

MINUTES OF A COUNCIL CAUCUS
Monday, January 5, 2009 at 7:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in Caucus Session immediately following the Organizational Meeting on Monday, January 5, 2009 at 7:20 p.m. Council President Bill Buckholtz presided.

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

Absent: None

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

IN COMMITTEE (STATUS)

Mrs. Mills reported that Mr. Miller will be bringing some figures to the Finance Committee for the purchase of new computers for the Finance Department. The Committee will discuss it and it will also be put on the Council agenda.

Mrs. Cinco said everything on Safety and Service is on the agenda this evening.

BUILDING DEPARTMENT

Mr. Marrelli reported that the hotel will be open by the end of the month. They are putting the final touches on it. Council President Buckholtz asked if they are planning a gala or a grand opening. Mr. Marrelli said they are planning something in February. Council President Buckholtz asked that Council be kept posted.

MAYOR

Mayor Rinker reported that he has begun the process of interviewing for Finance Director. He has also prepared a memo to the Planning Development Committee, kind of belatedly; this is something that a number of their representatives had inquired of him toward the end of summer, for some kind of feedback. They had made a recommendation about the Village's engagement of a professional planner on staff. For obvious reasons, those are personnel issues he has felt constrained to put aside both for economics and just the overall logistics that we have had, but he wanted Council to be aware as he is going to apprise the Planning Development Committee as well, that he thinks we are close to a point where we should be able to make a commitment there. Mayor Rinker has been working on an overall restructuring of administration that he will have Council look at within the next couple weeks. It is

something we can sit down, and just how he communicates it to Council and what the best way to do it is, he is not sure yet, but the long story short is because needing the advise of Council on these decisions, he wants to make sure we are all on the same page, but he sees these as very constructive, necessary and very appropriate restructuring changes we are going to have. Mayor Rinker is encouraged, especially when he looks at the application for the replacement for a Finance Director.

- **Committee appointments**

Mayor Rinker stated we go through this every year in the way we space our meetings to give us an opportunity to send word out to all our volunteers for the various committees. Mayor Rinker has received feedback from Jim Mason. Jim provided him with some information about Citizen's Advisory. There are probably three people who will not be returning. The limit on that group is 15. That effectively creates three slots. Mrs. Betsa will be sending out notifications for this meeting. We always like to have people show up and be sworn in; make it a good event. These are slots that can be filled during the course of the year. It is sort of a natural attribution that we found in that particular group.

Mayor Rinker has not heard anything comparable from any other boards or committees. Everyone who is here tonight, try to beat the bushes one last time. It is always nice to get new faces. A lot of times people are a little shy. Some are not so shy. We have all had a chance throughout the course of the year one way or another to come across a few people, so give that one last look and then let Mrs. Betsa know if you have some suggestions for some of these committees. They do a lot of heavy work in the community. It's important. This is our last chance to fill those slots.

With regard to the appointments, Council President Buckholtz clarified that as much as he likes Jean Fernandez, she no longer resides in the Village so should be taken off the list as a member of the Community Reinvestment Committee. She needs to be replaced on that committee.

COUNCIL PRESIDENT

- **Council Committee appointments**

Council President Buckholtz reported that everyone pretty much was happy with things the way they were. The only thing he heard from anyone, he does not want to neglect anyone's interest, Joe Saponaro is looking to possibly move into something, P&Z seems to stay the way it is, but Ordinance Review, if Dr. Parker does not have a preference and wanted to be off as the alternate, Joe could be the alternate. Mr. Saponaro said that's fine, it doesn't matter. Council President Buckholtz stated that is a potential change there. We don't have Planning and Development on this list, but that will stand. Council President Buckholtz will talk to Mr. Marrie about IT.

Also, if everyone noticed the sheet from Mayfield Schools on the breakdown of how the money was spent, Council President Buckholtz will give Scott Snyder a call about the item about one gigabyte of Kingston memory for \$1,532.00, he does not think that could be correct. He will follow up on that this week with Mr. Snyder.

Council President Buckholtz asked if there were any comments on the Committee assignments. There were none.

