

MINUTES OF THE MEETING OF THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON SEPTEMBER 14, 2009 AT 7:30 P.M.

At 7:30 p.m. Mayor Kevin Gilmore called to order the September 14, 2009 meeting of the Ottawa Hills Village Council. Roll was taken by Clerk Treasurer Katherine O'Connell with Council members Rex Decker, Jack Straub, Norma King, Jeff Gibbs, Jim Walter and Robert Reichert present. Also present were Clerk Treasurer Katherine O'Connell, Village Solicitor Sarah McHugh and Village Manager Marc Thompson. Attached is a list of those in attendance at the meeting who signed the sign-in sheet.

Mayor Gilmore then led in the Pledge of Allegiance.

After the Pledge of Allegiance, Mayor Gilmore called on Margaret Rodriguez representing the Joint Recreation Board.

Mrs. Rodriguez thanked the Council for the opportunity to speak and reminded them that they had received information in written form from the Joint Recreation Board. The primary purpose was to request authorization from the Council to allow the Joint Recreation Board to investigate the possibility of hiring a full-time person. The Board of Education and the Village each have a part-time person involved in recreation related activities and it is the belief of the Recreation Board that one full-time position would be more appropriate.

Mrs. Rodriguez said that the Recreation Board wants to pursue the possibility of developing a full-time position but does not want to devote the time and energy to those efforts if the Village Council is not supportive of making such a change. The Recreation Board is considering a salary of approximately \$30,000 a year with a possible start date of January 1, 2010. She said that several people have expressed interest in the position but the job will be posted and it is hoped that there will be many candidates.

She also said that she hopes to be back to the Council at the October meeting with specifics regarding financial planning for the position and the Recreation Board, a job description for the position and other information that the Council will need in order to make a well informed decision.

It was confirmed that the rough financial information provided to the Council included the various salary related costs such as pension. Mr. Gibbs commented that the financial information presumed a family plan and that it might be that a person hired would actually have a single plan and therefore reduce costs.

Mr. Decker commented that this is a tough issue and was discussed when he and Mr. Walter sat on the initial committee regarding the creation of the Recreation Board. One of the concerns expressed at that time was that the Recreation Board not create additional costs to the Village and a second concern was related to creating additional layers of bureaucracy that made participation in the Recreation Board or participation for volunteers more difficult. He also said that he wanted to assure that this was not an effort to replace volunteers with paying government employees.

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Mrs. Rodriguez said that there is no one individual or body that has oversight over all of the various youth sports programs, and as a result there is no place to take problems. It is the belief of the Recreation Board that there should be a person to deal with various problems, many of which relate to scheduling. Although the Board is developing rules to address those problems, there is no one to assure that the rules are followed. Enforcement of rules and regulations probably won't work relying on volunteers.

Mr. Decker commented that there was great concern that volunteers not be eliminated and replaced with paid staff. It was also expressed for the past several years that recreation activities should be fee based and the goal should be that recreation activity run on a breakeven basis.

Mr. Gilmore commented that he believed that was the approach that the Board was taking. Mrs. Rodriguez asked if the Council would be open to consideration if the Recreation Board came back to Council at the October 5 meeting with a business plan that was acceptable. Mr. Decker responded by stating that there was no appetite for the Village to use general fund money to support a program that we thought should be fee based. Mayor Gilmore commented that it appears that the Recreation Board believes they can accomplish their goals with a cost of approximately \$1500 over what now is being spent.

Mr. Gibbs commented that oversight is needed but not an additional layer of administration and it seemed as if the Joint Recreation Board was developing a business plan to support their request.

Mayor Gilmore agreed that additional details were needed. Mrs. O'Connell stated that benefit levels for any new person might be negotiable.

Mr. Decker stated that he was not objecting to a full-time person but wanted to make certain that there were appropriate budgetary controls. Mr. Reichert asked if the school would be willing to participate in the program.

Mrs. King made a motion to have the Joint Recreation Board proceed with investigation of hiring a full-time recreation professional. Mr. Gibbs seconded the motion.

