

MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, April 20, 2009 – 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, April 20, 2009 at approximately 8:05 p.m. in the Mayfield Village Civic Hall. Council President Buckholtz called the meeting to order.

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

Absent: Mr. Saponaro

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

The Pledge of Allegiance to the Flag was given.

OPEN PORTION

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

Council President Buckholtz welcomed everyone here. It is great to see a turnout like this and that people care enough about an issue to get involved. He saw all of the e-mail conversations back and forth with many of the people in the audience this evening.

Council President Buckholtz said we do like to keep this to a 3-minute minimum although we won't need cards or anything like that. We are not strict. We want to hear what everyone has to say. That's what is important.

Council President Buckholtz asked, Jean, you are going to open it up? We do ask that you talk directly into the microphone and move it to wherever you need to move it. Do you have your tape running?

Jean Triner
829 Hanover

Mrs. Triner will hopefully try to rush it a little bit because she knows our time is limited, but she is going to cover some background information and what people are saying. We are going to be asking for people's help, including the Council, the Mayor and the people who are sitting here.

Mrs. Triner's husband's and her life changed drastically just about a month ago when luckily the wife of our Hanover Woods Association came knocking at the door. She told us what was happening relative to the drillers. She asked us to sign a petition opposing the Mayor and not giving him the

authority to negotiate to enter into a drilling or non-drilling lease in or about residential areas in Mayfield Village or to be against pledging all Village-owned property. Mrs. Triner is going to be entering into the records a copy of that petition, unless you already have that.

We were just really flabbergasted that the Mayor and the members of Mayfield Village Council had not mailed out a little bit more complete and accurate information early on about the seriousness of this problem. Yes, we got a flier inviting us to an informal meeting. We looked at the information on that flier. We did not really think it pertained to us. We are owners of our own business. Time is of the essence for us and we try to choose how we spend it wisely. For the past three weeks, we really neglected our own business and worked night and day with our concerned neighbors and friends to get up to speed on this.

Mrs. Triner recognizes looking around the room that time is scarce for most everybody in Mayfield Village. There are working couples with or without young children. There are grandparents raising grandchildren. There are people doing wonderful volunteer work. There are young people, like one you are going to hear from tonight, who are early in their careers. One of the things we are going to ask you is after this meeting to join with us to give even just an hour of your time to help protect your property, your health and your safety.

The Mayor had pointed out to us in a previous meeting that some of us are late to the party. That is not true for others such as Joanne Cinco who helped organize people early on to fight this in her Echo Drive area. It's also not true for Hanover Woods resident John Fadel who is very concerned and has talked to the Mayor on a number of occasions. It is also not true for Hanover Woods residents Bill Coughlin, who is here tonight, Helen and Dick Davis who are here and Jeff Schiemann who cannot attend tonight, but has been at other meetings and has done his homework. Those folks have expressed their views to no avail.

Even though some of us are late to the party, we are trying to make up for our lost time. A number of us walked around the last week to 17 streets in Mayfield Village distributing a green flier. We will submit that flier also for the record. If you did not get one, there's one at the back table. The reason we did that was we felt the flier contained well-documented information about the devastating effects of drilling. We heard from others as we walked around and they were just as shocked as we were to learn more about what's really going on.

Some of the drillers are targeting elderly people, people who are moving and people from other countries who may not fully understand the implications of signing. Some of the drillers, not all Mrs. Triner knows, are very aggressive, some of them are using unfair tactics. Some are turning neighbors against neighbor and trying to pit neighborhoods against neighborhoods and we are not going to let that happen.

The economy is taking values of properties down already. Some of the drillers are taking advantage of people who are having a difficult time paying taxes and bills. They are targeting and sometimes intimidating people who during these tough times mistakenly think the money they'll receive will be greater than the potential losses that they're going to face given the drop in value of their property once drilling goes into their area. They may also have no knowledge of the potential huge cost to the

health, safety and quality of life of their loved ones and their neighbors. You are going to get lots more details about this. Mrs. Triner is making generalizations. She is speaking from the heart. Other people are here who can give you the facts and figures and documentation.

Mrs. Triner has wanted to talk to Council. She is sorry the Mayor is not here to hear this. But, you would want to know the questions that we are getting from people as we walk around in the Village. Mrs. Triner hopes you appreciate hearing what people are asking and that you will not shoot the messengers. So, here are some of the questions that we are getting.

Some of the drillers, because they have been intimidating others, the questions that come across are some of the drillers intimidating the Mayor and the Council like they are these people that's been documented because they had to call the police. Are the Mayor and the Council overlooking the cost to the Village in terms of reduced income from property further devalued by drilling? Are they overlooking the cost of their own health and that of their constituents? Again, there's more data coming in on that. Are they overlooking the cost of fire and emergency personnel who will be called to address the drilling problems as they have in Bainbridge, Gates Mills and elsewhere?

Mrs. Triner would like to have entered into the Minutes the document which was distributed to the homeowners at Hanover and it documents Gates Mills' over 24 instances they have experienced fairly recently requiring emergency response due to oil and gas drilling. That number has been increasing. It used to be that there were no problems with the wells but because of some of the drillers and because of the Bill 278 that we need to get fixed, there aren't the requirements there should be to make the drilling safe.

Another question we are getting, why are the Council people caving into pressures from the drillers rather than encouraging action like Joanne Cinco's? Why aren't they rallying and trying to get us to drive the drillers out?

A wonderful 80-year-young neighbor got the Mayor's letter and the frequently asked questions that he just sent out to 17 streets. At first she thought reading it it sounded pretty reasonable. Luckily she simultaneously got the green flier with more accurate updated and complete information. She said this information gave her an entirely different picture and she asked the right questions. What shall I do or what can I do?