FINANCE

On behalf of Council, Council President Buckholtz stated with the economy this year, he has spoken to everyone including the Mayor in one manner or another and we are really all on the same page. It's no secret that we have talked about this before. Council President Buckholtz was directed by the Mayor to Mr. Miller and he handed Mr. Miller his notes from a conversation last night about receiving a monthly financial statement and Dave got a smile on his face because it is sitting right here on his to do list, presenting us with a monthly real easy to read debt schedule, income, expenditures at the meeting in time for us to read our packets and know what's coming up.

Mr. Miller added that it is a necessity. He has been spending a lot of time putting out fires and at this point in time working on 2009 in trying to put together some records for whoever is coming in here to make it a little bit easier. At this point, he is not putting out fires as much. It is getting doable. Mr. Miller cannot promise when it will be done. Hopefully by the end of January.

Council President Buckholtz said just so we have an ongoing working document and have something to work off of. Not the major budget. Mr. Miller agreed, something user-friendly.

POLICE DEPARTMENT

- **First quarter maintenance agreement for CAD records system and police car MDT systems (TAC Computers - \$2,835.00)**

Chief Dearden reported that this is just our annual maintenance agreement with the company that provides the proprietary software for our CAD system and software system. Pursuant to Mr. Miller's request, we are only putting in for a quarter at a time.

FIRE DEPARTMENT

. **MARCS renewal (not to exceed \$6,000.00)**

Chief Mohr reported that this item somehow got off our month budget regarding our user fees for the state system. This has not gone up. Chief Mohr received word from the government that he may be receiving a grant. At this time he is asking for \$6,000.00. The fee is \$5,820.00. Chief Mohr would like to put that back on a January schedule versus a May. Last year it somehow got on later in the year.

. **Replacement of car 655**

. **Replacement of pick-up truck 671**

Chief Mohr reported that these are 9 and 10 year old vehicles. It's time to replace them. He sat down and discussed this in great length with the Finance Director and he is comfortable with Chief Mohr's logic and reasoning for replacing them. Chief Mohr is looking for state bid pricing on these. We are going to replace the car with a new vehicle much along the line of what the police department uses, the Explorer and the pick-up truck is needed for hauling for the fire department to use every day.

Council President Buckholtz asked what the mileage is on the old vehicles. Chief Mohr said it is not so much mileage, but there's a lot of miles, it's engine hours. The problem is the pick-up truck mechanically is failing and the car body-wise is failing. Again, 9 and 10 year old pieces of equipment and everything in it is 9 and 10 years old also. We are looking at a fund of \$60,000.00 which is excessive, but that will cover lights, sirens, striping, all equipment and he is sure it will come in less based on state purchasing pricing, but he would rather highball it than have to come back with his tail between his legs.

. **Gas and diesel fuel for 2009 (Universal Oil Co. - \$5,000.00)**

Chief Mohr asked to put this on as a housekeeping measure. Even though the purchase order said \$5,000.00, he thinks that is \$2,500.00 under what it should be. He believes it should be \$7,500.00 for the year. He will check that with the end of the month statement and he will be able to get back to Council.

PARKS & RECREATION

. **Progressive Fitness Center Memberships for 2009 (\$38,000.00 – pass through)**

Mr. Thomas reported this is our annual membership fee. It is a pass through. All individuals who use the fitness center have to come to Parks and Recreation to buy a membership. Mayor Rinker asked how many people that translates into. Mr. Thomas said somewhere in the range of 200-300. He will provide a closer figure to Council. Council President Buckholtz asked Mr. Thomas to check and send a report out in packets.

. **Spring/Summer Parks and Recreation brochure (not to exceed \$3,600.00)**

Mr. Thomas reported this is a good price.

Council President Buckholtz asked Mrs. Kalina if the Human Services newsletter is prepared in-house. Mrs. Kalina replied that it is. Council President Buckholtz said it would be interesting to find out what the costs are. It is not Council's intention to micromanage what we are doing, but these are suggestions that will come up from time to time. It would be interesting to track some of these differences. It could be more expensive to do in-house.

LAW DIRECTOR

• **Police station update (proposed legislation for design-build bids)**

This proposed ordinance was in everyone's packet about the next step with the police station. Ms. Calta spoke with Chief Dearden last week or the week before about proceeding through what is called a design-build process.

