MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, February 16, 2009
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, February 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. Marquardt, Mrs. Mills, Mr. Marrie and Dr. Parker

Absent: Mr. Saponaro

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

The Pledge of Allegiance to the Flag was given.

OPEN PORTION

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

Bill Coughlin
806 Hanover

Mr. Coughlin asked if Council would like comments on the ordinances concerning oil and gas drilling now or later. He would be happy to do it now if you would like.

Council President Buckholtz stated we limit the comments usually at this point to five minutes. We can have it later. We can have it when the ordinances come up.

Mr. Coughlin said he would speak now. It is about the ordinances that are on the agenda. You are probably aware that the Hanover Woods Association is concerned about that. He is here as a Trustee of the Association. Their President is Jeff Schiemann. He could not be here tonight.

Mr. Coughlin first learned of these events at a neighborhood gathering last week. Since that time there has been some concern that has arisen in the neighborhood concerning these oil and gas drilling leases and in particular you may be aware that a petition has been circulated with a number of signatures on it from residents opposed to the proposed ordinances. Mr. Coughlin is speaking as a Trustee of the Homeowners' Association. It too is opposed to these ordinances. They are most particularly concerned that it appears that the Ordinances 08-49 and 08-50 do not have any kind of limitation as to being non-drilling. These are the ones we understand related to the 10-acre parcel behind what would be the Phillips' residence in Hanover Woods, so we oppose any kind of authorization by the Village for any kind of oil and gas leasing expansion, particularly with respect to this property. We wanted to alert you to that and ask you not to pass these proposed ordinances. Thank you very much.

Council President Buckholtz thanked Mr. Coughlin for his comments.

Council President Buckholtz asked if there was anyone else speaking on that subject or a similar subject. We will be glad to respond to your remarks. Council President Buckholtz is thinking let everyone have a chance to speak and then we can have a dialogue on it.

Linda Butler
817 Hanover Woods

Ms. Butler thinks everyone has questions. She would more appropriately like to ask, or the group of us here would like to ask some questions. It might be better to do that later after we have read the ordinances.

Council President Buckholtz had no problem with that. He asked if there were any other questions. If everyone has a comment on the same thing, it would be a good idea to just make it a dialogue at that point. These are not new ordinances. They have been on for over a year. We have been having a dialogue all along. We will continue to do that for as long as it is necessary, that it is an issue that some people are interested in and some people are not. Having said that, are there any other subjects that anyone wants to bring up? If not, Council President Buckholtz suggested we move on to the agenda.

CONSIDERATION OF MINUTES:

Regular Council Meeting – January 20, 2009

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

ROLL CALL: AYES: All — Motion Carried
NAYS: None — Minutes Approved

COMMENTS FROM MAYOR RINKER:

Before Mayor Rinker swears in Mr. Feudo, he would like to bring us all up to speed and address this issue that has been raised tonight as far as the drilling. He was prepared to suggest that Council vote this with the thought that Council would probably vote it down because it seems that no matter what we have done, we are kind of damned if we do and damned if we don't. But when he hears expressions from residents in the Village saying that they have just learned about this or they are concerned about getting more information, probably two things ought to be said. One, he spoke with Dr. Parker before tonight's meeting, who is the Councilman for your Ward, one of your neighbors. He asked Mayor Rinker and Mayor Rinker said he would be happy to attend a neighborhood association and talk about these issues at length. Mayor Rinker has also said that he wants Dr. Parker to collect all of the Minutes, all of the memoranda, analyses, legal memoranda, we will copy in all of the documents. Mayor Rinker did not bring it in with him, but he has a gusset about this thick. He knows it is not even all of the documentation that we have generated over the last year and a half.

We have been very sensitive and mindful of the fact that in any neighborhood where drilling is being proposed, it has been alarming to people to say the least. It is appropriate that we underscore the fact that this Council and our Planning and Zoning Commission has been very much concerned about the lack of our ability to control this. This is a state mandated matter and we have really had our hands full. We don't control it with zoning. The most that we can do is either through direct negotiation or at least regulating in some fashion the issues. We have compared notes with Gates Mills for example which has about four dozen wells. They have had more experience with this. Our Fire Chief has talked with theirs on some of these calls. We have tried to understand that.

We have looked at a variety of ways. Planning and Zoning probably studied this issue over the course of several months, very open and really very creative ways of looking at trying to map literally where these wells might be in this area because we happen to be in a gas-rich location, especially south of Highland Road. Mayor Rinker could go on and on, but he is not going to. We had one meeting and when Mr. Coughlin showed up at that meeting, he came in about halfway through to what turned out to be an over three-hour meeting that we had in the auditorium last Fall. We have had a lot of meetings since then. We had a number of meetings before that.

We have really tried to be very exhaustive. Until one recognizes however belatedly that this may be coming in next door to a house, coming to a neighborhood near you, it is very upsetting. We understand that. Frankly, we have had so much dialogue on this and studied so many different ways. We have had a number of well-attended meetings. If someone has not attended that or they have not compared notes with their neighbor or their neighborhood association has not been able to convene and the fact that you felt that you had to sign a petition to get our attention, it's not that you have had our attention, Mayor Rinker just does not know if we have had yours.

Mayor Rinker does not want to look at this and say that we have failed anybody. He does not think anyone on Council does either. He is not sure what we can accomplish other than he would be happy to meet but he wants the residents to get a homework assignment. We will provide information. We will try to condense it and digest it. We will try to convene and bring people along that we think can answer the questions that you have.

The fundamental issues though as we understand them are we can't control where it goes. We can regulate to a very limited extent how it goes in. Mayor Rinker does not know if some of you know that there are wells right now that have been going in for the last several months over the course of the past year or so on Beta. Some of them are operational. They are right there, right in front yards of those properties on Beta. A lot of people wouldn't even know it. Mayor Rinker thinks everyone recognizes there is a big difference between a residential use and a commercial use when it comes in to a residential area as the State has allowed and the assemblage of property has been promoted in order to do this and it's individual property owners who sign off on this. For the people in Gates Mills that are alarmed, they have to look to their neighbors, because their neighbors are the ones signing those leases.

This past summer when it became evident to us that at least one site on Bonnieview, a vacant lot, had been targeted as "the drilling site", and that the other 20 acres needed to be collected were about to be collected and we were told in effect that that would be the location, for the residents that live on Bonnieview, Beech Hill, Glenview that were very concerned about that, they were very upset. They were upset with us that this might be happening, that we needed to do something about it. We had a very charged meeting in July with a lot of questions and answers between prospective drillers who are in the audience tonight and a lot of those residents. At that point we suggested maybe what we can do is we can enter into a non-drilling lease. But Mayor Rinker said our concern then is we may be able to relocate or soften the blow of this particular drilling site in this particular neighborhood, but our question would be would we be sending it closer to another neighborhood? Mayor Rinker pointed out it might even be Hanover Woods. He said he would expect at some point we might hear from Hanover Woods if that were to be the case. That was just even raising the question. It was shortly after that that we put it on to the agendas and we had these on Caucus and Council agendas, non-drilling leases.

The other location, we were aware there was another drilling site on a property on SOM up across from Fisher's Tavern, the Hejcl property. Because we have land holdings in that area, we were also approached to sign non-drilling leases.

One of the underpinnings of this has been that if we were to enter into a lease, we would want to make sure we control the drilling process, the operation process as a matter of contract as much as possible. We would try to control how it gets installed and how it gets maintained. We felt we probably had the best leverage as a landowner not necessarily as a government but as a landowner because it's the landowner that has the superior negotiating rights in this way. As a government, if we could do it mindful of our constituency, that's what we have been studying.

We routed it through Planning and Zoning. They again had very extensive discussions on these points. They had very specific recommendations that Council has looked at. They got feedback

from our Law Director, a memo to that effect. These are some of the things that Mayor Rinker would like to make available to you in advance of a meeting that we have.

We don't want you to take our word for it. We want you to read this and do this as a lot of other residents have done. What you will find at the end of the day, it really is individual and collective wells. We know of one neighborhood where the neighbors simply got together and they all agreed they would not sign any leases. They have depended on their neighbors to be true to that. To Mayor Rinker's knowledge, that has worked out for that particular neighborhood.

We have encouraged homeowner's associations to look at these things. The fact that yours is now looking at it, we can sit back and say, where have you been? Well, we know where you have been, but the issue has been out there. If we can facilitate your decisionmaking on this, we would be happy to do it. But you have to understand that there is a limitation to how much we can really control. We have talked about this almost until we are blue in the face. We are trying to make sure that we don't ignore anyone's rights. We just don't want people to think that there is more that we can do that we have not tried to do. We have tried to take a bad situation and make it better. We think that about the only feasible way we can do it would be to enter into some kind of lease contract.

Interestingly enough, one of the newspapers pointed out on their New Year's issue, they were praising the fact that we were actually looking at the Bonnieview site because it was the way for the Village to re-site at least one location away from some neighbors and there would be enough distance from other neighbors. It's a 10-acre site. We would like to think that we could locate something on there that would have nominal, if any impact on any adjacent property. That would be something we would negotiate in.

As far as the legislation goes, it was only recently that we actually looked at a drilling lease because we know how sensitive it is. That was either November or December. We may even have competition for the companies that would do it.

