget for the proposed overlook improvements would be approximately \$35,000. The proposed improvements would include removal of the existing fence and replacement with a railing, plantings, stamped concrete benches and an educational sign.

Mr. Gottgens reminded everyone that the dam removal was undertaken by the Ohio Department of Transportation but they were not willing to devote any resources to improving the adjacent area.

Mayor Gilmore suggested that it would be appropriate for Council to consider the legislation authorizing the grant application at this time instead of waiting until the normal time of the meeting.

Mrs. Afjeh asked if she could see the grant application before it was submitted.

Mayor Gilmore then read Resolution 2009-3 by title.

Resolution 2009-3	Authorizing the mayor to execute an application for funding through the Natureworks Program administered by the Ohio Department of Natural Resources, agreeing to obligate funds for such project, and declaring an emergency.
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Mr. Straub moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Gibbs seconded the motion which passed unanimously.

Mr. Straub moved for consideration of the resolution as an emergency. Mr. Reichert seconded the motion which passed unanimously.

Mr. Straub moved for final passage of the resolution as an emergency measure and Mr. Gibbs seconded, the roll being called the vote thereon was as follows: 6 Yeas, 0 Nays.

Mayor Gilmore then called on Mr. Decker to provide a report of the Finance Committee. Mr. Decker reported that income tax revenues for 2008 were \$305,000 below projections. He also stated that about \$90,000 of revenue received in January of 2009 could easily have been received in December of 2008 so 2008 income tax revenues were not off as far as expected. He also reported that the Village ended 2008 under budget by about \$340,000 for operations. Capital expenditures were about \$495,000 over budget in large part due to expansion of projects and adjustments related to the price of asphalt.

Mr. Gibbs reported that the new website is up and functioning and encouraged everyone to visit.

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Mr. Walter reported on a recent Service & Environment Committee meeting which continued the discussion of deer related problems in the Village. Four residents were at the meeting who had not been at previous meetings as well as representatives from the Nature Conservancy.

Mr. Walter reviewed the findings of the recent helicopter deer count indicating that the count seemed to confirm that there were a large number of deer in Ottawa Hills given its relatively small size.

Mr. Walter continued by reporting that Village resident Richard Hylant suggested potential involvement from the Nature Conservancy. The Nature Conservancy is a large landowner and has been involved in deer herd reduction on various pieces of land in Ohio and throughout the country.

He also reported that the general conclusion was the time to reduce the deer herd would be in the winter, perhaps November and December. Therefore, it is too late to take any action in that regard this year. The committee will continue to work toward such a plan for next year. In the meantime, the committee proposes an ordinance that would prohibit feeding of deer in Ottawa Hills. Mr. Walter reviewed the reasons why feeding deer is bad for deer health, and the population problems the Village is currently experiencing. He reminded Council that the deer feeding legislation is not written as an emergency and suggested that the legislation go through all three readings. Brief discussion followed regarding the penalties and a couple of amendments were suggested to the proposed legislation. It was also suggested that an item be placed on the website to inform our citizens of the proposed legislation and further inform them of the reasons why feeding deer is not good.

Ms. McHugh reported on the recent mediation involving Comte Construction and Spring Valley Architects. She commented that the mediation was successful and that the Comte lawsuit had been resolved with a payment by the Village in an amount of \$57,500. Remaining is the unresolved issue with Spring Valley Architects. After brief additional discussion Mr. Reichert made a motion to approve a payment of \$14,000 to Spring Valley Architects. Mr. Gibbs seconded the motion which passed unanimously. Mr. Thompson mentioned that legislation was on the agenda to appropriate the additional funds since there was no prior appropriation for these funds.

Ms. McHugh continued stating that the lawsuit related to the Boice property on Westchester Rd. was scheduled to proceed on Thursday and that there had been a pretrial meeting earlier in the day. She wished to discuss the specifics in executive session.

