MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, May 18, 2009 – 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, May 18, 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: Mayor Rinker, Mr. Diemert, Chief Dearden,
Mr. Marrelli, Mr. Metzung, Firefighter Panzero,
Mr. Thomas, Mrs. Kalina and Mrs. Betsa

The Pledge of Allegiance to the Flag was given.

Council President Buckholtz advised that before we start, he needs a motion to amend the agenda for the purpose of passing a Resolution.

Mr. Marrie, seconded by Mrs. Mills, made a motion to amend the agenda for the purpose of passing a Resolution.

ROLL CALL: AYES: All — Motion Carried
NAYS: None — Agenda Amended

First Reading of Resolution No. 2009-04, entitled "A Resolution Thanking and Congratulating Mayfield Village Part-Time Police Mechanic and Auxiliary Police Officer Kenneth J. Whitmer for over Forty-Five years of Dedication and Service on behalf of Mayfield Village." Introduced by Mayor Rinker and Council as a Whole.

Mrs. Cinco, seconded by Dr. Parker, made a motion to adopt Resolution No. 2009-04.

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

Mayor Rinker stated as much as we have been used to seeing Ken around here all these years, and before Mayor Rinker's time; he moved here in 1984, he was looking at some of the facts here and when Ken started working for Mayfield Village, Mayor Rinker was just finishing up the 4th grade. Mayor Rinker has to say that his introduction to Mayfield's finest police department was with Ken many many years ago and he was just very kind, very helpful to a new resident who was just trying to figure out his way around town. That's really characterized the way Ken has been a face of our community for so many years; someone who's helpful, someone who's attentive. As a mechanic, someone who has been very very indispensible.

Mayor Rinker continued, we just wanted to show our recognition. We can see you have a lot of friends and family here tonight. We are proud to share this honor with you. Ken, come on up and get your Resolution. Thanks. Well-deserved.

Mrs. Mills asked Ken how many years he was a milkman in the Village too. Ken replied, 16 years. Mrs. Mills asked Mayor Rinker if he knew that. Mayor Rinker said he did not. Mrs. Mills said he was a milkman and he ran the milk up your driveway. Council President Buckholtz asked Mrs. Mills to explain what a milkman is.

Mayor Rinker stated we have refreshments if we can take a little break.

Council President Buckholtz stated we will take a break and reconvene in about 5 minutes.

A break was taken at 8:20 a.m.

The meeting reconvened at 8:30 a.m.

OPEN PORTION

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

There were no comments.

CONSIDERATION OF MINUTES:

Regular Council Meeting – April 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:

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 he has tonight is to request a straw vote for authorization to go out to bid for street striping.

Council President Buckholtz asked Council if they have a problem with going out to bid for street striping. There was no objection.

Mrs. Mills asked if you need a motion for that. Mr. Metzung said he does not really think we need it now.

Council President Buckholtz said we will bring it to the agenda when you have some information. It sounds good.

BUILDING – John Marrelli

Mr. Marrelli provided an update on the police station project. As of Friday at Noon, we received 13 proposals on our Request for Proposals for the Design-Build Project. The review process will now begin.

ENGINEERING – Tom Cappello

Mr. Metzung reported in Mr. Cappello's absence that the advertising for bids for the Seneca Road Rehabilitation Project will be in this Thursday's newspaper.

LEGAL DEPARTMENT – Mr. Diemert

Mr. Diemert reported that the public records law, House Bill 9, requires that there be a training session for all elected and re-elected officials during their term of office. A designee can be appointed. A motion is on the agenda authorizing the designation of Mary Beth. There will be a training session hosted by Council Clerk Debra Hladky from Oakwood Village this Thursday at Mayfield Village. It will be run by the Auditor of State's office. If anyone has any questions about authorizing the designation, Mr. Diemert will comment on it at that time.

FIRE – Firefighter Panzero

There was no report.

FINANCE – Dave Miller

There was no report.

POLICE – Chief Dearden

There was no report.

