

MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, November 16, 2009 – 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, November 16, 2009 at approximately 8:05 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,
and Mrs. Mills

Absent: Dr. Parker and Mr. Saponaro

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

The Pledge of Allegiance to the Flag was given.

PRESENTATION – UPDATE ON POLICE STATION PROJECT

Mr. Marrelli stated that on the recommendation of the Planning Commission, this would be for final approval to get the project started.

Mr. Renzi introduced himself and Mr. DiFranco. This presentation is hopefully the final product of many weeks of meetings and conversations.

Mr. Renzi stated he would like to take you through briefly the site layout. Mr. DiFranco is the Civil Engineer with Richard Bowen and will get into a little more detail about the site, also the floor plans and the exterior design.

Most of you have seen the plans before. It has not really changed too much from the original design in our proposal. The layout is virtually the same. We have the proper setback off of SOM. We have an entrance off of the driveway with visitor parking in front of the entry. The entry to the facility is on the north side of the building. That allows us to provide access for the cruiser and staff cars toward the back of the building where it is not interfering with visitors. He knows you don't always have a lot of visitors, but this will keep them separate.

You can also see that the site changes color slightly. There is an existing retention area that we are going to maintain. This will be modified slightly. The detention area will remain the same. We are adding several bioretention swales. We will maintain it the way it is.

To show how the building is situated, the long portion that runs parallel to SOM is the office portion. The other area is storage and the firing range. After discussion with Tom and John, this access was deleted, so this is the only access to the parking area.

The public entry is off of the north side. This building is broken up into distinct areas. As you come in to the building, the general public really doesn't go too much further than the main lobby. They have access into a couple different areas. One is the administration and the other is dispatch and records. There are going to be windows that are made available to those spaces.

The other areas that are distinct from most is the correctional space where there is a sally port where a vehicle can pull in, a prisoner can be let out and brought into a holding area where there's one cell. There's also a uniform police entry. The entry is through a vestibule which takes them into their space so they don't have to go all the way through the facility. They would have direct access.

This other area is fitness and training. There are locker rooms for men and women. It is a fairly large fitness area.

Vehicle storage will have six overhead doors and a separate access point not only for the police but people that are going to use the firing range which is in the back of the vehicle storage.

The exterior will be in keeping with the theme of Western Reserve design. The office portion is a reddish brown brick. That's a standard size brick. It will have a have a block base. The accent will be in keeping with the theme of Western Reserve. You can see this large detailing is a white aluminum and an asphalt shingled roof which is really a mansour, not a full truss. The shooting range and vehicle storage appears the same color and it will be very close to the same color, but the units will be larger. It's structural brick. The color is the same on the inside as it is on the outside.

The floor was open for any questions or comments.

Council President Buckholtz asked to see the exterior samples with the lights on. (They were off so as to view the presentation).

Council President Buckholtz asked what the timeframe is.

The project is ready to go. They are anticipating coming in December 2nd and starting construction assuming they get approval tonight. They should be starting the first or second week of December.

OPEN PORTION

3-minute limit imposed by Chair. Those who wish to speak must first state their name and address.

Council President Buckholtz stated we will be keeping this to the limit imposed because we know there are a lot of people who want to talk and we want to get to everyone.

Kim Price
6523 Derby
Mayfield Village, Ohio

Kim Price presented a letter to Council and Mayor from residents of Aintree Park. Kim Price read the letter, a copy of which is attached to these Minutes.

Council President Buckholtz thanked Kim Price. Council President Buckholtz stated that prior to the Council meeting this evening, someone asked about getting a copy of our Ordinance. We will make that available through the Clerk of Council, Mrs. Betsa. Anyone who wishes to get a copy can do so through her.

Jim Triner
829 Hanover
Mayfield Village, Ohio

Mr. Triner brought Council up to speed on what is happening in Columbus.

House Bill 278 is the legislation that took away local government authority for regulating and permitting gas and oil wells. As a result, wells are now placed in close proximity to homes and schools and day care centers and other similar locations despite opposition.

Recently, two Senate Bills have been introduced to address the problems created by House Bill 278. The first one is called Senate Bill 165. That has been introduced by Senator Niehaus. The recent bill, Senate Bill 196 was introduced by Senator Grendell.

