

# DRAFT

**MINUTES OF THE SPECIAL MEETING OF COUNCIL**  
**Monday, December 7, 2009 – 8:35 p.m.**  
**Mayfield Village Civic Hall**

The Council of Mayfield Village met in Special Meeting session on Monday, December 7, 2009 immediately following the regularly-scheduled Caucus at approximately 8:35 p.m. in the Mayfield Village Civic Hall. Council President Buckholtz called the meeting to order.

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

Absent: None

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

**Motion to amend the agenda for the purpose of adding Resolution No. 2009-15**

Council President Buckholtz requested a motion to amend the agenda for the purposes of adding Resolution No. 2009-15.

Mrs. Mills, seconded by Dr. Parker, made a motion to amend the agenda for the purposes of adding Resolution No. 2009-15.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Agenda Amended

Council President Buckholtz stated that Resolution No. 2009-15 calls for the State to place a moratorium on oil and gas well drilling in heavily populated areas.

**First Reading of Resolution No. 2009-15**, entitled, “An emergency Resolution urging the State to place a moratorium on oil and gas well drilling in heavily populated residential areas until amendments to the Ohio Revised Code with respect to drilling have been made.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adopt Resolution No. 2009-15.

The audience applauded.

Council President Buckholtz assumed there was no discussion on this, but now that everyone is in here, he will repeat, we were talking a little bit in Caucus, nothing substantial that you guys haven't heard other than the Mayor has been to the Mayors and Managers Association meeting where this is a top priority, but Council President Buckholtz just wanted to make it clear that we have two pieces of legislation. This is the one we want to pass tonight which Council President Buckholtz thinks everyone is familiar with which is just signing on to the Resolution as being another community that's urging the State to stop drilling until we can see where these other legislations are going. Then we have another ordinance that we are leaving on three reads that our own Ordinance Review Committee has come up with.

Council President Buckholtz wanted to make that clear. If there are no other comments from Council, Council President Buckholtz asked for a roll call.

ROLL CALL: AYES: All	Motion Carried
NAYS: None	Resolution Adopted

Council President Buckholtz thanked everyone that has participated in making this all happen and keeping us apprised of this.

#### **EXECUTIVE SESSION**

#### **Motion to adjourn into Executive Session to discuss 2010 compensation including wages and benefits of all public employees.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to adjourn into Executive Session to discuss 2010 compensation including wages and benefits of all public employees.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Adjournment Authorized

Council President Buckholtz advised that Council is not voting on anything when they come back. Council President Buckholtz knows that there are different groups of people, maybe you all came together, maybe you didn't, but it seemed Mary had mentioned something so, just for the sake of it, rather than use our five minute portion which we really don't even have at Caucus as a rule, we always like to hear from the public. We are going into Executive Session. When we come back if there are things you want to discuss, we were urging that we all get together on setting up another time to have a more comprehensive meeting. Jean Triner and Jim have been in touch with us all day. It was a little short notice for us to do a whole presentation tonight but you are all urged to stick around and we will chat about it with whoever is here, but we will adjourn -

Mrs. Triner asked if Council is going to be gone for five minutes. Council President Buckholtz replied he does not know, we are going to be gone for a little while. Mayor Rinker added, we

don't know. We convened a Special Meeting for this Executive Session. It's dealing with our wages.

Mrs. Triner asked if the group can stay here and talk amongst themselves. Mayor Rinker replied, absolutely, yes.

Mrs. Triner said she thought a Caucus meeting was supposed to be open to the people who have concerns and questions.

Council President Buckholtz replied Caucus doesn't have a formal open portion. It's for us to talk about things, but yes we entertain comments from the public. That's why we went over a few things, like from the Mayors and Managers, Council President Buckholtz is sure the Mayor would not hesitate to repeat those things when we come back from Executive Session. We can enter into a dialogue at that time. It's just important that we take care of the business as notified in the agenda. We have to stick to it for a Special Meeting.