Ms. Calta does not know how much information has been disseminated to Council, if any, but the concept which has been used in other communities is where you go through more of a Request for Proposals for a complete building. The last bids that were out were for about 12 contracts. This is a different process and it has worked well in communities such as Beachwood, Richmond Heights with their new buildings and a few other communities. This would be the first piece of legislation that needs to be passed to set up that process and then there would be Requests for Proposals to go out to companies. There would be proposals that come in that would be reviewed by the Planning Commission and then with a recommendation to Council. There is a little bit of flexibility on exactly how you set up the review process and that can be spelled out in more detail at a later date but this would be the first piece of legislation to get those requests for proposals out. Companies would come in with a final product, so you are going to see all of the design; all of the work that is going to go into the construction. You won't go out to bid for 12 separate contracts. It will be with one entity, possibly two, if someone associates with someone for maybe design work versus the actual construction. It will be a very streamlined process. It has worked well and if there is any information anyone would like to see about the process and how it has worked in other communities, she can give that to anyone. It is an alternate to public bidding.

Mayor Rinker stated that we have all been wrestling with just what we do for an encore after what was a very extensive process the last time around. One of the things that is appealing at least in principle with design-build and why we are looking at it as much as we have been is that in effect we can say we have an allowance and with this allowance, there are certain things we need to do. The problem we have had as we have discussed this administratively over the last two to three months has been a little bit of the chicken in the egg that you get in any of this. In other words, you need to provide enough, if he is explaining this correctly, because it is still a

work in progress, but you need to give enough of a concept to the folks out there who are in effect going to be expending a certain amount of money to come up with proposals. In other words, it is a little bit of the two ends trying to find a middle ground and the basic parameters that we need to set up are the tasks that we all really have as a threshold consideration, so what Diane's talking about is a process, but it still does not substitute our need to provide some very basic specific guidelines.

We have had the benefit of some extensive work to date but the things that we saw as problems and Mayor Rinker is looking around because he has heard from Tom Cappello or John Marrelli; Chief Dearden is looking at certain elements. Essentially we need enough space for administrative personnel. We are still looking at putting in a firing range because we feel in the long run it is not only functional but something that does pay for itself in a very significant way in terms of our operational overhead.

Mayor Rinker does not think it is fair to say that that much like solar or geothermal energy which are also upfront expenditures but do in fact pay for themselves in the long run. A firing range is different; it pays for itself in a lot of intangible ways as much as providing some form of income. Again we have had these discussions and these are details that can be addressed by those with better expertise.

The other thing that we have looked at that we saw as a problem on the existing site, the Roenschler property, is that it is really too small and it does not drain well. It has forced us to go into design characteristics that have added a substantial amount of cost. That's what we believe is fundamentally going to be different with what we are looking at. The question has come up again because Wiley Park is the place that we have as a working proposition looked at. Mayor Rinker will be candid saying that was not his first choice. If you recall, he was saying probably we can look right out the window here because we own this land. This is overall a three and a half acre site. It's pretty flat. It should not be hard to utilize it. On the other hand, are there better uses for this location? We would all agree that the demand to have a police station right at the center of town is not comparable to having a fire station near the center of town. They serve different functions. They don't have quite the same constraints. Wiley was floated as an idea that we probably would have the benefit of a good location, the land that we already own. It drains better and candidly, Mayor Rinker thinks that we could create a nice complex up there between the Historic House and those grounds. From the design standpoint, we could probably improve upon that feature and that element. We would have less traffic conflict between the functionality of a police station and a service garage with that. There are certain characteristics that are appealing. Other than that, we have to look farther north and then we are looking at a much more remote location which again theoretically is not as much of a problem but are we robbing Peter to pay Paul if we put something farther north?

Mayor Rinker is not sure any of us has come up with a better alternative. When Wiley was mentioned, Mayor Rinker's first thought was we lose a ballfield and we lose a park amenity; on the other hand, we gain a site that could be a lot easier to work with. Mayor Rinker's understanding is we are going to be looking at putting it out there and essentially we would like to see a design that is in all likelihood going to be a one story structure because it is in the long

run a much cheaper construction and you don't have to worry about the excavation issues, there are a lot of factors that are very appealing with that. We feel Wiley gives us a site that is generous enough but again Mayor Rinker thinks that we have to look at overall square footage and are there other ways to skin a cat.