We have not negotiated anything. We have put in very basic form what we would see as a lease, but Council has to do two votes. The first vote would simply be to authorize the Mayor and the Law Department to negotiate a lease. Council would then have a second vote. That would be to ratify it. Mayor Rinker can only stress that one of the key points in this would be apart from limiting any nuisance aspect of it, it would be whether we could site it in such a way that it would be strategically advantageous. Just so you understand, we are not even there yet, but that would have been the consideration, to go ahead and negotiate this and if you can do it where people have enough comfort level, fine.

The only reason we are doing it is because we have been told it's coming in. We know one site for sure. We know there is another site where they have signed the drilling lease, but we don't think they have assembled all of the parcels necessary. We have tried to stay out of the gaming that goes on in this because candidly we get calls on a weekly basis from residents that feel like they are being pestered by land agents that want to come and say, well look, we are ready to go, do you want to be part of the deal? There's a certain amount of paranoia that is justified in this.

Again this is probably an unintended consequence of the legislation that Columbus passed a few years back that we are seeing in our neighborhood because we happen to be in a geologically advantageous place that's residentially disadvantageous.

Mayor Rinker will stop there. All he is saying is he was prepared to say Council, vote your conscience, but Mayor Rinker thinks at the request of the one Council representative here and given your petition, we would say, we would be happy to meet with you. Mayor Rinker does want to try to make this something where the dialogue is as fact-based as possible because he would think you will agree when we put all those facts out there, there's not a whole lot of wiggle room on this. Ultimately it is a policy decision we can make.

Bill Coughlin
806 Hanover

We appreciate what you are doing and think that is a good idea. We should have a meeting just by way of some of the comments made for purposes of making sure the record is clear. He addressed a couple of those so that when we do have this meeting and we do have the facts laid out you can get a more detailed response from us.

First, Mr. Coughlin recalls vividly the meeting Mayor Rinker is talking about. He was there from the start of the meeting. Mayor Rinker said, he remembers Mr. Coughlin coming in. Mr. Coughlin said it was an energetic meeting. We understood the point you made then, that the Village's hands are tied because we are talking about a state statute. We understood what would be happening then. He is not quite sure it did happen. That might be the source of a failure of communication here which we are happy to agree occurred, was that we would be hearing further by way of things dropped off at the mailbox or mimeographed such that we would have a sense of what was happening next. Mr. Coughlin did not hear anything further. What was new and different from what we were hearing last and he sees was first proposed in December, Mayor Rinker said, the drilling lease, Mr. Coughlin said was the fact that there would be a drilling lease which is something that changed from the standpoint of what we were hearing at the summer meeting.

Mr. Coughlin suggests that anyone from the neighborhood is certainly welcome to attend, but at least with respect to the Homeowners' Association trustees and officers that we get together and hear exactly what the plan is because the notion that that would not be a drilling location is substantially different from what we heard before and raises substantial concerns. Thank you for your consideration.

Mayor Rinker apologized that we did not send out these mailings. Candidly, we have had so much dialogue and this has been so extensive in terms of documentation we have provided between Citizen's Advisory, Planning and Zoning, our Council meetings, newspaper coverage. Unfortunately, we have become so aware of all of the information that is being disseminated that we thought this was something that was getting out more in the public. We did not mail each of these items to be sure, but these are all public record. We tried to develop a pretty substantial record. We would be happy to share that and try to get everyone back on the same track.

Council President Buckholtz stated, Mayor Rinker represents Administration and he represents Council. He won't speak for everyone on an individual basis. But, since gas leases have come up on the far east side of Cleveland or Mayfield Village, he has not heard one councilman at any meeting at any time call him and go, oh boy, gas wells, can't wait. No one has been promoting this. This is kind of like something dropped in our community that we felt had to be dealt with. Council President Buckholtz does not want to say everything the Mayor said, but when he read the petition, he was out of town today, so he got it on the fly, and the first line is "opposition of Mayfield Village Council approving the negotiation of drilling or non-drilling leases involving Mayfield Village residential properties", we don't control that for the ones that we don't own. That's the first line. The second line, point well taken. You brought up that at some point there was a plan put forth where if we drilled it might make it better for the houses, but that's the only way that that morphed into that. Again, there has been so much information. It's hard to know what people want to hear in terms of what's new. We keep hearing it over and over and keep putting it through the mill, looking at it, and sending it to Law Department and getting it back with more information. It's hard really as the Mayor said, the perspective that we have on, oh, here's something new that the residents should be advised of.

That's all he wanted to add. Otherwise, he will turn it back to the Mayor for Mr. Feudo.

. Administration of Oath of Office to Vince Feudo, Esq. as Village Prosecutor

Mayor Rinker stated Mr. Feudo is our prosecutor and he has prosecuted his duties well over the years. We look forward to another year.

Mayor Rinker administered the oath of office to Mr. Feudo.

DEPARTMENT HEAD REPORTS:

SERVICE – Douglas Metzung

There was no report

BUILDING – John Marrelli

There was no report.

ENGINEERING – Tom Cappello

There was no report.

LEGAL DEPARTMENT – Joe Diemert

There was no report.

FIRE – Chief Mohr

Chief Mohr stated that they have several items on the agenda. We will address them as they come up.

FINANCE – Dave Miller

Mr. Miller reported that the 2009 budget has been drafted and will be ready for Caucus the first Monday in March for passage two weeks later in Council.

POLICE – Detective Smith

There was no report.

PARKS & RECREATION – Bill Thomas

Mr. Thomas reported that our second ski trip went very smoothly without incidents. We had 51 attending. We have offered a youth and parent etiquette and ballroom dancing class with Dick Blake. We have 54 participants.

ARCHITECT – Ron DiNardo

There was no report.

HUMAN SERVICES – Eunice Kalina

Mrs. Kalina reported that they had a very nice lunch today for Village employees. It was the Annual Thank You Luncheon that the Commission on Aging puts on. She did not hear any bad comments, so she is assuming everything was good. We have a speaker from the Cleveland Sight Center scheduled for this Wednesday to talk about the aging eyes. We have rescheduled Brian Cinco's performance which was delayed due to bad weather. He will be on March 4th.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that the first meeting of 2009 is scheduled for the 24th at 7:00 p.m. in this room.

Architectural Review Board – There was no report.

Beautification- There was no report.

Board of Appeals – There was no report.

Cemetery – There was no report.

Citizen's Advisory Board – Mr. Marrie reported that the first meeting for 2009 was held on January 27th. Jim Mason was elected Chairman again. Bill Thomas asked to be in attendance to discuss the Recreation Board proposals, one of which is the possibility of closing the pool earlier this year than last year because Labor Day is the 7th instead of a week earlier. For those six days alone, the cost on a conservative estimate, including labor and material, is $25,000.00 just for six days at the end of the season. It will not be totally attended like it would be in the middle of the summer. Citizen's Advisory as well as Recreation Board have recommend that we do that especially since we are watching the budget in so many areas. It seems wrong to go ahead and spend that money when it does not have to be done because the pool does not get that much usage after the kids go back to school. It would close the day after they go back to school. It would be open the full time that the children are out on summer break. There were comments about the snowplowing. People were very pleased compared to last year. This was passed on. We discussed the new businesses on Beta Drive. That got a lot of attention, especially some of the success stories. We also discussed the fact that we are creating an innovation zone which some of the people didn't know about and a few other miscellaneous items.

Commission on Aging – There was no report.

Drainage & Infrastructure/Stormwater Mgt. – Mrs. Cinco reported that they met on the 3rd of February. At that time, they discussed three applications, all of which were denied as they did not meet the requirements for the committee. Letters were sent out to those residents. We will have our next meeting as needed should any more applications come in for this year.

Safety and Service – Mrs. Cinco reported that Safety and Service met on Monday, February 2nd. At that time, they had another long discussion on oil and gas wells with our Law Director present there for more explanation. The Fire Department dealt with Mobile Air and the replacement of the pick-up truck. Also discussed were the monthly CRIS service fees for the Police Department, rubbish bids and the Thornapple pump station. Rubbish bids are due in on Wednesday. That will be a big item on our next agenda next month.

Finance Committee – Mr. Marrie reported that Finance Committee met earlier this evening and discussed 15 items, all of which are on the agenda for this evening.

Historical Society – Mrs. Mills reported that last year, we were privileged to receive a grant from the Ohio Humanities for "My Town" tours for the third graders of the Mayfield School District. We reapplied for the same grant this year. It was declined by their Committee. We were a little disappointed, but that's how things happen. We also received a bill from the plumber for the broken water pipe which was $550.00.

Hillcrest Council of Councils – There was no report.

M.A.R.C. – Dr. Parker reported that M.A.R.C. held two meetings. One was the Annual Meeting of Members on February 5th. They reviewed the 2009 Roster of Members and Representatives. They reviewed the budget for 2008 and proposed budget for 2009 which was passed. The

meeting was adjourned. Then there was a second meeting, the Annual Meeting of the Board of Trustees. Basically the slate of officers was presented and Treasurer's report was given. Mr. Weinberg reviewed some of the programs. There is a cheerleading program they will have again with 25 participants. Some other programs include babysitting, karate, drawing, gymnastics, and floor hockey. The hotshot contest will be held on Wednesday February 11th at halftime at the high school girls' varsity basketball game. The next meeting is March 5th.

