

MINUTES OF THE MEETING OF THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE GYMANSIUM AT THE OTTAWA HILLS ELEMENTARY SCHOOL ON NOVEMBER 23, 2009 AT 7:30 P.M.

Mayor Gilmore called the meeting of the Ottawa Hills Village Council to order at 7:46 p.m. on November 23, 2009. This meeting was in the elementary school gymnasium. Clerk Treasure Katherine O'Connell called the roll with Council members Jack Straub, Rex Decker, Jeff Gibbs, James Walter, Norma King, and Robert Reichert present. Also present were Mayor Kevin Gilmore, Clerk Treasurer Katherine O'Connell, Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience were asked to sign in and those that did are identified on the attached list.

Mayor Gilmore then led everyone in the Pledge of Allegiance.

Mr. Reichert made a motion to approve the minutes from the October 5 meeting. Mr. Walter seconded the motion which passed unanimously.

Mayor Gilmore then said that the order of the Council meeting would be changed to deal with committee reports before dealing with citizens' comments related to proposed legislation 2009-11.

Mr. Decker provided a Finance Committee report reminding everyone that a Finance Committee meeting would be held at 7:30 a.m. on November 24. He said that estate tax collections were about \$840,000 and income tax collections were well ahead of schedule for 2009.

Mrs. King stated that there would be a Human Resources Committee meeting in the near future to deal with compensation issues for 2010.

Mayor Gilmore then provided background information regarding the third reading of Ordinance 2009-11. He said that it was the third reading of legislation which would amend existing legislation which prohibits hunting in the Village. This legislation would prohibit hunting except for hunting which was part of a Wildlife Management Plan which was approved by the Council and the State of Ohio. This would be the first step in a process which may result in a deer herd reduction by shooting deer. Mayor Gilmore went on to state that there is no contract with anybody to proceed with any culling activity. Before proceeding, such a contract would need authorization by the Council. Funds would have to be appropriated by Council also. The Ohio Department of Natural Resources has granted to the Village a Deer Damage Permit authorized for the removal of 50 deer through lethal means. The period of the permit is from February 1 through March 31, 2010.

Mayor Gilmore also said that this discussion comes as a result of several months of evaluation and analysis prompted by complaints and concerns of our citizens. Neither he nor any member of the Council is anxious to take such action as is being contemplated. Everyone understands that it is controversial, has created division in the community and is expensive. Clearly as elected officials Council members and the Mayor would not take such action lightly. Mayor Gilmore also stated that this was a controversial issue that has strong emotions involved. He said that it is clear that many residents in our community

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have different opinions on the subject. He reminded everyone that we all live in this community and will continue to be neighbors and friends after the meeting and to keep our comments directed to the subject at hand, not at individuals.

Mayor Gilmore then stated that everyone would have three minutes to talk and asked that those people who talk try to keep to new topics because if something has already been addressed there would be no need to have it be repeated.

Mayor Gilmore also said that questions would be collected and answered at the end of public comments.

Prior to proceeding with public comments, Mr. Reichert made a motion to limit the input to 1 ½ hours. After brief discussion there was no second for the motion.

Mayor Gilmore then began to recognize members of the audience who raised their hands and moved to the microphone.

Jim Rutledge of Talmadge Rd. was the first person to address the Council. He said that he was opposed to the proposed deer cull. He also stated that in Ohio one is not permitted to hunt using a rifle and Mr. Rutledge said that he was curious about how the methodology would be carried out if the culling proceeded.

The next speaker was Kathy Grupp of 4627 Brookside. She stated that she loves the deer and that the deer herd culling was a ludicrous idea. She said giving the money to the food bank would be better spent.

The next speaker was Kevin Iverson of Brantford Rd. Mr. Iverson said that he was against the deer cull and suggested that food plots planted in various meadow areas would allow areas to return to their natural state. He thought this would be beneficial for the deer and for the community.

The next speaker was John Longthorne of Bonniebrook Rd. Mr. Longthorne said that he had a question that he did not really want answered. He said that there was a one time deer census, with no information as to whether that represented a rising, static, or falling population.

The next speaker was Mark Davis of Underhill Rd. He said that he was opposed to the deer culling and that he lived in a high deer traffic zone. He did not see anything that constitutes danger to villagers.