Niehaus' Bill has input from the ODNR and the oil and gas industry. Grendell's Bill has input from ODNR, the oil and gas industry, public officials and concerned citizens, some of whom have been significantly impacted by oil and gas drilling. Mr. Triner submitted to Council a comparison matrix.

To date, there have been four hearings during October and November on Senator Niehaus' Bill. Written testimony supplied to the Committee had two proponents and 31 opponents. This was the biggest turnout of people that they have seen for this type of hearing in the history that they could recall.

Grendell's Bill will have its first hearing on this Wednesday.

The basic differences in the two Bills are, one, mandatory pooling. With Niehaus' Bill, mandatory pooling will be limited to five applications per driller per year. The Grendell Bill eliminates mandatory pooling because it conflicts with local determination.

Also, one thing that Senator Grendell is going to be doing is he is going to file a lawsuit against the State on mandatory pooling. He is looking for a case right now because he is going to be challenging the constitutionality of mandatory pooling, stating it is in direct conflict with the Constitution of the State of Ohio.

The second area is setbacks. The Niehaus Bill contains no setback limitations for the statute itself, but rules that tank batteries be 75 feet from a home and the well has to be 100 foot from a home regardless unless the ODNR grants a driller's request to place it closer. The Grendell Bill bans drilling in residential areas and within 1000 feet of an occupied dwelling unless authorized by local zoning authorities. No wellhead or tank battery nearer than 1000 feet from schools, public facilities and roads will be allowed. These are very similar to setbacks in states like Texas and New Mexico and some other areas around the country.

Also the insurance requirements. Both Bills increase the liability insurance. The Niehaus Bill increases liability requirements to \$1 million in bodily injury and property damage in rural areas and \$3 million in urban areas. The Grendell Bill has a \$5 million in bodily injury and \$10 million in property damage. Both Bills expand the ODNR's enforcement powers.

As far as local control, the Niehaus Bill permits oil and gas well drilling in residential neighborhoods in violation of local zoning, health and safety ordinances. It plans to pre-empt local control or continues to pre-empt local control. The Grendell Bill bans drilling in residential neighborhoods unless local zoning boards approve of it. If it is allowed, they would require a 1000 foot safety setback for all occupied dwellings. They also want to give local control back for the enforcement of local zoning ordinances.

Some people are less optimistic about what's going to happen to local control. It's great that Mayfield Village is initiating proactive ordinances with regard to oil and gas drilling.

Mr. Triner would be happy to answer any questions anyone may have at this time.

Council President Buckholtz asked if there were any questions. There were none. Council President Buckholtz thanked Mr. Triner.

Jean Triner
829 Hanover

Mrs. Triner wanted to first express appreciation. She knows there has been a tremendous amount of good work being done by a lot of people, Aintree amongst them and the Ordinance Committee and everyone else. Mayfield Village is starting to get the reputation of leading the way and doing something pro-actively in terms of oil and gas drilling regulations or ordinances. She knows you have been hearing more than you have ever wanted to hear about it. She thought if it is any

consolation, she has an article about New York City Council getting 7 hours of testimony about the drawbacks of oil and gas drilling. The Chesapeake Energy Group decided they would not drill after hearing 7 hours of testimony.

There continues to be more information coming out about the pollution of water. Mrs. Triner submitted to Mrs. Betsa an article from The Plain Dealer written by a person who is a lead scientist for the Land Institute in Salina, Kansas. It talks about the carcinogens in the water. There are articles which contest that written by somebody who works for an oil and gas company. It's hard to find out any information because either the records are kept secret or records aren't kept.

Mrs. Triner thanked Council very much for all of the good work that's been done. It shows that people are working together getting the right information and it will really make a difference.

Mrs. Triner stated there are additional copies of what Jim presented available. Mrs. Triner suggested people read it and write a personal note to Strickland in support of Senator Grendell's Bill.

Council President Buckholtz asked if there was anyone else. There were no further comments.

CONSIDERATION OF MINUTES:

Regular Council Meeting – October 19, 2009

Mrs. Mills, seconded by Mrs. Cinco, made a motion to approve the minutes as written.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Minutes Approved

Special Council Meeting – November 5, 2009

Mrs. Mills, seconded by Mrs. Cinco, made a motion to approve the minutes as written.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Minutes Approved

COMMENTS FROM MAYOR RINKER:

Mayor Rinker thanked everyone for coming forward tonight.