Mrs. Triner said some of the people are here to express their appreciation for a couple of things you have done, which is good. Council President Buckholtz replied, great. Mrs. Triner added there are a couple of things that probably can't wait. Mrs. Triner knows you are very kind to offer another special meeting, but some things are so timely, by the time you organize another special meeting, it's going to be too late. So, we would like to just stay and if there's a chance you come back in about, she does not know what time, but –

Council President Buckholtz stated we can't put a limit on that. We are wasting time now, but it's important that we get the fundamentals straight. The idea was not necessarily to hold a special meeting, in the term, and there are uses of the term "special meeting". A special meeting in this case means something that we have advertised to get certain specific Village business accomplished that we have to get done. The term special meeting that we talked about with you was more if there are urgent issues that need to be addressed, wouldn't we want the media to be fully informed, the public, and even other elected officials surrounding us who would want to be informed. That was Council President Buckholtz's impression.

He was a little in and out of pocket with his e-mail today but he was trying to keep in touch with you through Mary Beth, so the idea was let's get as many people on board as possible. So just from the mere turnout, we will get back in here as fast as we can and we will talk for as late as you would like.

Mrs. Triner said, thank you.

Council President Buckholtz said there are certain people who may not need to be there for that, department heads, but whatever works is fine with us.

Council adjourned for Executive Session at approximately 8:45 p.m.

Council readjoined at approximately 9:55 p.m.

## ANY OTHER MATTER BEFORE COUNCIL

Council President Buckholtz asked if there was any further discussion or questions.

Relative to the legislation passed this evening, Council President Buckholtz stated we are supporting an effort along with other municipalities to tell the State that we want the moratorium on drilling.

Mayor Rinker stated in all candor, the constant refrain in this that's been very very frustrating for all of us and Mayor Rinker is not saying this to patronize, it's a fact that people such as you, the NEOGAP voice is getting attention. It's creating enough agitation. It's creating enough discomfort that it's getting attention. The question is, what do we accomplish with it. Mayor Rinker thinks he would be naïve if he were to say NEOGAP is going to accomplish everything that NEOGAP wants to accomplish because it represents a perspective one point of view. But because you have put that pressure in there, it's getting some results.

As superficial as it may seem, the fact that Director Logan keeps coming up to this area, that he is meeting now on a more regular basis, that he's willing to talk with representatives from the Mayors and Managers Association which represents close to 60 communities, what we do with it, that's our responsibility collectively as well, how we can leverage this. This is in effect negotiating in some fashion.

Some of you were still downstairs, but the request is that Mayor Rinker send a letter down to the Senators. A two-three sentence letter has been drafted saying, we want you to know that we support Senator Grendell's and the NEOGAP proposals. Mayor Rinker is signing that. We will get that out tomorrow. Mayor Rinker has sent a number of letters periodically.

The moratorium, this piece of legislation is a similar one. These all at least sustain the voice or the chorus if you will. But they don't do the final work which is what the vote is all about. Mayor Rinker's understanding in talking with our lobbyist, Tim Cosgrove, from Squire Sanders, whom our association has used over the years, and employed him really to be our legislative aide if you will for all manner of kinds of issues. This is one where two or three months ago he was saying it's not on the radar screen and then last month he said it is and he effectively said it's in large measure because of how the NEOGAP movement, the grass roots movement, has been making noises. And also because we represent a unique area.

The fact of the matter is that we are a high density area and we are a hot spot. At least that's gotten some attention and we have more of a voice. The thing that Mayor Rinker had talked about earlier and really feels is valid is what can we do to insert into this legislation some mechanism that gives municipalities a chance to have input before, not after, the permit. Mayor Rinker can tell you sitting as far away as Ron Wynne is with Director Logan, he confronted him with, well okay, you have this on-site evaluation, you have your engineers and our people and there's good, objective discussion about health and safety issues. You may adjust screening.

You may adjust a number of things. Maybe adjust the wellhead a little bit. But all of this is, the siting is effectively a done deal. Mayor Rinker put it to him, all right, what if we want to put it somewhere else and maybe that's directional drilling and it's a greater expense for the driller. How do we address and we reach an impasse. In a sense, he said, well, you know, I thought about that but I think even if we had an appeal mechanism they probably would just decide the same way. Well, that's chief, judge, the jury, the whole thing. That's a perspective.

Mayor Rinker thinks he is being sincere, but it's awfully naïve for anyone to say that if you don't know that your decision may be reviewed by somebody else that isn't going to give you a second thought. It's like looking in the mirror and seeing a police car. We are trying to do something where at very least we have due process rights that currently we don't have.

Mayor Rinker has no false illusions, though similar to liquor control, the limitations to what that appeal allows are pretty stringent. There's not a lot of flexibility in attacking the issuance or the renewal of a liquor permit, but there is an opportunity and there have been instances in which those permits have been defeated because that opportunity presents itself.