PARKS & RECREATION – Bill Thomas

Mr. Thomas provided an update on Parkview Pool. It has a diving well. In the diving well, there is over 80,000 gallons of water. This year, Mr. Thomas is pleased to report that we left the water from last year in the diving well. Mr. Thomas uncovered it and it was clear as a bell. What that does is it saves a lot of manhours. What we used to do is drain the pool and clean it out. We would have to spend a lot of money on filling that diving well. Mr. Thomas said he has to give Kudos to our Service Department and specifically to Lenny Tierney and Jim Dolatowski for an excellent job. Mr. Thomas really means that. That's a major, major improvement to preparation for Parkview Pool.

Mr. Thomas continued, the staff put a fresh coat of paint on the 0-42 inch play area and cleaned thoroughly the main pool area with a scrubber that we have never used before. That has saved a lot of manhours. We will be looking at purchasing the scrubber for next year.

Mr. Thomas stated that we are compliant now with the Graham-Baker Act. Mr. Thomas asked if everyone is familiar with that. Council President Buckholtz asked Mr. Thomas to explain it.

Mr. Thomas stated that all the pools in the country had to replace their drains because there was an incident where someone got killed, sucked into the drain. The bottom line is we are now compliant. Mr. Thomas wanted to let the Law Department know this. We had the company that built the pool 11 years ago, Astro Pools, put them in. It is under the Mayor's expenditure.

Finally, Mr. Thomas reported that all of the lifeguards are being recertified in CPR and lifeguard training. We will be ready for the summer that begins on June 8th.

Council President Buckholtz stated, so now we have new drains and last year's water. Mr. Thomas said that is correct. It's all recycled and it's clean.

Mr. Metzung added that this is the first year that the diving well has not leaked. We seemed to have filled all the leaks. We have always tried to leave it full.

ARCHITECT – Ron DiNardo

There was no report.

HUMAN SERVICES – Eunice Kalina

Mrs. Kalina reported that they are busy working on their Anniversary Party which is Saturday, May 30th from 1:00-4:00 in the Community Room. Everyone is invited. Residents of the Village will have lunch, entertainment and hopefully lots of door prizes. They had a trip last Friday to Carrie Cerino's where they had lunch and they saw a group from Branson, a musical group, *Red, Hot and Blue.* It was a very successful trip. Everyone had a good time. We have some other trips coming up in June and July. Stay tuned.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that we served a total of 796 people at the Pancake Breakfast. The nice part about this was that we had 60 volunteers. We owe that to Danielle and Sean for all of their work in acquiring the volunteers to do this activity. Mrs. Mills also would like to thank the Service Department. She had more positive remarks about how nice the Service building was. It didn't even look like a service building. They really do a good job. Mrs. Mills is very pleased with that. Our next meeting is this Wednesday at 7:00 p.m. here in Civic Hall. We will be discussing 50's Night. If 50's goes half as well as the Pancake Breakfast, that will be great. Mrs. Mills was very very pleased with all of the people that flipped those pancakes and did those sausages. It worked out so well.

Architectural Review Board – Mr. Marrelli reported that Architectural Review Board met last Thursday and had two projects. One was solar panels for a home on Hickory Hill. They are putting solar panels on the back of the house to heat pool water, a 35,000 gallon built-in pool. This will be the first application of this type in Ohio. The contractor is excited to use this project as a platform for future jobs. He will be real careful with this one. Mayor Rinker said we should take notes. Mr. Marrelli said we are going to take pictures. They may shoot a video of it as it is going up. It's all being done very carefully with great detail so that you can use it as a promotional kick-off.

Mayor Rinker asked Mr. Marrelli to explain how they tie it to the grid. Mr. Marrelli replied this is for hot water heat. It will be a circulating pump with a piping system that goes up into the panels and the sun warms the panels and the water and it goes into a heating unit and the temperature actually gets raised 25-30 degrees Fahrenheit when it goes up to the panels. Mayor Rinker said so it just stays isolated to the property. Mr. Marrelli said it circulates. It is a new technology and it's pretty exciting that we are going to have it here first. So, we approved that.

