

**OTTAWA HILLS VILLAGE COUNCIL  
SPECIAL MEETING MINUTES**

**August 31, 2020 7:30 PM  
Video Teleconference**

Call to Order – Mayor Gilmore

7:31 PM

Village Representatives in Attendance

|                          |                                     |
|--------------------------|-------------------------------------|
| Mayor Kevin Gilmore      | Councilman Edward Shimborske III    |
| Councilwoman Dana Dunbar | Councilman John Lewis               |
| Councilman Jeff Gibbs    | Councilwoman Katherine O’Connell    |
| Councilman Rex Decker    | Clerk / Treasurer Eric Shreve       |
| Solicitor Sarah McHugh   | Village Administrator John Wenzlick |

Citizen Attendees

Dr. Adam Fineske  
Kevin Maxey  
Yarko Kuk  
Joy Hajjar  
Jim Walter  
Kathy Lathrop  
Norma King

Other Zoom Usernames Present

“Call in User”  
“ Sue”  
“iphone”  
“iphone2”  
“aschall”  
“Peter S”

Minutes

A motion was made by Mr. Gibbs to approve the minutes from the July 31, 2020 Council meeting, and Mr. Shimborske seconded the motion. The motion passed unanimously.

Citizen Comments

Superintendent Adam Fineske provided an update on the school district. Dr. Fineske told Council about the numerous academic achievements the district is accomplishing. He then discussed financial impacts that are anticipated due to the COVID pandemic, including large cuts in state funding. Dr. Fineske talked about the upcoming ballot initiatives, and why the district feels they are extremely important at this time.

Kathy Lathrop and Joy Hajjar, with the Ottawa Hills School levy campaign, then confirmed the importance of the upcoming levy, and explained how it would be used.

Mr. Shimborske made a motion for Council support of the Ottawa Hills School levies, and Mrs. O’Connell seconded the motion. The motion passed unanimously.

Finance & Future Planning – Mr. Lewis

Two pieces of legislation on the agenda for the evening related to finance topics.

Human Resources – Mr. Gibbs

None

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Safety – Mrs. O’Connell

The Safety Committee met on August 20<sup>th</sup> and received a presentation from Fishbeck related to the Bancroft & Talmadge and Bancroft & Brookside pedestrian crossings. Short term solutions are being implemented and long term, more costly, solutions are being reviewed.

The Safety Committee also discussed citizen concerns about speeding at the Forestview Curve. Mrs. O’Connell told Council that a speed and traffic count will be conducted, and speed humps will be explored.

Mrs. O’Connell told Council there is a mandatory mask ordinance on the evening’s agenda. The ordinance was requested by the Toledo Lucas County Health Department, and unanimously approved by the Safety Committee for Council consideration.

Joint Finance and Services & Environment – Mrs. Dunbar

Mrs. Dunbar reported on the recent joint Finance and Services & Environment Committee meeting. There is annual legislation on the agenda that would keep the Village street lamp assessment at its current level.

There is also annual legislation on the agenda related to the shade tree assessment. Mrs. Dunbar reported that there are frequent issues with tree limbs at the road, and confusion as to the process for removal. The legislation would increase the assessment from 40 cents per front foot to 80 cents per front foot. The increase would help close the current gap in expenses, and offset the cost of a weekly tree limb pickup program by the Village for all residents.

Mr. Lewis told Council that the program would include the pickup of limbs each week, but not grass clippings; yard waste would remain a subscription service.

Streets & Bridges – Mr. Shimborske

Mr. Shimborske provided an update related to the 2021 Ridgewood and Canterbury street project. Mr. Shimborske told Council that Ridgewood Road has not been worked on in several decades, the flagstone sidewalk is in poor condition, some trees would need removed during the project, and the Toledo Water Department would replace lead service lines during the project.

Mr. Shimborske told Council that the Village would be joining with Toledo in an attempt to obtain a grant for reconstruction of the Secor Road bridge. The grant would have a cap of \$2,000,000 and the construction cost is estimated at approximately \$3,000,000.

Mr. Shimborske reported that Toledo obtained a grant for the replacement of the traffic signal poles at Secor and Bancroft. The project would include the installation of pedestrian countdown signals, and the possibility of decorative posts was being explored.