Ordinance Review Committee – Mr. Marquardt reported that Ordinance Review met on February 10th. There were five items on the agenda, ongoing review of existing ordinances to update them. Two of them are on the agenda tonight, Ordinance 2009-11 and 2009-12, one having to do with solicitation fees and fines and the other one is regarding bicycle usage. Mr. Marquardt said these are clean-up activities. You will see them moving right along. Council President Buckholtz asked if they are ready to go. Mr. Marquardt said they are ready to go, but we can leave them on three readings. Nothing urgent.

Planning and Zoning – Mr. Marquardt reported that Planning and Zoning met on February 2nd to address the special and conditional use permits in the Village which all come to date at one time of the year now. There were 16 special use permits. Two of the activities have either ceased operations or moved out of the Village. The remaining 14 are all recommended for approval.

Recreation Board - Mr. Marrie reported that the Recreation Board had a meeting on January 21st. The Christmas party and Santa ride were evaluated. They went extremely well. It was probably one of the largest crowds of children in attendance. The MBA youth basketball is going extremely well. Smart Start basketball, which is for 3-5 year olds is full and going smoothly. The adult basketball is also going well. Men's 18 plus and 35 plus teams are playing friendly and not hurting each other. There's a lot of competition there. We will be offering Junior Camp, Sports and More Camp and Teen Adventure Camp. For the record, Gates Mills is not going to offer summer camps this year. They cancelled it out. Hopefully we will get some of their campers for ours. As you can see, the camps and programs for the children is up and running and extremely well received and well attended. The *Parks and Recreation* brochure should be out the first week in March. Our next meeting is on February 18th.

SPECIAL COMMITTEE REPORTS:

Planning Development Committee – Mayor Rinker reported that at our last meeting he discussed the wonderful success story with QED. Preemptive Solutions is another one. These are our two poster child businesses that three years ago came in to Mayfield Village. Part of this is through Jump Start, BioEnterprise, Ohio Department of Development and a lot of players involved in the background.

We talked about QED. It's worth mentioning again that they had started out with three employees and about 2,000 square feet of space. Today they are in two different locations collectively with about 35,000 square feet of space. We anticipate based on the statements that they have made that they are going to double again in size. There have been a number of articles in the paper.

That business alone has also brought in two other similar businesses dealing with medical imaging. What we are finding is there is a real favorable response that we are getting both in the marketplace and in our relationship with Case Western Reserve University.

One of the things that we have been working with the Lieutenant Governor in follow-up from that meeting two weeks ago is promoting getting grant monies that will help further enhance this type of investment. Mayfield Village is really positioning itself well. The fact that we are installing fiber. The last report he received from Tom and Doug is that OneCommunity is going to be able to start moving forward within the next few weeks with the initial work in bringing fiber down into Beta. The goal is that by mid-year at the latest, we will have created this fiber ring. We are going to get the benefits of a high fiber diet, Mayor Rinker hopes.

What we are seeing is that there are a lot of businesses, private and governmental both, you should see Mayor Rinker's slideshow, where this concentration of dollars is going to have immediate positive results. We have already seen the $50,000.00 we invested just in those two companies alone, we have already had three times a return on that investment in as many years. We are starting to get some attention out there. We are looking at a couple of properties where the space has been vacant for a long time. Planning and Zoning has seen this.

Mayor Rinker has made mention before and he hopes by the time we have our next Caucus meeting that he will be able to go into more detail about some of the structural changes we are trying to initiate in terms of overall Mayfield Village government operations inclusive of bringing on a planner at least on some form of an hourly basis who can help enhance the kind of work that Ted Esborn has been doing pretty well in focusing on Beta alone. These are nuts and bolts things, but we are seeing very very positive early returns in the near term on this investment that could have some long-term benefits. Planning Development started about a year ago. What we are seeing is we are really going to start coordinating things.

For 2009, Mayor Rinker expects it is going to be a very positive year, a building year. We are looking around. There are a lot budgetary issues. This is an endeavor that will definitely bear fruit. Stay tuned. Thanks.

Information & Technology – Council President Buckholtz reported that the Committee is in the stage of having virtual meetings more or less. There's a lot going on. Chief Mohr has indicated that we are out of room in our phone systems. They have some ideas, quotes and bids on the phone system. There is something new coming around that is in the planning stages. We will be able to talk about that hopefully by next Caucus. Real high tech. Really ties into this fiber ring and what's going on on Beta. These are some very very exciting things. There's a lot of grants out there. There is a lot of interest in Mayfield Village generated by this initial infrastructure that is not quite out in the open yet. Just in terms of whether it is Federal infrastructure dollars and County expansion dollars. Stay tuned to that. We will bringing more exciting projects from inside Mayfield Village.

Records Commission – Mrs. Mills reported that the next meeting is on the 25th of this month at 12:30 in this room. We will be further discussing a second shred day which will be May 16th for everyone that has documents which need to be shred. They can bring them up here to the Civic Center from 9:00-12:00. We will be glad to shred them for you free of charge.

Health Care Task Force – Mrs. Mills reported that everyone should have gotten the minutes from their last meeting. They are progressing.

OLD BUSINESS

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

Council President Buckholtz stated that he would like to do something a little bit different here. This is another opportunity for an open portion. Before we do that, this Second Reading of Ordinance No. 2008-25, he would like to defer to the Law Department as the best course of action in addressing Council. Are we talking about just leaving it on Second Read and having the neighborhood meeting? Are we talking about voting? Are we talking about moving into Third Read, what is your recommendation?

Ms. Calta stated it appears to her that if there is going to be another meeting to discuss the proposed legislation then Council would be inclined to leave these two pieces of legislation on Second Read and the two other pieces of legislation on First Read just as you did in January.

Having explained that, Council President Buckholtz asked if everyone understands that we would not be voting on anything tonight. He just wants to ask the residents first and then open the floor to comments if anyone has any comments so that we don't go through a whole litany of, are we voting on it, no we're not voting on it.

Brooks Yarbrough asked Council President Buckholtz if he is voting on it or not voting on it tonight. Council President Buckholtz responded we would not be voting on it tonight.

Brooks Yarbrough said he has drill sites there.

Council President Buckholtz asked Mr. Yarbrough to step up and talk to the whole room.

Brooks Yarbrough
Seagull Development Corporation
P.O. Box 505
Canal Fulton, Ohio 44614

Mr. Yarbrough stated they currently have the legal locations and acreage to drill. He has been very patient. His first proposal was three drilling locations at the end of 2006 or beginning of

2007. He re-entered into proposals with the city for non-drilling in 2007. He provided Council and Law Department with all the records, the public, the residents, all our references, every bit of information that the ODNR and anything he was provided with. He was very patient. He wants to do business. Apparently, we can't. He has to do something eventually. It seems to him like you guys are stonewalling him. He does have drill sites. He is prepared to drill. He would like to drill in a timely fashion. He would like to drill this summer. If for some reason you don't feel we can get the job done, he will then call the surveyors next week. He will get his well stake and permits.

Council President Buckholtz responded, saying once again, he is really happy to see you guys here. That's what we look for. A packed house. People here interested. With all due respect, Council President Buckholtz understands Mr. Yarbrough's patience. These are property owners. We are property owners. We have long-term issues here. Not the knowledge that you have of the sandstone layers, the gas and the drilling. Council President Buckholtz does not know if these further neighborhood meetings with Bonnieview and Hanover, if you would be invited to those. If at some point this does not become feasible for you to negotiate, then so be it. But, Council President Buckholtz just wants our residents here to understand. Council President Buckholtz thinks they understand your frustration, but we are elected by these people. We are elected by our residents. That's our first and foremost thing.

Brooks Yarbrough said you all sent out letters in 2007 and 2008 and fliers and it's been in the newspaper. It has been on your website for over two years. Look up Mayfield, it's the third thing down, it says oil and gas, and here's the plats and here's the properties. We have been so transparent. He has drilled Canterbury Country Club, he has drilled Beachwood Country Club. He drilled Chagrin Valley. He has drilled in Beachwood. He has drilled the Park Synagogue. He drilled Gates Mills. He drilled in downtown Hudson in 1970 something. He has drilled over 15,000 wells in the State of Ohio for over 30 years. This isn't something new to Ohio. There are 62,000 working wells. There are wells in downtown Oklahoma City that have been in the circle for 80 years. This is not something new to a community or a town or a city.

Council President Buckholtz stated it is to ours.

Brooks Yarbrough said he knows it is but this has all been here. We thought we provided you with all of the documentation, all the rules, all the regulations, our history, all of the oil and gas history. You have had time to research this with all of the municipalities around here. He comes to all the meetings. He has been here for 2 ½ years. Every time he comes to a meeting where you are going to vote, you say, "Guess what, we are not going to vote." Mr. Yarbrough is not real happy. He is just going to have to drill.

Council President Buckholtz stated we appreciate it.

Mr. Yarbrough said then you will say, look, we could have put the well over here on this 10 acres that used to be a dump. This could help the city. He is going to pay taxes in the city which will help your roads and your school and just like last year, he paid $40,0000 on St. Francis' church well in Gates Mills that went to the city. It was real estate tax taxes. You think that

doesn't help your city? He just does not understand. We are out here trying to help you all and help ourselves. We all use oil and gas in our hair dryers, our clothing, our medicine.