Mayor Rinker would like to think that what we can accomplish out of all of this is something at the point that the Senate and the House have to negotiate. It's like watching talking heads t.v. We've got an extreme perspective between the two. Again, Mayor Rinker is talking secondhand, but this is his understanding and he knows some of you have seen firsthand, but there is a dynamic there and we expect there's going to be some real dialogue between the Senate Bill. Everything we have been told to date is that Senator Niehaus' Bill is the one that has legs. That's really the vehicle. Senator Grendell's the gadfly. A role that he loves to play and he can play very effectively. That's why sustaining this chorus is effective. But what we are looking at right now, the lead horse is going to be the Niehaus Bill and how we can affect it. And maybe we don't get something right now in the Senate but we would like to think that by sustaining this and by pressing this as we have at the point of negotiation between the Senate and the House, things such as this can be done.

Mayor Rinker will have Mary Beth copy the talking points with the Director and make this available to you. It's not huge, but at least it's representative of how a number of different Mayors and Managers have articulated points from their community. Mayor Rinker thinks you will agree, a lot of these are similar to things that you have been talking about.

There were 8 talking points that we had with the Director:

1. What additional safety procedures are being created in Senate Bill 165?
2. What is the state enforcement mechanism and is there a role for locals regarding enforcement and safety inspection issues?
3. Are there improved notice provisions for local government?

4. What is the proper role for local governments before ODNR issues permits? Local governments need the ability to provide meaningful input before ODNR issues a permit.
5. Are there more rigorous setback requirements in Senate Bill 165 than under current law?
6. How does Senate Bill 165 address mandatory pooling?
7. Are there additional requirements for site maintenance and landscaping?
8. Will the directors support additional language to the Bill to address returning home rule jurisdiction to local governments with regard to residential drilling?

Mayor Rinker thinks it's pretty easy to say with number 8 that no, he won't support that. On the other hand, these other factors are all items that are being discussed and again, Mayor Rinker thinks if there is teeth in this, it's having the ability to intervene before a permit is issued. The Niehaus Bill is talking about increasing the number of inspectors. It's talking about a better funding mechanism so that it's more self-sustaining rather than looking to budget out of the General Fund year in and year out which is always going to cause programs like this to suffer.

There are a number of safety features that they are adding. They are all commendable based on secondhand. Mayor Rinker had a chance to pour over these pretty directly with some of you and we have seen the comparisons, the good, the bad and the ugly between the Niehaus and the Grendell Bill. But again, Mayor Rinker sees this as an ongoing dialogue.

Mayor Rinker lauds everyone for pressing this issue. We are focused. We are looking to meet with the Director sometime in the near future whether it is before the year is out, but Mayor Rinker knows after the first of the year this debate we expect to heat up between the two branches should be there. Mayor Rinker will let it go at that. He wanted to let everyone know.

Mrs. Triner asked if it is appropriate at this point, they want to again express appreciation for the Ordinance Committee and particularly Diane Calta seemed to have done a lot of work. We also think this moratorium may not carry a lot of weight, but it's really a great step forward.

Mrs. Triner had a request on the Ordinance. Can you have two readings on December 21<sup>st</sup> and get that passed in December? It sounded like that's possible.

Council President Buckholtz replied you don't have two readings. You just suspend the rules.

Mayor Rinker asked, but you are looking to passage on the 21<sup>st</sup>?

Mrs. Triner replied, yes, if you could pass it. Also, Mrs. Triner asked if you could add the language she e-mailed about requiring the company that's doing the drilling to reveal what the chemicals are that they are using. She just sent that late this afternoon. She just got the Ordinance.

Mayor Rinker asked, you mean for the fracking? Mrs. Triner replied, for the fracking. That would be great because then we know if there's toxic chemicals being used.

A member of the audience stated you have environmental issues, you have health issues and you have financial issues.

Mrs. Triner continued, while you were gone we were talking about the community wanting to invite Council to a meeting that we would have at the Community Center. We tentatively targeted it - Mrs. Triner apologized that she was losing her voice because she is just too tired and probably shouldn't be spending her time on this stuff because she has so many other things that she is supposed to be doing, but she thinks this is so important and she is so appreciative of you spending the time and the group that's here spending the time - We would like to have this meeting probably a week from Wednesday if we can get the Community Center and invite you to the meeting and we will put together an agenda and we would like your help in getting the information out to the rest of the community.

