

MINUTES OF A COUNCIL CAUCUS
Monday, April 6, 2009 at 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in Caucus Session on Monday, April 6, 2009 immediately following the Special Meeting of Council. The meeting began at approximately 8:06 p.m. Council President Bill Buckholtz presided.

ROLL CALL: Present: Mr. 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. Metzung, Mr. Marrelli, Mr. Cappello, Chief Mohr,
Mr. Dinardo, Mr. Thomas, Mrs. Kalina and Mrs. Betsa

IN COMMITTEE (STATUS)

. **Activities Committee**

Mrs. Mills reported that the Activities Committee is meeting tomorrow night. Mrs. Mills passed around sign-up sheets for volunteers for Cruise Night and the Mother's Day Pancake Breakfast.

. **Citizen's Advisory Committee**

Mr. Marrie reported that the Citizen's Advisory Committee will meet tomorrow night.

. **Recreation Board**

Mr. Marrie reported that the Recreation Board is scheduled to meet on the 22nd.

. **Safety and Service Committee**

Mrs. Cinco reported that the committee discussed a community garden. We still need to do a lot more investigation on that.

Council President Buckholtz advised that he saw something in the packet. That sounds interesting.

Mrs. Cinco stated that we need to find a place for it with running water and restrooms.

Council President Buckholtz asked what committees are discussing this.

Mr. Thomas replied, Recreation. We have received a lot of information from other recreation departments in the State of Ohio. We did an e-mail blast and received about 25 comments and suggestions and materials providing what they do in their community.

Council President Buckholtz asked if it would make sense to get some input from other communities, such as Citizen's Advisory tomorrow night?

Mr. Marrie said he can throw it out just to get a feel from them. Absolutely. He will do it.

Council President Buckholtz stated that it might make sense. Between Beautification and the Garden Club, its Rec Board's baby, but you might want to run it by those committees. That is the kind of idea that overlaps all of those communities. We will see if we stir up some interest.

Mr. Marrie said he will start with Citizen's Advisory and will bring it up tomorrow night at their meeting.

BUILDING DEPARTMENT

Mr. Marrelli reported that the advertisement for proposals for the design-build police station will be going into the paper this week. We should be getting responses.

MAYOR

Mayor Rinker stated that in anticipation of the report relative to the Website Development, Council has been provided with a quick memo about it. He is looking for feedback tonight. Otherwise, we are going to be looking for a vote at the next regular Council meeting. Jeff has done a lot to scope out website development. There has been a lot of due diligence by a variety of people over the last couple years. This is one where we just have to pull the trigger on it. As Mayor Rinker indicated in the memo, our ability to project ourselves the way that we want to in the marketplace with a lot of the development issues that we have pending, that alone behooves our upgrading the website.

Mayor Rinker looks at some of the recent discussions we have had, just the topic of the gas wells having a more interactive website capable of much better maintenance so that it is current and really comprehensive with information and that it has a nice intuitive level so that people want to use it, will use it and benefit from it. All those come together. This is going to be money very well spent. Mayor Rinker wanted to make sure that we are on the same website on the issue. That is really his biggest question on the Caucus agenda.

Council President Buckholtz asked if there were any comments. We have not had a chance to have an IT meeting. He does not know if we will, but this is something we have been wanting to do for a long time. Council President Buckholtz asked what other websites they have done. He flipped through this close. Is this a sample of what they can do?

Mayor Rinker replied that if he recalls, back in the fall, they did these mock-ups.

Council President Buckholtz said we can give Jeff a call and find out some other information. Just going on websites is a good way to see the other things that they have done.

Mayor Rinker stated that another benchmark that he has given the direction for a lot of this analysis by Jeff and Ted and a few others, Diane and Doug. It has gotten back to the committee as well. Looking at a number of different sites, he is going to pick them but only because he thinks they have a really very good website, is the City of Solon. The interactive capabilities are quite good. His understanding is that Website Development 42 Connect Group really is attune to that type of model. If you have not looked at that website, you really should. They do a pretty good job of updating it. It has a lot of information on there. Practically it has more things than we will have because they have a major audiovisual component. They broadcast their meetings. They have the flight ship of the Enterprise behind their Council. That being said, all other aspects of it as far as getting information, application forms, current events, the opportunity for Council people to write in there, people to interact with their public officials, all of those factors come into play. They have looked at that type of program, that type of model.

Council President Buckholtz stated that he also thought he saw something about e-commerce. Do we know yet regarding signing up and handling the money?

Mr. Esborn replied this was raised as a possibility in the Fall.

Council President Buckholtz said maybe the IT people can talk about this before the next meeting. We will go over a couple of things. It should definitely go to Finance as well.

Council President Buckholtz asked if there were any other questions on this item. There were none.

ADMINISTRATION

Website Development (42 Connect - \$15,800.00)

This item was discussed above. (See, Mayor's Report). There were no further comments.

FINANCE

. **March Finance Report**

Mr. Miller reported that he submitted the first monthly finance report. He welcomes any feedback from everyone as to what else you would like to see incorporated into that report. We will keep it brief with the items that are the most important to us. Mr. Miller would like some feedback on anything else you would like to see.

Council President Buckholtz stated that Caucus is for feedback. Do we have any suggestions? Did everyone take a look at it?

Mr. Marquardt replied that it gives us the information we would like to have. It is a pretty good report.

Mr. Marrie said this was discussed in Finance. It was pretty well received by everyone.

Mayor Rinker said that Tom Cappello and he will be meeting with Congressman LaTourette this Wednesday. They are coordinating things with Mayfield Heights on stormwater issues and funding. The fact that he is intending to meet with us for a good half hour or so, that is a very positive sign. It is like herding cats trying to get schedules to go to D.C. The fact that he is available here and will look into these things directly is very encouraging.

