

MINUTES OF THE COUNCIL MEETING OF THE VILLAGE OF OTTAWA HILLS,  
OHIO HELD IN THE COUNCIL CHAMBERS ON OCTOBER 03, 2011 AT 7:30 P.M.

The October 3, 2011 meeting of the Ottawa Hills Village Council was called to order by Mayor Kevin Gilmore at 7:32 p.m.

Clerk Treasurer Katherine O'Connell took the roll with Council members Jack Straub, Jeffrey Gibbs, Norma King, Rex Decker, Jim Walter and Robert Reichert present. Also present were Mayor Gilmore, Clerk Treasurer Katherine O'Connell, Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

In the audience were Krista Havil, Debra Simmons, Mary Smith and Nasrin Afjeh.

Mayor Gilmore then led in the Pledge of Allegiance.

After the pledge, Mayor Gilmore directed that a moment of silence be observed in memory of Libby Lane Decker, the wife of Councilman Rex Decker.

The next item on the agenda was approval of minutes from the August 22, 2011 meeting. Mr. Reichert moved to approve the minutes. Mr. Gibbs seconded the motion which passed unanimously.

Under the heading of citizens comments Krista Havil, Debra Simmons and Mary Smith addressed the Council. They are all residents of Canterbury Court and expressed concern about the condition of the property at 47 Canterbury Court which is in a foreclosure process. The property has been vacant for approximately three years and this past July 22<sup>nd</sup> a very bad storm resulted in a large tree limb crashing through the roof of the detached garage.

Mrs. Havil said that she had called the property maintenance contractor under contract to Bank of America on August 22<sup>nd</sup>, September 13<sup>th</sup> and September 19<sup>th</sup> and has received inadequate reaction from the company. Recently, the limb has been removed from the property and a tarp has been placed over the hole in the roof.

It is Mrs. Havil's understanding that the foreclosure process is not yet been complete which makes the repair process even more complicated.

She further mentioned recent contact with a representative of the Bank of America subsidiary which takes care of the property maintenance and has provided that information to the Village.

Solicitor McHugh stated that there was a hearing earlier in the day in Toledo Municipal Court Housing Court. Based on that hearing we expect an order to be issued by Judge McConnell authorizing the Village to take care of the repairs of the property. Any expenses incurred by the Village, including legal expenses will be billed to the property owner and if not paid placed as a lien upon the property.

The tree from which the branch fell on the roof is actually not on the property at 47 Canterbury Court. The owners of the tree have indicated a desire to have the entire tree removed. Mr. Thompson will contact Toledo Edison to see if they can provide some assistance in removal of the tree.

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At the conclusion of the discussion the residents of Canterbury Court were thanked by the Village Council and they left the meeting.

Mr. Decker provided a Finance Committee report indicating that income tax is ahead of last year by about \$234,000, although estate tax is down by about \$313,000. He mentioned that there is a supplemental appropriation ordinance on the agenda and legislation accepting the property tax rates as determined by the county budget commission.

Mrs. King reported that the Human Resources Committee had met on August 25<sup>th</sup> and that as a result of that meeting legislation is on the agenda amending the employee handbook. The amendments involve the Family Medical Leave Act, establishment of a personal information policy for the Village of Ottawa Hills and elimination of reference to the fire department or firefighters from the handbook.

Mr. Gibbs stated that a Safety Committee meeting will be scheduled in the near future.

Mr. Walter stated that there will be a Services & Environment Committee meeting on October 18<sup>th</sup> at 7:30 a.m.

Reporting on behalf of the Streets & Bridges Committee, Mr. Reichert said that there were going to be some repairs done on Riva Ridge Rd. and W. Bancroft St. yet this year.

He also mentioned that there would be need for some coordination with the Finance Committee regarding 2012 Capital Improvement Plans. The committee hopes to focus on Plat 3 but there are some limitations as to available funds for capital improvements. Legislation is on the agenda to authorize the commencement of engineering related to improvements to Plat 3 streets.

Mr. Reichert concluded by suggesting that his committee be assigned the task of reviewing the requested parking cutout on Forestview Rd.