One of the benefits we have learned from comparing notes with Beachwood and Richmond Heights is that in this design build approach a lot of times the professionals come back with a very different idea. In Richmond Heights it happened to be Marous Brothers, he is not sure who it was in Beachwood. Marous actually proposed something unique to Richmond Heights that no one on Richmond Heights' side of the fence had thought about before. At the end of the day, that is what turned the trick for those folks. Different considerations for different communities.

Mayor Rinker is using that to exemplify that a design build gives people a certain set of parameters within which to work, not the least of which is we went to the marketplace and borrowed money on the belief that we were all set with what we had before. We have rejected bids a second time because they were far over the budget that we felt not only that we could live with, but that we should have to live with. That's money that, Mayor Rinker asked Mr. Miller, we have about another 12 or 14 months before we start getting to a point where we would be looking to be penalized if we did not apply that money for its intended purpose, the reason we got that bond in the first place. The current constraints are still favorable but realistically we are trying to target 2009 as getting this show on the road and getting it out there.

Mayor Rinker knows there are some questions that have cropped up. There were a couple of questions in Finance and he is sure that as we go through this process there are going to be more. He vetted these ideas with the Chief, with Doug, with John. They have been pretty skeptical about some of these things with some of the concerns that they have and he thinks they have had some pretty healthy dialogue. He would expect that to continue. Fundamentally, we are looking at something that we think is going to be essentially cheaper and better. A better bang for the buck. That's our goal anyway and we think we can do it through this approach.

Council President Buckholtz asked if there were any comments.

Mr. Marquardt asked, why not leave a variety of sites available as part of the design-build and pick whichever site fits best in their proposal? Mayor Rinker stated that right now the three that he has mentioned are the only ones that he would think to include and he is not sure that, the only other would be is what effectively is the landfill field, the northernmost field. That's the all-purpose field up by the two soccer fields. That would be the other one, up by Progressive, the northernmost. Mayor Rinker stated we can throw that out there.

Council President Buckholtz asked about the east side of SOM. Mayor Rinker asked where. Council President Buckholtz said the Stabile property. That destroys the park-like setting. Mayor Rinker stated it would take it out entirely. He is open to suggestions. It seems to him that that will not be as good.

As far as the legislation is concerned, Dr. Parker suggested the omission of the phrase “to be located on S.O.M. Center Road”. Ms. Calta said you can keep open the location. Dr. Parker said he does not think that changes the legislation, but his feeling is that we have spent a lot of time looking at this and he understands the process Mayor Rinker is going through. Mayor Rinker said now is the time to bring up these questions. Dr. Parker’s concerns or thoughts are to have a list of all locations and include the pros and cons, whether it be connected to the existing fire station; he’s not saying we could connect it to the existing fire station and utilize the structures and existing sewers there, but he is just saying that we need to have a list of potential sites and determine which one is the best. Mayor Rinker said that is a fair statement. The only question he can’t answer is whether or not, is there some aspect of that we have to be careful we don’t create more confusion in terms of how people are going to respond but he would certainly think we have three sites that we would identify as optional sites, the Roenschler, this and Wiley. There is Zatzko and the other would be the old Grasso property on the southwest corner at Highland.

Mayor Rinker stated that he does not see any reason not to delete the language that specifies the one location. That was just done as a matter of course. This is the first he has heard that people have a question on it. Now is the time to do it.

Dr. Parker said we don’t want to have these contractors do all this work, Mayor Rinker said he does not disagree. He agrees that now is the time. On the other hand, the more options we give that creates theoretically a little more confusion or may add cost to this. Up front they are supposed to incur it. One of the other things we had talked about was whether we would provide a bit of an allowance for each one of these, say we’ll give you, \$5,000.00 and look at these different sites and how you spend that money is up to you and the risk you take is that you expend a lot of time and effort and come up with proposals we like or don’t like. They do have a certain amount of upfront risk when you go this approach.

Chief Dearden clarified that from the standpoint of the RFP, we would have to specify the site that we want to build on because obviously that’s going to be necessary as these contractors look at the design of the building as to whether it is suitable. In other words, if you took the Roenschler property, Chief Dearden does not think there is any way that we could build a one-story building on this property. Mayor Rinker stated he thinks we have pretty well determined that. Chief Dearden stated that the economies that we have been trying to save by going to a one-story building as much as it throws out the Roenschler property, it may throw out some of the others that you may be looking at. It is important that the contractors know what site you are looking at to build on so that their design and ideas can be drafted along the lines of the property that we want to put it on.