Making an observation first, Mayor Rinker stated to Kim Price that the representation on the petition is very close to something that came up in some of our earlier discussions probably last year where we talked about the opportunities that neighborhoods could in some fashion have some kind of control over this in a way that we can't. This is probably the best evidence of where you have gotten your neighbors to agree that this is the way you are taking control of your

own neighborhood. That's pretty significant. Mayor Rinker is not aware of any other neighborhood that has done it in quite this fashion, certainly in our community.

Mayor Rinker shared with Council, last week he was at a Mayors and Managers monthly meeting and we have a lobbyist, Tim Cosgrove, an attorney at Squires Sanders. The Association engaged him probably about seven or eight years ago really to represent the interests of the Mayors and Managers Association down in Columbus on various things. He gives us regular legislative updates. Both the Niehaus and Grendell Bills were synopsized in his report to us.

He can relate back to you that there is now a Committee. This is something that even two or three months ago, the Association was only looking on the fringes of this. Mayor Hruby of Brecksville heads up that Committee. He knows that there has already been some dialogue between our end of the State and Columbus. Mayor Rinker expects to find out a little bit more about that. Mayor Rinker may be putting in a word for Mayfield Village.

Mayor Rinker knows that Linda Butler is talking about getting some videotape to send down to some of these Committee reports. Very candidly, the grassroots effort that's reflected in Senator Grendell's Bill is probably sending a signal. Our expectations are that everything that he's looking for in the Bill likely is going to run into a fair amount of opposition, but if there is one area that Mayor Rinker thinks we will be successful in or certainly focusing upon, it's the fact that even though we may not change the general laws of the State, because that's really where the lobby started in 2004 was to be able to say that local control is just too fragmented and it's not manageable across the State. Because there is a State energy policy, that's the kind of thing that we can't really expect is going to change, but how they tied it up is something that is very significant.

In a nutshell, Mayor Rinker's impression of Niehaus' Bill is that everything still is a *feta accompli*. It may improve notice in other things, but it's still a done deal. In the Grendell Bill, if there's an opportunity, it's going to be to impress upon legislators that some type of intervention, some ability of local government at least to have a say in advance of the issuance of the permit would be ideal. Mayor Rinker thinks in terms of the mechanism, that certainly to him is an area that we ought to be striking for. It's something that is part of the message that Mayor Rinker wants to deliver. Mayor Rinker hopes that is something that you all agree would be something that could be very practical, very useful.

We will certainly forward the petition, the message that it delivers, our ordinances, and we have already written letters. These are the kind of things where the grassroots effort if it is going to have an impact, Mayor Rinker is sure it will. You are to be commended for doing things on your end. We will try to do things on our end as well. Thank you.

Another thing. Unfortunately, don't shoot the messenger. NEORS, the regional sewer district, you may be aware when you get your water and sewer bill, they are the sewer component of everyone's bill. In the last two years, there has been a large scale requirement for all municipalities, all government in the area, to start complying with Federal and state regulations on water pollution control. Long story short is, NEORS has moved into this area and probably

starting in July we are going to see new three part bills. It will be water, sanitary and stormwater which the Feds look at as just another form of water pollution. The idea is to generate enough revenue so that they can tackle stormwater problems that are pervasive in our area.

Again, at the Mayors and Managers meeting the other day, there was a cry coming out from any Mayors who say we have spent millions of dollars on these projects, is there any kind of way to recoup, credit, whatever. Mayor Rinker thinks the quick answer is, no. The best way going forward is going to be to spread the pain if you will across a broad population in order to generate the types of revenues that will go into making the massive infrastructure improvements that have to be made. The fact is all of us –

-A member of the audience asked how you measure stormwater.

Mayor Rinker replied they measure a flow just like they do any other kind of effluent. They look at water pollution quality in streams, rivers, ditches, ponds, backyards, anywhere water collects, they will measure it. The fact of the matter is we all have to comply, so the mechanism that NEORS is talking about is one that is going to spread that pain to another unfunded mandate. If there is a positive in terms of the dollars, it's that NEORS should be a more effective lobby and will be looking for ways to leverage the dollars to help cover some of these costs.