Mr. Shimborske also reported that the Village has received requests from residents for Village street lamps in the west. Fishbeck Engineering will provide the Village with a very high level per unit cost for street lamps.

Finally, Mr. Shimborske told Council that we were still waiting for the results of the Village street condition analysis. The report will help provide direction for future road projects.

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Utilities, Equipment, Buildings & Grounds – Mr. Decker

Mr. Decker told Council a citizen had requested the Village to vacate a public walk path in the 3700 block of Sulphur Spring. Mr. Decker said the request was being reviewed.

The Committee reviewed a request by Columbia Gas to renew a lease with the Village related to a natural gas structure on the southeast corner of the Richards Road property. Due to the exploration of options for the municipal building property, a short-term lease was recommended, which Ms. McHugh is negotiating.

The Toledo Water Department approached the Village to request the installation of a large antennae on the Richards Road property. The antennae would provide remote reading of water meters in the area. The Committee expressed their willingness to work with the water department. However, due to the exploration of options for the municipal building property, it was recommended that alternate sites should be researched. Mr. Wenzlick will work with the water department to explore other options.

Mr. Decker told Council that the Committee unanimously recommended the use of Fishbeck Engineering for walk path improvement recommendations. Legislation is on the evening's agenda for approval.

Mr. Decker also provided a brief history on the Geresy Field construction, and subsequent structural problems. The Village is seeking bids for repairs to the building, and the Committee will review bids in the near future.

Visioning – Mrs. Dunbar

The Visioning Committee recently met and reviewed the market feasibility study conducted by Ken Danter, on behalf of OHM Advisors, for the Richards Road property. The Committee is recommending moving forward with the next step in the feasibility analysis by extending the Village's contract with OHM Advisors, with a not-to-exceed number of \$10,000.

The next step in the analysis would involve OHM developing an RFP for the Richards Road property, which we would then provide to interested developers. Legislation on the agenda would authorize the contract extension with OHM Advisors.

Solicitor's Report

None

Manager's Report

Mr. Wenzlick provided an update on the Indian Road sidewalk project.

Mayor's Report

None

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Citizen Comments

Mr. Decker recommended opening the floor to additional citizen comments.

Mrs. Norma King discussed current police policy, and made a request to completely ban the use of choke holds by Village police. Mayor Gilmore said that he spoke with Councilwoman O'Connell and Mr. Wenzlick about the topic, and that he shares the concern about police officers who go over the line.

Mr. Wenzlick explained that current police policy already bans the use of chokeholds, except in deadly force situations. Mr. Wenzlick noted that the use of a chokehold would only be authorized in situations where the use of firearm, or other deadly force, would be justified. Mr. Wenzlick explained that if an officer's life is on the line, they must be provided with every tool available to defend themselves.

Mrs. Dunbar inquired as to whether there have been instances in the past of Village officers using a chokehold. Mr. Wenzlick told Council that since becoming chief, he reviews every use of force report that is completed, including minor incidents involving the shooting of an injured deer, or instances of pushing and shoving. Mr. Wenzlick said that he cannot recall ever seeing a use of force report during his tenure that involved the use of a chokehold.

Mrs. Dunbar said that she does not want to see officers put in jeopardy, but banning chokeholds would send a message. Mr. Wenzlick responded that he would hate to see a tool taken away from officers in instances where their lives are on the line. Mrs. Dunbar then inquired into how this is reinforced with our officers, and what training is provided to our officers for it. Mr. Wenzlick explained the department's commitment and focus on scenario-based training and the need for officers to be able to properly transition from high risk situations to lower risk situations, as circumstances dictate. Mr. Wenzlick expressed disappointment in the lack of sufficient state minimum training standards, and told Council the Ottawa Hills police department is fortunate to have a strong training budget.

Mrs. O'Connell then inquired as to whether a directive could be provided that was in the middle ground, and allowed protection for our officers, while ensuring safety for members of the public. Mr. Wenzlick explained that this was in line with our current departmental policy, and deadly force is only authorized during deadly force encounters. Mr. Wenzlick further stated that as soon as deadly force is no longer justified, such a response is no longer justified, and would even apply to someone who may have just attempted to kill you. Mr. Wenzlick also stressed the importance of officers not escalating to the use of deadly force tactics if the situation is not at that level. Mr. Wenzlick told Council it is very important for departments to carefully review all use of force reports. Mr. Wenzlick further noted that all use of force incidents involving our officers are reviewed by a supervisor, the audio and videos are examined, and the chief of police then makes a final review. This process is in place for all use of force encounters, even very minor ones.