The next speaker was Darrin Freeman of 4555 Brittany Rd. He said that he has witnessed a substantial amount of deer damage and he believes that there is also a public safety issue related to overpopulation of deer.

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The next speaker was Susan Hargrove of Pembroke Rd. She asked how many complaints had been received. She also pointed out that a potential resident may see deer as a positive sign for the community, not a negative sign.

The next speaker to address the Village Council was Tom Sullivan of Manchester Rd. He said that the science indicates that this is a problem that is not going to go away. He suggested that a private contract for deer culling was not the only method. He suggested that a permit to allow an archery hunt for residents only would be appropriate. He also said that no one is talking about eradicating the deer and reducing the number of deer to zero.

The next person to address the Village council was Tom Dewire of 2584 Olde Brookside. He said this is a problem that won't go away because there are no predators except man. He classified himself as a tree hugger but was concerned about damage to trees on his property. He said that one way or another, this problem needs to be addressed.

The next speaker was Mary Machon of Orchard Rd. Mrs. Machon said that she owns a greenhouse and has had deer problems at her greenhouse but also had deer repellents that had been very successful. She specifically mentioned Plantskyd. She said that she would be willing to help any residents who are interested in applying the deer repellent.

The next speaker was Mike Smith who said he was not a resident of Ottawa Hills but thought that the deer were becoming a dangerous situation. He said the problem is not going to go away and that he had similar problems where he lived before in Harrisburg. He said that it is a problem that exists throughout Lucas County. His wife often sees deer while walking along the bike trail.

The next speaker was Scott Keaffaber of Bonniebrook. He said that he was against the deer culling.

The next speaker was Herbie Howard of Brookside Rd. Mr. Howard was in favor of the deer culling but primarily wished to introduce Tom Frisch who has a substantial amount of knowledge regarding wildlife and outdoor activities.

Mr. Frisch stated that he was not a resident of the Village. He said he considers himself a conservationist. He said that farmers often have similar problems and can get permits to keep deer under control. He suggested that the Council should not wait until it is too late to take some action.

The next speaker was Stacy Davis of Edgehill Rd. Mrs. Davis expressed a great deal of opposition to the ordinance and proposed deer culling. She emphasized the impact on her children and expressed concern that children will be adversely affected by the deer culling efforts. She expressed concern about the potential for human error related to the possible deer culling.

The next speaker was Dan Sullivan of Manchester Rd. He expressed concern about deer in his neighborhood. He supported the proposed change in legislation.

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The next speaker was Alex Pritchard of Innisbrook Rd. He stated that it was necessary to kill some deer to keep the population under control.

Tami Rockwell of Sulphur Springs Rd. was the next speaker. She mentioned how dangerous deer can be, particularly bucks during the mating season. She said that in the spring when the does are having babies they can be very aggressive and protective. She said she is not in favor of removing all of the deer. She said she wanted to plant the plants that she liked and did not want a fence around her entire yard.

The next speaker was Richard Hylant of Hawthorne Rd. Mr. Hylant said that he was a member of the Nature Conservancy and had been very involved to-date. He asked the audience to stay open minded regarding the deer population. He said that there was a problem with overabundance of deer in the Village and that about 20 deer per square mile is a reasonable number. He said that humans have eliminated all the predators that would keep the deer population under control. He suggested that everyone let science and biology guide the discussion.

The next speaker was Richard Effler of Brittany Rd. He said he was opposed to the deer cull. He said he was opposed to making a \$30,000 decision based on an estimate of the deer population and speculation about how the deer population might increase. He suggested that additional data would be necessary such as an annual population study.

The next speaker was Habib Howard of Brittany Rd. He said he knows that it is illegal to feed deer in Ottawa Hills and isn't planting something that deer will eat illegal? Mr. Howard was opposed to the deer culling.

The next speaker was John Clement of Brookside Rd. He related an incident where he and his wife saw deer which would not move out of the street and caused an accident. He thought some action was necessary.

The next speaker was David Ensing of Brookside Road who said he had four reasons why he thought the ordinance was a bad idea. First, he did not like the idea of people shooting high power rifles in the Village. He also said he did not think that the proposed culling would work very well. He thought more deer would come from Wildwood. He also said that he thought even if it did work it would be a very expensive fix to the problem. He also said that he did not see a very big problem with deer. He concluded by stating that the deer were here first and he enjoys seeing the wildlife.