Mr. Marrelli added that a pool cabana was also approved for another built-in pool over on Meadowwood.

Beautification Committee- In Mr. Saponaro's absence, Council President Buckholtz sees in the Minutes that they met on April 27th. They discussed the poster contest that the children are involved in. They discussed the hanging baskets from Eagle Creek, Tree City, benches along the path and more landscaping ideas in the Beecher's Brook/Raleigh area. Their next meeting is Monday, June 29th.

Mrs. Mills reported that they are recognizing the students who participated in the poster contest on Tuesday, May 26th at 7:00 in Civic Hall.

Board of Appeals – Mr. Marrelli reported that Board of Appeals met last Tuesday and approved a variance for a resident on Lander Road where two neighbors are swapping some land in the back of their lots.

Cemetery – Mrs. Mills reported that Mr. Metzung is getting us some prices on some tree removal. We have some deceased trees there that need to be taken down.

Citizen's Advisory Board – Mr. Marrie reported that the Committee will be meeting on June 4th. That is a rescheduled meeting. This month's meeting had to be cancelled.

Mr. Marrie added that we need volunteers to help us for the Memorial Day flag placement this Saturday at 10:00 a.m. at Whitehaven. Anyone that can help for a short time would be welcome. There are a lot of flags to be placed there. Help is always welcome. The ceremony will take place on Sunday at 1:00 p.m. at Whitehaven. It would be lovely to have as many as possible there for the ceremony for the Veteran's. They certainly deserve it. Mr. Marrie believes our illustrious Mayor is the main speaker, so you are bound to hear something very enlightening. It would be great if you could come and help. Mary and Merv Singer are here this evening and will stay a minute or two after the meeting in case you need any further instructions. We need help to place 3,000 flags on the graves of Veteran's. It's hard to believe that many Veterans are buried in Whitehaven, but that's why it takes so long.

Council President Buckholtz asked for clarification, it's at 10:00 on Saturday? Mr. Marrie said, yes. People will be working for a couple of hours if we get a decent number of volunteers.

Mrs. Singer added the Boy Scouts will be helping put the flags out. We are also including Mt. Sinai Cemetery.

Commission on Aging – Mrs. Kalina reported that the Commission on Aging met last Tuesday to go over plans for the Anniversary Party. They will meet again after the party.

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

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

Finance Committee – Mr. Marrie reported the Finance Committee met this evening. We discussed 9 items, all of which were passed and all of which are on the agenda for the Council meeting tonight.

Historical Society – Mrs. Mills reported that last Wednesday, we served a lunch to the Shaker DAR's. We had 24 ladies there. They enjoyed the house and the lunch very much. This Thursday and Friday we have the children coming from Lander Road School. Those are two all-day tours. We will be touring 95 students at that time.

Hillcrest Council of Councils – Council President Buckholtz reported that they are having a breakfast Saturday, May 30th. Any Council member who wishes to go to that are welcome. Council President Buckholtz will be out of town, but they are having Jane Platten, Director of the Cuyahoga County Board of Elections as a guest. It's always a nice get together and a wonderful breakfast. That will be 10:00 a.m. Saturday, May 30th.

M.A.R.C. – Dr. Parker reported that the M.A.R.C. meeting was held on May 7th. Items of note: high school floor hockey's second session has finished up. Fliers for the rocket and kite program have gone out. Sign-ups are just starting. Sports-N-More will run summer camp again with 130 signed up now. They are hoping for another 10 or 20. The next meeting will be June 4th at 7:00 p.m. at the Board office.

Ordinance Review Committee – Mr. Marquardt reported that Ordinance Review met on May 12th. Their ongoing review continues of the Village's ordinances to either delete or modify them or change the fee schedules and consolidate the fee schedules. We had 7 items on the agenda. Some of them have made it to the agenda for Council tonight.

Planning and Zoning – Mr. Marquardt reported that there was no meeting. There is no report.

Recreation Board - Mr. Marrie said we don't have meetings between May and August, but there are three areas where we do need volunteers to help: Obviously, Cruise Night on the 13th of June, the Summer Concert series and Summer Sizzler Swim Meet on July 26th. Get a hold of Danielle if you can volunteer for any of these events.