Yes, we know that you have relied on the Ohio Department of Natural Resources (ONDR) for your input despite giving data to you that is much more complete and up to date. People in the know realize that ODNR is not a source of information you can rely on. Maybe they just don't have time to update their information, who knows. The Mayor says you are continuing to distribute the outdated ODNR data for the sake of consistency. When people are getting new, well-researched data, why would they think that consistency is more important than giving people documented accurate information? Is the Council, is the Mayor open to new input?

Some of Council have stated that we, the residents don't get it. Their strategy is to try to protect certain parts of the Village when in actuality the strategy is this, no matter where the drilling is done

in a residential area, everyone, including the Village, loses. You will be hearing more specifics from others.

We believe the Mayor and the Council could have taken a much more proactive approach with the residents 14 months ago to keep the drillers from getting to this point. Well, better late than never and now is the time. You definitely, the Council and the Mayor have our attention and at last through residents uniting, we think we finally have yours. Rather than drilling that's been considered by some a breach of trust in the Council and Mayor working our best interest, we would like to move forward and ask the Mayor, the Council and all the people in this room to work with us to make up for lost time. You are going to be hearing more again exactly what we are going to be asking for you to do. There are about eight people or so that you are going to hear from and we hope you will really listen and join with us on this major effort going on to educate people in Mayfield Village. We have people from Highland Heights who have been working tirelessly on this and there are wonderful, wonderful things that can be done to make a difference if we are united and informed.

For the audience who wants to help, please let one of the people speaking know before you leave tonight and please urge your neighbors to come back May 4th for the Caucus meeting where you hopefully will get to hear the Mayor and Council's response to what the next eight people or so have to say.

At this point, Mrs. Triner turned it over to Linda Butler.

Council President Buckholtz stated, Jean, if I may, because I am actually running the meeting. As said, we are very liberal people here in terms of time, but Council President Buckholtz just wants everyone to get a grip on kind of the time sense. That was 10 minutes.

Mrs. Triner apologized.

Council President Buckholtz said, it is what it is, but his suggestion is a lot of what you said, he does not know if he is the only one that's read the e-mails today but a lot of it has already been spoken, it's already been said and Council President Buckholtz knows that he personally had a dialogue with Mrs. Triner and several other people in the audience, so we do applaud your efforts. What he said to Council was let's not make this a dialogue, let's hear from you. If there's less, who said what, when, where, and just exactly what is going on like what you're finding out in all this research from the drilling, because Council President Buckholtz thinks we are going to have a fabulous video to take down to Columbus to show the powers that are really allowing this to go unwatched if you will. If there are other people that are going to speak, we are going to need to keep it in that timeframe.

Mrs. Triner asked if she should turn it over to Jim then. That's her husband.

Council President Buckholtz said, just everybody state your name and address.

Jim Triner
829 Hanover

Mr. Triner will try to keep this to four minutes. He is going to expound on what Jean has already referred to regarding property values and potential liabilities for landowners. The question we have to ask is why are people signing these driller leases? They are signing them for the reward of money and limited reduced gas prices for the property owner who has the well on their lot. Signing bonuses range from \$100.00 to \$30,000.00 and that's if you have the drill well on your site. A good Northeast Ohio well will produce 200,000 cubic feet of gas over 10 years. The current wellhead price for gas is \$3.50 per thousand cubic feet. The property owner has been promised by the drillers a 12 ½ % royalty. So on a typical residential lot, this will come to about \$37.50 a month. A typical well produces about 50% of its total reserves during the first three years of its production so this is the reward. Now, we have to ask ourselves, is this reward really worth the risk?

Recent independent statistical studies conducted in 2005 and 2006 found that the presence of wells depressed property values between 4 and 16% within 2 ½ miles of gas wells. When drilling rigs have arisen within 600 feet of homes and developments, homeowners' property values have dropped 10% or more and banks are cautious about providing mortgages. For the past 16 months, Nicole Kukalec has seen her \$180,000.00 ranch home in Bainbridge Township plummet in value, becoming virtually impossible to sell, rent or refinance. If the well was on her property, she would have just traded a \$35,000.00 reward for a \$180,000.00 loss.

Real estate agents report reluctance among buyers to purchase homes whose mineral rights have been sold. In Mayfield Village, a 10% drop in property values amounts to between \$15,000.00 and \$50,000.00 per lot. Again, if the well is on a property, the property owner just traded \$35,000.00 for a \$20,000.00 gain to a \$35,000.00 loss. That's if everything goes as planned.

Referenced information regarding property values, property owner liabilities and potential troubling health and safety issues have been supplied in the flier we circulated last week and is being currently dismissed by some as not pertinent to the current ordinances facing Council. Let me show to you why the facts in this flier are relevant. For property owners who have already signed leases or are considering signing leases, let's continue to assess whether the reward is worth the risk. They need to be aware of the liability for potential contamination, breach of covenants in the landowner's mortgage with the bank, abandoned depleted wells and leases that are one-sided as noted in this proposed lease he has here which is just one page which doesn't cover any of the liability issues that would be incurred by this person if they elect to sign it.

Now for a couple of examples, oil and gas wells come with a potential environmental risk, most notably that which would be oil and gas leaks. Most of Ohio qualifies as a major hydrogen sulfite chrome area. Lethal exposure to hydrogen sulfite that occurs as far as 1200 feet from the source has the potential to kill people over a 103-acre area from the wellhead. Again, Mr. Triner has to ask, is the reward worth the risk? In fact, this is not a fallacy, it has actually happened in Chardon and a family who had a hydrogen sulfite leak, not a lethal one, had to vacate their house for five months.