Mayor Rinker said we should see if we can find a way where we can address any of this preliminary and come back sort of a contingent. Our consensus has been that the primary factors are one-story, there is a big cost savings there. We have looked at some alternative ways in our discussions. We didn’t just flip it, but it is a combination of having gone the route we have gone with the Roenschler site. We found out that there’s only so much we can say. Remember we were talking about what we can do over the garage, do we shorten the garage? We weren’t

gaining a whole lot tweaking the two story plan as opposed to a one-story plan and then the drainage and other site constraints start elbowing their way into that discussion, the idea of having some freedom of movement.

Dr. Parker asked when you are talking one-story, are you talking down and up as opposed to up on a slab? Mayor Rinker replied slab on grade. Mr. Marrelli said that this doesn't say you can't go slab on grade and put on a second story. Dr. Parker asked if it is more economical to put a second floor on and increase your footprint. Mr. Marrelli said it could be. It depends. What happens is when you get into two stories, you get into ADA issues and have to put an elevator, shaft and firewall on.

Council President Buckholtz asked where the firing range would go. Mr. Cappello said there is no requirement you have to have it in the basement.

Mr. Cappello said the only thing about Wiley is you have retention already. The site is clear. You have that wetland pond to handle detention. Plus you are right next to the Service Department with a shared driveway.

Council President Buckholtz said depending on what we find out from the Law Department, the less we put into the document we are going to gain something by putting out, what can you build for this amount of money, here's our Village and what started the conversation was, here's all the Village-owned property, what would you do and where would you put it or, like Pat's saying, do you really direct them to one site or two sites. Council President Buckholtz does not understand enough about design build.

Mayor Rinker said candidly this is an issue that we are all confronting. For as many people as we have talked to and polled, he does not think anyone has come back with a crisp answer on you just do, a, b, c, d, e, f. You try to identify the most salient points, the key elements that you want and the extent to which a site may or may not be is more a function of the structure that we are trying to get. As John has said, there may be someone who says, look, your footprint is going to be so much bigger for what you want one story if you do a story and a half over here. One of the things that we ended up doing at the fire station is we did kind of a modified plan that way. There's no question that once you start excavating, getting into ADA, once you get into all those issues, you really are changing the equation.

Mr. Marquardt stated with a design build you shouldn't be thinking that way. You should be setting your requirements and then come back with the most economical way of doing it.

Mayor Rinker agreed. We can anticipate those are the kinds of things we are going to get into. Mayor Rinker agrees that upfront we want to say, what are the main elements that we want and then you kind of do your thing. You are supposed to figure it out. We can't do all this figuring out for you. That's why we are hiring you to do it. That's essentially what we are saying.

Mr. Marrelli said with site selection the Wiley site stands out far and above any other site you have because of the sitework that is not going to be required.

Mayor Rinker said we should be able to say up front this is what we own, take a quick look and if what you are saying is true, we are going to find pretty quickly they are going to come back and say, a, b and c aren't great, d is. Mayor Rinker thinks that's fair to do.

Council President Buckholtz asked what is adjacent to the Roenschler property. Mayor Rinker replied the fire station on one side and DeMichelle on the other.

Council President Buckholtz suggested we establish timeframes. Keep this on track but keep everyone well informed of the next step and how this is going to play out.

Mayor Rinker said he wants to get something passed so we can get some people starting to look at this. It's going to take them anywhere from four to eight weeks probably to come back.

Mr. Marquardt asked if we have a set of requirements drawn up. Chief Dearden replied to a certain extent, yes. John and he have drafted what has been suggested to them as the breakdown of the square footage for the particular area for the administrative area, second is the vehicle storage garage area and third is the shooting range.

Mayor Rinker said his assumption is going to be that this month and the next month those discussions would be had between Safety and Service and Finance to go over all those details.

Dr. Parker asked how different that square footage is compared to what we had.

Chief Dearden replied John and he were able to reduce it by about 10,000 square feet from 33,000 to just about 22,700 square feet.

Council President Buckholtz asked if we are talking about being able to get into another month here, another Caucus. Mayor Rinker replied he was assuming that we would. He was looking January into February as working this.