. **Donation for Maintenance and Preservation of the Bennett Van Curen Museum
(Mayfield Township Historical Society - \$2,500.00)**

Mr. Marrie stated this was discussed and approved in Finance.

. **Annual Subscription and Fiber Maintenance Fee
(One Community - \$15,000.00)**

Mr. Marrie stated this was discussed and approved in Finance.

Council President Buckholtz asked if there was further discussion on any of the above topics. There was none.

POLICE DEPARTMENT

. **SPAN annual contribution (Mayfield Village's contribution - \$14,000.00)**

Chief Dearden reported that this is the annual contribution to the SPAN communities for our anticipated expenditures for 2009. Each of the six communities will be contributing \$14,000.00.

. **Change-overs for two new police cars (Northcoast Two-Way Radio - \$3,200.00)**

Chief Dearden reported that this item is the cost for the change-over work to pull the equipment out of the old cruisers and to set up the new cars. We received the new cars last Wednesday. We are in the process of changing over the first of those at this time.

. **Sale of used police vehicles (2)**

Chief Dearden reported that he would like to get approval to advertise for the sale of the two used police vehicles as soon as the change-over work is completed and we have cleaned them up and prepped them for sale. We have had best success with the newspaper advertisement and working with those vendors that are in the business and market for used police cars.

Council President Buckholtz asked Chief Dearden if he needs an informal go-ahead on that, or just at the next meeting.

Chief Dearden replied that the next meeting is fine.

FIRE DEPARTMENT

Chief Mohr stated that one thing that is not on the agenda, the new pick-up truck arrived. We picked it up this past Friday. We have it in our possession. It is being prepared for service.

. **Training Materials for Firefighting (Replacing training materials from early 1990's) (Jones and Bartlett Publishers, LLC - \$4,100.47)**

Chief Mohr reported this is for new training materials. From an educational standpoint, we train three times a month, two fire drills and one medical drill. The materials that we have used are from the early 1990's. It's outdated. There have been many many changes to the fire service code from a tactical as well as a legal standpoint. These training materials are up to date, pertinent and interactive. We have looked at several modules. This was the cheapest. It is put on by the NFPA. This is a proposal to Council to request training materials for the Fire Department.

PARKS & RECREATION

. **Results of bids for Sodium Hypo Chlorite and Muriatic Acid (Recommendation: O.P. Aquatics - \$12,120.00)**

Mr. Thomas reported that Council should have received in their Friday packet a recommendation for our liquid chlorine and muriatic acid that we get every year. We had two companies bid this year. Last year we only had one. With the help of that company, it at least

kept the price down with O.P. Aquatics. Mr. Thomas stated that Mr. Miller reminded him that actually this price will be a lot less because we will be using less chlorine this year since we will be closing the pool on August 25th.

Mayor Rinker asked how you know you will be using less.

Mr. Thomas replied that is a good point, we may not be using less depending upon how hot it is before August 25th and the usage. But, anyway, based on the prices, Mr. Thomas is recommending we go with O.P. Aquatics.

Council President Buckholtz stated this will be sent to Finance.

Mrs. Mills stated she would like to make it known her thanks to Danielle for the nice Easter Egg Hunt on Saturday. It was very well attended. The kids had a really good time. They really enjoyed the magician and the balloon man. It was a very nice party.

Mr. Thomas thanked the Fire Department and the Police Department for having their vehicles out there; the sirens for each of the egg hunts. The police car was there with their sirens.

Mrs. Mills said it was nice. The kids had a great time. Mr. Thomas said it is a good thing it was not today as it is snowing out. Mrs. Mills agreed.

HUMAN SERVICES

Mrs. Kalina reported that the St. Patrick's Day Luncheon went extremely well. It was a lot of work, but it was a lot of fun. We had several comments, "We'll see you next year."

ENGINEER

Mr. Cappello reported that the Thornapple Pump Station project was bid. The apparent low bidder was Fabrizi Trucking. The estimate was \$900,000.00. Fabrizi came in \$90,000 lower at \$810,000.00. The earliest the project will begin will be the beginning of July. We may actually start sometime next year depending on scheduling. We need a six month lead time on the pump station. That is a major portion of the project. The County is paying 100% of construction. They are also looking to get supplemental funding from the stimulus package.

With regard to Ridgebury Boulevard, Mr. Cappello reported that there is a pre-construction meeting on Thursday. Once he finds out more information, he will shoot a memo to everyone.

Mrs. Mills asked when we will start having meetings on the Thornapple Pump Station. Some people are asking what we are going to do about this.

Mayor Rinker stated that maybe what we could do, if people are asking, we can at least send out in substance what Tom just reported. What we have to tell them is we really are not going to know for a while. We will update them as soon as we have some information. The earliest is going to be mid-summer, but it may not be until late summer, possibly next year.

Mrs. Mills said some people are saying they want to do some extensive yard work but they don't want to do it if a sewer is coming through.

Mayor Rinker said, yes, we put this on the agenda so that we keep on top of it, but if there's nothing substantive from the County until maybe mid-summer, because if they are looking for stimulus dollars they are looking at maybe not knowing what the money situation is going to be until the Fall. At least we can notify people to stay tuned, but we can't really do much more than that.

Mrs. Mills asked, you are really thinking of 2010 to do this, right?

Mayor Rinker replied, be careful about that. The play is between July of this year at the earliest or the spring of next year. We really don't know. We can have a meeting. If you are getting enough people, but when we invite people to a meeting, they tend to think that something is imminent. We can provide certain generalized information about how this is going to play out. That never hurts. Mayor Rinker would be more inclined to try to put together some kind of a flier where we can give a summary of what the scope of the project is; maybe a little map; who is directly affected; so it answers some of those early questions. We could do that and just say the timetable is still very much in the air and the project won't be on the ground until it comes to earth.