Mr. Reichert suggested that the Joint Recreation Board report to the Finance Committee regarding the proposed business plan which would support the full-time person.

The vote to have the Recreation Board investigate the possibility of a full-time person was adopted unanimously.

Mayor Gilmore then asked Mr. Walter to provide a report of the Services & Environment Committee meeting regarding deer population and recommendations from the committee as to how to address those problems.

Mr. Walter stated that the agenda includes the first reading of Ordinance 2009-11 which would modify the restrictions on hunting in the Village of Ottawa Hills. He said that his

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committee has been meeting for the past couple years and those meetings were prompted by an increasing number of citizen complaints concerning the extraordinary number of deer that are populating the Village. Two public meetings were held which were advertised in the Village Voice and lots of discussions at those meetings and other committee meetings have occurred. During those various meetings it became clear that concerns included increasing number of human/deer confrontations, traffic incidents although the number of traffic incidents is relatively few primarily due to low speed limits in the Village of Ottawa Hills and deer damage to vegetation seems to be getting worse every year. Lengthy discussions occurred on each of these topics. The committee and the Village staff have done a substantial amount of research regarding what can and can't be done.

Mr. Walter reminded everyone that the Ohio Department of Natural Resources owns the wildlife in Ohio and any action related to the wildlife, such as killing or transporting or hunting must be approved by the Ohio Department of Natural Resources.

Therefore, the Village of Ottawa Hills has made application to the State of Ohio Department of Natural Resources for a deer damage permit. That permit has not been received yet. Additionally, the Village has adopted legislation which prohibits deer feeding. That law has been in affect for a few months.

The Services & Environment Committee concluded that a deer management program was needed particularly because experts state that a healthy deer population can increase from 30% to 35% annually. The goal of the deer management program would not be to eliminate the deer but reduce their impact on the community probably through a management plan that includes but was not limited to deer herd culling.

Mayor Gilmore then reminded everyone present that the legislation on the agenda is simply for first reading and that no final decisions were to be made tonight. He recognized that a number of people in the audience wish to speak to this issue and said everyone would have a chance to address the Council. He asked those who were going to address the Council to keep their comments to two or three minutes in length.

William Saunders addressed the Council stating that he believed that it is appropriate to take some action but any such action should be balanced. He was concerned that the deer culling program would not solve the problem and suggested that efforts to discourage deer from entering onto private property could include fences, dogs, cat urine and other such efforts. He emphasized the need for a balanced program.

Stan Sawicki of Talmadge Rd. said that he has had up to twelve deer in his backyard and he lives a long way from the riverbed. He also expressed concern that the deer are not afraid of human contact and don't seem to move when he is in the yard or drives in the driveway. He also expressed concern that deer can spread a variety of viruses and he applauded the Council for addressing the problem. He made reference to a recent article in the Toledo Blade by Steve Pollock.

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Mr. Walter commented that the State of Ohio will not allow sterilization or a catch and release program.

Michael Eisenstodt of Bonniebrook Rd. commented that he had just become aware of the discussions regarding deer in the Village. He said he understood there to be two kinds of problems, health and safety problems and property damage. Research that he had done indicated that in 2008 there were three cases of Lyme disease in Lucas County and so far in 2009 there have been zero reported cases. He said that he would like to have additional information regarding the number of car/deer accidents and that to date there have been no cases of chronic wasting disease in Ohio. He said he was more concerned about safety than about damage to vegetation. He also asked about how the deer count was established and mentioned a theory called compensatory rebound effect which might make the problem worse in the long run. He described the compensatory rebound effect as one in which does have more fawns in order to compensate for a reduced population.

John Longthorne commented that he had recently sent a letter to the Village Council and asked that they not make a kneejerk reaction to the problem. He said the estimated population of deer was approximately 75 and that is one deer for every 60 people. He also estimated the number of complaints per year at approximately 30 and said that that did not seem to be an extraordinarily high number of complaints.