Oil spills are expensive to remediate. There's a difference between rural wells and residential wells. Content on a large grass of land, 20 plus acres in rural areas is a completely different scenario versus residential areas where you have sewers backfilled with stone. If a spill hits the stone, that, encasing a sanitary or storm sewer contamination, can travel long distances. Most property owners are likely to be alarmed when they discover that there's a high probability that their homeowner's insurance will either exclude coverage from environmental claims or exclude coverage for the occurrence as a commercial or business venture.

Mr. Triner has a document which he would like to enter into the record from State Farm Insurance who is addressing a well being drilled in Broadview Heights. He told the homeowner that in the event there is a claim on the property, his home will be uninsurable and he will be unable to get a mortgage from a bank or sell the property.

Mr. Triner added, you will probably note that everything the drilling company does will be done under the veil of limited liability and that many carry \$5,000,000.00 liability insurance while the property owners place their entire personal net worth at risk. Again, is the reward worth the risk? Wells, even good ones, eventually go dry or become unproductive to the point where it does not make economic sense to operate them. The cost of removal is significant. Also, gas companies have the right to use the wellsite that has gone dry as a hazardous waste. This is already starting in Ashtabula. Once wells go dry, property owners are still on lease where they have no rights. The gas company walks in and says, now they are going to use the well as an injection well for gas. This clause is currently in the Eastlake Schools' drilling permit. Again, one has no rights to say, no. Imagine what this would do to your property value.

Again, in closing, Mr. Triner must ask, is the reward really worth the risk?

There's another thing too. When they drill on these sites, they have to have containment rules and everything else. Only in Ohio are they not required to take that discharge to a hazardous waste dump or have the EPA check it. They can take and mix it with fly ash coal from the power plants and bury it right on the property further contaminating all of the property.

Mr. Triner thanked Council.

Council President Buckholtz thanked Mr. Triner and asked for the next person. Also, if anyone would like to enter their name and address, not speak, but to enter your name to endorse what's being said, just stop by Mary Beth and give your name and address and that will save you from having to repeat what is already being said.

Richard Davis
801 Hanover

Mr. Davis thanked Council for the opportunity to speak to Council and guests. Mr. Davis wanted to express appreciation to the Mayor's office for sending out the mailing to selected Village residents and the enclosed questionnaire. However, he wanted to share the fact that generally return rates on mailed questionnaires are notoriously small, even when issues may be important to residents. In fact,

a return rate of 10-15% would be considered high. So, although the intent is good, the feedback is probably going to be very limited just because people don't send back questionnaires.

Mr. Davis also wanted to give Council a little update on the survey from the March 25th meeting which was Hanover and Kenwood homeowners associations. We have gotten four additional surveys. We have a total of 29 individuals representing 22 households. Jeff Schiemann had recapped our survey in a letter to the Mayor on April 3rd but with these updates, Mr. Davis would like to amend that information for you. The questions relative to part two of the leasing or drilling on the 10-acre site, 27 out of 29 were against it or 93%. Relative to item three, leasing or drilling on other Village property, 25 out of 29 or 86% are against it. Part four, relative to signing on to a rights agreement potentially to block drilling within our community by putting all our rights into the hands of the community itself, 26 out of 29 in favor or 90%. Those kinds of statistics, those kind of percentage involvements, are going to be much more significant to your decisionmaking than the very limited results Mr. Davis thinks you will get from the mailed out survey.

Mr. Davis would also like to comment briefly on the petitions that were circulated in Hanover Woods. His wife and he did one section of Hanover Woods. In fact it was the section nearest to Wilson Mills as is their home which is near Wilson Mills. As you know, that part of Hanover Woods is the furthest from the 10-acre site that is being talked about relative to drilling and relatively far from the Beech Hill site which has a drilling lease as well. Mr. Davis finds it particularly significant that every household we talked to signed our petition, 100%. There is not a single home where anyone wanted the City to take action to further propagation of gas drilling within the Village. So, on behalf of himself and his neighbors, he respectfully requests that Council listen to the voices of your citizens and take no action that will lead to additional gas drills being drilled in our Village. Thank you very much.

Council President Buckholtz thanked Mr. Davis.

Ray Koren

822 Hanover

His wife Sandra is also here. They have reviewed the information that Jean and Linda provided. They agree with their positions. He must express their concern tonight about possible groundwater contamination. There is no need for him to restate the serious problems of course that many communities have faced. Their property on Hanover is in a low area and their backyard has a catchbasin. The swales empty into the catchbasin. Also, on the north side of his property is a covered stream and when they have heavy rains, as a matter of fact, he saw it tonight, you will notice pooling of water. It comes up from the stream. What he wants to know is , what recourse does he have, or does any resident have, if toxic or odor producing run-off caused by drilling failure, contaminates their property? Specifically he would request his Councilman, Dr. Parker, to advise him if this contamination occurs, what physical action would the Village take to try to resolve the problem and secondly if necessary what legal action would the Village take to go after those who are responsible? At this point he would also caution any resident who is thinking on signing on to look into the possible liabilities that they may be exposed to.

In conclusion, he would like to mention, talk about his experience with contamination. In the 1980's and early 90's, he owned the property at 6900 Wilson Mills. At that time, the Northeast Ohio Regional Sewer District operated a pump station on the corner of Beech Hill and Wilson Mills. Every four or five months for about four years, the pumps would fail. They would simply open up the door down there and they would just let raw sewerage flow right down the creek which runs into the backyard of all of the houses on Wilson Mills and eventually right into the Chagrin River. As a matter of fact, a *Plain Dealer* article once mentioned at one time 500,000 gallons of raw sewerage ran across the property.

Council President Buckholtz asked, who opened those doors?