Chief Dearden said this piece of legislation just recognizes the design-build format as the preferred method of going forward. Sometime after this is passed towards the end of the month we will work in the interim as it pertains to site and whatever Council chooses to follow through as the method of doing that.

Mayor Rinker said that is why he thinks the workshops that he has with the committees should be very helpful for that purpose.

Dr. Parker asked about the timing in terms of our bond. We said if we don't do this by a certain date, we are going to be penalized. There is an obvious reason why we have been

delayed in this. It stretches from unanticipated cost overruns to economic issues with not having the kind of funds. Does that not matter at all in terms of the bond?

Mayor Rinker replied, fundamentally no. We made a commitment. We know what we are doing when we make that commitment. That's the answer. You took on the risk.

Dr. Parker asked what the penalties are. Mr. Miller replied the penalties are not that severe. You have to repay any amount of interest that we earned over the amount of the bonds. Since we made the decision not to go with the ones we were advertising for this year, Mr. Miller transferred all of that money into a StarOhio account by itself. We will not let it earn more than that amount of interest. Our only area is what we had before. There are a couple of other factors. Mr. Miller just made a note and he will try to get something out to Council. We just repay the interest. Mayor Rinker said that is not the only issue. In the long run, we have to effectuate the purpose of the bond. Ms. Calta said when you borrowed the money for the police station you need to use it for the construction of the police station. You can't use it for other purposes.

Dr. Parker asked what if the Village went broke and we could not afford a police station? We couldn't just do what needed to be done to return the money. Would we be responsible at that point.

Mr. Miller said we cannot do an advance refunding until 2015. That's the earliest that we could pay that debt off.

Mayor Rinker said theoretically we could hold on to it until 2015 and pay it back. Dr. Parker said as long as we are revenue mutual and we can't make money on it.

Mr. Miller said we are still paying the principal and interest every year.

Mayor Rinker said our responsibility is to carry through with what we said we were going to do and we chose to do it in the first place because we thought we finally arrived at a time that it was time to do it. It's not a question of whether, it is how.

Mr. Miller said it is a matter of law.

Council President Buckholtz stated the conversation is premature. Everyone was pretty much on board to see how this design-build is going to come out. It is money that we had that we intended to spend. Again, we are going to get this debt schedule and state of the Village paper that we can look at and know we are solvent, that we are not going broke, that we have the money to spend and then we put this out. It's just a matter of details on whether we are looking at a number of locations, those guys getting their designs together and let's float it and see what we come back with. That was an exciting idea and an exciting approach, so let's not belabor that point. At that point, if you want to raise the issue, do we build a police station, you are welcome to come back with that.

Council President Buckholtz asked if there were any other questions or comments. There were none.

- **Retention of Village Engineer for 2009**
- **Retention of Law Director for 2009**
- **Retention of Prosecutor for 2009**
- **Retention of Human Services Director for 2009**

Council President Buckholtz asked if there were any questions or discussions on the above items. There were no comments.

- **Update on amending:**
 - **Chapter 905 of the Village's Codified Ordinances**
 - **Chapter 1309 of the Village's Codified Ordinances**
 - **Chapter 1313 of the Village's Codified Ordinances**
 - **Creation of Chapter 977 of the Village's Codified Ordinances**
 - **Insurance coverage amounts for Title 9**

Ms. Calta stated there are not any updates on that. Council has copies of the proposed ordinances. If there are not any questions, they will be ready for a vote at the next Council meeting.

- **Update on Oil and gas well drilling**

Ms. Calta does not have any more information than what was presented to Council at the last Council meeting in December.

Mayor Rinker stated that his only observation on this, apart from stellar newspaper reporting from the *Sun*, we are getting some overtures at the 11th hour from Bass. He has heard nothing more about that. The two questions he has are 1) where are they; and 2) where are we with the negotiations. We have to be prepared for closing this, unless Council specifically has a mind for something different, we have to get down to the nitty gritty, what are the provisions going to be, what are we going to put in these leases and the decision is are we going to agree to put them on Village property or not and what are the conditions and make sure we are satisfied and be prepared to go ahead and close the deal, not this month, then by next month.

Ms. Calta stated there were two new ordinances with revised leases that were presented to Council back in December. Those leases incorporated into their terms the recommendations for the Planning Commission.

Mayor Rinker requested that both Finance and Safety and Service go through those with a fine tooth comb and discuss them. Get them so everyone is conversant.

