

MINUTES OF A COUNCIL CAUCUS
Monday, December 7, 2009 at 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in Caucus Session on Monday, December 7, 2009 at 8:00 p.m. Council President Bill Buckholtz presided.

ROLL CALL: Present: Mr. Buckholtz, Mrs. Cinco, Mr. Marquardt,
Mrs. Mills, Mr. Marrie, Mr. Saponaro and Dr. Parker

Absent: None

Also Present: Mayor Rinker, Mr. Wynne, Ms. Calta, Chief Dearden,
Mr. Metzung, Mr. Marrelli, Mr. Cappello, Chief Mohr,
Mr. Thomas, Mrs. Kalina and Mrs. Betsa

GENERAL

**Administration of Oath of Office to Paul Matias on his promotion to
Sergeant Class B – Mayfield Village Police Department**

Council President Buckholtz turned this item over to Mayor Rinker.

Mayor Rinker stated we can dispense with justice early this evening because it is going to be an interesting meeting otherwise. It's with great honor and a privilege that Mayor Rinker is able to undertake this ceremony tonight with a 1988 graduate of Mayfield High School, a 1999 graduate of Lakeland Community College and in 2006 the Criminal Justice Student of the Year. Tonight we are going to swear in Paul Matias who has successfully completed the Sergeant's exam, as our next Sergeant on the police force. He has served this community very well. Indeed it really is an honor. He has served as an SRO officer. He offers a lot of insight for trainees. In all respects he has been an all-around good cop for Mayfield Village. Mayor Rinker thinks Mayfield High School can look to him one of these days as being part of its V.I.P. graduates. In any event, Mayor Rinker would like to have Paul come forward to be administered the oath of office.

The oath of office was administered to Paul Matias on his promotion to Sergeant Class B – Mayfield Village Police Department.

Council President Buckholtz advised everyone that we will be taking a little break at this point for refreshments.

Council took a break at 8:05 p.m.

Council reconvened at 8:15 p.m.

IN COMMITTEE (STATUS)

Health Care Task Force Update

Mr. Wynne reported that the Health Care Task Force reconvened and had their first meeting last Monday. We went over some preliminary information we had gotten from our insurance consultants. Our second meeting is scheduled for a week from today. We will get into a more detailed discussion about the different plans that are available to us and the timetable we have to follow in order to meet our renewal date of April 1st. The Committee is aware that our goal this year as far as insurance goes is to try and save around \$100-200,000.00 in premium costs.

Safety and Service

Mrs. Cinco reported that Safety and Service met this evening. Along with Finance, we are requesting that the Special Meeting agenda be amended to include Resolution No. 2009-15.

Council President Buckholtz stated we will do that.

Council President Buckholtz asked if there was anything else. Mr. Marrie reported that Finance is covered in the Caucus meeting.

MAYOR

Mayor Rinker stated that the holiday festivities are underway. We had Santa do his rounds on Saturday. We had our lighting ceremony last night. The Menorah will be lit on Friday night at 7:00 p.m. Be there.

Also, Mayor Rinker announced, and Dave can fill us in a little bit more detail because it has been pretty fluid, but our MIPOD, Mass Inoculation Point of Distribution is being called up this weekend. As you may be aware, for the past few years, Mayfield has really been a leader in the area using the School District really as our primary focus between the different fire departments especially other safety personnel in being able to coordinate what it's going to take to deliver, H1N1 flu shots. It is scheduled for this Sunday from 9:30-1:30.

This will be open to the general public as this has evolved for the H1N1 flu virus. Originally this was for the primary risk groups but now it's open to all ages, all categories. This is free. Pick up areas are at Rockwell, Mayfield Heights and Highland Heights Community Center. We think we will have as many as a dozen buses.

The thing to point out is these are all volunteers doing this. We have healthcare providers, doctors, registered nurses, those who are licensed, qualified to administer the shots, to deal with all manner of problems for people who present with different risks, different stages of potential

contagion. The high school is entirely taken over and coordinated as a staging area. It's pretty impressive. We have gone through these drills a couple of times.