Mr. Koren replied that the Northeast Ohio Regional Sewer District had the pump station and when the pumps failed they would simply open up the door which it would run down the street instead of going into the sewer system. So, of course it was going over his property. He is not going to get into the smell and all of the other things we have to deal with, but he asked the Village what they would do to help on it, but there was nothing that they could do. But what they needed to do was upgrade the pumps to avoid this situation. To make a long story short, they simply said, hey we are going to have a gravity system in a couple three years. We are not going to spend the money. You now see of course the gravity system.

In conclusion, Mr. Koren does not want to experience this kind of frustration again. If his property becomes contaminated which it possibly could because of the location, he hopes that our united efforts would produce a better result. Thank you.

Council President Buckholtz thanked Mr. Koren.

Adam Kahn
825 Hanover

Mr. Kahn is one of the latecomers to the party. It was only a couple of weeks ago that he started to get informed by his neighbors that there was going to be drilling and that it would affect our neighborhood. He stands here before you to say that he does not want to see a drill and he does not think that any city properties should be negotiated with any drilling company. He would like to see more information. He would like to see advocacy on the information. It's not too late to act. Perhaps some people have taken an attitude that is fatalistic, that there is nothing to do about this. The drilling will happen. He fears this fatalistic plague, that a community will stand by and let outside sources come in and disrupt the status quo. He fears that this fatalistic behavior is induced by a lack of information. He feels that information will be the antibiotic to cure this disease of fatalism and that we need to use that to inform citizens of their rights and the problems and risks associated with drilling.

It has been presented that drillers already hold leases. He fears that the people who have signed away their leaseholds for the minerals rights didn't have all of the information, weren't aware of all of the risks and further for all intents and purposes were taken advantage of. The asymmetrical information that is present in these negotiations is strictly unfair to residents who hold no prior knowledge of

drilling. They have no means of doing proper due diligence and they are at the mercy of whoever is telling the information that this is okay, that there's not going to be any harm to come to it.

Mr. Kahn just wants to convey that our city needs to be educating its citizens that there are risks associated with drilling. They can affect property values. They can affect the environment. Letting these slide under the table unrecognized will just let people say, that's the way it's going to go. Mr. Kahn would not like to see that. He's just calling for information advocacy.

Amy Feren
Highland Heights

Amy Feren is a member of *LOGS, Love our Greenspace*. They have been dialoging with their city government for about 18 months or so about this very issue. Amy Feren understands that one of the reasons that the city is contemplating getting involved in leased drilling is to save the residential neighborhood

Ms. Feren wants to caution you that what you are doing is opening a Pandora's Box. What you will be signaling to the drilling companies is, "Come on down, we're open for business." If you really, really want to protect your residential neighborhoods, you need to give them real information about what their rights are, what's going on with the drilling, what the leases entail.

Ms. Feren means not the information, not the happy sunshine talk from the ODNR website. These leases, she is an attorney, these leases are written by and for drilling companies. They are not about protecting property owners or residential rights. There are many, many holes in these leases and people don't understand that. People don't understand that just because they get a letter from a drilling company that says so and so at this address has signed a drilling lease, that does not mean it's a done deal. They have to get 20 acres in order to drill. If residents around the first person who signs a lease say no, there will be no drilling in neighborhoods.

So if you want to stop drilling in neighborhoods, you need to start telling residents to say no and you need to give them good information to help them understand why they need to say no. \$37.00 a month royalty? People are being told by drilling companies, they throw around these figures about how much a well will produce. It never dawns on them that the drilling companies get to deduct whatever expenses they want, that they are really going to get a very small slice of the pie and that there's no guarantee that they'll get that slice of the pie. You are in a position where you can communicate valuable information. You want to save your neighborhoods? You need to start telling people the truth. Thanks.

Bill Coughlin
806 Hanover

Mr. Coughlin said, good to see you again. He is also one of the elected Trustees of the Hanover Woods' Homeowner's Association. He has been asked to address two topics which came up in their discussion and maybe you can give us some feedback on it. First is with respect to proposed

Ordinance 2008-49. That's the one that is to authorize and direct the Mayor to negotiate an oil and gas lease at the 10-acre parcel at Bonnieview and Beech Hill.

It's been described to them on a number of occasions in meetings here and elsewhere that what the Village is contemplating is a two-step process, the first being that the Mayor would be authorized to negotiate. The second, it would come back to Council for further deliberation and approval. Mr. Coughlin was asked to take a look at these proposed documents including the lease, the form of lease from Seagull that's attached to the proposed ordinance and he saw nowhere in there any express language that describes that two-part step. It is currently absent from the lease. It makes no reference to the power of Council in the proposed lease. It's somewhat unclear in the proposed ordinance. It says there will be due diligence. It says, for example, the Village's Planning Commission will weigh in, but it says nothing about Council approval. So, we would like your feedback on that inasmuch as that needs to be explicit. That's our first question and he thinks it needs to be explicit in the lease as well if this is the way we are going to go.

The second item was brought to their attention from their neighbors in Highland Heights and we would like your feedback on this as well and that is in the last General Election pursuant to citizen petition, the City of Highland Heights enacted an amendment to its Charter. That amendment prohibits that City from negotiating any kind of lease of publicly-held properties, held by the City, property held by the City, without the vote of the voters, of the residents, and so that was basically as best as we understand it, taking the authority from the administration and Council there and giving it directly to the voters and they did that through their own petition process. We would like to know what your feedback is on that because that might be a way to address this in a long-term fashion. It was a successful Charter amendment and that is now the rule in Highland Heights. It seems to be, it may not be a bad idea here.

With that, Mr. Coughlin thanked Council.

Council President Buckholtz thanked Mr. Coughlin.