Mayor Rinker stated, assuming that the space is available, which it should be and getting the information out, that's fine. Mayor Rinker deferred to everyone as far as being able to make it.

Mrs. Triner said that would be at 7:00 or 8:00. She does not know if you have a preference.

Mrs. Triner also asked for a place on our community website so that we could refer people to that so that they would know the agenda, know the time, know the place? Mayor Rinker replied, yes. Mrs. Triner said, that's great.

Council President Buckholtz asked, there are some other people here who would like to speak. Please step up to the microphone if you would.

Jamie Lawler  
Aintree North

It came up earlier in some discussions about our properties having mortgages. When you sign these leases potentially, you are talking about subordinating certain rights with the property that affect your mortgages and so you need permission from your mortgagees. She does not know if there would be a problem. If you have pooling, one guy decides to do it and then they can mandatory pool, let's say 19 other houses, Ms. Lawler will speak personally, she has Key and National City and she certainly would not even ask them to do it, but if they are not giving permission, how are they able to do it? That's her question.

Mayor Rinker stated that's a good question.

Ms. Lawler continued, we've got 2,000 properties or whatever involved and we are up against these lobbyists that represent gas and drilling and this gentleman pointed out we are talking about five million a year maybe which is about \$1.67 a household or something. Why don't we

just take a look at getting the bank involved because there are all kinds of mortgages with all kinds of risks and if we have an accident. Ms. Lawler heard about what happened over at Bainbridge, she can't believe those people with mortgages over there, those banks aren't up in arms. It sounds like significant financial risk. They are probably even skipping some sort of process about who's got the liability if you are not even getting permission from your banks. But if Ms. Lawler happens to live in a house that is going to be mandatory pooled, she is certainly not going to sign anything and she is sure her bank isn't. So for those of you that have a lot more knowledge about this topic, Ms. Lawler thinks the gentleman over there kind of raised it earlier, she does not have answers, she has questions, but banks can be pretty darn powerful.

Mayor Rinker agreed.

Ms. Lawler added, they are already in trouble with mortgages.

Dick Green  
Hunt Circle

One of the things that you should be very concerned about is the economic decline of property value based on drilling in residential neighborhoods. There is some documentary evidence. He is a commercial real estate broker. We have Mary [Ackley] who is a residential. There is some real evidence that the value of property goes down when there is a well because ask yourself a question, are you going to buy that house next to the well? And that will affect not only this community but if the Mayors and Managers are looking at the economic value as well as some of the other issues of safety, they should be very concerned that drilling in residential areas will reduce the taxes that the County gets, it will reduce the taxes that the City gets, it will reduce the taxes that the schools get because ultimately the value of the property will decline. Thanks.

Mayor Rinker stated, if he can, Mr. Triner had mentioned something probably two months ago. You were showing some survey that you had done and if you have alternative additional information you said that tracks that, that is something we definitely want to see and we would add to that because everyone has common sense, none of us likes this. Mayor Rinker can't tell you the number of the Mayors that he heard the other night, they are all unhappy about it. Any more documentation we can have, that would be useful.

Mary Ackley

Several of us have been hearing some rumblings about the Hejcl property at 675 SOM Center Road. We have heard that there is to be directional drilling under property under SOM Center Road which is owned by the Village and that this drilling is to continue to the Skoda Minotti property and then through Village property and also Panzica. Mrs. Ackley's question to you is do you know anything about this? Have you been informed?

Mayor Rinker replied, if you recall, only the extent that we were aware of the Hejcl property. We have been aware of that for over a year. That was the meeting back in March.

A member of the audience advised they could not hear Mayor Rinker.

Mayor Rinker restated, yes, we are aware of the Hejcl property and we had a slide show and showed that as one of two properties where specifically what you're talking about relative to directional drilling. Skoda Minotti, you've got better information than we have. We have heard nothing about the Hejcl property for months.

Jim Triner

In follow up to that question, if, let's say the Hejcl property as a what-if did come in to play, and they did have to go under SOM Center Road, who makes the decision to give that property? Would the city enter into a pool to give that property to the drilling pool in order to make that happen?

Mayor Rinker, replied no. Council President Buckholtz stated that's a State Route.