Council President Buckholtz suggested we keep this and the new police facility discussions very lively in Safety and Service and Finance.

Mr. Marquardt said the key thing on this gas well is if we kick in our property, is that going to allow them to drill more wells or an additional well?

Mayor Rinker said from the get go when we broached this idea back in July at Caucus, we said we want that information. They have been dodging that the whole time. Mayor Rinker agrees. We will be left holding that bag no matter what happens and people will say you set us up.

Mr. Saponaro asked more wells in the Village? Mayor Rinker said period, proximity. If they are near a residential area.

Mr. Marquardt said they say they already have the property to drill the well on Bonnieview. If we kick in another 10 acres, are they going to say, I want to divvy it up and do another well? What's the story on this thing?

Mayor Rinker said Seth talked about it. There were two proximate locations on the west side of SOM if that were to happen, but then Mayor Rinker's recollection is that wasn't definitive, that there was still a potential somewhere else in either Mayfield Heights, in Gates Mills and/or the Village where that opportunity would arise. Mayor Rinker's interpretation on that is they were still in negotiation with people. We have all seen enough of this to know that there is a fair amount of huffing that goes on where these guys will say, hey, I was talking to your neighbor, there's a lot of playing with fact. Mayor Rinker's impression is that's exactly what we don't want to do is we get gamed on this thing. It's one thing to talk about moving it off of an individual property on to Village property. That we have in principal with some dissenters for the most part there is more consensus on that but it still leaves open the question of what does it open up, what element does this cure create?

Mr. Saponaro said he is confused about the question, he still does not understand. So we are saying that we need to know if anyone wants to drill wells in our Village and use our property, we need to know where they are planning on drilling all of their other wells.

Mr. Marquardt clarified, is it going to enable them to drill an additional well? Mr. Saponaro said, in Mayfield Village. Mr. Marquardt said, right.

Mayor Rinker said you are being unduly restrictive. We ought to say if it is not within the Village is it proximate enough to a Mayfield Village residential area. Theoretically they could flip that well site 50 feet in Mayfield Heights and say, hey, we satisfied the term of the agreement, we are not in Mayfield Village. Everyone would agree that would be b.s. We have to be practical. That's all we are trying to do.

Mr. Saponaro said you put it in your lease that you agree to it and what you are asking in return for it is you don't want anything within x amount of feet of the border of Mayfield Village. We need to talk about some of those things because in all fairness, it's January, then we can go to February, we can go to March, we don't want to do that.

Mr. Marquardt said they have not come up with any information we requested anyhow.

Mr. Saponaro asked what information they have not come up with. Council President Buckholtz said if we kick in Village land. Mr. Saponaro asked why they would give you any other information. Mr. Marquardt said because we asked for it. Mr. Saponaro said they don't know, there is nothing definitive. Mr. Marquardt said why should we act on the thing. Mr. Saponaro said you don't have to. You can keep that loop going forever.

Mayor Rinker said we have been and that has been some of the frustration. For as many meetings as we have convened and for as many individuals who have been involved on the Village side of the fence, there were a number of people frankly not thrilled to read the *Sun* newspaper and his only response is, you always believe what you read in the newspaper. The big hurdle in Mayor Rinker's judgment had been whether or not the Village would ever agree to enter into a lease as a drilling lease. Forget the non-drilling, just whether we would enter into any lease, non-drilling or drilling was really something we had to go through the past 6 months just to get to that point. Again, we started there over a year ago. We said that with the celltowers, let's try to see, let's explore what we might be able to do, trying to take some of the sting out of it. We had to go through this whole process of education. We have come full circle in that regard and that is why Mayor Rinker is suggesting that we ought to look at 1) if Bass is in this, if we have other players, let's find that out because that can be advantageous to the Village as far as driving a price. We can play two sides off of that theoretically. We need to find out whether that is even a viable option.

Mr. Saponaro said you are talking about different sites then. Mayor Rinker said maybe, but he does not know what he is talking about because he has heard nothing from Bass. All he had heard was that Bass apparently made some contact with the Village, saying, well, wait if you are going to start looking at Village land, we want to talk to you. With the holidays, there has been a hiatus.