Linda Butler
817 Hanover

Some time during the Spring, Council will vote on whether or not to allow the Mayor to negotiate with Seagull Development Corporation. The Hanover Woods neighborhood association opposes this direction for five reasons.

Before she goes into the reasons, she wants to show you some property on Ridgeway that Seagull recently, last summer, put in a well. This is the view on Ridgeway (power point slide) taken this morning in the rain. You can see, she apologizes, it's Ridgebury, you can see the house and the garage and behind the garage is another large structure which you will be seeing soon. To the upper left, you can see the neighbor's property which is a woodland lot with leaves, trees, and a lot of nature. To the right, you can see what's happened to the property that's been drilled. The drilling was done in the summer. There may have been time to do some mitigation on that backyard before fall set in, but it wasn't done. She is sure that some grass will be planted on that property, but the

trees have been cut except in a very limited area close to the house. The massive area in the backyard is completely flattened. This is not insignificant. This is a major decimation of this property, of wildlife potential. So to think that these drilling sites are innocuous is misleading.

Ms. Butler would like to have you look at the shot in the lower right which shows a nicely enclosed structure that is about as big as the garage. It's a significantly large structure. She asked Jim if we can get a close-up on the lower left.

The picture was unable to come up on the screen. But, there was another structure that has drilling equipment in it. The side has fallen off the structure. A piece of plywood is lying on the ground and the pipes are completely exposed. Ms. Butler has no idea how long this structure has been in that condition. There are children who live on this property.

Council President Buckholtz asked if the property owner is here tonight. Ms. Butler replied, no, the property owner did not answer the door when she knocked. Council President Buckholtz said he does not think anyone in the room would condone that this is what we want to see or this is what we want for land, so we get that point. He knows that there are five things Ms. Butler wants to get to.

Ms. Butler would like to deal with the issue that has to do with the Bonnieview property versus the Village releasing its 10 acres to Seagull. Seagull has amassed 28 acres of mineral leases in the Stonecreek condos and they have promised to directionally drill on Bonnieview. Drilling from the back end of the Bonnieview site toward the condos. This is devastating of course for the neighbors, however, we believe that Seagull would vastly prefer to drill on this site that includes the Village's 10 acres. It is unclear whether this placement is, the decision between the two properties is better or worse for the neighborhood as a whole but for Seagull it's clearly better to have the Village property be used because the access is easier and directional drilling is unnecessary. On the Village site, Seagull could drill straight down saving about \$75,000.00. That's an approximation in terms of cost. The savings incentivizes Seagull to drill on Village property and we do not want to reward Seagull.

If the Village negotiates, it legitimizes Seagull. When Seagull reps go house to house, they can say the Village is negotiating with us, why won't you? We feel that this endorsement would make it even harder for homeowners without the background in gas drilling to protect themselves from Seagull and other drillers. As it is, homeowners are signing leases that have no liability protections.

In negotiating, the Mayor hopes to protect the Bonnieview neighborhood by getting Seagull to agree to a restrained drilling on other sites in the Village. If Seagull were to be the only driller in the neighborhood, this might be a wise strategy, but other drillers have gotten a strong foothold in the Beech Hill area. If Seagull agrees to restrict its drilling activities, it could simply sell its leases to another driller making money without breaking his promise to the Village.

One active driller, Ohio Valley Energy, has a drill site near Seneca and Beech Hill. Ohio Valley Energy is the driller behind the disaster at Bainbridge. The other driller, John Denning, has a drill site in the same area. John Denning is closely allied with Seagull. Neither can drill without a 20-acre parcel, group of parcels, and they don't have it yet. People in Hanover Woods will work closely with our friends in the Beech Hill area to prevent this expansion.

In the gas drilling laws in Ohio, viability problems seem to be very slow to be resolved. In the situation in Bainbridge, a year and a half after that disaster, there is beginning to get some resolution. Many of the homeowners are not wise enough to have a lawyer or can't afford to have a lawyer draw up liability clauses. If massive environmental problems develop on say the Village's acreage, it is unclear to her who would be responsible for paying for the clean up. The Village property is on a tributary of the Chagrin River. A spill of either toxic chemicals or gas contaminated water would have a horrendous effect on the watershed.

Finally, the Village's 10-acre property is the only greenspace in the entire Beech Hill/Bonnieview/Glenview and Seneca area. To deprive the people of this greenspace is contrary to the Village's stated plans to enhance greenspace. Imagine if the trees and hills were flattened to create the sterile space that you saw in the previous slides.

We cannot change the past and the fact that many of the leases have been signed. However, we can change the direction of the future. As in a war on drugs, there is a simple answer and Amy Ferren has the same solution that Ms. Butler does, just say no.

If the Village says no and the individual homeowners say no, we can stop this cancerous growth in our neighborhoods. This strategy depends on committed people talking to their neighbors. You already have 32 who are working actively in our two neighborhoods to prevent drilling. In the next month, we hope to recruit more people to talk to their neighbors. We are going to have a petition drive in both neighborhoods to help distribute literature and to go door to door. Please sign up and help us. Help yourself preserve your property and preserve your neighborhood. We can do it together. It's not so hard. We are organized. We are smart and we are working together.

Before the next election, we will nominate, campaign for, and elect candidates who will represent our views in protecting our Village. Thank you.

Council President Buckholtz asked if there was anyone else. Mrs. Triner said that was all that they are aware of. Council President Buckholtz said, very good. He will still ask for anyone else. If anyone else wishes to speak, state your name and address.

John Denning
Seagull Development Corporation

Mr. Denning does not have anything really to add, but he would like to answer some questions. His name was brought up, so he felt that he had a right to –

Council President Buckholtz explained that what we have here is an open portion of the meeting. We are not going to turn it into a discussion period. That's just protocol on the nature of a regular Council meeting. You are welcome to bring new information forward in this three-minute time slot that we are trying to stick to. You discuss it with Council. You address Council. We do have other meetings where we do more of a discussion like in the Caucus that will be coming up in a couple weeks.