Mr. Thompson reported that the county auditor would be holding a public meeting at the community room in late February or early March to allow citizens to understand the property tax valuation process. He also mentioned that Village equipment would be used to aid in the televising of the high school hockey game scheduled to occur in one week at the Ottawa Park ice rink.

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Mr. Thompson also reported on the likelihood of purchasing salt through the Ohio Department of Transportation for the coming winter.

Mayor Gilmore then distributed committee assignments for 2009. He commented that the committees were working very well and that there were no changes in the 2009 assignments.

Mayor Gilmore also distributed his report to the Council for calendar year 2008.

Under the heading of old business discussion ensued regarding the athletic field turf project at the high school. In 2008 the Village Council committed to contributing \$100,000 toward the athletic field improvements. However, the work was not done in 2008. A group of individuals has been studying the project and is ready to begin moving forward so that the work could be done in the summer of 2009. Mr. Walter reported on the progress that had been made regarding the specific type of turf that would be most appropriate with conversations involving manufacturers, installers, architects, etc. He also reported that the school has retained the services of the Collaborative in order to develop a set of specifications.

As a result the estimated cost has increased to approximately \$725,000 compared to pledges received of about \$520,000. The project advocates are beginning new fundraising efforts and will have a community meeting on February 18 @ 7:00 p.m. in the community room at the elementary school. Mr. Walter commented that the approximate \$200,000 funding gap is a significant challenge and that the boosters are exploring all alternatives to fill that gap. He also commented that installation of turf of this nature may generate some income related to tournament activities.

In order to have the project be completed in the summer construction would begin in mid May. In order to meet the mid May date fundraising and a contract must be completed in mid March.

Mr. Walter commented that he thought the project would be going forward and that the school board has a much stronger level of support than in the past.

Brief discussion followed regarding the role of the recreation board in the turf project and scheduling of facilities.

Mrs. O'Connell commented that the long term solution to the athletic and recreational issues facing the Village involves additional land. The turf project certainly will help relieve some of the stress related to the shortage of available space but is not the long term solution.

There was a strong sense among the members of Council that the Village would stand by the commitment made in 2008 regarding contributing \$100,000 to the turf project. There was also a strong commitment that the Village's contribution would not exceed \$100,000.

Attention then turned to legislation.

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Ordinance 2009-1	Adding additional appropriations to previous appropriations, amending Ordinance 2008-13 and declaring an emergency.
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Mr. Gibbs moved to dispense with the rule requiring a Ordinance be fully and distinctly read on three different days. Mr. Reichert seconded the motion which passed unanimously.

Mr. Gibbs moved for consideration of the ordinance as an emergency. Mr. Reichert seconded the motion which passed unanimously.

Mr. Gibbs moved for final passage of the Ordinance as an emergency measure and Mr. Reichert seconded, the roll being called the vote thereon was as follows: 6 Yeas, 0 Nays.

Ordinance 2009-2 (First reading)	An ordinance enacting Section 90.26 of the Ohio Basic Code to restrict the feeding of deer within the Village of Ottawa Hills.
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Mr. Walter moved to approve the ordinance first reading. Mr. Reichert seconded the motion which passed unanimously.

Resolution 2009-1 (Second reading)	Establishing a Joint Recreation Board for the Village of Ottawa Hills and establishing purpose for such joint recreation board.
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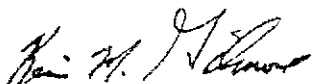
Mr. Decker moved to approve the second reading of the legislation. Mr. Walter seconded the motion which passed unanimously.

At 8:37 p.m. Mr. Gibbs made a motion to move into executive session for the purposes of discussion of pending litigation and an employment matter. Mr. Reichert seconded the motion which passed unanimously.

Council returned to regular session at 9:26 p.m.

It was agreed that the next meeting of the Village Council would occur on March 2, 2009 at 7:30 p.m.

There being no further business the meeting adjourned.



Kevin Gilmore, Mayor