Mr. Straub reported that there is legislation on the agenda amending our prior legislation regarding First Energy Solutions. This legislation will change the intent of the Council as it relates to use of the \$75,000 grant from First Energy Solutions. The funds will be used for energy efficiency endeavors of the Village municipal complex or other Village uses.

Mr. Straub serves as the Council representative on the Zoning Commission and in that capacity also reported on the recent recommendation by the Zoning Commission to amend the Zoning Code. The amendments relate to roof mounted solar panels. Specifics of the proposed amendments were reviewed with particular attention paid to the prohibition regarding solar panels on front facing and street facing roofs. Mr. Straub reminded everyone that this legislation is on the agenda for first reading and that like other aspects of the Zoning Code the references to solar panels would be subject to a potential variance should a property owner seek relief from the provisions of the code.

Solicitor McHugh reported that there is still no decision on the Boice appeal. She said there has been a fair amount of activity on the McCloskey lawsuit. The plaintiff's counsel

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has been very thorough. The criminal trial as it relates to Thomas White is still in the briefing stages and discovery in the McCloskey lawsuit regarding White has been stayed. She mentioned the need for an executive session in an upcoming meeting.

Solicitor McHugh informed the Council that Mrs. Afjeh has dismissed her earlier lawsuit although it is expected to be refiled in the State Common Pleas Court.

Mr. Reichert made a motion to approve attorney's bills. Mr. Walter seconded the motion which passed unanimously. Mr. Reichert then made a motion to approve payment of a bill of \$307 to OccuHealth from 2010. Mr. Gibbs seconded the motion which passed unanimously.

Mr. Gibbs then made a motion to approve authorization to receive bids for storm sewer improvements. Mr. Reichert seconded the motion which passed unanimously.

Discussion followed regarding proposed changes to the state law which would result in collection of municipal income taxes by the State of Ohio. Mr. Reichert said that he did not think such a change made much sense. Mayor Gilmore stated that he thought it would be a big mistake and a horrendous idea. Mayor Gilmore continued by stating that he thought the local jurisdiction would do a much better job in regard to collection of taxes. It was concluded that State Representative Barbara Sears and State Senator Mark Wagoner would be asked to come to our next meeting.

Attention then turned to legislation.

Prior to the vote on first reading Mr. Straub provided a review of the proposed changes in the Zoning Code.

Ordinance 2011-10 (First reading)	Amending Ordinance 2002-8 adopted by the Ottawa Hills Village Council on September 9, 2002, through the adoption of new standards regarding solar panels.
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Mr. Reichert then made a motion for approval on first reading. Mr. Walter seconded the motion which passed unanimously.

Ordinance 2011-11	Amending the employee handbook of the Village of Ottawa Hills, and declaring an emergency.
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Mrs. King 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.

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

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Mrs. King 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 2011-12	Making appropriations and deductions from previous appropriations and amending ordinance 2010-11 and 2011-3, 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. Straub seconded the motion which passed unanimously.

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

Resolution 2011-9	Amending Resolution 2009-20 which authorized an amendment to the agreement between the Village of Ottawa Hills and First Energy Solutions Corporation, 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. Reichert seconded the motion which passed unanimously.

Mr. Straub moved for consideration of the resolution as an emergency. Mr. Gibbs 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.

Resolution 2011-10	Accepting the amounts and rates determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor, and declaring an emergency.
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Mr. Decker moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Reichert seconded the motion which passed unanimously.

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

Mr. Decker 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.

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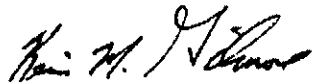
Resolution 2011-11	Authorizing a contract with SSOE, inc. for engineering services related to the improvements of streets in Plat 3 in the Village of Ottawa Hills as described herein, and declaring an emergency.
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Mr. Reichert moved to dispense with the rule requiring a resolution be fully and distinctly read on three different days. Mr. Gibbs seconded the motion which passed unanimously.

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

Mr. Reichert 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.

It was agreed that the next meeting of the Village Council be November 7<sup>th</sup> at 7:30 p.m. There being no further business the meeting was adjourned at 8:18 pm.



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Kevin Gilmore, Mayor