SPECIAL COMMITTEE REPORTS:

Planning Development Committee – Council President Buckholtz reported there was no meeting. Mayor Rinker added that we will be recommending that we kick it over a few weeks past June. We are having an event regarding Beta on the 10th. Mayor Rinker thought the report following that would be more useful for the Committee.

Information & Technology – Council President Buckholtz reported that the Committee discussed the website. We are pretty much all in agreement that WRIS, at the recommendation of Dr. Parker pointing out that their expertise with municipal websites is probably the way to go at this point. A lot of people make pretty websites and nice looking websites, but we want to get

people that know what the other communities are doing. More importantly, Council President Buckholtz would like to turn it over to Ted who, kind of Planning and Development and Information and Technology has some updates for us.

Mr. Esborn reported at Caucus this month that there was a company that decided to locate on Beta Drive because of the fiber that we have invested in. Mr. Esborn did not have any details at that time about the company. He has gotten a little more information. They are called Control Works. They specialize in applications for touch screen devices. They have an office in Cleveland. They also have an office in Boston. They are advertising their newest application which is an interface to the website Twitter. The demand for this fiber which has brought us to the point we are at now, we did not think we were going to be at this point until September when we thought that we were going to launch the fiber ring and we thought at that point we were going to have to work with property owners to figure out how we were going to meet the needs of the tenants and that's actually a process that's happening now. We are going to be meeting this week with OneCommunity and with Geis properties to figure out now that we have the ring, how we are going to start branching off to get to those tenants.

Council President Buckholtz asked if we know roughly how many employees they are going to have.

Mr. Esborn believes they are going to have 8 in this office to start. They may be looking to bring some of the office from Boston here.

Records Commission – Mrs. Mills reported as Mr. Diemert said, the House Bill 9 Training is May 21st. It starts at 12:00, 11:30 if you choose to have lunch. We had our Records Commission meeting on April 15th. We approved some records for disposition and went through the regular things we have to do to prepare for Shred Day. Community Shred Day was held on Saturday and it was a success. We had 57 cars pull up with their goodies to be shred. The Village shred 67 boxes for a total of 4700 pounds of paper. We are planning another one in October. It's a good thing to get people in the mindset of doing this. They stand there and watch their papers go up into this garbage can and it is shred. They don't believe it, they think we are going to take something out of the box. It was really interesting. It flowed very well. There wasn't any waiting. It was pull your car up, take the stuff out, put it in the trash can and leave. It's a good project. Mrs. Mills asked Mary Beth to explain the cost on that.

Mrs. Betsa reported that with the amount of boxes we had, the cost for the day was only $500.00. We would have paid more had we just had them come out for the Village. Mrs. Mills said it is a good community project. She would like to see it continue. We still have a lot to be shred as we are going through all these records.

Mrs. Mills said our next meeting is on June 10th at 12:30 in Civic Hall.

Mr. Metzung asked if we are provided with a receipt for the weight. We are provided with a receipt.

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).

. **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)

Council President Buckholtz reported that we are not going to be voting on the above four items. As a formality, these Ordinances, 2008-25, 2005-26, 2008-49 and 2008-50, it is his understanding from the Law Department that to dispose of them we need to table them or permanently table them. We can't withdraw them. Can we just withdraw them or is it just a tabling process?

Mr. Diemert replied you can defeat them. That would be the only option to withdraw them once they are introduced.

Council President Buckholtz stated what we will do is table them permanently. We will get them off the agenda. There's no reason, they speak to issues that no longer exist in terms of these particular offers that were made and then rescinded. If we have no interest otherwise, we don't need a motion.

Mr. Diemert said you have to vote on it.

Mrs. Mills made a motion to withdraw Ordinance Nos. 2008-25, 2005-26, 2008-49 and 2008-50. Mr. Marrie seconded the motion.