Mrs. King told Mr. Wenzlick she understood what he was saying, but also felt that he was saying in certain circumstances the use of a choke hold was acceptable. Mr. Wenzlick responded that if an individual is actively trying to kill the officer, it would be acceptable. Mrs. King then noted if someone were trying to kill the officer, they have other weapons to use, such as a gun, taser, and

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nightstick, and that a chokehold should not be one of the things used. Mr. Wenzlick noted that, unfortunately, there are times where the officer may become disarmed, or cannot reach the tools on their belt, such as instances where a subject may have knocked the officer down and is straddling him. Mr. Wenzlick stressed the importance for police departments to train their officers properly, and to also focus on officer accountability.

Mr. Decker supported legislation that would consider choke holds a use of force of last resort, and only used to save the life of the officer. Mayor Gilmore told Mrs. King that he feels officers acting improperly should suffer harsh consequences, and that he has zero tolerance for it. Mayor Gilmore told Council he would support legislation that says chokeholds are a use of force of last resort. Mayor Gilmore then noted that police officers put their lives on the line every day, and that he does not want to take away an element of last resort if it is necessary for them to save their life. Mayor Gilmore then asked the Safety Committee to draft language for a motion.

New Business – Hope Church Special Use Modification

Mr. Wenzlick provided background on Hope Church's Special Use modification request, as well as the history of our recent legislative change related to electronic signs. Mr. Wenzlick reported that the Zoning Commission recommended, by way of a 4-1 vote, a special use modification for Hope Church to use color on their electronic sign.

Mayor Gilmore read Resolution 2020-18

Resolution 2020-18    Authorizing an alteration to the special use  
by allowing modifications to the sign  
located at Hope Lutheran Church, 2201  
Secor Rd.

Mr. Decker noted that the sign is otherwise in compliance with the electronic sign ordinance, and would be consistent with the newly adopted sign regulations.

|                                                 |            |                                                                                     |
|-------------------------------------------------|------------|-------------------------------------------------------------------------------------|
| Motion to waive three readings:                 | Motion –   | Mr. Shimborske                                                                      |
|                                                 | Second –   | Mr. Lewis                                                                           |
|                                                 |            | Unanimous Approval                                                                  |
| Motion to declare an emergency:                 | Motion –   | Mr. Shimborske                                                                      |
|                                                 | Second –   | Mr. Lewis                                                                           |
|                                                 |            | Unanimous Approval                                                                  |
| Motion to adopt legislation<br>as an emergency: | Motion –   | Mr. Shimborske                                                                      |
|                                                 | Second –   | Mr. Gibbs                                                                           |
|                                                 | Yeas (6) – | Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Gibbs,<br>Mrs. O'Connell, Mr. Decker |
|                                                 | Nays (0) – |                                                                                     |

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Mrs. Dunbar reported to Council that the plans outlined by the Environmental Taskforce have been shifted to the Services & Environment Committee for consideration of implementation. Mayor Gilmore told Council that the Environmental Taskforce could be dissolved, and it would now be appropriate to shift the topics to the Services & Environment Committee.

Ordinances & Resolutions

Mayor Gilmore read Ordinance 2020-8

Ordinance 2020-8      Amending Ordinance 2016-5 and 2016-6  
relative to the adoption of the Ohio Basic  
Code by amending, adding thereto and  
declaring an emergency.

Mr. Decker recommended amendment to exclude members of the clergy while engaged in services.

|                                                             |                                                                                                                                                                 |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Motion to waive three readings:                             | Motion – Mrs. O’Connell<br>Second – Mr. Gibbs<br>Unanimous Approval                                                                                             |
| Motion to declare an emergency:                             | Motion – Mrs. O’Connell<br>Second – Mrs. Dunbar<br>Unanimous Approval                                                                                           |
| Motion to adopt legislation<br>as an emergency, as amended: | Motion – Mrs. O’Connell<br>Second – Mrs. Dunbar<br>Yeas (6) – Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Gibbs,<br>Mrs. O’Connell, Mr. Decker<br>Nays (0) – |

Mayor Gilmore read Ordinance 2020-9

Ordinance 2020-9      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, 2020, and  
declaring an emergency.