Council President Buckholtz asked if there is a timeframe of how long a project like this typically lasts.

Mr. Cappello stated the actual sewer construction is only about 550 feet. That might be a month. There's also pavement repair. But the actual setting of the pump station, they are going to have to excavate the cul de sac. Something like this will take about 4-6 months. The County gave them a year from the time they signed it because of the six month lead time.

Mayor Rinker said he means the actual in the ground work, shovel to shovel.

Mr. Cappello replied probably four months.

Mayor Rinker suggested that we at least get together a map showing what the pathway is going to be; where the heavy work would be, describe it, but indicate that the soonest it would be is July and we just don't know when it is going to be.

LAW DIRECTOR

. **Lease of 6500 Wilson Mills Road**

Ms. Calta reported this is the house that was open. This is one of Doug's employees that is going to be renting. It is a standard Village lease, month-to-month, that we have been using. Ms. Calta asked if there were any questions. There were none.

. **Section 139.09 – Medical Care for Prisoners**

Ms. Calta reported that this is something she discussed with Chief Dearden. It is a provision where in the event the Village has any prisoners under our control and custody and they actually require medical care that is deemed medically necessary, this ordinance, if it is put in place, will allow the Village to only pay those rates that would be the rates that Medicaid would pay. Instead of us having to provide medical care and paying a higher rate, we can lock in at this Medicaid rate if we have to provide services. This does not require us to provide services, it just says if there are medically necessary services that would have to be provided, this would be the cost. There are similar state provisions in the Revised Code. They apply to the County. They do not apply to municipalities. There is really not a good answer as to why there hasn't been legislation passed that is uniform throughout the State. There was some discussion about some legislation being passed that has not passed yet. This would be a good idea for the Village to protect itself and receive better rates.

Dr. Parker asked if we are insured against a catastrophic event.

Ms. Calta replied that you have to look at what sort of prisoner do we usually have in our custody and control. It's usually a rather temporary situation that we have prisoners in our custody. We don't usually have prisoners for months on end.

Chief Dearden said we often do. They are serving sentences. We have one currently serving six months, one serving a year.

Ms. Calta said, I stand corrected, adding, this does not address catastrophic situations if someone were terminally ill, if that would be your question.

Dr. Parker stated a number of things.

Mayor Rinker asked Dr. Parker to be more specific.

Dr. Parker replied someone while they are under our care has a heart attack or needs some kind of major type of expensive procedure done.

Chief Dearden said we have established with the courts minimizing exposure. One of the most prevalent we use is a medical furlough. If we transfer a prisoner up to the hospital, we

coordinate it with the court, they will allow them to be released to get medical care and then subsequently when they are released from whatever medical treatment they are receiving, they would have to recontact the court and establish whether it is posting a bond and awaiting trial or if they are serving a sentence to serve the remainder of their sentence. We could have some safeguards built in over the years to try and minimize exposure.

Ms. Calta stated there are also provisions in the Code that if there is any medical care that is rendered, it can be part of their sentence to pay back. That's not something that we have found through the years has actually happened.

Chief Dearden said we have never ventured that. He does not know of any other community that has had very much success in getting money out of them.

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

- . **Oil and Gas Well Drilling Legislation (S.O.M. Center Road)**
- . **Oil and Gas Well Drilling Legislation (Bonnieview/Beech Hill)**

Ms. Calta stated she does not have any additional information at this point. She did see that there was some information that came in from Hanover, but she does not have any new information.

Dr. Parker said we had some people here from Hanover, but now they are outside. Dr. Parker stated first of all, the last meeting that was put on was very well received and attended. The Mayor and the staff did an incredibly excellent job with the materials and presentation. It was very valuable. Some of the information we have gotten from the Association is an attempt to vent their thoughts and feelings about the whole situation.

Dr. Parker asked Jean Triner if she wants to say anything at this point.

Jean stated, go ahead and she will talk after.

Dr. Parker said one of the things that is very interesting is how the residents have done their own research and delved in to this matter and tried to understand some of the information that has been put out, whether it deals with safety issues or value or valuation of properties and how it is affected, whether it deals with the overall impact on the neighborhood, etc. One of the things that Dr. Parker found that is very interesting is that there is another side to every story. Dr. Parker does not know that that necessarily makes our decision easier. There are two ways to look at it. Dr. Parker knows everyone has gotten a lot of information from the gas well people, but residents have also provided information too. That was very interesting regarding properties and values of homes. Whether it can be extrapolated out, Dr. Parker does not know. That's all Dr. Parker has to say right now.

Jean Triner

829 Hanover Road

Mrs. Triner thanked Council very much. She knows the research and time spent on this is so great. She thought Council would appreciate some additional information that she had access to. It has to do with the property values. Mrs. Triner can send the e-mail with all of the back-up information.

Mrs. Triner's husband, Jim Triner, did a lot of research on property values. What he found basically with the research is that it looks like there could be somewhere between a 4-16% negative impact on property values. There were three studies done by consulting firms sponsored by the oil companies who said there would be no negative impact. That obviously seems to be less than objective data. It just takes common sense to tell you that some of the drilling is going to impact negatively property values.

Mrs. Triner would like to enter the documents officially into the record. She does not know how to do that, except to send the e-mail. She brought some information, but there was quite a few attachments. In the interest of conserving trees, she did not print it all off, but if you would like to have it, she does have a sampling. Would that be of use?

Mayor Rinker replied that the Council Clerk can take anything that you want to provide. It is all public record. Whatever you want to present.

Mrs. Triner asked if she should submit the e-mail that has all of the information?

Mayor Rinker replied, absolutely. Sure.

Mayor Rinker asked if the study indicated that the proximity of wells to homes had any direct bearing on the negative property value.

Mrs. Triner said she told her husband he did not have to come tonight. She is sorry, but she will try to get that information.