ROLL CALL:	AYES: All	Motion Carried
	NAYS: None	Ordinances Withdrawn

Council President Buckholtz stated he would just like to take this time to mention that in lieu of this, in all of the conversation and all of the participation that we have had from the public and from Planning and Zoning and all of the Committees and Department Heads, the Mayor has written a letter that we have all seen and has been passed around to some extent to the public and will be addressed in the *Voice of the Village*, to initiate some sort of legislation right here in the Village, maybe a little cutting edge, maybe a little taking from here and taking from there of some of the communities that have been through this already, but coming up with some new ideas. The Mayor has mentioned, and it would be Council President Buckholtz's will to do so, to send that to Ordinance Review or to put that in the hands of some of our committees, particularly Ordinance Review so that we really do this thing right so it's written properly. He has heard it a number of different ways. What we need to do is collect all of the information and say, in residential communities, there has to be special restrictions or special conditions that apply. We can get there with some of the help that has been brought forward and some of the information that we have already. Council President Buckholtz would suggest that that goes on an agenda for Ordinance Review to start.

Dr. Parker said since we are on the subject, he just wanted to remind people that Senator Grendell will be holding three forums on drilling in the area. These have been mentioned, but Dr. Parker just wants to mention it again. Thursday, May 28th at 6:30 p.m. in Mayfield Heights at the Middle School auditorium; June 1st at 7:30 p.m. in Highland Heights; and June 4th in Gates Mills with the location and time to be determined.

Mayor Rinker asked to amend this. When he spoke to the Senator Thursday, he had been under the impression that his office had indicated that Mayfield Village was to be the venue. Mayor Rinker pointed out that he had read in the paper that day that it was Mayfield Heights. He told me he was going to call his office. We were both out of town at the time. Mayor Rinker's understanding in talking with Diane Wolgamuth is that in fact his staff called on Friday. They

were apologetic. They did not know the difference between Mayfield Heights and Mayfield Village or Gates Mills. Sometimes it's our blessing and our curse.

The bottom line is that we will provide the venue. We will confirm that the date is as you have put it, but for some reason Mayor Rinker thought we had a different date. We will get that word out. Mayor Rinker thought it was the 8th of June. We are going to hold it in our auditorium.

Mrs. Triner clarified that it is the 8th.

Mayor Rinker added that we will defer to the Senator on just what his staff is looking at as far as the format. If there is a way that we can compliment that effort, we will do so. That's where it stands right now.

Council President Buckholtz stated you mentioned Aintree Homeowner's is having their own just for them?

Mayor Rinker replied he thinks June 2nd. Aintree Park has a committee of their homeowner's group.

Mrs. Mills confirmed that June 2nd is Aintree Park at 7:00 here.

Council President Buckholtz urged anyone that has not spoken to their own neighborhoods about it to do so. He is doing this in Worton Park and would suggest that these are meetings that people should make an effort to attend. It would be a way to rally other neighborhoods into this, whether they are affected directly by it or not. You never know who is going to come knocking on their door as we have seen so Council President Buckholtz will be informing the Worton Park/Pinetree neighbors, Lander Road and Ridgebury of these meetings as well.

. **Second 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. (First Reading – April 20, 2009)

. **Second 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. (First Reading – April 20, 2009)

. **Second 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. (First Reading – April 20, 2009)

These Ordinances will be left on Second Read.

NEW BUSINESS

. **Motion to authorize expenditure in an amount not to exceed $3,200.00 to Heights Offset Printing for printing services for the summer VOV.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to authorize expenditure in an amount not to exceed $3,200.00 to Heights Offset Printing for printing services for the summer VOV.

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 $11,324.97 to Cuyahoga County Treasurer for 2009A Estate Tax Settlement.**

Mrs. Mills, seconded by Dr. Parker, made a motion to authorize expenditure in the amount of $11,324.97 to Cuyahoga County Treasurer for 2009A Estate Tax Settlement.