You should be aware there have been already two public meetings. The first one was attended by three people. It's going to be a whole lot different when these Bills come out and they know it and they are kind of bracing for it. The next meeting will be tomorrow night at the Eastman Library at 11602 Lorain Avenue in Cleveland at 6:30, on Thursday at 6:30 at the Richfield Library in Richfield, 3761 South Grant Street and then next Monday at 6:00 p.m. at the Parma Library on Snow Road. That's the main regional library. These are town hall type of meetings. Mayor Rinker imagines they will all be pretty sparsely attended, but you should be aware that going forward, we are going to find out more information about this, but more bills are going to go up. Mayor Rinker thought you should be the first to know.

Linda Butler asked if there is any way there is a relation to the water issues and the gas wells. Mayor Rinker replied he was just covering two different subjects. He does not think they are connected other than we know that the materials are always mysterious and what kind of pollution they cause is becoming more and more of a concern. Mayor Rinker picked up on the comment from Jean Triner, but no, these were two totally different issues.

COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ:

There were no comments.

DEPARTMENT HEAD REPORTS:

SERVICE – Douglas Metzung

Mr. Metzung clarified that what they are going to do for the stormwater is measure your impervious component of your property, your house, your driveway, things of that nature. They will bill you on that. If you have a parking lot, you will be billed more than somebody with a gravel driveway.

Mayor Rinker thanked Mr. Metzung for the clarification. They are looking for things like creating rainbarrels and pond, all kinds of ways that people can in kind of a grassroots fashion so to speak. Mr. Metzung there would be some types of credits and things of that nature.

Mr. Metzung reported that we are over the biggest hump on leaf pick-up. It's a little earlier this year. We will continue to be out there until they are all gone, probably mid-December.

BUILDING – John Marrelli

Mr. Marrelli reported that this evening we had a presentation on the final plan of the police station. It has been recommended by the Planning Commission. We actually have to take a vote on it. If we can do that, that would be nice.

Mr. Marrelli reported that he was given today a permit application for a gas well on Bonnieview Road at 6740 Bonnieview. From the plan that he was given, there is a dot behind the house which represents the wellhead. There is a connection between the house lot and the Stonecreek Condominium project. Mr. Marrelli called the inspector to set up our walk through to discuss the tank battery, access, generators that the Chief and he talked about. The inspector was not aware that this had been issued yet. When he gets back to his office and looks at the drawings, he is going to call and they are going to meet with the driller, Seagull Development and go out to Bonnieview and see if we can try to minimize the effects the best we can.

Mayor Rinker said this is not the lot we had looked at before. This is an occupied lot. Mr. Marrelli stated the vacant lot belonging to Judith Levac is actually three lots east of the lot that's being drilled on. There's a house on this lot, it's at 6740 Bonnieview. The dot ends up behind the house about 100 feet. There's a directional bore another 519 feet underneath the condominium project in Mayfield Heights. We have no details on how they are going to get in and out, where the tank battery is going to go, what kind of landscaping, what kind of fencing. We have nothing but an application permit approval from the State pending a site visit and we can just typically play it by ear, try to pull the details out of the company.

Mayor Rinker said the one thing he would ask because it's the kind of case study we don't like to have but at least the more we have got this step by step by step documented given the timetable and the timing of the pending legislation, this is probably something we can send down as a for instance, here's what happens and here's what we can't do.

Council President Buckholtz asked if we know at this point whether this is in lieu of the vacant property. Mr. Marrelli replied we don't know. Mayor Rinker stated it looks like it's part of the drilling. Mr. Marrelli added if you look at that little drawing he left for everyone, the shaded lots are in the drilling unit and also the Stonecreek. Levac is the second shaded lot. There's two on the end, Seplock and Tagg are the last two lots. It's the whole Stonecreek and then these four lots on Bonnieview. Obviously the people in between them would not sign and did not become part of the unit. Unfortunately for them they are going to have to live with it anyways.

Mayor Rinker asked, we don't know if they are precluded if later subdividing the unit as long as they have 20 and 20, correct? Mr. Marrelli replied, we don't know. We know that this is more than 20. We don't know if there's a reason there's more than 20 yet.