Mr. Longthorne recognized that there is intense disagreement about the problem and any potential solutions and asked the Council to think very carefully. Mr. Longthorne said that he thought that companies such as White Buffalo would create substantial public outrage within the community and the region. He asked if those people who have expressed problems would be the people who would pay the estimated \$25,000.

Dee Longthorne expressed dismay that resident weren't notified through an individual letter. She said that often individuals receive letters about events that may affect them such as street paving or other local items but no notice was sent of this meeting or prior meetings.

Joseph Goodell said that he had received a letter informing him of this meeting.

Katie Eisenstodt said that she enjoyed seeing the deer and that she had read recently that tax revenues were going to be lower this year due to reduced property values. She said that undertaking a project like this this year would be fiscally irresponsible.

Nancy Eisenstodt said that the reason that we don't have more deer accidents is that people slow down in those areas where deer are likely to be because people enjoy watching the deer. She also said that the Village instituted a program recently to market the Village and that this would be counter to that program and she asked if everyone had seen the *Letter to the Editor* in today's paper.

Pat Levey spoke about the substantial destruction that the deer do to her property. She said she has nothing against the deer but that if each deer has two babies the deer population can

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grow at 35% per year. She also commented that the last two years the problem has exploded. Forty deer per square mile is too many and 72 deer west of Talmadge Rd. is a very high number. She said that no one is suggesting that the Village should get rid of all of the deer but thought that some action must be taken to reduce the number of deer. In addition to Lyme disease other diseases can be contracted from the deer. She mentioned Giardia as a disease that humans can contract.

Mrs. Liber of 2525 Olde Brookside said that she had herds and herds of deer in her yard with two bucks fighting in her yard recently. They are quite destructive and won't move when humans approach. She reminded Council that a deer broke through the window of the Kripke house not long ago and encouraged the Council to take some action to reduce the number of deer.

Robert Slater of 3333 Kirkwall asked if the Council understood that they were committing to \$25,000 to \$30,000 per year to address this problem. He also mentioned the compensatory rebound effect and said that he had contacted representatives of the Ohio Department of Natural Resources specifically referring to Mike Tonkovich. At 40 deer per square mile he said that there was no starving deer. He suggested that deer fencing may be more appropriate for keeping deer off of private property. He mentioned that tunnels are being built in southern Ohio to allow the deer to go under the roadways and fencing in high traffic areas is very expensive. He said that spending money on a culling program would be a waste of taxpayer money.

Maria Konoff of Indian Rd. said that she has two dogs that help keep deer out of the yard and spraying plants with liquid that smells of rotten eggs has helped keep the deer out of her yard. She suggested that fencing might also be a good solution and that many cars stop in front of her house to watch the deer.

Mr. Naylor of 4150 Dunkirk said that he would rather have his plants eaten than see deer being killed. He has circulated a petition among his neighborhood and has six signatures.

Ken Valuska of Bonniebrook Rd. said that there are deer in his yard all the time and his dog is able to keep them away. He expressed concern that with Wildwood Metroparks so close there is not much that can be done to address the problem. He made it clear that he was against the deer culling.

Joseph Goodell said that there are several deer in his yard everyday and they eat everything regardless of his efforts at spraying. He also said that they are not afraid of people and won't move when you approach them or when he tries to leave his home in a car. He had a dead deer in his yard that he presumed had been hit by a car on Central Ave. He also said that four foot fencing would not work and the fencing around the perimeter of the Village was not logical.

When he moved into his home there was an occasional deer but now there are large groups of deer every night. He volunteered the use of his house as a place from which the deer

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culling could occur. He said the novelty of seeing a deer has worn off and he wanted the Council to take some action to reduce the deer herd.

Dee Ann Harris of Talmadge Rd. said that she has lived in the Village for three years and there are deer in her yard every night. She is not threatened by the deer and is strongly against the deer herd culling. She said many more people will be here to oppose it and she doesn't want to see anyone in her community with a rifle. She never heard of a Giardia outbreak and said that no Metroparks have culling programs. She said that culling programs don't work in communities of this nature. She also commented that she has many photographs of the deer in her rear yard and she likes seeing them there. She mentioned to Council that many people take great pleasure in viewing the deer.