The next speaker was Margie Trumbull of Olde Brookside Rd. She said that she lives on the floodplain and has tried to scare away deer but they won't leave. She said the deer are very prolific and she hasn't planted very much because of so many deer being close by. She said that it is up to us as humans to take responsibility for this overpopulation issue. The state has confirmed the overpopulation. She said that the Village is going about this in a very methodical way.

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The next speaker was Clyde Appleby of W. Central Ave. He said that we would not be able to solve this problem as long as Wildwood is producing more deer. Without working with the Metroparks there will be no good solution to this problem.

The next speaker was Claudia Lopez who suggested that more accidents occur by human errors than through deer.

The next speaker was Robert Levey of Olde Brookside Rd. He said that he has lived in the Village since 1950 and the deer did not come first and suggested that people do not move to the Village because of deer. Experts have said there is an over population. He said culling was a quick and easy answer to the over population problem. He said that his dog caught giardia from deer droppings in his yard. He said he was afraid to let his dog out into the yard because of the deer.

The next speaker was Stacy Kripke from Inlands Court. She said for the first 20 years that she lived on Inlands Court she could probably count on one hand the number of deer she saw. Since then she said now it is not unusual to walk out and count 12 to 14 deer in her front yard. A buck recently kicked in their living room window leaving blood all over the furniture. She said there is no question that they have increased dramatically and that the deer feces are so abundant that she is afraid to let her grandchildren out into the yard.

The next person to address the Village Council was Cindy Niggemyer of Brookside Rd. She spoke at some length regarding disease and the potentially permanent damage to the forest.

Jim Trumm of Orchard Rd. was the next speaker to address the Village Council. He said that the Village was actually about 4.2 square miles so that the number of deer per square mile is actually below the recommendations from the State of Ohio. He suggested that evidently the entire Village was not being considered in terms of determining the number of deer per square mile. He suggested that the Village was cherry picking the data.

Mr. Trumm continued stating that more study was necessary and that there were not enough facts regarding the amount of deer damage or the dollar values of deer damage over the past few years. He also said that there have not been enough trials of alternative methods such as chemical, ultrasonic, or electronic deterrence. He mentioned that the risk of sharpshooting was unacceptable and concluded by saying that deer add to the quality of life in the Village of Ottawa Hills.

The next speaker was Gary Allen Hopkins of Sylvania. Mr. Hopkins spoke about deer contraceptives, repellents and the 40 mph speed limit on Central Ave. He expressed opposition to the proposed deer culling.

The next speaker was Ralph Johnson of Hempstead Rd. Mr. Johnson said he believed there was a serious deer problem in the Village of Ottawa Hills and mentioned the article recently written by Steve Pollock in the Blade. He said it is appropriate for the Council to do

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something soon because the problem is simply going to get worse. He said he has seen many deer in his neighborhood recently.

The next speaker was Jo Wagoner of Sulphur Spring Rd. She said she has lived on Sulphur Spring Rd. for 12 years and for most of that time deer were not a problem. However recently, there have been more frequent examples of deer in their rear yard creating hazards for her and her grandchildren. She mentioned a recent incident where a large buck came at her in her back yard. The deer droppings also are a significant problem in her estimation.

After Mrs. Wagoner spoke Daryl Moreau of Brookside Rd. spoke to the Council stating that this was clearly a very divisive issue and he expressed his thanks to the Council for their efforts. Mr. Moreau said he was opposed to the deer cull. He said that experts could be found on either side and he said that there were no indisputable facts which thereby reduced the problem to one of perception and individual values. He asked that the Council be sure to explore every option and thanked them for their efforts.

The next speaker was Richard Phalin of Indian Rd. Mr. Phalin expressed opposition to the proposed ordinance stating that he did not want anyone with a rifle in his yard. He said that if you have a problem with over deer population you shouldn't live in a Village like Ottawa Hills. He also suggested that the Council should ask for a show of hands before the meeting is over.

Keith Sadler said he was not in favor of the deer culling. He also said that he was a resident of Stony Ridge, Ohio and not a resident of Ottawa Hills. He said he wished he had many deer in his yard. He said that he did not think that defecation by deer in yards was a big problem.