ENGINEERING – Tom Cappello

Mr. Cappello updated everyone on the Ravine Drive/Thornapple Pump Station project. The sanitary sewer down Ravine Drive has been installed. They have also installed the sanitary connections. Mr. Cappello's understanding is the pump station and wet well is scheduled to be installed either at the end of this month or beginning of December. Their plan is also to do the pavement repair at least up to the cul de sac.

LEGAL DEPARTMENT – Mr. Diemert

There was nothing to report.

FIRE – Chief Mohr

Chief Mohr reported that the H1N1 vaccine is being introduced to the community for the higher risk populations. They had a clinic at Brush High School on the east side yesterday. We are anticipating we will be called up probably in December. Currently, if anyone needs a vaccination that you know is high risk, Chief Mohr believes Pepper Pike which will be at Orange High School will be this coming Saturday. Watch the media. They are firming that up probably tomorrow for a Wednesday press conference.

FINANCE – Ron Wynne

Mr. Wynne reported on two items. One is on November 6th after confirming with the Mayor we sold our investment in Wellpoint Stock for \$50.92 a share resulting in a gain for the Village for this year of \$104,194.00 which will help us with the General Fund balance for the end of the year. We made the decision for a few reasons, one with Obama's healthcare reform, not knowing what direction that is going to go and not knowing how it is going to impact the health insurance carriers we thought it was in the best interest to sell it. We also have some debt payments coming up at the end of this month and we needed the liquidity. We locked in the gain of the stock at that point in time.

The second item, as far as our income tax collections go, we got our final payment for the month this morning. It was \$45,000.00, so for the month we came in at \$686,788.00 which is \$42,000.00 ahead of last year's number which helps offset the previous loss of \$42,000.00 so for the year our shortfall is \$304,000.00.

POLICE – Chief Dearden

There was no report.

PARKS & RECREATION – Bill Thomas

Mr. Thomas wanted to make sure everyone in the Village got their Winter *Parks and Recreation* brochure. A member of the audience commented on the beautiful cover. Mr. Thomas thanked her.

ARCHITECT – Ron Dinardo

There was nothing to report.

HUMAN SERVICES – Eunice Kalina

Mrs. Kalina reported that they are continuing to receive applications for snow removal although the deadline was September 30th. Contractors have staked the drives for those whose applications have been processed. Mary Beth has advised me that the checks for those who have opted out are in the mail. Mrs. Kalina further reported that we have a leaf raking program in the schools, the Environmental Center and the Key Club and Paul Lynch and the Scouts helped out. Everyone who entered our drawing was able to get their leaves removed. Mrs. Kalina thinks many people felt they didn't have a chance, so they didn't enter. The result was those who did made out. The card group had a Halloween luncheon. We will probably have a holiday luncheon on December 31st.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that the Committee met on November 9th. They discussed some creative ways of taking charge of our expenses and increasing revenues for our different projects. We are also in the process of looking to conserve on the cost for the summer concerts and Cruise Night and Fourth of July. For everyone's interest, the Tree Lighting is Sunday, December 6th at 7:00 p.m., but in the afternoon here someone is bringing in a Santa Claus so you can take pictures with your pets, if you are interested, from 1:00-4:00. Menorah Lighting will be Friday, December 11th at 7:00, Singing Angels will be on the 19th at 7:00 p.m.

Architectural Review Board – There was no meeting. There is no report.

Beautification Committee- Mr. Saponaro was in the hospital and is now home recovering, but Mr. Marrie reported on his behalf. Mr. Marrie stated that most of what was discussed at the meeting was the flowers and pots and plantings that were done last year and their concern as to whether it will be done this year which has not been decided because of the economy and our budget restraints. They also discussed the possible repair for the gazebo. There was some concern on that which was also discussed in other departments. Those were the two main things that were discussed at the meeting. Mrs. Mills added we planted the daffodils too along the median strip. Mr. Marrie stated a group worked very hard in between traffic and planted 600 and some daffodils in the center strip starting at every other tree all the way down nearly to White Road and then at the end where the sign is for Mayfield Village, and from there going south another 150 hyacinth plants were done. The Garden Club, Marge, Jean Britton, my better half, Carol, my daughter Colleen Marrie-Grant, Mary and Merv Singer, and a few others were also there.

Board of Appeals – There was no meeting. There is no report.