Mr. Denning asked if Council President Buckholtz is suggesting that would be a better time to address this.

First of all, Mr. Denning stated he was responsible for the drill number one, that is Bill and Carol Drough, the pictures that were up. He would like to refute maybe some of the photos we just saw. Is that permissible?

Council President Buckholtz replied he will allow a couple minutes refuting.

Mr. Denning would like to invite anybody to talk to Becky Bartel. That's her driveway. Stop in and see Becky. Ask her if she's satisfied with the work we did or Bill and Carol Drough. That's their backyard.

Council President Buckholtz said maybe he can help with this, because he was holding that comment. He knows the owner of that property quite well and she seems very happy to have a gas well. What we are talking about here is the property specifically that's owned with taxpayer's money. That's been a point that we've raised in the past and has been addressed and Council President Buckholtz thinks everyone here in the audience understands that people have the right to do with their own property as they –

Mr. Denning said and that is not my point. My point here is just to introduce myself, let you know that we are not some winged monkeys flying around signing oil and gas leases.

Council President Buckholtz said nobody's, we're not suggesting that.

Mr. Denning said he is a geologist. He has a Master's Degree. He teaches at the University of Akron. He is pursuing his PhD in urban planning, so he just wanted to let you know that we have, by the way, one of his young ladies that would like a well in her yard, he welcomed her to stand up to be counted and tell these folks why you signed up with an evil man like me?

A woman in the audience stated, she would, but she does not probably have enough for three minutes.

Council President Buckholtz said thank you very much. We have brought that issue up before. We wouldn't be involved in this if we didn't think that or know that we, while we feel that we have attempted to be as proactive as we can, not as much as some people would like and there is no question that this body, this particular group of people have done more research and legwork, door to door knuckle-breaking work on trying to go up against which is really the State of Ohio is the legislative body that needs to address this. We do know that there are people out there that have the right, that want the right and choose the right to drill on their property. You haven't been here before, for those meetings. We all know that.

Bill Ward

Mr. Ward was involved about 30 years ago in running a 4,000 foot line. The gas was already capped. The well was already drilled. It was in Windsor which had hundreds of acres. His point is is that if had been in a residential district like we live, he would never have even considered gotten his hands involved in it. His ethics are above that in business. But when you are looking at just open country for an acreage, hundreds of acreage, he does not know how many acres, that's a different story and it was already capped up. But this here, this is a residential district. It's completely different. He would not even, if he was the contractor, he would not even consider taking a job like this.

Mr. Ward owned Reliable Furnace Company. He retired. Council President Buckholtz said, good company. Mr. Ward thanked Council President Buckholtz. Council President Buckholtz thanked Mr. Ward for his comments.

With that, Council President Buckholtz stated we can move on. Everyone is welcome to stay.

CONSIDERATION OF MINUTES:

Regular Council Meeting – March 16, 2009

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

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

Special Council Meeting – March 16, 2009

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

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

Mr. Marquardt asked Council President Buckholtz to announce that there is no vote.

Council President Buckholtz stated that in case there's anyone in the audience that is not aware of this by now, we are not voting tonight on anything to do with gas wells. There will be our Caucus meeting in two weeks. Council President Buckholtz has a memo here and he thinks it's very reasonable we will be talking about these points and providing answers as we can. Council President Buckholtz will discuss that with the Mayor when he returns to town. In four weeks from tonight, there will be another meeting. He can't say at this time whether we will be voting on this or not. We will just have to stay tuned. Your arguments are very compelling. Once again, Council President Buckholtz thanks everyone for getting involved.

COMMENTS FROM MAYOR RINKER:

There were no comments

COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ:

There were no comments.

DEPARTMENT HEAD REPORTS:

SERVICE – Douglas Metzung

Mr. Metzung stated that the only thing to report tonight is that we have basically completed the lower level and the Building Department, having seen what fine work we've done has requested to move to the lower level as opposed to Finance. They will be moving down. Finance will stay where they are at.

BUILDING – John Marrelli

There was no report.

ENGINEERING – Tom Cappello

There was no report.

LEGAL DEPARTMENT – Diane Calta

There was no report.

FIRE – Chief Mohr

Chief Mohr stated he has two items to report. We have a high school prom drill which is next Wednesday, a week from this coming Wednesday. That will be the 30th. Also the CERT emergency response team for the community training is underway. There are currently 15 people from Highland Heights, Mayfield Heights and Mayfield Village taking part of the pilot class. That's going on right now.

FINANCE – Dave Miller

There was no report.

POLICE – Chief Dearden

There was no report.

PARKS & RECREATION – Bill Thomas

There was no report.

ARCHITECT – Ron DiNardo

There was no report.

HUMAN SERVICES – Eunice Kalina

Mrs. Kalina reported that she would like to invite people to their next Senior Speaker Series event which will be May 6th. We will have someone from Cleveland Sight Center speaking on seniors with vision loss and remaining independent and safe. It is in conjunction with the program they are having at Villa Serena in Mayfield Heights. They have a trip May 15th to Carrie Cerrinos to see a group called *Red Hot and Blue*. They have their anniversary party on May 30th.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that the Committee met on the 7th of this month and discussed the Mother's Day Pancake Breakfast. Everyone is invited to that. We also discussed the summer concerts. They are all in place. The bands have been hired. July 5th fireworks are in place. This is the last year on the three year contract so we will have to go in negotiations next year for fireworks. We also, because Bill Thomas was there, we discussed the Community Garden which could possibly become a reality this year or probably next year.