Bob Meeker said that he was against gunfire in the Village of Ottawa Hills and thought that the Village was not exercising proper fiscal responsibility and made it very clear that he did not want deer killed on his property.

Mrs. Blatz said that the deer are brazen and are not fearful of humans. She has found that Dial soap has worked.

Mr. Goodell commented that he was not interested in having all the deer gone. He agreed with Mrs. Blatz that they are brazen and no longer afraid of human contact.

Mayor Gilmore then asked Council members if they had comments they wished to make.

Mrs. King said that she was against the deer culling but recognized the need to address the problem.

Mr. Walter commented that there were 77 deer in the northwest quadrant of the count which is most of the west side of Talmadge Rd. He also said that there has not been a count previously so we don't have ten years of counts as was suggested. He mentioned that the Department of Natural Resources identified 40 deer per square mile as a level at which the population will struggle to be self sustained, and at lower populations damage to vegetation could be severe.

Regarding the comments that people were unaware that the Village was considering this, he mentioned that prior public meetings have been held and there has been publicity in the Village Voice timed to allow people to attend the meetings. He also said regarding subjects like this the Village would be glad to determine what was best for the community recognizing that a majority is of great significance in these decisions. He recognized that any effort would not be a one time situation.

Mr. Walter continued by stating that culling programs do seem to work and that the amount of the culling often diminishes each year. He said that the committee has opted not to have residents or employees get involved in the hunting and that his committee has been working for the last 1 ½ years and has heard nothing new. He said that the committee was in favor of deer herd culling except for Mrs. King.

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Mr. Eisenstodt asked for additional information regarding traffic accidents and deer/human contact. Mr. Slater asked for a copy of the permit request which Mr. Walter said was a public document and would be provided.

Mr. Reichert reminded everyone that this was first reading of an ordinance which would be read again at two subsequent meetings. He said that the state has not approved the program at this point and there is no funding for the program so that the citizens present should understand this is still the beginning of the process. No one is late to the party he said, there is still plenty of time.

Mr. Walter stated that he did not think fencing was an option and it has proven ineffective in other locations.

Mr. Decker commented that he was not anxious to lock in a \$30,000 annual cost but did want to keep the process moving forward through the three readings. He also expressed the desire to continue to explore alternate methods to address the problem stating that clearly there are more deer now than there were before.

Mr. Straub stated that there was no contract in place yet and that this was first reading of legislation that would allow for hunting.

In response to a question, Ms. McHugh stated that the proposed legislation was very specific regarding its authorization and she read the relevant parts. Mrs. Meeker asked where such hunting would take place. Mr. Walter said that hunting would occur along the river and on private property if the private property owner provided approval. Mrs. Meeker said she doesn't want any hunting near her backyard.

Mr. Gottgens said that the company White Buffalo had been involved in lawsuits where they have worked in other locations.

Nancy Eisenstodt said that she walks in the meadow a lot and was concerned about safety of adults or children who might be walking in the meadow during the time that the deer culling was to take place.

Mr. Walter stated that the company the Village has contacted has expertise and specialized equipment for doing this kind of work in locations like this.

Mr. Straub reminded everyone that the discussion does not involve eliminating all the deer but simply reducing the number of deer. It was suggested that a form be developed by which people could report deer/people confrontations.

Mrs. O'Connell thought that a lack of help at the state level was creating some problems. She said that sterilization of the deer is not permitted by the state but that no one was out to kill all the deer. She suggested that residents contact the state legislature and that this overpopulation problem was occurring throughout the Midwest.

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Since there were so many people present related to the deer issue Mayor Gilmore elected to have the first reading of Ordinance 2009-11 occur. Mayor Gilmore read the legislation by title.

Ordinance 2009-11 (First reading)	Repealing Ordinance 315 adopted June 17, 1940 and amending Section 137.09(D)(1) regarding hunting and fishing in the Village of Ottawa Hills.
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Motion for approval on first reading by Walter and seconded by Reichert. The vote was to approve first reading with Council members Decker, Walter, Reichert, Gibbs, and Straub voting in favor. Council member King voted in opposition.