Cemetery – Mrs. Mills reported that the cemetery will be decorated for the holiday. The usual wreaths will be put on the gravesite.

Citizen's Advisory Board – Mr. Marrie reported that they will be meeting tomorrow evening. One of the subjects that will be discussed is a project the Committee is going to take on to help a couple different groups, basically a hospice group and also a Vets group on some donations. It will not be done at Christmastime because we have talked to different groups that have received this help and everyone does a lot of work and provides gifts at Christmas and Thanksgiving, but after that they are just forgotten. We are taking on a project to do something for these poor souls if you will, at Eastertime. They really welcome it then, especially Malachi House for one and the VA Hospital for another because they say that they are very thankful during Christmastime, but the rest of the year they are like orphans. We decided we are going to take this on. Merv and Mary Singer will be Co-Chairing this project with my wife Carole and myself. It is a group project that the Citizen's Advisory Board has taken on to do something. There will be a write-up in the *Voice of the Village* and also hopefully a mailing will go out to all of the homes in the Village asking for the donations which will be decided. We do have to talk to the Vets. They have very specific requests on certain items such as no mouthwash that has alcohol in it, just little things that we don't think about, but it's a big thing for them. Mr. Marrie does not know where we are going to go exactly to minute detail with this, but we are taking this project on.

Council President Buckholtz replied, great. He knows the Board was looking for something to sink their teeth into and this is good. Mr. Marrie added, this has been talked about for a long time. It has always wound up as a discussion during Thanksgiving and Christmas. After much discussion we decided to do it the other way around. As it turned out, it was very very well received and welcomed by the groups we talked to about doing it at another time. Council President Buckholtz said he can testify to that. They called a couple of years on Thanksgiving and actually got rejected. They said we don't need any help, where are you in a couple of months, like January through March?

Commission on Aging – Mrs. Kalina reported that the Commission met on Friday the 13th. They discussed their holiday party on December 19th, the menu, favors, decorations, what not, trying to scale back on some of the items to conserve the costs. The Commission also discussed past and future potential trips and other events. This Wednesday at 1:00, for our Senior Speaker Series, Jim Bezdec, a former teacher at Center School is going to be our speaker and is going to discuss Amish Country.

Drainage & Infrastructure/Stormwater Mgt. – There was no meeting. There was no report.

Safety and Service – There was no meeting. There was no report.

Finance Committee – Mr. Marrie reported the Finance Committee met this evening. We discussed 11 items, all of which were approved by the Finance Committee. There are four items the Committee recommended we pass tonight, Ordinance Nos. 2009-51, 2009-52, 2009-54 and 2009-55. Ron discussed the other items already in his Finance Report about the stock sale and so forth.

Historical Society – Mrs. Mills reported that their last meeting was very interesting. It was last Wednesday night. They had a lady that was in the French Resistance Corps at the age of 17. She was in it all during the War. It was very interesting. She talked about an hour about her experiences. She was captured three times and released because the Germans felt she could lead them to other resistance people. She was very interesting. She had a placard mounted with all of her medals. She had the highest French award from the President of France. She was very interesting. Our turkey raffle was a success and three people in the Village won gift certificates. On Sunday, the Mayor did a wedding at the Historical House for a nice couple. Our next meeting will be a potluck in combination with the Garden Club on December 9th at 6:00 p.m. Bring enough food to serve between 8-10 people. We hope you all come.

Hillcrest Council of Councils – Council President Buckholtz reported that Hillcrest Council of Council met Saturday morning, October 24th at Landerhaven for breakfast and had a lively discussion about County reform. There were great speakers, Nina Turner, Bruce Akers and Peter Lawson-Jones.

M.A.R.C. – A copy of the Minutes are attached.

Ordinance Review Committee – Mr. Marquardt reported that Ordinance Review met on November 10th. Of the 6 items on the agenda, two of them resulted in a finalization for presentation to Council for first reading. One of the items is for heavy equipment. These are vehicles over 80,000 pounds. It's a bonding procedure to protect our residential streets. This may or may not affect oil drillers. That was the impetus for it, but we found that that's not necessarily the limit to this concern. The other item is the finalization of the oil and gas well ordinance and Mr. Marquardt would recommend that all members of Council review this. There are some responsibilities that are put on the property owner where the oil well is being drilled. You might want to review this closely and discuss it at our December Caucus.