Council President Buckholtz stated that we appreciate the depth of your knowledge and how persistent and willing you have been to come explain this over and over. We will continue to invite you to any meetings where we think that you would be welcome and we think would do some good, but we also understand business is business and you guys got to do what you got to do.

Ed Blecher
6979 Wilson Mills Road

Mr. Blecher is not a part of this. He was approached last year. He would like to see a list of the pros and cons. He does not understand why so many people are against it. It is really puzzling to him. It is a benefit to the community. He knows there was an incident out in Bainbridge. But if you drive down 271 and see an accident, oh, we can't drive our cars there, we may have an accident? I don't want to go to the mall because someone was assaulted in a mall, so I don't want to go to a mall? The whole thing just puzzles him. That is why he would like to see a list of the pros and cons. If that could be done, he would appreciate it.

Tony Giordanno
Seagull Development Corp.

In Gates Mills Village, the village owns three wells that are doing very well. It helped pay off a lot of our road damages. There are approximately 60 some wells in Gates Mills. It is a very fluent area. We have not had a problem. He has talked with the Chief. He knows Chief Robinson well. He has discussed maintenance programs. This is foolish. People should take this immediately. Give the Mayor a chance to negotiate this thing. This is crazy.

Jean Triner
829 Hanover Road

Jean Triner appreciates all of the work that has gone into this. She has a question that she thinks is best to direct to the Law Director. The question is, has Brooks Yarbrough given the Village all of the lease holdings on Bonnieview and Beech Hill that you have requested?

Ms. Calta replied no. Ms. Calta thinks that Brooks answered that for you. We have requested the information but we have only been given the information relating to what would be the proposed Village site and the aggregation of the other areas including the Village land if that makes sense. Not altogether leasehold interests that have been secured by the company. They have noted confidentiality as their reason.

Ms. Triner said it seems like in this age of transparency, which we are hopefully moving towards, we should be able to expect something like that from somebody that is reputable.

Mayor Rinker said we well understand that.

Mr. Yarbrough replied he has competitors and they don't need to be looking at, there are other companies going after the same thing. He should not have to open his books up and say, here, here's what I am doing, here, you go do your thing right next to me. That can cost me millions of dollars.

Council President Buckholtz said he wants to stay here as moderator, but he is not promoting it or putting it down. He does not know if there is anything in terms of the people that sign the lease. Do they have any privacy issues, like, they don't want 20 neighbors coming to someone's house and saying, you signed that lease? He does not know. He's just saying, we have asked, we have not gotten. Some of it is competition from their end, some of it is privacy from the people who signed the leases, he would guess, but it would be helpful to know that.

Mayor Rinker said, adding to that, at the end of the day, because it is something we have said from the very beginning, at some point, the Village will need that information because we are a public entity and we have to be transparent and if we can't get that information where everyone is satisfied that we know what we are dealing with, he does not see that we are ever going to enter into a lease, but we have not been able to get far enough down that path, and he thinks one of the reasons is that everyone is afraid that pulling the proverbial trigger is suddenly going to be a terrible thing. We have not stonewalled anyone. We have tried to get a lot of information out there. We will continue to try.

Council President Buckholtz said this came up in Caucus. This is the example of where it would not be something that we would send out to homeowners but anyone attending Caucus. The legislation, and he knows the general perception of this, the legislation is to give the Mayor the authority to enter into negotiations. One of those stipulations, and he knows that sometimes people think that is a done deal, the crazy term "done deal". One of the things that each and every Councilperson brought up in one way or another was exactly what you are saying. We do not execute the agreement without knowing, he does not care if it's secret, in a small room and no one can hear it. That was something we wanted to see, drill sites, prospective drill sites, what they have in leases, what they did not have in leases. They were willing to do that or at least that was a point of negotiation. Once again, that's just one of the things that gets lost. This wasn't voting to say, yep, let's bring in the rigs tomorrow. This was legislation to give this man the authority to carry out on behalf of us certain negotiations. We don't need to be in a rush.

Seth Beal said we have provided leases relative to this project. They are on the website.

Mayor Rinker said the other point is at some point whatever the Village is able to negotiate, Council then has to ratify. It's important to us to know that we don't facilitate another well being drilled in proximity to one of our neighborhoods.

Mr. Beal said we had agreed to that.

Mayor Rinker said, understood. We are in agreement there.

Council President Buckholtz said these are the things that have been going on at these little meetings that happen twice a month, at least twice a month.

Mr. Yarbrough said they are on your website.

Mayor Rinker said we are not arguing with you. What we are trying to say is that we deal as much as anyone else in a perception business. We have to be conscious of the fact that despite what I think have been very good efforts, he disputes the characterization that we have been stonewalling because we have not done that all. We know the more we do it, the more we are a lightening rod one way or the other. There's a point at which everyone shares a certain amount of exasperation.

Mr. Yarbrough stated he understands. But every time he comes they are supposed to vote. They were supposed to vote in December. They were supposed to vote in January. Every time they have said they are going to vote on this for the last several months, they take it from November to December, from December to January, from January, they say, you know we are going to have one more meeting with Finance, the second special meeting which he showed up to.

Council President Buckholtz stated but then a significant group of residents come forward.

Mr. Yarbrough said then another neighborhood association will come forward next month.

Mayor Rinker said if you have not seen the movie Groundhog Day, he commends him to watch it.

Council President Buckholtz said to Mr. Yarbrough, once again, your patience is noted.

Mr. Yarbrough said there are some other properties that you have that he has properties around that would be advantageous to the city also. He was going to include you all in. Why go through this when he can just go ahead and drill it? It's much easier to deal with a city, he has dealt with the City of Solon, he has drilled their properties, he has drilled municipality's properties prior to then. He would just as soon work with you and make you all some money because that's what it is all about.

Council President Buckholtz said we know that. As patient as you have been and as non-transparent as you have made appearances, Mr. Blecher, it's not always the people that come to Council, it's the people that are at home and then if we pass something it's in the paper and then 50 people show up at a meeting and say, what did you do? To his credit, Mr. Blecher represents the somewhat invisible constituency that says, well, I am not going to go to a meeting, the gas wells are okay. We are living off the land. We have natural resources here in Mayfield Village. We are living off of it. If everybody is real careful about how it is done, that would be great.

When there's 30 people sitting on this side of the room with this opinion and 30 people sitting on that side of the room with the opposite opinion just short of any fist fights, then we will have a debate and then we will have to make a decision. That's the point. Some people want it. Some people don't.

Mr. Yarbrough asked when the urgency all of a sudden to show up this week to go out and get a petition signed? Because they thought you were going to vote on it?

Council President Buckholtz stated it is human nature. The same reason you came here all pumped up that we were going to vote on it.

Bill Coughlin said if you want to know, he will tell you about it. He thought he explained it, but he guesses he didn't. We had a big meeting in July. Many people attended. You were there. We were told the Village was contemplating a non-drilling lease for those 10 acres, remember that? Then, we were told at the same meeting, we would receive mailings on how this was progressing. You can show me those mailings. We did not get that. Mr. Coughlin learned last week at a party at someone's house that now we are going to have some kind of ordinance passed that authorizes the Mayor to enter into a drilling lease. Mr. Coughlin was like, what? When did that happen? He is not sure how the petition got done. He does not know how it got circulated. He saw it today. He was asked by our Homeowner President to come represent the association tonight. That's what he is here for. That's what we know. That is why we are saying what gives? We are concerned.

Discussion ensued between Mr. Yarbrough and Mr. Coughlin about negotiating the lease. Mr. Yarbrough is happy to have a meeting with them.

Council President Buckholtz stated that Mr. Marrie was about to say something.

Mr. Marrie said the Mayor was not signing a lease. Council was not having the Mayor sign a lease in any shape or form. What it was was the Mayor was going to go into conversation with the drilling company about the 10 acres.

Council President Buckholtz said it will still go back to the residents and then still has to come back to Council for approval.

Mr. Marrie said it goes to Planning and Zoning and then comes back to Council. It was not like it was going to be signed and you didn't know anything about it.

Mr. Coughlin said he thinks that point got through. We are not claiming you were going to sign a lease today.

Mr. Marrie said under no condition. And the reason that 10 acres even came in was that Planning and Zoning and the Mayor and Council were trying to protect the residential lots such as the one on Bonnieview. Certainly in his estimation, he knows nothing about drilling, but a drill would be better in his estimation on 10 acres in the right position than it would be on a lot

on Bonnieview. And that's the reason that the 10 acres was brought into play. Non-drilling to a drilling.

Mr. Coughlin said to Mr. Marrie, that may be exactly right.

Mr. Marrie said it is.

Mr. Coughlin said we would just like to have that laid out to us so we understand that.

Mayor Rinker said, I am sorry that we did not mail everything out. It probably would have made a difference. On the other hand, anyone who resides in this community in this day and age and says they didn't know, he is stunned. People who are aware of the gravity of this, the extent to which we discussed it and walked away and thought if nobody pulled their coat for 6 months and feel that we are doing something suddenly at the 11th hour, he is amazed. With all candor, -

Mr. Coughlin said he does not get paid to come to Council meetings.