Mrs. Mills said they start at 9:30 and end at 12:30. Mayor Rinker stated it goes until 1:30. Chief Mohr replied it ends at 12:30. Mrs. Mills said the workers have to be there at 7:45. Mayor Rinker stated he stands corrected. Chief Mohr stated they are trying to get it extended depending upon the number of inoculations. Mayor Rinker stated this dialogue gives you some insight that it's been a pretty fluid situation, pardon the pun. So we will see how it goes. We will keep people updated both on the Village's website and if you call here. Any other suggested numbers where people can call to find out more information?

Chief Mohr replied we are going to use the radio, the newspapers, Channel 22 will have information on it, *The News-Herald*, *The Sun*, *Plain Dealer*, radio and TV. Mrs. Mills asked, what about our radio station? Chief Mohr said the Health Department is coordinating this.

Mayor Rinker asked Fran Suda to follow up with the Chief because this is one of those things where we want to make sure we have got good information and it's about as timely as we can get.

Finally, as everyone knows, the gas well drilling is something that has been very current. Mayor Rinker is looking at the agenda for Ordinance Review Committee. They are going to be discussing tomorrow both the Niehaus and Grendell Bills. We have been getting a lot of information. We know a number of you are here tonight to update us from your perspective.

Mayor Rinker can report back that the Mayors and Managers Association –

A member of the audience stated that there are about 20 people in the basement hanging out until the end. Are you going to talk now about it?

Mayor Rinker replied he is just doing it in an open portion. He is just letting you know now and there will be more discussion later. Mayor Rinker wanted to update you and then you can report back to your fellow citizens because we have a pretty lengthy Executive Session tonight and we wanted to at least give you some heads up ahead of time.

Mayor Rinker said we thought we had a really good discussion with Director Logan. There were probably about 8 Mayors from around the County. At the time we were not certain whether or not this was going to get voted out of committee. Senate Bill 165, which is the Niehaus Bill, is viewed by many as being probably the stronger of the two, but it reflects more of the status quo. The Grendell Bill has been much more vocal in addressing concerns of our area. We think that because of that movement it has gotten some attention.

Our understanding in talking with our lobby attorney Tim Cosgrove is that we are likely to look at probably the first of the year as the real debate between the House and the Senate. Regardless of what the Senate passes, it's got to go to the House and that's where the heavy work is really going to be done. We are positioning ourselves really in anticipation of that discussion. We got a

commitment from Director Logan that he is willing to meet with us again in the near future, this kind of delegation of, it's really a committee from Mayors and Managers.

Tim Cosgrove and Mayor Rinker talked quite a bit about one of the points that he has espoused and he can tell you he thinks it is getting some play which is that we would be looking to a mechanism where municipalities can intervene before a permit is issued.

An analogy that Mayor Rinker has made to the Director the other night, is that similar to the liquor control permitting process, there's a very focus but there is nonetheless a due process right for a municipality or a voting precinct to be able to intervene before a permit is issued or renewed. They have very specific grounds. If we can succeed in at least adding that kind of mechanism, Mayor Rinker thinks that will be significant.

It's clear otherwise that the push for local control as it was before 2004 is not likely to succeed at all. On the other hand, that isn't to say that many of the issues have been brought up and Mayor Rinker can read to you a number of questions that we got from surrounding communities. Mayor Rinker can have Mary Beth make a copy of this for everyone tomorrow. We had about 8 questions for the Director. They deal with health and safety issues. They deal with the ability for us to be able to intervene, screening and some of the insurance coverage issues.

Council President Buckholtz commented that the comparison to what we do with the Liquor Control Board is really interesting. That's something that's dictated by the State.