Council President Buckholtz stated he read the Ordinance. Great job. Let's read up on this and go over it in Caucus. Excellent. Good stuff.

Planning and Zoning – Mr. Marquardt reported that Planning and Zoning met on Monday, November 2nd. The only item on the agenda was the police station site which was recommended for approval.

Recreation Board - Mr. Marrie reported that Recreation Board will meet this Wednesday. The following items that will be discussed will be the Winter brochure which Mr. Marrie thinks was an outstanding job; the Halloween Party for the children which turned out to be a great success; program updates and planning for the future; and also the Santa Ride and Christmas Party on Saturday, December 5th from 1:30-3:00. Volunteers are welcome to come to the party to help if they have the time. Last but not least, we will discuss the Spring and Summer program suggestions from the Board. We will not have a meeting in December which we never do. Our next meeting will be January 20, 2010.

SPECIAL COMMITTEE REPORTS:

Planning Development Committee – Council President Buckholtz reported that Planning Development will be meeting next Monday night, the 23rd at 7:00 p.m.

Information & Technology – There was no meeting. There is no report.

Records Commission – Mrs. Mills reported that the Commission will be meeting on Wednesday the 18th at 12:30.

OLD BUSINESS

OPEN PORTION - 3 minute limit imposed by Chair. Those who wish to speak must first state their name and address.

Jean Triner
829 Hanover

Mrs. Triner asked, in light of the new development on Bonnieview, she knows that there is going to be a Caucus to discuss the Ordinance No. 2009-56, is there any possibility that there can be a second and third reading at the December Council meeting and is there any chance this Ordinance will apply to this Bonnieview project?

Council President Buckholtz replied that would be a legal question. He was thinking the same thing when John was giving his report. Mr. Diemert replied that we were told by John earlier in the day about this. We did look into it and the Constitution prohibits retroactive enforcement of laws of this nature.

Mrs. Triner asked, even though it has not been drilled yet?

Mr. Diemert replied, right. Once the permit is issued, they are vested, protected. We will look at every avenue to possibly get them to follow it anyway as John talked about. We are going to try that.

Council President Buckholtz echoed what the Mayor said. He thought the Mayor said it well. He does not know that it will cause any true functional difference in the outcome here, but we have a classic case to send down to Columbus. Again, this is wrong. This should not be happening this way. This is not the way this is supposed to work. If we can tie it to Grendell's Bill, our Ordinance, but we can't rush this and we can't, as the Law Director said, retroactively enforce it.

Mrs. Triner asked, is there any chance you can do two readings in December if there's anything else out there lurking that we are not sure of?

Council President Buckholtz replied, we can potentially. If we get the Ordinance cleaned up, we can potentially pass it, he thinks.

Mr. Diemert replied, sure.

Council President Buckholtz added we suspend the rules all the time to pass things. The Ordinance needs us to go over it. It's just brand new and fresh and he knows that Bill requested that it be held at least for the one reading to tweak things.

Ken Messinger-Rapport NEOGAP

Mr. Rapport is the Law Director for NEOGAP. He was not planning on speaking this evening, so excuse the attire. He thought Council and the Mayor's comments this evening were very supportive of our organization. He just wanted to extend an invitation to Council and Mayor and Law Department and to Mr. Marquardt. Our organization is currently working on legislation with Senator Grendell. We have open communications with them and with the oil and gas industry in Columbus. We are going to be going down every week that they have hearings. We have meetings scheduled this week with the oil and gas industry. They want to open the lines of communication with them to work with us. We appreciate hearing what you have to say and communicating that to them. If you want to have a direct impact on this legislation, we are there. We are available.

Mr. Rapport understands there is a Mr. Cosgrove working on this. Mayor Rinker stated he is an attorney at Squire Sanders. His specialty is in public law. He has been the liaison/lobbyist for the Mayors and Managers Association in Columbus. Mr. Rapport asked for his contact information. We are looking to build a large coalition of cities and private grassroots organizations if we can to make the largest impact as possible in Columbus so that they understand the gravity of the situation here in Northeast Ohio.

This is not something that affects many of these legislators. They have either no gas or oil wells in their area or they have interests in oil and gas wells on their lands. They need to know that we have different concerns than they have. The larger the organization is, they will get our full attention.