Mayor Rinker said in other words, if it is right next door to you on a one-acre lot versus on a 10-acre site.

Mrs. Triner asked Mayor Rinker if he wants her to call him.

Mayor Rinker said if you can supplement that record. Council is not doing anything tonight. The other thing, we all got a copy from Jeff Schiemann of the survey that you all had prepared. Mayor Rinker's recommendation is he would like feedback from everyone. He thought that the fact that the homeowner's group prepared this kind of questionnaire for its member residents was a good idea because at least it collects some information and gives you some numbers. How we interpret them is ultimately what Council is going to have to try to do.

Mayor Rinker's suggestion is that we mail these to the property owners on Seneca, Glenview, Bonnieview and Beech Hill and just basically say to them, look, here's a format that your neighbors in Hanover Woods used. We would encourage you if you want to, fill it out and send it back to us and then we can compare apples to apples. That way would be kind of democratic to see just how people vote on the issue.

The only other question that Mayor Rinker noticed, and he would recommend both Dr. Parker and you all take this back to Mr. Schiemann. He notes in his memo to us, "Our opposition is even greater as it was recently disclosed that adding the 10 acres could possibly support a third drilling site on Aintree." Mayor Rinker is not sure that was disclosed at all. Those are two independent events. Mayor Rinker's understanding was Mr. Farmer had gotten up at one point and indicated that in his neighborhood at Aintree Park there was some movement afoot. Mayor Rinker does not think anyone can deny that you could possibly look at how the properties are connected. One of the biggest problems we have had is until an actual permit is pulled, we really don't know what the drilling unit will be. The only one that we have any definitive information on and even that, the word "definitive" Mayor Rinker uses advisedly, is the one that sites the well on the Bonnieview property with the bulk of the drilling unit being located in Stonecreek next door.

Mayor Rinker is a little disappointed that residents don't draw a distinction between our being at least able to get terms negotiated that Council could then determine whether or not to vote on. As he pointed out at the meeting, there are two steps to the process. The very first one would be just to sit down and try to negotiate a document. We have indicated more than once that some type of radius restriction requirement would be something the Village would be pretty insistent upon. Mayor Rinker would never anticipate Council voting on such an agreement without that.

Mrs. Triner asked Mayor Rinker to restate that.

Mayor Rinker asked if Mrs. Triner understands what radius restriction means. Basically, it is saying, see, one of the problems we tried to point out is a drilling unit isn't just a box or a square. It can be a variety of different shapes. It's like an amoeba. It is very very malleable depending upon how these things are negotiated. The negotiations are one on one. The companies with property owners. One of the concerns we have had is that the definition of a drilling unit has nothing about percentage of ownership. It sets 20 acres in an area like this. We think one of the unintended consequences, and it is part of the dialogue that we started with Representative Dolan and Senator Grendell, is if there would be some feasible way to change that definition to make it a little bit more difficult in our kind of densely populated area to create a drilling unit. We don't hold that out. They can say yea or nay to it. We think that one of the things we have discovered as problematic is that it is too easy to create a drilling unit. They don't have to disclose that until they go down and pull the permit down in Columbus. It has only been after the fact that we learned that there was a drilling site chosen for that empty lot on Bonnieview. None of the residents really have supported that to Mayor Rinker's knowledge. There may be one or two people that signed non-drilling leases. Mayor Rinker thinks realistically, there was a captive audience on Bonnieview. Just as Hanover Woods people don't

like it, the only reason we have been talking about this is because the people on Bonnieview and Seneca and Beech Hill made it abundantly clear that they are distressed by the fact that this has been plunked right down in the middle of their neighborhood. Nobody likes it.

Mayor Rinker stated that we have hoped that one of the things that may come out of this is that we provide some information sufficient to convince legislators in Columbus that the kind of drilling unit equation needs to be modified. We don't know when that is going to happen. We don't know if that will ever happen. What we are dealing with today is a variety of companies go out, they talk to different property owners. A lot of property owners don't want to tell anyone that they have signed a non-drilling lease. We find it very difficult then to have a sense of where these things are going to go. The idea of a radius restriction would be that if we are at least successful in identifying what theoretically should be a better more manageable site, we don't want to open the door by throwing in 10 acres of land into a drilling unit to make it easier to create another well site. It's just doing the math. We know that that theoretically can happen. A radius restriction would be intended to say if we are going to enter into this kind of an agreement, we would make it a requirement that no well from some other drilling unit that you control would be any closer than say "x" number of yards to any residents in Mayfield Village. They can say that they agree to it or not agree to it. As one of your neighbors has pointed out, Mayor Rinker thinks accurately enough, we may be able to negotiate that kind of a provision in a lease with company number 1 and there could be company number 2 out there collecting these things and could actually choose a well site that could violate that restriction and because we can't negotiate with them, there is no guarantee.

Again the problem is we can't regulate it. The best we could do is to negotiate. The question about negotiation is whether we even take the first step and try to sit down and at least create a document that we can discuss and it could be voted down or not. The two steps are something everyone needs to understand. It is all well and good to say, "don't do anything." That does not help a whole neighborhood that is stuck with what has been identified as a drilling site. If we at least enter into some negotiation, we should improve our chances to bargain something better than what we know can happen tomorrow. We know today what can happen tomorrow which is a well could be drilled and placed on that empty lot in Bonnieview. That's one of the reasons we have had all of this discussion since last summer.

Mrs. Triner asked Mayor Rinker if he is going to mail this to other people.

Mayor Rinker replied that he is suggesting to Council that we do that. To him it just seems to be a fair way. We have had a lot of people showing up. There is a gentleman behind you in fact who is from that neighborhood. But as often happens, you get a meeting, you get organized, a lot of people pay attention, they feel that certain things have been covered and then if they don't hear anything else, they sort of assume life is good until it isn't.