Mayor Gilmore thanked everyone for their attendance and many members of the audience left at this time.

Mr. Reichert then made a motion to approve the minutes from the previous meeting. Mr. Gibbs seconded the motion which passed unanimously.

Mr. Decker provided a brief report on income tax revenues through the month of August and stated that the Finance Committee would be meeting soon.

Mr. Reichert reported that the Orchard Rd. project was done.

Mr. Straub said that the Equipment, Utilities, Buildings & Grounds Committee would be meeting soon.

Under the heading of new business discussion followed regarding the request to have the 2010 Glass City Marathon run for a short distance through the Village of Ottawa Hills. After brief discussion Mr. Gibbs made a motion to allow the marathon to run through the Village on Evergreen, Indian, Talmadge and Bancroft Streets. Mr. Straub seconded the motion which passed unanimously.

Attention then turned to legislation.

Ordinance 2009-8 (Third reading)	Regulating non-storm water discharges to the storm drainage system in order to comply with the national pollutant discharge elimination system.
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Motion for approval was made by Mr. Straub, seconded by Mr. Gibbs, and the roll being called the vote thereon was as follows. 6 Yeas, 0 Nays.

Ordinance 2009-9	To assess a special tax for the planting, maintenance, and removal of shade trees on and along the streets and public rights-of-
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	way of the Village of Ottawa Hills in accordance with Section 727.011 of the Ohio Revised Code, for the year ending December 31, 2009, and declaring an emergency.
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Mr. Decker moved to dispense with the rule requiring an ordinance be fully and distinctly read on three different days. Mr. Straub seconded the motion which passed unanimously.

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

Mr. Decker 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 2009-10	To assess a special tax to pay the cost and expense of lighting the streets and public ways of the Village of Ottawa Hills, for the year ending December 31, 2009, and declaring an emergency.
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Mr. Decker moved to dispense with the rule requiring an ordinance be fully and distinctly read on three different days. Mr. Reichert seconded the motion which passed unanimously.

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

Mr. Decker 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 2009-12	Adding additional appropriations to previous appropriations, amending Ordinance 2008-13, 2009-1, 2009-3 and 2009-9 and declaring an emergency.
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Mr. Decker moved to dispense with the rule requiring an ordinance be fully and distinctly read on three different days. Mr. Reichert seconded the motion which passed unanimously.

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

Mr. Decker 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.

Resolution 2009-15	Authorizing the continuation of the Ottawa Hills D.A.R.E. program and authorizing a
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	grant application for funding for the 2009-2010 D.A.R.E. program, and declaring an emergency.
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Mr. Gibbs moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Straub seconded the motion which passed unanimously.

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

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

Resolution 2009-16	Authorizing the mayor to submit one or more applications for funding to the Ohio Public Works Commission, authorizing the mayor to enter into agreements as they may be necessary and appropriate for obtaining such financial assistance, and declaring an emergency.
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Mr. Gibbs moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Straub seconded the motion which passed unanimously.

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

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

Resolution 2009-17	Authorizing the transfer of \$90,000 from the income tax fund of the Village of Ottawa Hills to the Capital Projects Fund, and declaring an emergency.
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Mrs. King moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Decker seconded the motion which passed unanimously.

Mrs. King moved for consideration of the resolution as an emergency. Mr. Decker seconded the motion which passed unanimously.

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

Resolution 2009-18	Amending Resolution 2009-9 authorizing a contract with Geddis Paving and Excavating
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	for reconstruction of Orchard Rd.
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Mr. Reichert moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Straub seconded the motion which passed unanimously.

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

It was agreed that the next meeting of the Village Council would be on October 5, 2009 at 7:30 p.m.

Mr. Gibbs made a motion to move into executive session for discussion of a personnel matter at 9:35 p.m. Mr. Reichert seconded the motion which passed unanimously.

Council returned to regular session at approximately 9:42 p.m. The meeting was adjourned.



Kevin Gilmore, Mayor