Mrs. Triner asked, what about the 6.8 acres?

Mayor Rinker asked, what about it? We are not part of any drilling unit.

The audience applauded.

Mr. Triner stated he has one more thing that he will submit to Mary Beth. On these chemicals, there was a study done of a group in Colorado that looked at the harmful effects of drilling and safety hazards. Again it goes through the effects of these chemicals, so this is available for us as a document.

Mayor Rinker stated one of the things we have heard, it's like, right to know law issues, one of the problems has been that they have not been revealing that information. Everyone shares that concern, especially when you look in some of the outlying areas where aquifers are affected.

Mr. Triner had one more question on the Bonnieview site as far as health and safety. Since where that particular wellsite is and you have a potential one at Aintree and you have a potential wellsite on the west side of SOM Center Road, so there would be essentially three wells in that area, if you look at the population density with the apartments and Stonecreek and also the Village property out there, you are looking at probably 2,000 plus people that can be affected by this. Has that been taken into account?

Mayor Rinker replied, absolutely. But the problem again is, from the perspective of the State, they basically look at it as a waiver. All of the people in Stonecreek signed off or the people that signed off, and it begs the issue about well, what about everyone else that doesn't sign off. It's the whole reason everyone's up in arms because it's a high density area and other people are making the decision divesting you of your property values or just your own sense of security and well-being. Yes, it's been taken into account.

Mr. Triner asked, and they have essentially ignored it?

Mayor Rinker replied, he does not think, essentially, yes, he would probably agree with you, yes. They are paying lip service so far.

Mr. Triner stated, okay. Even though Logan says he's for health and safety and all that other stuff?

Mayor Rinker replied, in terms of health and safety they feel that the imperical and anectdotal information by and large supports health and safety. There's been a lot of history of that. Yes, they do feel that legitimately they have a basis showing a pretty good track record. What they can't attest to though is that if something goes wrong and really goes south and you are in a high density area, that's a problem. That's why you have zoning. This isn't a semi or general industrially zoned area. It's a residential area. That's the disconnect.

Mr. Triner stated the other concern he has is like, in Guernsey County they had hydrogen sulfite in a remote well which is of course near Salt Fork where there is a lot of trees and things like that around. When that burped, one worker was killed and four were injured. At the Bonnieview site, if you had that at the Bonnieview site, you would actually have like 880 people that could be at risk if you got a burp there.

Mayor Rinker would not argue to the contrary. It's like everything else, the risks that are attributed to it and decisions are made as to whether or not they regulate that risk adequately.

Mr. Triner asked, so again, there's nothing that can be done during the review of the permit to take those things?

Mayor Rinker replied, that's a different question. To say that there's nothing is pretty absolute. Mayor Rinker does not think that's true. But to the extent that it's going to stop it, no it's not going to stop it. The question is whether these improvements are sufficient and do they go to the issues that are needed to be addressed.

Mr. Triner said the other question, since the permit has not been issued on Bonnieview, will our ordinances, if passed before that permit is issued control that?

Mayor Rinker replied, no, the permit has been issued.

Mrs. Triner said, we heard that it was just an application.

Mayor Rinker stated, we were told that the permit was issued and that was presented to us. Mayor Rinker will doublecheck with Mr. Marrelli. Mayor Rinker's understanding is that permit was issued.

Mrs. Triner said, if you can let us know, that would be great.

Mayor Rinker, replied, absolutely, yes. It's public record, so we will get it out.

Mr. Triner said, great. Thank you.

Council President Buckholtz asked if there was anyone else.

A member of the audience stated he lives on Bonnieview and he wanted to know where the permit process is at Bonnieview. Is there any last ditch effort, any loophole, anything that could stop it or hold it up.

Mayor Rinker replied, no.

A member of the audience asked if the Mayors and Managers have ever considered suing on the basis of public safety and some of the issues that have come up and getting some of this language and the whole process of taking away home rule into the courts to determine whether or not this legislation has gone too far. Mandatory pooling being one of them because that is a taking of somebody's rights without in many respects due process. It seems to him that the Mayors and Managers have the ability and the legal talent to institute some sort of action on behalf of the whole County that would at least put a hold on things and maybe answer some of the questions that haven't yet been answered legally.