Council President Buckholtz stated he does not mean to interrupt, but really what he sees happening is people assume whatever they want to assume. In other words, people that like the idea of having their gas paid for go away thinking, well, it sounds to me like it is going to happen. People that don't want the wells go away thinking, well there is no way they are going

to pass this. It's like two people think they agree on something but really they walk away and each one has their own opinion. At the risk of going all the way back to the beginning because we have seen so much and for so long, but the legislation that we are talking about passing is just to enter into negotiations to try to set those parameters, not to say, go ahead boys come on in.

Mrs. Triner said in her own personal feeling, it's like putting the camel under the tent once you enter into it that document. Mrs. Triner cannot tell you for sure that everyone in Hanover Woods filled out this questionnaire. That's something we can check with Jeff to see if we are going to mail it to other people.

Mayor Rinker said he is not sure, but he thought it was a very good number and it is a great mechanism. The fact that you all put that together, took the time to do it, people took the time. He has indicated 64 total residents. That's a healthy representation. Part of the problem is that for Council, for all of us, just your comment about the camel under the tent. We are not camels. Mayor Rinker does not think camels vote. The idea is we are trying to get information, hard data and make sound decisions.

Mrs. Triner apologized, clarifying that you are the tent.

Mayor Rinker said they are already in the tent.

Council President Buckholtz stated that it is still clear to him that people perceive the vote is that we would just tell these guys go away, we are not interested. Is there that perception out there with anybody.

Mrs. Triner said she cannot speak for everyone else.

Council President Buckholtz asked Mrs. Triner for her sense. Mrs. Triner keeps showing up at meetings, so Council President Buckholtz is not pinning Mrs. Triner to speaking for other people, but doing nothing is not telling these guys to go away.

Mrs. Triner said we are trying to consider things with the natural resources. We are trying to work with Grendell. She is not here to represent Hanover Woods. At this point, Mrs. Triner will turn it back to you and submit this information. She will just say again, she knows you have spent countless hours. It has not gone unappreciated. Thank you.

Dr. Parker said obviously we have two neighborhoods that are affected by this, which he represents both. Dr. Parker thinks one of the things he tried to do is allow the Association to do what they needed to do without having too much opinion mainly because while he has his own opinions, he tries to maintain his objectivities also, realizing that this affects both neighborhoods. Jeff has represented the Association as President and has tried to do a very good job and make an effort to represent what the members who have shown up have expressed.

Mayor Rinker said this is all very helpful to get insight on just how it is being viewed by them. He does not know if it makes it easier, but it certainly clarifies things.

Mr. Marrie stated he just wants to go over a couple of points. When this started, the idea to take it off Bonnieview and put it on the 10-acre site was that it would be better suited, possibly maintaining the 10-acres than one acre or less. Less homes. The closeness of the homes is definitely much tighter on Bonnieview. It wasn't a money situation, it was to protect the property on Bonnieview and the thought of maybe putting it on the 10 acres owned by the Village. The other thing is, Mr. Marrie feels we need to vote on letting the Mayor negotiate so we know exactly what they are talking about because right now it's like chicken feathers in the air and the only way we are going to find out about it is to have the Mayor go into negotiations. It doesn't mean we have to accept it. It's a two step thing as the Mayor said. Put it in writing and see where it is going to be placed, et cetera, et cetera. We have been going after this thing for maybe 14 months and Mr. Marrie thinks we need to take some steps on it. He understands where you are coming from in Hanover, but Mr. Marrie also feels we have a situation on Bonnieview that in his eyes is far worse there than it is in on the 10 acres. That's his personal opinion on it. It does not mean it is going to be there. It does not mean it is going to be anywhere. Except one thing we know for sure, the people on Bonnieview signed for it. So, it's there. Mr. Marrie realizes that got misunderstood, the camel in the tent, but the camel's here and there's nothing we can do. You can't control that part. Back to the original thing of why this all got going. Some people have fought and it has been said that it is a money situation for the Village. That's not true. Council has never looked at it that way. Council has always looked at it as how can this be better done and if we are in a position to negotiate then we can set some parameters. Council can't set any parameters on Bonnieview.

Mrs. Triner asked if they can be given time before Council votes. They would like to continue discussions with Senator Grendell. If you can give us some time. Mrs. Triner knows that Jeff is working on something.

Mr. Marrie said he is just giving his opinion. He wanted to bring out why this all got started and how it got started.

Mrs. Triner appreciates that. She would just ask that Council give them as much time as possible.

Mayor Rinker stated that Mr. Farmer made it clear the other night. For example, in his neighborhood, we have been accused of sandbagging. That was almost verbatim from a representative.

Mrs. Triner said she doesn't mind that.

Mayor Rinker said, thank you, because one of the things that we have consciously been doing is been trying to string this along. One of the things as we have seen the market change, that has probably coincided. But we have tried to be very very deliberative. Mayor Rinker does not think anyone here believes we have been rushing it or pushing it other than the circumstances that we are contending with. This didn't even get on the table until July of last year and we showed you in the timeline how long this thing has sort of been evolving. It could change

tomorrow. We know there was a stake put on the Bonnieview property. We saw it two weeks ago. Everyone panics. We immediately called down to Columbus to the department there. Well, they don't know, they don't have anything. It's almost until it happens, you don't know. To say we want more time, Mayor Rinker does not think anyone could agree more. If we could make this thing go away, Mayor Rinker does not think any one of us here wants to have to deal with it. It really is a very unpalatable situation. The more you express your concerns as a group to those elected officials, that's definitely a good thing. Just the fact that Senator Grendell is talking about proposing amendments. What Mayor Rinker has seen so far though is while they are all appropriate health and safety issues, they are not the answer to what a lot of people Mayor Rinker thinks would love, which is to make it go away in our neighborhood. This is not a panacea. Mayor Rinker thinks he is trying to be very pragmatic in what he is proposing. The fact that he is doing it, the fact that he creates dialogue, those are all good things. We would encourage you to keep rattling that cage. If we can facilitate it, that's why Mayor Rinker pointed out that this questionnaire that was created within your neighborhood is a pretty good mechanism to try to gather other data from another neighborhood. Those are data that we can present then to these elected officials. Everyone needs proof. Everyone needs documentation. It's like the tree falls in the forest but I don't hear it. We have to show them that. Those are all good things.