The next speaker was Marina Joy of W. Bancroft St. She asked if the Council thought "what would the Master do". She said that a gnat or a fly is just as important to God as people and he wants none of them killed.

Mrs. Sarajane Klein of Brittany Road stated there is a big bird problem in Ottawa Hills with birds crashing into her window and asked if there was consideration to killing all the birds. She also said that the word human is related to humane. She was opposed to the ordinance.

The next speaker was Mr. Saunders of Carriage Hill Rd. Mr. Saunders had a handout that was distributed to the Council and many citizens. He said he thought that the deer culling was neither smart nor necessary. He suggested that Council postpone the action and poll citizens to determine where the problem is primarily located. He said that different parts of the Village have a different level of problem. He thought there should be a polling of the citizens to determine where the problem is and where people want culling and where people don't want culling. He said that those who want culling should pay for it.

The next speaker was John Morrison of Pembroke Rd. He said the Council had a very difficult decision and he has heard five good reasons for culling. Those reasons included automobile accidents, danger due to disease spreading through deer droppings, and damage

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to plants. He said he had heard one reason not to kill the deer and that was because people say "I love Bambi". He encouraged the Council to proceed with the deer culling.

The next speaker was John Tasnadi of Talmadge Rd. He said that he has seen nine deer in his yard at one time and probably has lost 100 hostas. He said we still live in a democracy and suggested that the issue be put to a vote.

The next speaker was Zac Isaac of Underhill Rd. He said that he was along the east side of the river and that they enjoy the deer and there is often a parade of deer. However, his concern was primarily related to safety, not landscaping.

He said that recently an eight point buck was at their front door and he was very concerned about what might happen if someone had opened the door at that time. He said recently he has seen two deer impaled on fences. He also mentioned that national parks such as Gettysburg and Valley Forge are continuing to cull the herd. It is necessary to look at the long term and work with neighboring communities. He said he thought the Council should go into the culling business and recognize it is going to be a multi year program. The neighboring communities should also be involved in the effort. He said that a lot of the young trees are being damaged and the ecology of the forest is being changed.

The next speaker was Rob Gargas of Indian Rd. He said that high powered rifles are not illegal in Ohio. He said the deer travel from Dorr and Richards through the Dana property and through the Village. They go onto Wildwood and to Camp Miakonda. He said there is a problem and there is a lot of deer but until everyone gets on the same page it will continue to be a problem.

The next speaker was Robert Huebner of Bancroft St. He said he has lived in Ottawa Hills for 20 years and many people who have lived here have seen the increase in animal population. He said this is an animal management issue and that there are limited options available. Over population will push the deer into more and more areas that don't currently have deer. He said we need to keep the numbers down and do something now. He mentioned concern about having firearms in the Village.

The next speaker was John Naylor of Dunkirk Dr. He lived in Ottawa Hills since 1942. He understood that it was illegal to feed the deer although he suggested that it might be a solution to allow feeding of the deer to attract deer to those places where people want to see the deer, and away from those areas where people don't wish to see deer.

The next speaker was Rob Sherman. They built their house in the Hasty Plat in 1982. He said for the first 10 years they lived there they did not see a deer. Now they have a family of deer living in their backyard. He said there are problems related to having a family of deer in your backyard and he said this problem would not go away. He said deer were a problem in Philadelphia when they lived there. He wasn't certain that culling was the answer and suggested that those opposed to the culling get together to come up with a solution, if they can. He noted that the elected representatives have researched the issue

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and that the opponents should either come up with a feasible alternative or accept the Council's solution.

The next speaker was Scott Shields who lives in Sylvania. He said he was a bow hunter and recently hit a deer while driving. He suggested that hunters be employed and he would be happy to organize hunters to help address the problem. He said that archery is a good method. It is short range and quiet.

Yvonne McFellin of Hempstead Rd. was the next speaker. She said that she sees deer in Plat 3 and thinks it is great. She often has deer in her backyard. Mrs. McFellin mentioned how she and her children would watch the deer from their window. She thought it was wonderful to have them there and she said she understood that there was a problem. She thought dogs were a larger problem than deer. She was opposed to the deer culling.