Mayor Rinker said you are an American citizen who has a responsibility just like he has a responsibility. He dropped the ball if he did not mail this out to everyone. We have had so much discussion. He has tried to be as candid as he could. He thought that when people showed up and expressed that concern and he has told everyone, we will go in front of homeowner's associations. He does that all the time. He welcomes that opportunity. That is why he is suggesting we do it now. But it's a lesson to us all. We have lots of volunteers. They come to all kinds of events. They are involved in all kinds of organizations. They don't get compensated for it. A lot of Village residents, people that you know, have spent a lot of time on this and the reason that they have is because being a bit engaged in their community is a responsibility we share. All Mayor Rinker can say is he is sorry that you did not get a mailing. No, you don't get paid to come to this meeting. Mayor Rinker thinks that a homeowner's association that knows that something is nearby and has an opportunity just to ask its representative to Citizen's Advisory, ask its President of its homeowner's group, ask its Council representative, call up the Mayor, call up Mrs. Betsa who has had calls and provided all kinds of information. We do it all the time. The problem is we can't be set up like CNN with bulk mailings all the time. Frankly we thought the word was out there so extensively that everyone knew. The fact that you didn't know we will try to amend it.

Mr. Coughlin stated he only has three things to say in response to that. Number one, the next time Jeff Schiemann asks him to come to a Council meeting, he is going to respectfully decline. Number two, with all due respect, he knows you work hard at this job for 15 years, but it is really not cool to be lecturing us.

Council President Buckholtz said it's just a conversation.

Mayor Rinker said think of me as a neighbor who feels that way.

Mr. Coughlin said that upsets us. Trust me. Number three, we would like to have some kind of understanding about what's happening and are happy to invite you and anyone who can give us information to the homeowner's association to make that presentation.

Council President Buckholtz said absolutely.

Mr. Coughlin said he would welcome them. He is a volunteer. He is a Trustee. He finds them to be very reasonable people. They don't yell at him. They don't fight with him. They don't threaten him. They don't lecture him. He just does what he is asked. He thinks you would find the same welcome there. You may be exactly right, that this is the way to go. We just need to know. If you are wondering what provoked what's happening tonight, it should be pretty clear that when you get a document that has that many names on it, and a homeowner's association officer showing up asking what gives, that there was, he thought we got past this, a failure of communication. He is here on behalf of our association. We would like to see that and we will work to cure that. That is all he has to say. He will sit down now. Thanks.

Mr. Yarbrough asked how soon we can do this? Can we expedite? Can we agree to vote after we get through this process?

Mr. Giordano said this is very plain and simple. We have nothing to hide.

Mr. Coughlin proposed that we get a room up here one night and we meet about it.

Council President Buckholtz asked if he can take control of the meeting at this point. We have a system that works quite well and very respectfully that you are here in all good faith and we want to resolve this in all good faith. There's a homeowner's association. You guys call the office. We will have Mary Beth Betsa call you or any representative you select tonight after the meeting. We are not going to do this right now. We will set up a homeowner's association meeting. We will invite anyone and everyone that you guys collectively choose which may include your contractor or not include the contractor but anyone from our Village engineer, people from other communities, whoever you want. We do this all the time. We do this for a lot of issues. That's not a problem. We can take that one more step. Your appearance here is an exemplary example of showing us that you are here and you are here now and it doesn't matter what happened last week or last month or last year or anyone else's motivations for wanting something done a certain way. We know what we have to do tonight. This is a clear indication.

Council President Buckholtz said to Mr. Coughlin that he sent out an e-mail that he would not have seen but it went to every single person which makes it public record, when he first saw this, his reaction was he is very glad that we got this. Better late than never. Because we might have voted on it tonight. We got this. That's not an option. Thank you Mr. Coughlin. Please do not feel that you came here in vain.

Mr. Coughlin said he won't take the bait every time.

Mayor Rinker said he promises he won't lecture you.

Mr. Coughlin said he was happy before this discussion began when you said you were not voting on it.

Mr. Yarbrough said so you have this meeting, and the next meeting another homeowner's association shows up. Can we draw a line and say, this is it?

Council President Buckholtz said we are going to set up a meeting.

Mr. Yarbrough asked, in a month, or two months?

Mayor Rinker replied the understanding is the homeowner's group will coordinate a time that is convenient for us. They will determine who will be there, who won't be there. That's their discretion. It's their call because it's their association. Depending on what kind of feedback we get from that, which he is sure we will get a substantial amount of feedback that Council will be able to respond to, there is Caucus, you don't vote at Caucus. The next regular Council meeting is a month from now. Mayor Rinker thinks everybody wants to try to resolve this, but we don't want to resolve it and risk having people figure out that we muffed it, that we dropped the ball. We are not stonewalling anyone, but we are trying to make sure, because it's a tough issue. You can see why.

Mr. Yarbrough said he just wants to know how much, if he wants to drill right now or just wait.

Council President Buckholtz replied that's a decision that you are going to have to make.

Mayor Rinker said, we can't answer that. All we are saying is that we are trying to deal in good faith. We are not ready to make a decision tonight. At the request Mayor Rinker made, Council has agreed to table this. You have heard the interplay with the homeowner's group. There will be a homeowner's group meeting he would suspect within two weeks. He does not know when that is going to be. He would suspect that by the time Council meets next month, they will be ready to call the vote one way or the other.

Mr. Yarbrough said to Mayor Rinker he heard mention of one thing. You said something about entering into a lease with some company, but you didn't specifically say Seagull. Mayor Rinker said he does not think the ordinance does either. Ms. Calta clarified that it does. Mayor Rinker clarified it does specify you. He takes that back. Mr. Yarbrough said when he heard you talk about that you said, or another company. Mayor Rinker said he was misspoken.

Tony Giordano
Seagull Development Corp.

Tony Giordano asked that when they do give the Mayor the opportunity to negotiate a lease, after the Mayor is done negotiating the lease, with whatever party he negotiates with, does this go back in front of Council for a vote?

Mayor Rinker replied, yes. Council has to ratify it.

Tony Giordano said, okay, so there are two meetings at the least, one for the Mayor to negotiate and the other one for you people to vote again?

Council President Buckholtz said, correct.

Mr. Yarbrough asked, what about Planning and Zoning?

Council President Buckholtz said we can't really answer that. Typically not, but if the state changes something or some issue comes up like it's 100 feet, or 150 feet, or 200 feet, or there is some different zoning issue, yes it will go back to Planning and Zoning. It's really a simple systematic situation. It's been long and hard.

Mr. Yarbrough said but if the state does not say a thing, if he does get a permit to drill where he is going to drill that he can't legally right now, the next month, if you say no, he will just go along.

Mayor Rinker said you have said that about five times tonight. Council President Buckholtz said if that's meant to be, whatever.

Mr. Yarbrough said he is going to get a permit. He might as well.

. **Second Reading of Ordinance No. 2008-25,** entitled "An ordinance authorizing and directing the Mayor to negotiate and enter into a non-drilling, non-trespassing oil and gas lease with Seagull Development Corp. regarding certain property known as Permanent Parcel Nos. 831-13-005 (4.75 acres), 831-22-031 (1.22 acres), 831-22-002 (2.5 acres) and all contiguous Village owned properties including S.O.M. Center Road." Introduced by Mayor Rinker and Council as a Whole. (First Reading - July 21, 2008) (Second Reading – August 18, 2008).

. **Second Reading of Ordinance No. 2008-26,** entitled "An ordinance authorizing and directing the Mayor to negotiate and enter into a non-drilling, non-trespassing oil and gas lease with Seagull Development Corp. regarding certain property known as Permanent Parcel Nos. 831-40-001 (10 acres) located on the corner of Bonnieview Road and Beech Hill Road." Introduced by Mayor Rinker and Council as a Whole. (First Reading - July 21, 2008) (Second Reading – August 18, 2008).

These Ordinances will be kept on Second Read.

. **First Reading of Ordinance No. 2008-49,** entitled "An emergency ordinance authorizing and directing the Mayor to negotiate and enter into an oil and gas lease with Seagull Development Corp. regarding certain property known as Permanent Parcel No. 831-40-001 (10 acres) located on the corner of Bonnieview Road and Beech Hill Road." Introduced by Mayor Rinker and Council as a Whole. (First Reading – December 15, 2008)

. **First Reading of Ordinance No. 2008-50,** entitled "An emergency ordinance authorizing and directing the Mayor to negotiate and enter into an oil and gas lease with Seagull Development Corp. regarding certain property known as Permanent Parcel Nos. 831-13-005 (4.75 acres), 831-22-031 (1.22 acres), 831-22-002 (2.5 acres) and all contiguous Village owned properties including S.O.M. Center Road." Introduced by Mayor Rinker and Council as a Whole. (First Reading – December 15, 2008)

These Ordinances will be kept on First Read.

. **Second Reading of Ordinance No. 2009-04,** entitled, "An Emergency Ordinance creating 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. (First Reading – January 20, 2009)

Mrs. Cinco, 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 Dr. Parker made a motion to enact Ordinance No. 2009-04.

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

. **Second Reading of Ordinance No. 2009-05,** entitled, "An Emergency Ordinance amending Chapter 311 of the Village's Codified Ordinances to delete Section 311.04." Introduced by Mayor Rinker and Council as a Whole. (First Reading – January 20, 2009)

Mr. Marquardt said this ordinance can go any time you want. It can go now or wait for another reading. It does not make that much difference.