Don't forget part of the negotiating process though allows us to sit at the table. We have done that tangentially, but Mayor Rinker thinks there are a lot of other factors going on despite what we have been doing that probably are the reason why this has not happened quickly. We can only surmise what they may be. That speculation does not help a lot. Being able at least to sit down face to face with someone and at least start talking turkey, to Mayor Rinker is a good thing. It's just what Mayor Rinker does. He would much rather have the chance to do that and then come back and say, all right, now we have something more focused, more definitive. Mayor Rinker would certainly expect that all of us would remind residents who are fearful that just our act of negotiating, it's not like we are capitulating; on the contrary, it gives us something tangible to deal with. It lessens the amount of speculation. And then the question of a vote, Mayor Rinker thinks, becomes far more critical.

Council President Buckholtz added that's the vote that you want 200 people crammed in the room screaming and yelling at us for.

Mayor Rinker said he thinks this process of our carrying out these discussions is an opportunity to keep people current with what actually gives us all collectively a stronger voice which is really what we're trying to do. Mayor Rinker thinks we are all so accustomed to thinking that, oh, it's going to get voted and we're going to get screwed. We have already seen how we are going to get screwed, but we're faced with a virtual fete accompli. How do we make it less problematic has been the challenge. The more we get collective voice, at least that improves our chances, but Mayor Rinker thinks we are all dreaming if we think we are going to just make this go away or it's going to be good. If we can drag this out and do something collectively and that can be productive, that's worth striving for. Mayor Rinker just does not want people to have misunderstandings or misconceptions about what the realities are that we are dealing with.

Mrs. Triner had one question that she is not sure if anyone is able to answer. She addressed it to Senator Husted. It is what the process is on granting permits where pooling is involved especially in municipalities. It sounds like there might be a process that may take some of the onus off your shoulders.

Mayor Rinker stated that Senator Grendell had mentioned the issue of mandatory pooling. To our knowledge, mandatory pooling is a rare event. It is in the Code. You get a certain, Mayor Rinker thinks, 80%. He thinks that came up at the meeting the other night. Critical mass is 80% of a drilling unit that is by statute defined to be 'x' amount of acres in an urban area, 20 acres at least. When you get 80% of that, then the question is you have the other 20% holding out, can you require a permit to be issued in spite of that opposition? In other words, that tail cannot wag the rest of the dog. That's the concept of mandatory pooling.

Mrs. Triner asked about the word "mandatory" pooling.

Mayor Rinker said that is the only time he has heard it. Pooling and creating a drilling unit, assembling property, to Mayor Rinker's knowledge are two distinctly different things. You can create a pool in a generic sense, but as a term of art, he has only heard pooling where it is creating a drilling unit under a mandated section. If he's just using it as assembling the property as pooling, that would make sense, but whatever you call it, it is assembling properties to create a drilling unit. A drilling unit knows no political boundary. It only looks at property lines. It typically looks to individual property owners, be they a corporate entity, some business entity or individuals, a collection of individuals. With property ownership, you can have a variety of different interests in property. It connects the one that wants to drill with those who own the property rights so that they can get sufficient acreage in order to drop a well so it does not interfere with adjacent sites.

Pooling is used in that kind of general sense. Mayor Rinker thinks it is just descriptive of that process. Creating a drilling unit is something we don't regulate. Our zoning does not touch it. It's irrespective of zoning. Because of that, normally what we can do, we just can't do. Our best leverage in substance is to be a property owner. That's the only reason we are talking. As a governmental entity, our interests are different than most property owners because we have a responsibility to the community, all neighborhoods and the community at large. It just ain't fun when there's one neighborhood that says, "We don't want it" and there's another neighborhood that says, "We don't want it either" and if we try to negotiate between them, it ain't great.

Mrs. Triner asked Council to give them more time. They are doing their homework. They can do more homework. There may be a solution out there. We have questions about the driller.

Mayor Rinker said we do too, but we did not choose them. If we had the opportunity to select, we know a couple of other entities out there. We have heard and seen things. We may say; you know, even if we did that, people would be coming after us saying, why are you going out soliciting that business? Candidly, Mayor Rinker does not think it makes a whole lot of

difference other than it's the devil you know versus the devil you don't know. You try to figure out what those terms are. Mayor Rinker is sorry people make certain assumptions.

Mrs. Triner said they were not making any assumptions.

Mayor Rinker thinks it is more the misgivings. These are legitimate issues.

Council President Buckholtz said it is not just Hanover Group. You say you appreciate the difficult situation, but realistically, a couple of times we have come in and he says, "Oh, are we going to be voting on this? How will I vote?" If you vote yes on this, people will just be coming at you going, so yes, so you're in favor of letting these guys come in and drill and no matter how many times we say it, Council President Buckholtz is telling you, people don't get it. We are saying let's get involved to try to control it, limit it, weed out some people that maybe won't agree. If the Mayor or administration put certain parameters in there, then maybe certain drillers will go away because they will say, "I'm not going to do that." If we all say, "There's a big crowd of people in here, so we'll vote no" and we vote no, and they come in anyway and do whatever they want and it's all over the place and they go, why didn't you guys do something about it?

Mrs. Triner said we realize you are in a tough position. She is really empathetic. They are doing their research to come up with something.