A gentleman, who identified himself as Charlie then spoke. He lived near the Dana property and a neighbor often puts out food for the deer. He's often had up to fifteen deer on his property. He expressed opposition to the deer culling.

The next speaker to address the Council was Rob Slater of Kirkwall Road. Mr. Slater said he began to get involved in this discussion about two and a half months ago and said that he was opposed to the deer culling based on science. He said there was only one data point. He also mentioned the online petition with 344 signatures expressing opposition to the legislation.

The next speaker was Trudy Bond of Innisbrook Road. She said that she has asked for factual information regarding the proposal and has yet to receive any such facts. She said that the number of deer in Ottawa Hills is in question because she did not know who counted the deer or how they were counted. She described the comments in the mailing from the Village regarding compensatory rebound effect. She said that she asked Mr. Thompson where he got his information. She said that the only information that was provided was an ODNR representative. She said that more information is necessary. She said that culling of the deer does not impact Lyme disease. She emphasized that the deer herd is healthy in Ottawa Hills. She said that the Council has not provided many facts.

The next speaker was Leah Hileman of Bonniebrook Road. She said that she did not like her plants eaten and didn't like to have deer feces in the yard, but said that she has more problems with cat feces than deer feces. She writes articles for the Village Voice and has been in contact with Scott Butterworth of the ODNR. She emphasized the need for a regional plan but also said that deer repellents work in her experience. She noted that the river and railroad tracks in the Village encourage deer migration. Mrs. Hileman suggested that the deer would continue to migrate into and around the area. She said she sees deer in her yard every day but the spraying is effective. She encouraged people to spray even if a deer culling program goes forward.

The next speaker was Jack Slater of Kirkwall Road. He said that even if there was a deer problem culling the herd did not make sense and was not a good solution.

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The next speaker was Kathleen Hopkins, who did not live in Ottawa Hills. She had three issues. She mentioned responsibility for accidents, Lyme disease, and deer hurting windows. She mentioned the possibility of neutering the deer, creating deer cells, or an adopt-a-deer program. She suggested that the Village ask other communities what they have done.

The next speaker was Michael Eisenstodt of Bonniebrook Road. He said that Lyme disease was not an issue. He also suggested that deer/vehicle accidents were not increasing. The number of deer/human confrontations has not been documented and that there have been no calculations of the value of plants damaged. Mr. Eisenstodt expressed frustration at the absence of documentation of the problem, and thought the village was unresponsive in his requests.

The next speaker was Brookside Road resident Jeff Lohmeyer. Mr. Lohmeyer mentioned the right of quiet enjoyment of property and suggested that if a nuisance existed it was the government's responsibility to take care of the nuisance. He mentioned that there seemed to be fewer "No Hunting" signs in those areas near the meadow.

The next speaker was Brad Stanciu of Brookside Road. He said that Lyme disease is particularly difficult to diagnose and is often misdiagnosed. He mentioned various diagnostic techniques. He did have Lyme disease which he believed he caught in his yard. He said there are deer all over his yard and can't let his children go out to play in the backyard. He said the deer are a nuisance for many reasons and he was nearly killed by the Lyme disease.

The next speaker was Andrea Shibley of Edgevale Rd. She said she was a member of the silent majority who was in favor of reducing the deer herd but thought that many people would not be willing to report their concerns. She said she has been fighting deer devastation by herself. She was concerned that if she contracted a disease she would have no insurance and it could be deadly. She said it was a very personal problem but many people may be too ashamed to bring the circumstances to the public. She said people have put deer above human beings.

The next speaker was Tate Strickland of Indian Rd. He suggested that the issue should be put to a popular vote and this would be the only way to solve this issue. Mr. Strickland was against the proposed legislation.

The next speaker was Scott Saum of Innisbrook Rd. He said he was against the culling but he thought that the Lyme disease issue should be researched more extensively. He was told that the soils in this area do not support Lyme disease.

Mr. Saum was the last speaker and Mayor Gilmore proceeded to read, by title, Ordinance 2009-11.

Ordinance 2009-11 (Third reading)	Repealing Ordinance 315 adopted June 17, 1940 and amending Section 137.09(d) (1)
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	regarding hunting and fishing in the Village of Ottawa Hills.
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Mr. Walter made a motion for adoption of the legislation. Mr. Straub seconded the motion.