This ordinance will be left on Second Reading.

. **Second Reading of Ordinance No. 2009-06,** entitled, "An Emergency Ordinance amending Chapter 745 of the Village's Codified Ordinances to amend Section 745.05(g)." Introduced by Mayor Rinker and Council as a Whole. (First Reading – January 20, 2009)

This ordinance will be left on Second Reading.

. **Second Reading of Ordinance No. 2009-07,** entitled, "An Emergency Ordinance amending Chapter 733 of the Village's Codified Ordinances to delete Section 733.04." Introduced by Mayor Rinker and Council as a Whole. (First Reading – January 20, 2009)

This ordinance will be left on Second Reading.

. **Second Reading of Ordinance No. 2009-08,** entitled, "An Emergency Ordinance authorizing and directing the Mayor to enter into a billing services agreement with Life Force Management, Inc." Introduced by Mayor Rinker and Council as a Whole. (First Reading – January 20, 2009)

Mrs. Cinco, 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. 2009-08.

Council President Buckholtz asked if there were any other questions. There were no comments.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

NEW BUSINESS

. **Motion to renew conditional use permits/special use permits with expiration date of December 2008 per Planning & Zoning recommendation.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to renew conditional use permits/special use permits with expiration date of December 2008 per Planning & Zoning recommendation.

Council President Buckholtz asked if there was any further discussion.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Conditional Use/Special Use Permits With Expiration date of December 2008 Approved

. **Motion to authorize expenditure in the amount of $3,490.00 to Eaglecreek for plantings for 2009 season. (Straw vote taken 2/9/09)**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize expenditure in the amount of $3,490.00 to Eaglecreek for plantings for 2009 season. (Straw vote taken 2/9/09)

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

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

. **Motion to authorize expenditure in the amount of $3,765.00 to Cuyahoga Regional Info. System ("C.R.I.S.") for first quarter fees in 2009.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to authorize expenditure in the amount of $3,765.00 to Cuyahoga Regional Info. System ("C.R.I.S.") for first quarter fees in 2009.

Council President Buckholtz asked if there was any discussion. This was discussed in Caucus.

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

. **Motion to authorize expenditure in the amount of $7,311.48 to Division of Water for annual hydrant water charge.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to authorize expenditure in the amount of $7,311.48 to Division of Water for annual hydrant water charge.

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

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

. **Motion to authorize expenditure in the amount of $5,000.00 to City of Mayfield Heights for Mobile Air Unit and Tech Rescue Team ("MAUTRT") annual maintenance fee.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to authorize expenditure in the amount of $5,000.00 to City of Mayfield Heights for Mobile Air Unit and Tech Rescue Team ("MAUTRT") annual maintenance fee.

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

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

. **Motion to authorize expenditure in an amount not to exceed $28,000.00 to Marshall Ford for F-250 crew cab work truck with plow and trailer towing prep package for fire station.**

Mr. Marrie, seconded by Mrs. Mills, made a motion to authorize expenditure in an amount not to exceed $28,000.00 to Marshall Ford for F-250 crew cab work truck with plow and trailer towing prep package for fire station.

Council President Buckholtz asked if there was any discussion. Mr. Marrie said this was discussed in Finance and approved.

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

. **Motion to authorize expenditure in an amount not to exceed $10,000.00 to Fire Safety Services for turnout gear for Fire Department.**

Mr. Marrie, seconded by Mrs. Cinco, made a motion to authorize expenditure in an amount not to exceed $10,000.00 to Fire Safety Services for turnout gear for Fire Department.

Council President Buckholtz asked if there was any discussion. Mr. Marrie said this was also discussed in Finance and approved.

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

. Motion to authorize expenditure in an amount not to exceed $51,500.00 to LNE Group for Federal Government Relations Services for Mayfield Village.

Mrs. Mills, seconded by Mrs. Cinco, made a motion to authorize expenditure in an amount not to exceed $51,500.00 to LNE Group for Federal Government Relations Services for Mayfield Village.

Council President Buckholtz asked if there was any discussion.

Mr. Marrie said this item was discussed and approved in Finance.

Council President Buckholtz asked if everyone received the materials on this item in their packets.

Mr. Cappello explained that they had a meeting back in late January with the City of Mayfield Heights, representatives from Pepper Pike and Highland Heights. Originally, they were looking to create a consortium of municipalities to go after potential funding to address stormwater issues and other wastewater and water projects. Basically what this would do for us is utilize the LNE Group which is a lobbying group to petition the powers that be to fill out the applications and use their influence to get potential funding through different funding sources. The good thing about this one funding source, the 594, is that we can actually recoup costs for engineering and design on past projects that would actually reimburse our General Fund. Any monies we get for future projects can cover planning, engineering and also construction. There is a requirement on the one portion that we have to supply or match 25% of any application. Let's say it is $100,000.00, the Village would have to have a minimum of $25,000.00 to recoup $75,000.00.

Mayor Rinker said, that's going forward. Mr. Cappello said yes.

Mayor Rinker said for recovery, we have already paid. Mr. Cappello said that is correct.

There are more details to this. Council President Buckholtz talked to Tommy about this. Council President Buckholtz opened the floor for questions.

Mr. Marquardt asked if we have any way of gauging the probability of recovering this expenditure.

Mayor Rinker said the specific answer is no. That is why he asked that Mr. Weingardner provide us with the letter that he did. There is no guarantee. They feel very confident. We were approached by the Mayor of Mayfield Heights on this idea because they have had success with LNE dealing with the Mayfield Road project. There's a certain amount of recapture that they have been able to do. The meeting that we had, the representation was that given this year especially with all of the activity that is going on, the timing is good. As he indicated in his memo to Council, the consistent response of each of the other three Mayors was one of this is too short a window of time to be able to jump through it.

One of the things that he asked Tommy to do was would there be a way that we could look back on the projects? Mr. Cappello has talked about some of that. The idea is that between Foster's Run, the work that we completed there and the work that we completed with Highland Road and even with Raleigh and looking forward to Beecher's Brook, even though there have been some state monies in those projects, they do not preclude the Federal dollars, it's two totally different sources, the criteria were different. It's as if one does not exist relative to the other.

Mr. Marquardt asked if we double dip on them.

Mayor Rinker replied it is not a double dip. One is from the State of Ohio. The other is from the Federal government.

Mr. Marquardt said you are getting paid for two. How much money do we have in the pot right now that we think we might be able to recover?

Mr. Cappello replied in the e-mail, the portion in the past, we have approximately $199,000.00 with the Highland, Metropark, Zorn sanitary sewer project. Foster's Run was $190,000.00. Even Seneca Road, we could recoup a small portion of that fee because that would be eligible. It was a past project. We could potentially recoup close to $407,000.00.

Mayor Rinker said with the percentages off of that. But that would be –

Council President Buckholtz said you also have the sewer projects, Glenview,

Mr. Cappello said those are the future projects. The past complete projects, just the engineering and planning, we are looking for $400,000.00. To answer your question, though as far as percentage of guarantee, that's a good question. One of the things that he brought forth from the City of Mayfield Heights is that if we do this, we actually are going to address two Congresspersons, Marcia Fudge from Mayfield Heights and Steve LaTourette from Mayfield Village. Mr. LaTourette is also on the Appropriations Committee. The specific earmarked money that we are going after is just for Ohio. He said he felt highly confident. The one benefit to this one proposal, and they basically did this at the Mayor's request, was to look at, is there a possibility that we can, originally it was $100,000.00 and he basically said what we will do is we will work backwards and get seed money. Basically, it's $25,000.00 upfront. If we get on a list and get funds, then they would recoup an additional $25,000.00. If they don't, they don't.

Mayor Rinker added the worst case scenario is we put $25,000.00 in. Mr. Cappello said, plus minor expenses, but right, $25,000.00.

Mayor Rinker said the other thing brought out to him and it's one of the reasons we have looked back and we have seen this in just about every application, certainly with the State of Ohio and with the County, when we contribute a portion that there is acknowledgement of that. Sometimes it's a formal crediting in a formula or else it's just a recognition. With Highland, Metro and Zorn, with Foster's Run and then also with Seneca, all we can look at out of those past projects is the engineering and the planning and engineering element of it because they will

preclude the other. On the other hand, the fact that we've done it, the fact that we've initiated it and in the area that has some benefit. We have to be very blunt. There is a risk in this, but the representations that they have made, the experience that Mayfield Heights has had, Mayor Rinker knows that Pepper Pike has been contemplating it. He is not sure that they are going to participate. There's a certain amount of this. We are trying to bridge a gap between the two sides and yet take advantage of the fact that we have this as an opportunity now. The potential is one that could be very very lucrative. It certainly seems worth the risk.

Council President Buckholtz said his first question was, if someone gives you all of the information, can we do this ourselves? Then he thought, well if you have a lot of time and wanted to dive into it, maybe. That was before he really read this line by line. The concept of bringing two different Congressional districts together and doing this cooperatively, it is like the Issue 2 money but the first one involved more than the trunk money. It triples your chances. Council President does not want to divulge running this like he runs his personal finances, but he heard that we may save $25,000.00 by closing the pool a few days earlier, this sounds like a gamble.

Mayor Rinker said, think of this as pooling your resources.