Council President Buckholtz said that is what we talked about from the start. Somebody go down to Columbus. The property owners.

Mrs. Triner added that she thought everyone would be interested in knowing that Representative Husted said that with the oil prices being down right now, maybe the drillers are not going to find it quite economical to do it until those prices go up.

Mayor Rinker said that actually came out the other night. A couple points were made on that very score.

Mrs. Triner asked, if you could, give us more time before you even start to negotiate.

Dr. Parker said that despite our efforts, the perception from the Hanover Woods' Association is that they are concerned that in an effort to help one neighborhood, if in the process a well gets placed, or two, in a position where it hurts Hanover Woods' neighborhood, here we are helping one neighborhood, then we are turning around and not helping another. Should we necessarily be doing that? Obviously, if we can help both, that's one thing. We can forever say, well, we don't know because someone else could come in and someone else could do this and deal with this person and someone else, but the fact is that we have to deal with whether what we are doing is right, or not necessarily right, but is ethically or morally we feel we are tied to. On the one hand, Dr. Parker feels if we are so much against this legislation and we think it's so poorly written, should we be participating with it in this way? On the flipside you could say, well if we do, this allows us to change it perhaps or affect it. Dr. Parker understands that.

The other perception is that, and Dr. Parker is just trying to globalize what he is hearing, is that if we do go ahead and vote to negotiate, we all know that we are not voting to put wells there. We are not even necessarily voting to agree to lease the property or whatever. But the perception out there becomes from the homeowner's view that Mayfield Village is willing to negotiate with the oil well drillers, the gas drillers. What happens is that these drilling companies, will take our word and turn it against us, just like they will take homeowners and turn them against them and say, well, your neighbors signed up and if you don't sign up, you better do it. The Village is negotiating with us, it must be a good thing. That's another concern. Dr. Parker does not know if it was verbalized, but that's a big concern. It's like, when you say no, you say no. No matter whether we say no, people still hear yes. They are not hearing us. Dr. Parker does not know if it is possible for us to educate everyone to that point anyway. It seems like even with all of the education we have had, they still don't get it.

Mayor Rinker asked, who are they? It's us.

Dr. Parker said the third point he is trying to make is perhaps we are going about this the wrong way. Is there something we necessarily have to vote on for the Mayor to entertain what these drillers have to say? That's the fears that they have. That's where the quandary is.

Mayor Rinker said truer words were never spoken. That's why we try to deal with facts and minimize perceptions.

Linda Butler

817 Hanover Woods

Ms. Butler stated she was rather shocked actually when she saw the response to the questionnaire at how universally opposed everyone was to everything. It's not like a group of us who are opposed to gas wells went around to the individuals after that meeting and got them to sign that paper the way we wanted. Everybody listened to what you had to say and they voted their conscience and they didn't vote for negotiating in any way.

Mayor Rinker said they were both tied together. You weren't given an option based on the questionnaire.

Mrs. Butler said there was one on negotiating and then there was a separate one on long-term issues.

Mayor Rinker said the way he reported it, it's different. Do you agree? Have you seen this memo?

Dr. Parker said he knows that it said, are you in favor of it or are you opposed to it?

Mayor Rinker said that's a good point, because this says, part two, "In favor/against the Mayor/Village negotiating, leasing and drilling." It's conjunctive, it's not disjunctive.

Mrs. Butler said actually in the questionnaire it was.

Mayor Rinker said we will take another look at the questionnaire then.

Mrs. Butler said she thinks it was astonishing the unanimity. She was very torn about it. She is a person who believes in negotiating. But she does not like to deal with people in negotiations who are disreputable. If she had one sense from that meeting that we had with the people from Seagull who were here, it was that that man is a disreputable character and he kind of continued to show that when we were out in the hall with Wes.

Mayor Rinker asked, would you agree if we could substitute him that would be different?

Mrs. Butler said she does feel that there are reputable drillers out there.

Mayor Rinker said, that is not his question. Answer the question, which is, would you feel better if we could change the person with whom we negotiate.

Mrs. Butler said, no, well, no.

Mayor Rinker said, let's understand something. We can't. We can agree universally we are not crazy about it either.

Mrs. Butler said she is sure you are not. But she thinks there are several things that we are working on. One is that we are working on essentially a contract that we would try to get the people to sign in the neighborhood saying that for a year they would not negotiate with drillers.

Mayor Rinker said that is very constructive.

Mrs. Butler said the second thing is we are planning to work with people in Gates Mills. Hopefully a group of us can work with them and get some language in that Bill of Senator Grendell's that's better than what's there. We are heading in a direction for something that will be a solid long term solution.

Mayor Rinker said that's very good too.

Mrs. Butler added, we are prepared to fight to get notice in the State legislature. A lot of people gave me their e-mails last time and said that they would write letters. Some of the people in the neighborhood have connections with the Governor, etc. We are interested in pursuing all of that political sphere.

Mayor Rinker said that's very good.

Mrs. Butler said there is a third thing which she is blocking on right now. We don't feel like we have gotten answers from everybody in our neighborhood. One other suggestion that came up last time that we met was the idea of constructing buildings on the properties and someone called the Zoning Commission and found that it couldn't be like a greenhouse, it was a temporary building or something like that. It had to be attached.

Mayor Rinker said for what it's worth, immediately after the meeting he posed the question. He is pretty sure he understood it, but yes, the answer is, it doesn't help.

Mrs. Butler said, it doesn't help. That's what they found out.

Mayor Rinker said it was a creative idea though.