Secondly, Mayor Rinker said whatever we settle with, with or without Bass, it's what are the provisions going to be in these leases, the things that Mr. Marquardt is talking about, that you are talking about. That's where Safety and Service and Finance should vet these things through. Until you get in and discuss the nitty gritty we are going to be doing this again at the next Council meeting and the next Council meeting. Everyone wants to bring closure. Feasibly, Mayor Rinker does not see it by the end of this month, but we should get enough done this month so that we can do something by February.

Mr. Saponaro said he does not see any company tipping their hand with whatever they are going to do in the future. That's unrealistic. Plus, that is going to change based on what they are currently dealing with. If Plan A does not work, then Plan B may be something completely different.

Mayor Rinker said the only way it would make sense is if at some point there is a benefit of the bargain. We don't know that unless we get to negotiate.

Mr. Saponaro said when it has nothing to do with the Village at all, he does not see why a company would do that.

Mayor Rinker said he thought we clarified that it is not that it does not have anything to do with the Village. The Village's vested interest is to safeguard those neighborhoods where one of these things is going to come in.

Council President Buckholtz said the perception right now is the only reason we would enter into an agreement with Village-owned land is for the residents.

Mayor Rinker said part of it is we really have not been able to get into a lot of these details amongst ourselves. Some of that is creating some of the frustration.

Dr. Parker said he gets the impression that their best interests are not protecting our residents.

Mr. Saponaro said it is a business. Progressive would not do it. We are not going to have business people do what they do to protect our residents. We are looking at this as if wells all over the County blow up and this is this big major danger. What we are doing is we are listening to residents who are very concerned about having it in the residential areas. You can bring any geologist in here who is unrelated to any of these people and talk about Ohio and what's going on. We can do this ad naseum. We are asking a business to come in here and show their hand, tell us everything that we want and maybe we will enter into this lease with you if we think it is okay. That's not realistic. You would not do it in your own business.

Dr. Parker said he does not see the same risks with Progressive that he sees with oil and gas wells. Is there new legislation before the state that could affect the timing of these agreements? There has been talk about changing.

Mayor Rinker said the short answer is no, but that does not mean it is going to be forthcoming. You have a new ballgame starting this month. There is no doubt in his mind that some of this is going to come back.

Mr. Marquardt said the Village has some interest in getting into these leases if we can safeguard the residents. If the company has an interest in getting the property that we have, somewhere we have to satisfy those interests. We have to satisfy both or neither one is going to work.

Mr. Saponaro agreed and said he has no problem with this. We have to come to the balance.

Mayor Rinker suggested that Finance and Safety Service review the specific lease language, invite Ms. Calta to those meetings so that we get it down so that we are not just verbalizing. Literally draft it. We have a draft to work with. Tweak it and then we will look at

it. If it looks like that is sensible, that will be the next discussion in negotiation and we will see what happens. It something that will either come together or we will just recognize we are not going to do it.

Mr. Saponaro said his one final question for everyone sitting here is has anyone had the experience of having a gas well currently on a commercial property or residential property that they are dealing with right now personally? Does anyone sitting here have any of that? Does anyone have a gas well within 50 feet of their house?

Dr. Parker said whatever is going on Beta Drive.

Mr. Saponaro asked Ms. Calta, she has one in a different community, is it by your home or business? Ms. Calta replied, by her home. Mr. Saponaro asked how long she has had hers. Ms. Calta replied four years. Mr. Saponaro asked how many incidents or problems have occurred? Ms. Calta replied that she cannot report on any incidents, she would just say what she has said all along is when it goes in and Garry Regan has been a wealth of information and he would agree; what was most disruptive was when it was going in.

Council President Buckholtz said we should pursue this in committees so we can obtain additional information.

Council President Buckholtz asked if there were any other items.

Mr. Miller asked about his status. Ms. Calta said he will be on the Council agenda.

Council President Buckholtz asked if we have ever gotten anything in writing from Mr. Nichols in terms of a list of items. Mrs. Betsa and Mr. Metzung said we have not gotten anything. Council President Buckholtz will talk to him. Mayor Rinker said if you are going to talk to him, please send him back to Mr. Metzung with the request that there is enough lead time so that we are not dancing on the floor of Council.

ANY OTHER MATTER BEFORE COUNCIL

Council President Buckholtz asked if there were any other matters. There were none.

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Mary E. Betsa, Clerk of Council