Architectural Review Board – Mr. Marrelli reported that Architectural Review Board met last week. There was one item on the agenda and that was to replace the signage of the defunct realty company on the corner of Beta and Wilson Mills with Howard Hanna who has taken over. That was approved.

Beautification Committee- Council President Buckholtz reported that there was a meeting on March 9th. He does not know when the next meeting is, but we will get that to everybody as soon as we know.

Board of Appeals – Mr. Marrelli reported that the Board of Appeals did not meet in the last month or so. We will meet tomorrow. We have one item.

Cemetery – There was no report.

Citizen's Advisory Board – Mr. Marrie reported that they had a meeting last week. A couple of the items that were discussed was the location of the new police department and the bids going out for the police station. Also, they discussed the Community Garden. There was some talk or suggestions of putting it by the fire station where the empty lot is. That was discussed, not settled

on. What the Committee would love or even the Village love is to have any input on where the Community Garden could be put. Mr. Marrie kind of dated himself on this. He called it a Victory Garden, but in any case, it would be a good thing. There are a lot of communities doing this and Mr. Marrie thinks it would be good for a lot of people to have a little piece of property that they could garden. Also, personally, Mr. Marrie thinks it would be great for the kids. A member of the audience said put it on Bonnieview. Mr. Marrie said, well, he asked for suggestions and he got one. Also, Memorial Day, we could use some help from Village residents please. On Memorial Day, they are going to be placing ahead of time on the 23rd, they will be placing flags down at the cemetery and then the following day at 1:00 they will have a ceremony. We could use and would really welcome some volunteers to help put the flags out. You might not believe it but there are thousands of Veterans who are buried at the cemetery. There are thousands of flags to be put out. Also, the program is at 1:00. It's not that long and it would be nice to have people attend. Obviously, we talked about oil and gas wells at great length. We talked about the Hanover polls and covered that completely, so there's no sense in going through all of it again. We just talked about it tonight and we talked about it then. We were talking with Senator Grendell about trying to change House Bill 278. He's already committed to that. Anyone who was here at the last meeting heard his phone conversation. The only problem is Senator Niehaus who sponsored the Bill is now head of the Senate, so it might be a little bit rough, but we need to talk to them to let them know that we are not happy with this and the only way is to get to the people who are writing these laws. They are the ones that put it on the books for the State. Those are the people that we need to talk to or write or call and ask them to please stop what's going on.

Commission on Aging – Mrs. Kalina reported that the Commission will meet on May 5th to discuss their Anniversary Party.

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

Safety and Service – Mrs. Cinco reported that Safety and Service met on Monday, April 6th. The idea of the Community Garden was brought up by Bill Thomas at that time. There are a lot of things to be considered in cost, water availability, parking, where they can store tools. We need some ideas for a location because there is a lot that needs to be figured out on the availability of a lot of these things. We then briefly went over items that are on the agenda tonight, the changeover for the police cars, the used police vehicles and the medical care for prisoners. Those were discussed also in Caucus and Finance.

Finance Committee – Mr. Marrie reported the Finance Committee met earlier this evening. All 15 items on the Finance agenda are on tonight's meeting for a vote.

Historical Society – Mrs. Mills reported that since we have a captive audience tonight, she would like to say for those of you who do not know about our Historical Society, it's the Mayfield Township Historical Society which consists of Mayfield Village, Mayfield Heights, Highland Heights and Gates Mills. That was the original township. The Society has for many years given tours for the students in the Mayfield School District. Last year, we toured about 350 children. We are about there right now. We toured 100 in March from Millridge and we

have Lander yet to come which will be about 95 children and they come for about 2 hours and they tour the house and it's very very interesting. We have a lot of nice things to look at. It's hands on for the children. Anybody that has any time and would like to visit us, we are open the third Saturday of every month from about 10:00-2:00. Please come and see us. See what we are all about.

Hillcrest Council of Councils – There was no report.

M.A.R.C. – Dr. Parker reported that the M.A.R.C. meeting was called to order on April 2, 2009 at 7:10 p.m. The Minutes were approved for March 5, 2009. The Treasurer's balance shows a balance of \$30,602.69. The following items were discussed. The MBA program finished on March 14th. They did mention that Sean did a great job. That was noted. The floor hockey program for grades 3, 4, 5 and grades 1 and 2 are finished. Grades 8-12 has about two more weeks. The outdoor flag football program was cancelled because of low enrollment. Mr. Thomas did present the MBA expenses. The track club for 2nd through 6th is about 52 children. The meeting was adjourned at 7:40. The next meeting will be May 7th at 7:00 p.m.

Ordinance Review Committee – Mr. Marquardt reported that Ordinance Review met on April 14th. There were 7 items on the agenda in our ongoing review and clean up of the obsolete ordinances and ordinances that need for the most part minor revisions. That will be ongoing. We have some on the agenda tonight. Council President Buckholtz asked if those are ready to be passed tonight. Mr. Marquardt stated we can go through the readings. It's not critical.

Planning and Zoning – Mr. Marquardt reported that Planning and Zoning met on April 16th. There were three items on the agenda. There was a lot split and consolidation at 1031 Lander Road that was discussed. This was a workshop meeting so no votes were taken. Site approval for the new police station was discussed and the withdrawal of the Conditional Use Permit for Hardbody Fitness Center was discussed.