|                                 |                                                                       |
|---------------------------------|-----------------------------------------------------------------------|
| Motion to declare an emergency: | Motion – Mrs. Dunbar<br>Second – Mr. Lewis<br>Unanimous Approval      |
| Motion to waive three readings: | Motion – Mrs. Dunbar<br>Second – Mr. Shimborske<br>Unanimous Approval |

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Motion to adopt legislation  
as an emergency:

Motion – Mrs. Dunbar  
Second – Mr. Lewis  
Yeas (6) – Mr. Lewis, Mr. Shimborske,  
Mrs. Dunbar, Mr. Gibbs,  
Mrs. O’Connell, Mr. Decker  
Nays (0) –

Mayor Gilmore read Ordinance 2020-10

Ordinance 2020-10 To assess a special tax for the planting, maintenance, and removal of shade trees on and along the streets and public rights-of-way of the Village of Ottawa Hills in accordance with section 727.011 of the Ohio Revised Code, for the year ending December 31, 2020, and declaring an emergency.

Mrs. O’Connell expressed concern about starting a Village limb pickup program. Mrs. O’Connell said she was concerned about the volume of limbs under the program, and the costs associated with it. Mrs. Dunbar reported that the concerns were discussed during the committee meeting, and they felt it was appropriate to at least try the program to improve services. Mr. Shreve agreed with Mrs. O’Connell, and expressed concern over having limbs at the curb. Mrs. Dunbar said she felt this was an additional service to our residents, and would help keep the Village looking nice. Mayor Gilmore agreed with the limb pickup program, and noted the current process creates confusion. Mr. Decker then told Council that since the additional assessment could not cover the entire cost of the program, he had concerns about the increased financial liability to the Village for the program. Additional discussion ensued with Council discussing positives and negatives of such a program.

Mrs. Dunbar made a motion to implement a weekly tree limb pickup program for residents. The motion was seconded by Mr. Shimborske.

Yeas (3) – Mr. Lewis, Mr. Shimborske, Mrs. Dunbar  
Nays (3) – Mr. Gibbs, Mr. Decker, Mrs. O’Connell

Mayor Gilmore voted yes to break the tie vote.

Attention returned to Ordinance 2020-10

Motion to waive three readings: Motion – Mrs. Dunbar  
Second – Mr. Lewis  
Unanimous Approval

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|                                                 |                    |                                                       |
|-------------------------------------------------|--------------------|-------------------------------------------------------|
| Motion to declare an emergency:                 | Motion –           | Mrs. Dunbar                                           |
|                                                 | Second –           | Mr. Lewis                                             |
|                                                 | Unanimous Approval |                                                       |
| Motion to adopt legislation<br>as an emergency: | Motion –           | Mrs. Dunbar                                           |
|                                                 | Second –           | Mr. Lewis                                             |
|                                                 | Yeas (4) –         | Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Decker |
|                                                 | Nays (2) –         | Mrs. O’Connell, Mr. Gibbs                             |

Mayor Gilmore read Resolution 2020-19

Resolution 2020-19 Authorizing the transfer of \$1,960,000 from the Income Tax Fund of the Village of Ottawa Hills, with \$1,000,000 to the General Fund, \$940,000 to the Capital Projects Fund, and \$20,000 to the Shade Tree Fund, and declaring an emergency.

|                                                 |                    |                                                                                     |
|-------------------------------------------------|--------------------|-------------------------------------------------------------------------------------|
| Motion to declare an emergency:                 | Motion –           | Mr. Lewis                                                                           |
|                                                 | Second –           | Mr. Shimborske                                                                      |
|                                                 | Unanimous Approval |                                                                                     |
| Motion to waive three readings:                 | Motion –           | Mr. Lewis                                                                           |
|                                                 | Second –           | Mr. Shimborske                                                                      |
|                                                 | Unanimous Approval |                                                                                     |
| Motion to adopt legislation<br>as an emergency: | Motion –           | Mr. Lewis                                                                           |
|                                                 | Second –           | Mr. Shimborske                                                                      |
|                                                 | Yeas (6) –         | Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Decker,<br>Mrs. O’Connell, Mr. Gibbs |
|                                                 | Nays (0) –         |                                                                                     |