Dr. Parker asked if that is our share. Council President Buckholtz said it is.

Having said that, Council President Buckholtz asked if there were more questions. Obviously there are tons more information on this that will come out, but this is what we need to do. If we want to participate, this is what we need to do and this is what we need to do tonight.

There were no further comments.

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

First Reading of Ordinance No. 2009-09, entitled "An Emergency Ordinance establishing the Parkview swimming pool employees salary for the 2009 Season." Introduced by Mayor Rinker and Council as a Whole.

Mr. Marrie, seconded by Mrs. Mills, 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. Marrie, seconded by Mrs. Cinco, made a motion to enact Ordinance No. 2009-09.

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

ROLL CALL: AYES: All — Motion Carried
NAYS: None — Ordinance Enacted

First Reading of Ordinance No. 2009-10, entitled "An Emergency Ordinance creating certain positions and compensation related thereto for the Village's 2009 summer camp program." Introduced by Mayor Rinker and Council as a Whole.

Mr. Marrie, seconded by Mrs. Mills, 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. Marrie, seconded by Mrs. Mills, made a motion to enact Ordinance No. 2009-10.

Council President Buckholtz asked if there was any discussion.

Dr. Parker asked, in light of Gates Mills not having their camp, are we able to accommodate? Mr. Thomas said he would hope so. Dr. Parker asked, so we are all good with that? Mr. Thomas said, yes, letters have been sent to all of the parents.

ROLL CALL: AYES: All — Motion Carried
NAYS: None — Ordinance Enacted

First Reading of Ordinance No. 2009-11, entitled "An Emergency Ordinance amending Chapter 745 of the Village's Codified Ordinances to amend Section 745.99." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will go to Second Read.

First Reading of Ordinance No. 2009-12, entitled "An Emergency Ordinance amending Chapter 373 of the Village's Codified Ordinances regarding bicycles." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will go to Second Read.

ANY OTHER MATTERS:

Council President Buckholtz asked if there were any additional comments.

Council President Buckholtz stated that at the request of Council, Mary Beth was kind enough to revise the Committee list to include Planning Development Committee which he is the representative and Mr. Marquardt is the alternate. That has been done. Thank you Mary Beth.

At the risk of talking about gas and oil wells, Mr. Marquardt was caught up in the discussion on the authorization for negotiation. He does not particularly like the wording in here. It is saying that we are authorizing the Mayor to negotiate in accordance with the Seagull lease. It ought to be authorizing him to negotiate from our position, not from the Seagull lease position.

Ms. Calta agreed. The lease that's attached is a lease that they have provided to the Village. She took it and included the recommendations of the Planning Commission. It is not at a point that she would say that it has included everything that has been discussed since that point, but it does include everything that was included in the Planning Commission's recommendation, that laundry list of items that they had included that came before Council.

Council President Buckholtz stated it is really a Seagull/Mayfield Village lease as recommended by Planning and Zoning.

Ms. Calta stated it includes the Planning Commission's recommendations.

Dr. Parker said he does not know that you need to say that. Does it really need to be attached to the Ordinance? It might be kind of –

Mayor Rinker asked, misleads?

Dr. Parker said yes, he thinks there is a little bit of –

Ms. Calta said if you think it's cleaner to put together just an ordinance that would authorize negotiations attached to nothing, you can certainly do that.

Mr. Marquardt said he is just trying to get an understanding.

Council President Buckholtz said the big issue is what came out on the floor. Are we authorizing the Mayor to go out and negotiate with whatever company is out there that comes forth to suggest gas? That was picked up in the audience.

Dr. Parker said at some point we discussed this.

Mayor Rinker said Bass has approached us.

Dr. Parker said he has a problem with just restricting it just to them. Maybe them and others.

Mayor Rinker said that's where his slip up may have been, only because he is thinking the same thing. He does not feel this has to be exclusive, but we have to recognize the risk is always, and not that he would accuse Mr. Yarbrough of not being subtle.

Council President Buckholtz said they have put a lot of information out there.

Mayor Rinker said the fact is he could drill at any time. What precipitated this from the beginning was they said we could go tomorrow. We know that there's nothing precluding them doing that. They are keenly aware that there may be competition. We welcome the fact that there may be competition. Saying that we have to recognize at any point along the way if they want to force the issue they can do it. We have all pretty much precluded that because they have it, they recognize there is a benefit to be drawn. Why would they waste time being stonewalled as they have put it if they didn't feel there was an opportunity? With everything else, you make a business decision at some point, so we have to acknowledge this. They are close to a point, he would assume, where they are either going to say, you know what, we will go with what we have or we will still wait this out a little longer.

Council President Buckholtz said these are the resolutions that we are dealing with so we either have to follow them through or vote them down.

Ms. Calta said if you want to amend anything, you can do that.

Wes Marrotte

Mr. Marrotte indicated we discussed this in Planning and Zoning. One of the recommendations was made that the 10 acres that belonged to the Village would not be incorporated with any acreage outside the Village as far as the 10 acre drilling site. Mr. Marrotte just had some discussion with the Seagull people out in the hallway and their intention is to drill straight down on 10 acres and use the 10 acres with Stonecreek to get a 20-acre site. So right now, you have a conflict between Planning and Zoning's recommendation. Planning and Zoning was under the impression that they were going to slant drill on the 10 acres into Stonecreek and take a second drill on the 10 acres incorporating 10 more acres in the Village to get a second well. The gentleman from Seagull out in the hall told me, one well, straight down. I said wouldn't you drill there from Stonecreek? He said it would be too expensive. I asked him also, didn't you agree that there would be no drilling on Bonnieview and no other drilling on Beech Hill? And he said, we agreed to that.

Mayor Rinker said we are all trying to focus in on strategy where we can say we have satisfied ourselves that we have minimized any adverse impact as a general statement. Whether it's we devise a formula for what acreage is to be assembled or as he has looked at it, it's in the nature of a radius restriction in exchange for moving from the Bonnieview half acre or so lot on

to a 10 acre site, we should be able to negotiate something. We should be able to negotiate how they put it in as cleanly as possible. It is a messy operation regardless. The recommendations we are taking into consideration, but when it comes down to where we can finally negotiate a deal that they say they will sign on to, that is what he is trying to get. That may have some modifications from P&Z. Theoretically, without knowing exactly what. In there, we are going to have some radius restriction language which says by doing this, we are not only releasing the pain for the people on Bonnieview, we are also not making it easier for some other well to go in whether it's inside our borders or outside our borders it can't be so close as to be where the border doesn't make a difference, it's the proximity issue. That most people would agree to. We have just been very very careful about it.

Mayor Rinker added, the thing that really upsets him and he confesses, lecturer or not, we have disseminated so much information, anyone who has been involved. We just assumed. Mayor Rinker just does not know how people can't know about this, but the fact that they can say with a straight face, you didn't tell us, you should have let us know, it's upsetting. We have to go forward and have another meeting. These are not a lot of fun to handle as you well know, but people have to understand.

Mayor Rinker said to Wes, the point's well taken. It may be that if we do get to the table and negotiate something that they say they are ready to sign that Mayor Rinker can take back to Council for Council to ratify, it may be different from just what P&Z –

Mr. Marrotte said we discussed in P&Z that 10 acres would stay strictly within the Mayfield 20 acre. That is why it is critical to know where they have the leases to see if there is going to be a second well.

Mayor Rinker said from the very beginning they have clearly treated that as propriety. They have not wanted to give it up. One of the reasons is as Bill pointed out, it can be that you have some residents that do not want to be exposed. Just about anyone in the Village, that information was provided. Just overall, they are less worried about us and the neighborhood candidly. They are worried more about the competition. That means there are a lot of other players out there. They are telling people we are ready to go. Mayor Rinker thinks they are doing that to get people to sign. He does not think they have as many people signed on as one would like.

Dr. Parker said there are two problems. One, he finds it difficult to believe that their competitors have not gone around canvassing. They probably have a better idea of who they have signed up and who they haven't than we might. Secondly, the perception with going into negotiation that concerns him is that they go around and they meet with people. Dr. Parker does not want this to be turned into, well, the Village is already negotiating with us and they think it's a good idea to drill, why shouldn't you sign up with us? Dr. Parker knows that's devil's advocate.

Mayor Rinker said that's not devil's advocate, that's how this started. That's exactly what Brooks Yarbrough did. He went into the neighborhood on Bonnieview. People were coming back and saying we are going to take property by eminent domain.

Dr. Parker said you are right. So his question is doesn't that just give them more leverage to say things like that.

Mayor Rinker said, yes. But you know what? They are doing it. To take away some of the leverage would be if there had been more pushback earlier. We must have sent out more signals and pointed statements. He apologizes to anyone for lecturing, but he meant what he said. He can't believe that nobody was at least alerted to this in that neighborhood that they wouldn't even just pick up the phone and call you. These things have been publicized in so many different ways. The fact is, we had a lot of people who said sincerely they didn't know.

Dr. Parker said we have tried very hard to disseminate information. Perhaps in retrospect when the drilling option became an option on that site, that site being located in proximity to at least five Hanover Woods lots.

Council President Buckholtz said that's not really what's written here.