Mrs. Butler said it was a nice idea. This whole issue of subterfuge with this particular driller is of concern to her because it is basically definitively in his interest to go straight down. Mrs. Butler feels that he could be sort of conning the Village into giving up the drilling rights to that 10-acre parcel that would make it much more favorable for him to drill than if we refused to give that acreage up. Mrs. Butler has questions about whether he is going to drill on that acreage if there isn't an agreement with the Village because of the low gas prices now. The timing of this is very essential in terms of trying to stave off the process. As Jean said, to delay as much as possible is a good idea and to prolong negotiations, whatever it takes to prolong the process.

Council President Buckholtz said everyone is going to get mad at him for saying this, but he has to because he does not want to perpetuate the conversation, but we are all for that. We have been doing that and we will continue to do that. It struck him while you were saying that, wouldn't it be more favorable to negotiate with people when the gas prices were bottomed out than pushing it to a time when perhaps gas prices went sky high and then for some unknown reason maybe, do these people have remedies to force us to negotiate with them at some point, or no? It would give us a stronger hand.

Council President Buckholtz is not pushing for negotiating with them. He agrees with every word Mrs. Butler said. But, he was just saying, if the gas prices are so low and we are going to negotiate, maybe they will just throw in the towel and say, you know, this isn't worth it and walk away as opposed to being in that same situation when they were so high and having them fight for the finish.

Mrs. Butler said that is another feeling that she has. There were so many drillers that are spinning around the neighborhood right now. If you start negotiating, it is like a cancer. That is sort of an analogy that have shown up in your letters and you have spoken about it. At what point do you start to open the door? It is a dilemma. Mrs. Butler sympathizes with Council. Thank you.

Rich Prosen

6776 Glenview

Mr. Prosen said short and sweet for the people from Hanover. It's not the Glenview, Bonnieview, Seneca neighborhood. We know a well is going to go in. It is a matter of if it is on that vacant site or if it is on the edge of the street. The Mayor pointed out if we control the radius of how many more can go in, Mr. Prosen is in favor of negotiations to be able to stop the second one and the third one. Much like there was one person on Bonnieview who signed for drilling, there could be one person on Hanover that wants to sign too or another person on Beech Hill that signs up going down the road and it is still right next to Hanover. So, it's not us against you. His house is due north 500 feet of that site, so he loses. If it is down at the 10-acre site, he and his boy are not going to be riding toboggans down that hill, so we still lose. What's the lesser of two evils per se, if the Village Council and Mayor can prevent a second or third one coming in to your neighborhood, coming in to Mr. Prosen's neighborhood, then give them a chance to stop the second one. There's already one coming. If something happens to that one, it is going to affect Mr. Prosen's neighborhood and yours regardless if it is on a vacant site or if it is on the 10-acre site.

Council President Buckholtz asked if there were any other comments.

Mrs. Triner said she would just like to invite us to join forces.

Mr. Prosen said he will make sure the driller never drives on his street.

Mayor Rinker said a couple of points resonated from some things Linda said. One, the language, coordinating the proposed language. A lot of what we have seen is a pre-draft from the Senator. There are other sections that can definitely bear a focus. Several heads are better than one on that. The sooner we can get some information, Mayor Rinker would appreciate that. We are looking at it and that would help. The other is the one year moratorium in effect that your neighborhood is doing. The more we can share that kind of information, the less friction between neighborhoods. Frankly it turns this discussion into something constructive. Everyone recognizes there is no magic bullet, but these are the kinds of things that give us some ammunition, so it is encouraging. Mayor Rinker would definitely promote those two most of all.

Mrs. Butler said Jeff is working on the language of the contract. We will review it and then we are planning in our neighborhood to go door to door.

Mayor Rinker said that's what it takes.

Mrs. Butler said she thinks the fact that it's a one-year moratorium rather than a huge commitment is beneficial for people to say, okay, we will see what happens.

Mayor Rinker said that is true.

Dr. Parker said to Mayor Rinker, we had discussed this before as far as the verbiage in the ordinance. Is there any thought as far as removing Seagull's name in terms of legitimizing one contract?

Mayor Rinker said just the fact that you put those thoughts in one sentence is probably worth looking at because to say it is legitimizing is a perception thing, it's not a fact thing. The fact is that's the only entity that we would be discussing with because that's the one that has the control on it.

Dr. Parker agreed.

Council President Buckholtz said he thought there were other companies.

Mr. Marquardt said that's not the Bonnieview property. Who else are you going to negotiate with?

Mayor Rinker said you have hit the nail on the head. The perception is that somehow we have legitimized them because we are favoring them. It's just reflecting the fact of the matter. We didn't go to them, they came to us.

Dr. Parker said, if the ordinance read allowing the Mayor to enter into negotiation –

Mayor Rinker said he guesses we can erase it and then pretend to everybody, see it's better now. He is not trying to be facetious.

Dr. Parker said he is not saying that.

Council President said it is giving you authority in a blanket way to negotiate with any drillers that come forward. This is kind of breaking the stalemate here. What he is saying is a different kind of legislation.

Mayor Rinker said he is open to any suggestion.

Dr. Parker said there are other drillers approaching people in the Hanover Woods neighborhood that are not Seagull.

Mayor Rinker said maybe it's a way to find out who's got bona fides.

Dr. Parker said, maybe. Maybe we will find out who's got what then.

Mayor Rinker said again, when you raise these points, everyone has to understand the only reason that was put in there is –

Dr. Parker said he understands, but you don't need that in there for you to discuss it with them and it might bring other people out of the woodworks.

Council President Buckholtz asked because if there is another driller that comes along then we have to revote to give you authority to negotiate with a different company obviously?

Mayor Rinker said we are starting to get into existentialism. The fact of the matter is we can erase that and then we see who we talk to. The proof will be in that.

Council President Buckholtz said for right now, everything is basically at the same place. There is no new information from the Law Department.

ANY OTHER MATTER BEFORE COUNCIL

Council President Buckholtz asked if there was any other matters. There was no comment.

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Mary E. Betsa, Clerk of Council