Mayor Rinker stated the idea is that you can at least have a chance to deal with such issues as siting. For example, a number of the Mayors talked to the Director about the concerns that they have when a wellhead location is chosen, how to intervene. Currently, ODNR looks to the fact that it has an on-site investigation, and they are trying in the Niehaus Bill to beef up the chance to be able to convene this in a more timely fashion. The gist of all of this is that in the Niehaus Bill there is no mechanism for you to be able to intervene in any meaningful fashion before a permit is issued. A lot of the focus is afterward. Most people would agree that as far as it goes, those are all commendable and the question is that it doesn't go far enough. The pivotal issue here is trying to get the push down in Columbus between the House and Senate debates on these Bills to be able to get more teeth into the legislation.

With that, Mayor Rinker will let it go. He just wanted everyone to be aware. We had a meaningful discussion. We met only for about an hour with the Director. He was in North Royalton. It looked like he was going to a public meeting that was there. They had to get him there because he had people waiting in another venue. Between Broadview Heights and North Royalton, it looked like they had kind of a Town Hall session.

The commitment is there. We have at least initially established some dialogue between the Mayors and Managers Association which represents all of Cuyahoga County. We see these as positive steps. Ultimately, the pressure to keep the attention on this thing is something we are trying to coordinate with you. We may not speak with the same voice but we clearly are getting the attention of the legislators. Mayor Rinker thinks this will help us leverage some of these issues with our lobbying.

Council President Buckholtz asked if Logan is the Director for ODNR. Mayor Rinker replied, correct.

COUNCIL PRESIDENT

2010 Council Schedule

Council President Buckholtz asked everyone to look at the proposed schedule when they get a chance to look at it. Check it out and make sure we coordinate with Mary Beth if there are any dates that a majority of us know we are not going to be able to do. Council President Buckholtz asked the Mayor if he is okay with the January dates, getting the word out to Committee people and so forth, swearing them in. Mayor Rinker said we are working on it.

FINANCE

CMI Renewal for Software Support for 2010 (Data Base, Payroll, Finance – \$5,101.50)

Mr. Wynne reported that CMI is the vendor we use for our payroll and financial software. We are required to pay them a certain amount per year for customer service and software support if we have any issues. Mary Beth and Janice use them when we have problems. The cost of this for next year is a few more hundred dollars than this year which was about \$4,800.00.

Resolution to advance property taxes

Mr. Wynne reported this is a requirement by the County. They provide us with dates which they will advance the property taxes to us provided we pass a resolution. We will be doing that at the next meeting.

Transfers

Mr. Wynne stated at the Council meeting he will be submitting a list of transfers for approval. We need to do this before the end of the year, basically transferring revenue from the TIF funds to the debt retirement fund and then transferring from the General Fund to the debt retirement fund.

Final appropriations for January 1, 2009 through December 31, 2009

Temporary appropriations for January 1, 2010 through March 31, 2010

Mr. Wynne will be submitting a list by fund at the Council meeting of what our final appropriations for the year will be based upon November's results and December's projections and then taking 25% of that amount as a temporary appropriation for 2010 so that we can operate

and do business starting on January 1st with the plan of passing permanent appropriations by the month of March.

MCIC – December 21, 2009 at 8:00 p.m.

Mr. Wynne reported this is a requirement. We have to have an Annual Meeting primarily for the election of officers. It is scheduled for December 21st.

POLICE DEPARTMENT

Chief Dearden reminded everyone that the Groundbreaking Ceremony for the new police facility will take place on Wednesday morning at 8:00 a.m. at Wiley Park.

FIRE DEPARTMENT

Installation costs (B&C Communications - \$17,280.00 – pass through: Fire Grant)

Chief Mohr reported that the B&C Communications cost is a journal entry so that we can document that the Federal Government has paid us this amount, \$17,280.00, that we can pass on for the Fire Grant. That is already in our coffers to go to B&C. Chief Mohr is just asking for documentation of such.