Recreation Board - Mr. Marrie reported that the Recreation Board will meet on Wednesday the 22nd. A couple of items will be discussed were partially discussed at Caucus. First of all, the Easter Egg Hunt and Spring party for the children was extremely well attended. There were 80 children who participated. Mr. Marrie provided a program update on some of the programs that the Recreation Department has worked hard on and is obviously successful on. The Smart Start Golf for the 5-7 year olds has 18 participants and is totally full. Soccer for the 3-5 year olds is also full with 30 participants. Smart Start Baseball for 3-5 year olds still has five spots left. It's probably the only one with anything left in it. All of adult softball and soccer leagues are full. The Recreation Department in conjunction with the Activities Committee will hold a teen concert at Parkview Pool on August 8th for a few hours. We are in need of volunteers, which we always are of course for the following: Mother's Day Breakfast, Cruise Night, Summer Concerts and the Sizzler Swim Meet so like the one for Memorial Day putting flags at the Cemetery, if anyone is interested and feel they can do it, your help is definitely welcome. All you have to do is call Diane at Village Hall and give her your name and she will pass it on to the right person.

SPECIAL COMMITTEE REPORTS:

Planning Development Committee – Council President Buckholtz received an e-mail from Debbie Garbo. We are planning on holding a meeting this coming Tuesday.

Information & Technology – Council President Buckholtz reported that we did not meet, but we had a discussion regarding the website that desperately needs to be upgraded and we will be voting on it tonight. Council President Buckholtz talked to Jeff Thomas. They went over a number of things on the punchlist as far as what's expected of them and what we get in return. He indicated to Council President Buckholtz that he has been working with these people for a long time now and that they do a good job. We have a long list of websites that Council President Buckholtz checked out personally and it is highly professional work. The issue was raised in Finance about have they done municipalities. He is not sure whether they have or haven't. It's not on the list that we got, but they are working with municipalities and have indicated that they can emulate whatever has been done in other places so its seems like they are a qualified company and are a good starting point for us to get our website up for communication purposes such as we all know things that we need to communicate better on and be able to use interactive web commerce and signing up for things within the Village. We have talked about doing that for now in committee for about a year and a half. We are ready to move on that.

Records Commission – Mrs. Mills reported that Records Commission met on April 15th. We are applying to the Historical Society in Columbus for permission to destroy some of the documents that are no longer necessary. Also, for everyone in the audience, we are having our Shred Day for the community for Mayfield Village on the 16th here from 9:00-12:00. You can bring your important papers that you would like to have destroyed and we will be glad to do that free of charge for you.

Health Care Task Force – There was no report.

OLD BUSINESS

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

There were no comments.

- **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).

Ms. Calta stated that these Ordinances will remain 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)

Ms. Calta stated that these Ordinances will be kept on First Read.

- **Third 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. (First Reading – February 16, 2009; Second Reading – March 16, 2009)

Mrs. Cinco, seconded by Mr. Marquardt, made a motion to enact Ordinance No. 2009-11.

Council President Buckholtz asked if there was any discussion. These are the clean-up ordinances that Mr. Marquardt spoke about. Mr. Marquardt said two of them, yes.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

- **Third 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. (First Reading – February 16, 2009; Second Reading – March 16, 2009)

Mrs. Cinco, seconded by Mr. Marquardt made a motion to enact Ordinance No. 2009-11.

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

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

NEW BUSINESS

- . **Motion to authorize expenditure in the amount of \$15,800.00 to 42Connect for website development.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to authorize expenditure in the amount of \$15,800.00 to 42 Connect for website development.

Council President Buckholtz asked if there was any discussion.

Dr. Parker mentioned that he did bring up his concerns regarding this expenditure. They should be fully documented in the minutes of the Finance Committee meeting. In short, he would like to see (1) website proposals from companies experienced in creating municipal websites. As far as he can see, 42 Connect does not have such experience and (2) a competitive bid solicited from such company. Despite his support for improving our website, he will be voting against such an expenditure.

Mr. Marquardt agreed with Dr. Parker that although a lot of work has been put in, he does not think it is a good process in looking at alternatives as far as who is going to be used and what they are going to be doing. This was just done with one company. We should make this a practice. It's a good business practice to get those alternatives and come up with a proposal to Council that is well thought out and well documented and due diligence is performed. This is the responsibility of the administrative organization that's doing any kind of proposal.

Council President Buckholtz asked if there were any other comments. Jeff had mentioned he was going to be here, is he here? All Council President Buckholtz can say is that he spoke with him and he spoke very highly of the company. Council President Buckholtz knows that in committee we talked to other companies previously.

We have a motion on the table to vote. We can vote it as it stands. We can choose to go back and review it in committee. Council President Buckholtz entertained that idea at the will of Council.

Mr. Marrie said so be it if you want to bring it back.

Mrs. Mills made a motion to withdraw her motion. Dr. Parker seconded the motion.

Mrs. Cinco said to send it to the IT Committee.

- . **First Reading of Ordinance No. 2009-19**, entitled “An Emergency Ordinance creating Section 139.06 of Chapter 139 entitled Police Department.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills said this can go on to Second Read.

- . **First Reading of Ordinance No. 2009-20**, entitled “An Emergency Ordinance repealing in its entirety Chapter 1339, entitled, “Insulation Requirements.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills said this can go on to Second Read.

- . **First Reading of Ordinance No. 2009-21**, entitled “An Emergency Ordinance repealing in its entirety Chapter 1345, entitled, “Garbage Disposals and Incinerators.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills said this can also go to Second Read.

ANY OTHER MATTERS:

Council President Buckholtz asked if there were any additional comments.

There were none.

Council President Buckholtz thanked everyone for their involvement at this evening’s meeting.

ADJOURNMENT

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adjourn. Mrs. Mills thanked the people for coming.

The meeting adjourned at approximately 9:35 p.m. The next Council meeting is scheduled for May 18, 2009 at 8:00 p.m.

WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

BRUCE G. RINKER, MAYOR

MARY E. BETSA, CLERK OF COUNCIL