Mayor Gilmore read Ordinance 2020-11

Ordinance 2020-11 Adding appropriations for the newly established Cares Act Fund, amending Ordinance 2019-13 and 2020-6, and declaring an emergency.

|                                 |                    |             |
|---------------------------------|--------------------|-------------|
| Motion to declare an emergency: | Motion –           | Mr. Lewis   |
|                                 | Second –           | Mrs. Dunbar |
|                                 | Unanimous Approval |             |

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|                                                 |                    |                                                                                     |
|-------------------------------------------------|--------------------|-------------------------------------------------------------------------------------|
| Motion to waive three readings:                 | Motion –           | Mr. Lewis                                                                           |
|                                                 | Second –           | Mrs. Dunbar                                                                         |
|                                                 | Unanimous Approval |                                                                                     |
| Motion to adopt legislation<br>as an emergency: | Motion –           | Mr. Lewis                                                                           |
|                                                 | Second –           | Mrs. Dunbar                                                                         |
|                                                 | Yeas (6) –         | Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Decker,<br>Mrs. O’Connell, Mr. Gibbs |
|                                                 | Nays (0) –         |                                                                                     |

Mayor Gilmore read Resolution 2020-20

Resolution 2020-20    Authorizing a joint cooperation agreement between the Village of Ottawa Hills and the City of Toledo for improvements to the intersection of Secor Road and Bancroft Street, and declaring an emergency.

|                                 |                    |                |
|---------------------------------|--------------------|----------------|
| Motion to waive three readings: | Motion –           | Mr. Shimborske |
|                                 | Second –           | Mr. Gibbs      |
|                                 | Unanimous Approval |                |
| Motion to declare an emergency: | Motion –           | Mr. Shimborske |
|                                 | Second –           | Mr. Gibbs      |
|                                 | Unanimous Approval |                |

|                                                 |            |                                                                                     |
|-------------------------------------------------|------------|-------------------------------------------------------------------------------------|
| Motion to adopt legislation<br>as an emergency: | Motion –   | Mr. Shimborske                                                                      |
|                                                 | Second –   | Mr. Gibbs                                                                           |
|                                                 | Yeas (6) – | Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Decker,<br>Mrs. O’Connell, Mr. Gibbs |
|                                                 | Nays (0) – |                                                                                     |

Mayor Gilmore read Resolution 2020-21

Resolution 2020-21    Authorizing a contract with OHM Advisors for the creation of design standards and a request for proposal for potential development of the municipal building property, as recommended by the Visioning Committee, and declaring an emergency.

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|                                                 |                                                                                                                                                                     |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Motion to waive three readings:                 | Motion – Mrs. Dunbar<br>Second – Mr. Shimborske<br>Unanimous Approval                                                                                               |
| Motion to declare an emergency:                 | Motion – Mrs. Dunbar<br>Second – Mr. Shimborske<br>Unanimous Approval                                                                                               |
| Motion to adopt legislation<br>as an emergency: | Motion – Mrs. Dunbar<br>Second – Mr. Shimborske<br>Yeas (6) – Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Decker,<br>Mrs. O’Connell, Mr. Gibbs<br><br>Nays (0) – |

Mayor Gilmore read Resolution 2020-22

Resolution 2020-22 Authorizing a contract with Fishbeck for engineering and design services related to a study of potential enhancements to Village walk paths, and declaring an emergency.

|                                                 |                                                                                                                                                               |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Motion to waive three readings:                 | Motion – Mr. Decker<br>Second – Mr. Shimborske<br>Unanimous Approval                                                                                          |
| Motion to declare an emergency:                 | Motion – Mr. Decker<br>Second – Mr. Shimborske<br>Unanimous Approval                                                                                          |
| Motion to adopt legislation<br>as an emergency: | Motion – Mr. Decker<br>Second – Mr. Lewis<br>Yeas (6) – Mr. Lewis, Mr. Shimborske,<br>Mrs. Dunbar, Mr. Decker,<br>Mrs. O’Connell, Mr. Gibbs<br><br>Nays (0) – |

Executive Session

None

Next Meeting Date

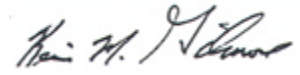
October 05, 2020 at 7:30 PM

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Adjournment

9:32 PM

A handwritten signature in black ink, appearing to read "Kevin H. Gilmore".

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Mayor Kevin Gilmore