Resolution of Appreciation to Charles Sedgley (32 years of service; retiring)

Chief Mohr reported Chuck Sedgley is retiring next week after 32 years as a part-time firefighter. Chief Mohr requested that we present him with a Resolution of Appreciation at the Council meeting on December 21st.

SERVICE DEPARTMENT

Mr. Metzger reported that leaf season is coming to a close.

HUMAN SERVICES

Mrs. Kalina reported that we are working on our upcoming holiday party for the seniors of the Village. It is on Saturday, December 19th. We have about 80 people coming. Mayor Rinker will not be able to be here, so maybe the Council President could attend. The Mayor has come the last several years. Council President Buckholtz would love to be there.

ENGINEER

Mr. Cappello reported that the Thornapple pump station and wetwell has been set. They are in the process of getting ready to repave the road.

LAW DIRECTOR

Legislation regarding 6826 Meadowood Drive

Ms. Calta reported that this is the old Cotton residence. Legislation has been prepared with a Lease Agreement which is the standard Lease Agreement we have been using for rental properties. It is a month-to-month Lease which can be terminated with a 30-day notice. It gives the Village a lot of flexibility. The payment is \$500.00 a month and it has the standard terms we have been using. Ms. Calta asked if there were any questions.

Council President Buckholtz stated this is the one we did get questioned on in terms of there is going to be some trading of work. Mayor Rinker clarified, has been. Finance discussed it. Council President asked if we have that all documented. Mr. Marrie replied, yes.

Ms. Calta stated the Lease Agreement attaches a list itemizing all of the work that was done. Council President Buckholtz asked if it is \$500.00 on top of that or is it \$500.00 and a trade-off. Ms. Calta replied it will be \$500.00 starting in January 2010.

Mr. Metzung stated there are other improvements which need to be made. Council President Buckholtz added, which we will work out as we go along. Perfect.

Oil and Gas Well Update

- Proposed legislation urging the State to place a moratorium on oil and gas well drilling

Ms. Calta stated that the Mayor has already commented on the oil and gas well update. The legislation with regard to the moratorium is urging the State to, in the meantime while these Bills are being debated and amended and revised and discussed further, place a moratorium on oil and gas drilling in residential neighborhoods. The legislation urges the State to take that position. There is a little more detail to it, all about the history of oil and gas and how the legislation came about in 2004 and the changes and so forth and so on but we discussed that.

Council President Buckholtz stated, just to clarify, we have two pieces of legislation, one is the Resolution that we are passing tonight and then we have one on three reads that came from our own Committee. Ms. Calta added, that's amending our own Code, correct.

Mayor Rinker stated, just to supplement what he was talking about earlier, he wants to read something that as the Mayor he has been asked to provide and can tell you that we will get a letter out tomorrow only because things are happening in Columbus. The basic request that they are asking us to send to our elected officials in Columbus and Senators: "Please incorporate the

Grendell and NEOGAP meaningful amendments to Senate Bill 165 which recognize zoning, public notification and approval regarding the placement of wells. Our community appreciates your consideration of our priorities which we would like considered along with other amendments introduced by Senator Grendell.” So just letting Council know, Mayor Rinker intends to sign on to that essential letter and have that message sent down there. But Mayor Rinker thinks it’s appropriate for us to note that as Ordinance Review discusses this, as Council passes whatever we can locally, Mayor Rinker still feels that the critical work that he thinks that we can be successful in is coordinating with Mayors and Managers, so it’s not to the exclusion of but in addition to. Mayor Rinker just wants you all to be aware of that.

ANY OTHER MATTER BEFORE COUNCIL

Council President Buckholtz asked if there was anything else.

A member of the audience stated that there is a group that would like to speak. We did not think you guys would zip through all these items. Council President Buckholtz explained that is our Caucus and now we are going to have a Special Meeting. We are not going anywhere as of yet.

There being no further business, the meeting adjourned at approximately 8:32 p.m.

Respectfully submitted,


Mary E. Betsa, Clerk of Council