Mayor Rinker replied the short answer is no, that hasn't been done. Mayor Rinker would suspect that any number of Mayors, if you were to inquire individually, they've questioned that of their own law departments, they've looked at it themselves and Mayor Rinker is sure that that isn't something that would be contemplated later on. Mayor Rinker thinks this is one process from the Mayors and Managers Association in an earlier stage of establishing what the consensus would be for the whole body. As you can imagine with all those communities, the challenge is to try to get that kind of consensus. Mayor Rinker knows anecdotally there are a lot of Mayors that would be right there. It's very frustrating and they are very upset.

The audience member asked if there is any set of communities outside of the Mayors and Managers, for example, Mayfield Village, Gates Mills perhaps, Bainbridge perhaps, Highland Heights perhaps that can get together through their Councils and Mayors to institute a lawsuit rather than waiting for 60 Mayors and Managers, maybe they could sue on behalf of the citizens of their community?

Mayor Rinker replied, he can't say that hasn't been discussed. It has, but from the feedback he has gotten, he can't tell you that that's something that's imminent, but it has been broached. It's a big step for any community to take.

Sue Longville  
Derby Drive

If you look at, for instance, Gates Mills, and you drive through there, Gates Mills has been made a mess by companies that really are just making a profit.

Mayor Rinker said, talk to Connie White and she will commiserate. She's the Mayor of Gates Mills.

A member of the audience stated, she was one of the first ones to put a well in too.

Mayor Rinker replied, she will tell you today that she is very upset about the whole mess.

Ms. Longville continued, when Mayfield Heights, they kept Costco at bay for a while. Mayor Rinker corrected, it wasn't Costco, it was Ambassador Wolf and Michael Shemo and the trustees. Ms. Longville said she knows it probably cost them a lot of money. Mayor Rinker replied, yes it did. Ms. Longville said she feels like Mayfield Village is just sort of giving these permits away. Mayor Rinker clarified, Mayfield Village is not giving away a single permit. We don't have a dog in that fight. We don't control the permits. That's the whole problem. That's what this is all about. Ms. Longville asked, can the Village sue whoever does control it, just to buy some time?

Mayor Rinker asked, based on what?

Ms. Longville replied, she doesn't know, she's not a lawyer. She does not do this for a living. She is just asking.

A member of the audience stated, loss of property values, health issues, etc.

Mayor Rinker said, it sounds great, but try to put together that case and look at the risk. It's an uphill battle all the way.

A member of the audience replied, you have tangible evidence.

Mayor Rinker replied, no we don't have tangible evidence. We have a lot of public animosity over this. It's a different issue.

Council President Buckholtz stated he is not a lawyer either, but he does know a little something about if you impede somebody's business from profiting; he's not pro-drilling, he's just saying if we would sue and we lost and then the business that we interrupted sued us, are we willing to take that financial hit?

He's just asking because this lady quoted him in the paper as saying, okay, let's go after them and if we get sued, we get sued, casually said at one meeting. After talking to some people and

realizing and looking at the numbers, do we have those kind of resources available to us to pay out? Council President Buckholtz throws that back to you.

Ms. Longville said she does not know what it will cost, but these Bills have two or three months in the making. Again, if the city can afford to put it off for two or three months, it just doesn't seem right to let them continue to go in, like right now, for just the next –

Council President Buckholtz stated, nobody's disagreeing with you.

Ms. Longville said, again, she doesn't have a great mind.

Mayor Rinker said, it seems pretty sharp to me.

Ms. Longville said she thought she had a great idea.

Ken Messinger Rapport  
Law Director for NEOGAP

Has thought about suing for a long time. We have been dealing with this issue in Highland Heights for about 2-3 years. He has spoken with Diane and Mayor Rinker about the legal situation.

There is a strategy for suing the State. The question is, do you have the resources to pull it off and what will the ramifications be? We raised all the correct questions, but there is a strategy. He would be willing to sit down with you and discuss how he thinks we should go about doing it if you should decide to take that step. We chose when we were deciding what strategy to pursue in terms of changing the law to go after the legislature first because it makes sense. It's less expensive and it's where the whole mess started. So, we went to the legislature first and Senator Grendell was our vehicle. So, we have him. We got our Bill introduced. In the House we are looking for sponsors and the best way to put some pressure on the House and get a better Bill out of this process is to put some pressure on Governor Strickland. Talk to him directly and tell him what our concerns are and that we need some measures of local control back. He may change his mind. Right now it is the way that the Department of Natural Resources is interpreting the current statute that is making the entire difference here. He could administratively fix this problem. He can also legislatively give the signal to fix this problem. But that's not his stance. That's not his particular point of view at this point. So, if you can bring pressure on Governor Strickland, that would change the game. If that doesn't work, then you end up in court.