Mayor Rinker said the fact of the matter is that he thought when Mr. Coughlin was there, when Mr. Schiemann was there at that meeting in the auditorium and he remembers saying we will get this information out. He had every intention of doing it. The fact that we didn't just assert more control over that, he is sorry that we didn't. On the other hand, he felt they had been apprised. There was connectivity. All of these meetings that we have had, Mayor Rinker candidly thought there was at least some kind of communication and he figured somewhere the Homeowner's Association had discussed it. His only point is one of the strategies should be this Homeowner's Association, they can sign a petition. They ought to look at some kind of an agreement within their neighborhood that they would want to block it. There are safety in numbers. As you know, one neighborhood has done that. The more the residents ban together. That's one of the things that Planning and Zoning has discussed, is some of the strategies of trying to pull a lot of people together where it becomes harder is you can't force people to join a consortium. Unless people are willing to say now, you can't stop the one who says, you know what, I could use the money or this could be a good deal. That's where the mischief comes in because there are enough people for whom this is a proposition that they think this could be a good thing and how bad can it really be? How do you answer that question?

Council President Buckholtz said this is the same thing we went through with water flooding years ago. Didn't we just go through this whole exercise with a slightly different neighborhood and those people are not here. They are either satisfied with the results or what has been discussed or how it's going to work and you said or mumbled at a meeting or said, it's just going to move the problem over to Hanover. We all talked about it. Now, there we are. It's what I went through with handling the flooding problem at Worton Park and it moves downstream.

Mayor Rinker said the big difference is the strategy here is that if we put it on 10 acres you have a built in buffer unlike any other. Mayor Rinker was thinking less that putting it on Bonnieview was problematic for people on Hanover Woods as much as it was moving it closer and then there would be 10 acres freed up that would end up somewhere closer to that neighborhood. That's where we wanted to find out where else could we drill? It could be on Andrews Lane. Mr. Marquardt has asked that question, just about everyone here and we said we would not, Mayor Rinker just can't imagine Council would ratify that would have some exclusion in there where we could be satisfied that we are not freeing up 10 acres to cause mischief elsewhere. Mayor Rinker thinks everyone agrees with that. We may not be able to get a lease for that reason.

Dr. Parker said he understands why we want to negotiate. Like he said before, our intention, though very good, might in some ways work to our disadvantage in terms of how these people will manage other homesites, other people's properties and telling them, if it's good enough for the Village, it's good enough for you. That's a problem. I don't think it should be part of that issue.

Mrs. Cinco said again, Steve, your homeowner can take care of that. She told Jeff Schiemann that last night. You supposedly have deed restrictions.

Dr. Parker said for your information it's not so much deed restrictions. We have deed restrictions that say you cannot put a fence on your property. If that person walks into Mayfield Village and fulfills the requirements, they will get a permit to put up a fence and they can do that within the realms of Mayfield Village and they should do that because they are not here to –

Mayor Rinker said to Dr. Parker, shame on you for saying it that way.

Dr. Parker said, let me finish.

Mayor Rinker said, well then say it, you haven't said it.

Dr. Parker said it is the homeowner's responsibility to enforce those deed restrictions.

Mayor Rinker said you still haven't said it. You haven't said what we have done as a matter of policy which is when someone comes in we give a grace period and we try to let people know it. We put people on notice that someone has made that application, that we can't preclude it because it's not our private deed restriction, it's the homeowner's association. We have gone through it. That's a true statement. On the other hand, if your Homeowner's Association has a consensus it appears to have, it is within the power of your Homeowner's Association to amend and have everyone buy into an agreement.

Dr. Parker said he does not agree.

Mayor Rinker said you have all those lawyers in that neighborhood. You can't figure out a way to make sure that everyone agrees to that?

Dr. Parker said those Homeowner's Association requirements can be enforced if someone decides to sue somebody and enforce them.

Mayor Rinker said you have a voluntary membership in an organization that can pass as a pronouncement, a proclamation. If everyone can sign this petition, they can sign a statement pledging not to sign a lease. You don't need deed restrictions. You don't need anything to that.

Dr. Parker said you won't find too many people who do decide to sign a lease.

Mrs. Cinco said, he won't get his 20 acres.

Mayor Rinker said you are going to find out pretty quickly who is willing to sign.

Dr. Parker said just because there are deed restrictions –

Mayor Rinker said you are changing the fact. Forget the deed restrictions. Think of the Homeowner's Association, meaning people associating together. Neighbors. A neighborhood. A neighborhood association is neighbors associating. The reason Mayor Rinker is talking this way is you can voluntarily as a resident in your neighborhood pledge, I will not sign that lease. If you can circulate this petition, why can't you circulate that pledge? Answer that question.

Dr. Parker said, let me be correct, Joanne was not saying that our deed restrictions were
Mrs. Cinco said -

Mayor Rinker said, time out. You are changing the subject. They are not relevant to that decision.

Dr. Parker said that's what I was hearing. So if that is not what I am hearing and that is not what she is saying, -

Mayor Rinker said the fact of the matter is, you can as an association, before you even set foot in that meeting, you can circulate to every homeowner, Hanover, Hardwood, every one of them and you can say, here's the pledge. You probably are more grammatically correct in this document and make it very straightforward, I, so and so, at such and such address, pledge not to enter into a lease, drilling or non-drilling. Sign it. Do you think that's a problem? I would hope it's not.

Dr. Parker said your point is taken.

Mayor Rinker said all he is saying is the more people who don't treat themselves as victims and recognize they can assert their rights that way, it helps.

Council President Buckholtz said if somebody new moves in and takes it to the State of Ohio and challenges it –

Mrs. Cinco said then they would not get the 20 acres.

Dr. Parker said, perhaps he was misreading it.

Mayor Rinker said you weren't misreading it because we have been told that back when the understanding was, it was qualified, it was like, I think I recall that they had deed restrictions. Mayor Rinker remembers his response was check your deed. That was weeks ago. Did you check your deed?

Dr. Parker asked, are referring to the e-mail that just came out?

Mayor Rinker said that e-mail that just came out refers to a comment, an observation that was made weeks ago by the same individual that made it in the e-mail. In Planning and Zoning he said I think so. I remember explicitly saying check your deed.

Dr. Parker said, whether those are deed restrictions or not does not preclude someone from signing a lease because they have to be enforced.

Mayor Rinker asked, why are you making it so complicated?

Dr. Parker said, let's just drop it, I understand.

Mayor Rinker said people have a responsibility to themselves. Don't expect your government to do the whole thing.

Dr. Parker said no one is expecting the government to do anything.

Mayor Rinker said he's not so sure.

Council President Buckholtz said, so far we can't manage this thing any which way. The State mandates sets forth this thing. Everybody wants some kind of local control. Bruce is just suggesting, okay, you want local control? Get five houses at a time on your street and decide something amongst yourselves and then nobody will accumulate 20 acres, that's all you're saying. We are trying. We have spent 150,000 hours trying to examine the situation.

Dr. Parker said he thought he heard Mrs. Cinco say it was something different.

Mayor Rinker said you understood her correctly, but the characterization you just heard about it today, he's also disputing that. This was raised weeks ago. If people don't communicate, that's what we are being criticized, that we have not communicated. The problem is we have been so close to this thing. We have drilled this issue to death. We assume everyone else has picked up on it. Frankly with all of the representation here, he is surprised that more residents don't know with all of the media coverage. Apparently that's a fact. We will take care of that as best we can. What facilitates the dialogue all the way around though are strategies that work. That's what P&Z looked at.

What Mayor Rinker is telling you tonight, if it's not a deed restriction, so be it, but you certainly have the ability to do that. The fact that homeowner's associations exist at all, we have said it time and time again, is a good thing. It shouldn't just be for parties and for beautification. It should be issues like this that matter that should bring everyone together, assemble and do it. It shouldn't just be when it's a negative and you're upset. It can be something proactive and very constructive. Maybe this is a good opportunity to do it. Mayor Rinker would urge that you promote that with your neighbors.

Council President Buckholtz said notarize it and record it. He does not know if that's a deed restriction, but you could record it.

Mrs. Mills said to Dr. Parker, you used all your questions for the next year. Mr. Coughlin got up at one of our meetings that he attended and said he was an environmental attorney. If so, he should have been here at every meeting. That's what he said. That's the kind of cases he does.

Mr. Marquardt said he went to the Aintree North Homeowner's Association meeting on Friday. He has to give credit to Doug. There were two issues that came up. One was deteriorating streets in the development. The other one was the light poles which are fading out and need to be painted. Doug did an exceptional job. He did not want to steel his thunder. He was doing so well in explaining why the Village can't fix the streets. It doesn't solve the problem, but at least people were congratulating him on putting forward the reasonable explanation of why since we don't have the money to do it. It is a problem that we need to be aware of and should be put on highest priority whenever we do have money. People are noticing that the streets are going to hell. It's not just on Aintree North.

Council President Buckholtz said to Dave Miller, you did put it in your report that we are going to see something. It's really really important that we see those breakdowns. Maybe we want to have a phone call between now and then, maybe a conference call, a breakdown, real simple, like a pre-budget, simplified spreadsheets, in whatever time.

ADJOURNMENT

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

The meeting adjourned at approximately 10:00 p.m. The next Council meeting is scheduled for Monday, March 16, 2009 at 8:00 p.m

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WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

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BRUCE G. RINKER, MAYOR

_____
MARY E. BETSA, CLERK OF COUNCIL