If you have any need for consulting on this legislation, Mr. Rapport has studied it extensively, he has some understanding of the Grendell Bill. He would like to offer his services if you need help.

Council President Buckholtz welcomed Mr. Rapport to attend the December Caucus. We will be discussing this legislation. This is like a textbook case right here. It's causing two communities, you guys were the ones that brought in the people from here that there were questionable circumstances on how they even signed their leases or how they understood it to come to be, again 100 feet from the house, Council President Buckholtz knows you are going for the big decentralized bring everybody in, but here's the little point of where it's actually pinpricked if you will.

Mr. Rapport stated they would like to exclude drilling from residential areas altogether.

Council President Buckholtz asked if there was anyone else who wished to talk. There were no further comments.

Third Reading of Ordinance No. 2009-44, entitled "An Emergency Ordinance amending Chapter 1731 of the Village's Codified Ordinances pertaining to soil removal." Introduced by Mayor Rinker and Council as a Whole. (First Reading – September 21, 2009; Second Reading – October 19, 2009).

Mrs. Mills, seconded by Mrs. Cinco, made a motion to enact Ordinance No. 2009-44.

Council President Buckholtz asked if there was any discussion. There were no comments

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

NEW BUSINESS

NAYS: None

Ordinance Enacted

First Reading of Ordinance No. 2009-52, entitled, “An Emergency Ordinance amending Section 133.02 of the Codified Ordinances of Mayfield Village raising the account amount for the Commission on Aging; changing the account of the Clerk of Council office to Administration; changing “Recreation Committee” to “Recreation Department”; changing “Commission on Aging” to “Human Services Department”; and amending custodians for the various departments.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mr. Marrie, made a motion to suspend the rules of Council requiring an Ordinance to be read on three separate occasions.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Rules Suspended

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-52.

Council President Buckholtz stated these are just updating the name changes and providing \$100.00 additional to the Human Services Department. Council President Buckholtz asked if there were any other questions. There were none.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

First Reading of Ordinance No. 2009-54, entitled, “An Emergency Ordinance amending Codified Ordinance Chapter 1523 relating to the recovery of costs for emergency services provided to non-residents.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mr. Marrie, made a motion to suspend the rules of Council requiring an Ordinance to be read on three separate occasions.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Rules Suspended

Mr. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-54

Council President Buckholtz asked if there was any discussion. There was none.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

- . **First Reading of Ordinance No. 2009-55**, entitled, “An Emergency Ordinance creating Section 905.011 of the Village’s Codified Ordinances relating to Vehicle Permits, fees and bonds for heavy equipment.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills made a motion to suspend the rules of Council requiring an Ordinance to be read on three separate occasions.

Mr. Marrie stated this is one of the Ordinances the Finance Committee recommended passage at their meeting this evening.

Mr. Marquardt suggested the Ordinance be kept on First Read. This is a matter of bonding heavy vehicles and having inspections and that type of thing. Is everyone clear with it?

Mr. Marrie asked if this should be left on First Read.

Mr. Marquardt stated he does not know that it is that critical at this point.

Council President Buckholtz stated it is a change in the Ordinance. Typically, we leave it on First Read, so we should keep it tied to the other one.

Mrs. Mills removed her request for suspension.

This Ordinance will be left on First Read.

- . **First Reading of Ordinance No. 2009-56**, entitled, “An Emergency Ordinance amending Chapter 1179 of the Village’s Codified Ordinances pertaining to the safe operation of oil and gas wells, along with preserving the character and aesthetics within the Village.” Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be kept on First Read.

- . **First Reading of Resolution No. 2009-14**, entitled “An Emergency Resolution establishing a cellular telephone policy for all Village employees.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mrs. Cinco, made a motion to adopt Resolution No. 2009-14.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Resolution Adopted

EXECUTIVE SESSION

Council reconvened at approximately 9:45 p.m.

ANY OTHER MATTERS:

Council President Buckholtz asked if there were any other matters.

There were no further comments.

ADJOURNMENT

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

The meeting adjourned at approximately 9:47 p.m. The next Council meeting is scheduled for December 21, 2009 at 8:00 p.m.

WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

BRUCE G. RINKER, MAYOR

MARY E. BETSA, CLERK OF COUNCIL