Council President Buckholtz thanked Mr. Messinger Rapport. Do we have anybody else?

Mrs. Triner asked, just because we were talking about the Mayors and Managers Association, Mayor Rinker could you tell us besides yourself who are the other two people on the drilling committee for the Mayors and Managers Association? There are two other Mayors right?

Mayor Rinker replied there are more than two. He couldn't say the committee per se. He knows that Mayor Hruby, Mayor Akers, Mayor Licastro, probably two or three others are involved. Mayor Costabile weighed in on an earlier conversation that we had pre-meeting. Mayor Rinker would say there are more like 10 Mayors, 10 communities. Mayor White is another.

Mrs. Triner asked if we could get a list because some of the people here may have people who live in these other places and we would have them also have relatives put the pressure on that drilling committee and support what you are trying to do which Mrs. Triner thinks you are doing some good things on that committee. That would be helpful.

Mayor Rinker replied, sure.

Mrs. Triner said there's a Cosgrove, is it Mr. Cosgrove, who has been hired, could you explain how that works, is he a lobbyist for the Mayors and the Managers? Who pays him? What is he supposed to do?

Mayor Rinker replied, yes, yes, yes and yes. You have covered it all.

Mrs. Triner asked what he is going to do with what you guys are doing.

Mayor Rinker replied, he advises us on various pending legislation in both the House and the Senate. He is a lobbyist. He is in direct contact with many of the Senators and the representatives or their staff members. A lot of counterparts. The Mayors and Managers Association pays him annually out of the budget. Each community pays dues. He produces a legislative report to the Mayors and Managers Association on a monthly basis. When there are different kinds of hearings and other events, he helps to choreograph that, coordinate that with the President and with the Executive Director of the Mayors and Managers. He's kind of an ombudsman that way.

Mrs. Triner asked, if we can get all of the people on the drilling committee to agree, which she does not think they do right now from what she hears.

Mayor Rinker said, he doesn't understand that. Every one of the Mayors that he heard is very much in favor of imposing greater controls and have been in discussion about the right to intervene. There are some Mayors that flatly just said, we want to have local control back again. Others said, understanding that we're not likely to get that or we won't get it, we want to beef up the, nobody likes mandatory pooling. Mayor Rinker didn't see any disagreement. There may be degrees of passion or specific agendas that Mayors have that may be different, but other than that, it's all pretty consistent voice.

Mrs. Triner asked, what can he do and what can the Council members do to help bring more pressure on Strickland and people like Lee Fisher.

Mayor Rinker asked for clarification on the Council members.

Mrs. Triner replied the Council members have the citizens, if nothing else, an ability to ---

Mayor Rinker said he is not sure what Council Mrs. Triner is talking about.

Mrs. Triner replied, Mayfield Village Council. What would they be willing to do, what can you do, what will you do?

Mayor Rinker said the legislation that you are saying and the manner in which Council has moved to adopt it, across the board, we are all --

Mrs. Triner said, it's been wonderful. It would be wonderful if from the State standpoint you would be willing to individually write to Strickland handwritten letters.

Mayor Rinker said, he can't speak for the Council but he can speak for the Mayor's office that's something we have done and will continue to do.

Mrs. Triner appreciates that. She would just ask if as individuals maybe not members of Council, but if they would like to send handwritten letters, we talked about that when you were out of the room, handwritten letters or phone calls would make a big difference and then where we can Strickland, Lee Fisher, Armand Budish, any of those people if you have a relationship if you can work that relationship to make this legislation more effective, we would appreciate that.

Mayor Rinker said, okay.

Mrs. Triner said, thank you.

Council President Buckholtz asked if anyone has anything that has not been brought up already. There were no further comments.

Council President Buckholtz thanked everyone for coming, for being involved and remaining involved. Let us know about the time for next Wednesday.

## **ADJOURNMENT**

Mrs. Mills, seconded by Mr. Marris, made a motion to adjourn.

The meeting adjourned at approximately 10:35 p.m.

The next Council meeting is scheduled for December 21, 2009 at 8:00 p.m.