In response to Mayor Gilmore's question about discussion Mr. Gibbs responded that he had kept quiet regarding this issue during the previous meetings. It is an issue that he struggled with more so than any other during his career on Council. He said he believed there was a problem with deer in Ottawa Hills and in the State of Ohio. He said he believes something needs to be done and that the experts agree although he has a problem with people with guns in the meadow. He said he intends to vote yes on the issue before the Council this evening. He said that a no vote on this issue will stop any further discussion and that is not appropriate.

Mr. Decker said that he had listened to a number of people over the past few years and presumed that everyone thought that there was a problem with deer in Ottawa Hills. He referred to the people who live along the river area in the western part of the Village as the canaries in the coal mine. He thought that people on the east side of Talmadge have not experienced the problem to the same degree as people on the west side of Talmadge Rd. Mr. Decker commented that this has become an extremely divisive issue and he did not believe that we could successfully conduct a cull with this much division in the community. For that reason he indicated that he would probably vote against the legislation.

Mrs. King said that she had been opposed to this measure from the beginning and thought that there were other alternatives which must be evaluated. She said that the deer are definitely a problem. She said that among the other items which should be considered by the committee is fencing. She said she remains opposed to the measure and plans to vote no.

Mr. Straub thanked everyone for participating and said that it was great that people on both sides of the issue could get together and discuss the subject with a large level of decorum. Mr. Straub said that some people have said that it should be put to a public vote but he had not heard solid reasons why the Council should not act to preserve public safety and public property. The Council is responding to specific concerns expressed by residents of damage to their property and concerns about safety. Mr. Straub said that he was convinced that the deer herd is substantially larger than it has been in past years and as a result the deer are coming onto private property with greater frequency. He said that there are a growing number of people who have concern about letting children into their rear yard due to an increased number of deer. He said that no member of the Council wants to kill animals if they don't have to. Mr. Straub then referred to a recent article in the Toledo Blade by Steve Pollock. He said he believes this to be a public safety issue. Mr. Straub also commented that some local agency needs to take the first step to begin this process.

At the conclusion of Mr. Straub's comments Mr. Walter addressed the Council. He said we have spent a great deal of time on this issue and he would attempt to answer some of the questions. He said there are 2 ½ square miles in the Village, not four. He said the Village

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understood that Lyme disease was not a problem in Ottawa Hills and that people in Ottawa Hills who have Lyme disease were likely infected in some other location.

He said that no children would hear any gunshots. He said that if the Village proceeds, any sharpshooting will be done by professionals using rifles from elevated stands. The weapons would have silencers and that most Villagers won't even know that culling has taken place.

Mr. Walter talked about reference checks on a company that is being considered for deer culling. Those reference checks have been positive from a number of locations.

He also said that it would likely be an ongoing event that would be evaluated periodically and there has been a suggestion that the aerial counts be done jointly between the Village and Wildwood Metropark.

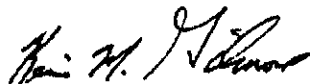
Mr. Walter also commented that the research indicates that most Deer Management Plans have a deer culling provision. He said that the State of Ohio does not approve contraception for deer. The Ohio Department of Natural Resources will be involved in our process to assure that it is done properly and safely.

Mr. Walter commented that there does not seem to be another method to solving the problem that has been expressed by Village residents to the Village Council. Mr. Walter envisions his job as an elected official to do the right thing for the majority of residents. He said that he will be voting in favor of the ordinance.

Mr. Reichert commented that he is going to vote yes for the legislation but wanted to remind everyone that there is no contract for deer culling and no money has been budgeted for deer culling. The issue under consideration this evening is changing an internal ordinance within the Village.

Mayor Gilmore then directed Clerk Treasurer O'Connell to call the roll on the motion. Council members Gibbs, Reichert, Straub and Walter voted in favor of the motion. Council members Decker and King voted against the motion.

Mayor Gilmore stated that Ordinance 2009-11 passed by four to two. He thanked everyone for being in attendance at the meeting. Mr. Decker made a motion to adjourn the meeting which was seconded Mr. Reichert. The meeting adjourned at 10:07 p.m.



Kevin Gilmore, Mayor