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

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

. **Motion to authorize the sale by Mayfield Village of the following vehicles:**

- **2006 Ford Crown Victoria 2FAFP71W46X138920 - $4,888.00**
- **2007 Ford Crown Victoria 2FAFP71W97X147467 - $7,430.00**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize the sale by Mayfield Village of the following vehicles:

- 2006 Ford Crown Victoria 2FAFP71W46X138920 - $4,888.00
- 2007 Ford Crown Victoria 2FAFP71W97X147467 - $7,430.00

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

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

. Motion to authorize expenditure in an amount not to exceed $10,000.00 for the 2009 Appreciation Dinner.

Mrs. Mills, seconded by Dr. Parker, made a motion to authorize expenditure in an amount not to exceed $10,000.00 for the 2009 Appreciation Dinner.

Council President Buckholtz asked if there was any discussion.

Mrs. Mills reported that the Committee has met. We formulated the plans. Ms. Wolgamuth went out and got prices on the food, etc. The p.o. and memorandum that she sent around is very self-explanatory. The Mayor was gracious enough to say we can do this again. What happened, people thought maybe they were left off the list this year because we had many people saying, what happened? Where's the Appreciation Dinner? Mrs. Mills thinks this is a good thing.

Mayor Rinker stated for everyone's benefit, the plan is really kind of a novel one, to have an outdoor luau and take advantage of celebrating 10 years at the green, clean Parkview Pool.

Council President Buckholtz asked, 10 years?

Mayor Rinker replied, July 3, 1999, a date forever etched in stone.

Mayor Rinker continued, in all candor, we realized the date had gotten away from us. We were looking for ways, candidly we have all been more conscious of some of the expenditures, Mayor Rinker's understanding is this $10,000.00 really is a ceiling. We anticipate spending significantly less than that. The memo covered all that ground, but overall, it's a good way to recognize all of our volunteers and have a good time and do it at a fraction of the cost that we spent before. We think if this works, we will probably do this in the future. It's a nice change of pace.

Mr. Thomas asked what the date is on that again.

Mrs. Mills replied, July 31st at 7:00 p.m.

Dr. Parker asked if we had a rain date.

Mrs. Mills replied we have the Community Room reserved in case it rains.

Mrs. Mills added, we will be serving approximately 185 guests. That's a good price for what we got.

Roll Call:	AYES:	Mr. Buckholtz, Mrs. Cinco, Mrs. Mills, Mr. Marrie, Dr. Parker	Motion Carried
	NAYS:	None	Expenditure Authorized
	ABSTAIN:	Mr. Marquardt	

. **Motion to authorize expenditure in the amount of $6,430.20 to Division of Water for permit to use fire hydrant for watering of soccer fields.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize expenditure in the amount of $6,430.20 to Division of Water for permit to use fire hydrant for watering of soccer fields.

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

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

. **Motion to authorize expenditure in the amount of $15,000.00 to DJL Material for 2009 Crack Sealant Program.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize expenditure in the amount of $15,000.00 to DJL Material for 2009 Crack Sealant Program.

Council President Buckholtz asked if there was any discussion.

Mrs. Mills reported that this is the same company that Doug has used in the past. They do a good job. We are very confident that they will continue to do that work.

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

. **Motion to authorize expenditure in the amount of $4,500.00 to Sidley Truck & Equipment to sandblast and paint Truck 1 and 2, 5-ton dump trucks.**

Mrs. Mills, seconded by Dr. Parker, made a motion to authorize expenditure in the amount of $4,500.00 to Sidley Truck & Equipment to sandblast and paint Truck 1 and 2, 5-ton dump trucks.

Council President Buckholtz asked if there was any discussion.

Mrs. Mills reported that this is mostly maintenance to preserve the trucks so they last longer. That is a very good price.

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

. **Motion to authorize expenditure in an amount not to exceed $15,000.00 to CT Consultants for professional services for Finance Department.**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to authorize expenditure in an amount not to exceed $15,000.00 to CT Consultants for professional services for Finance Department.

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 $18,000.00 for website development.**

Council President Buckholtz stated we should mention it's WRIS Company that we would be discussing.

Dr. Parker, seconded by Mrs. Mills, made a motion to authorize expenditure in an amount not to exceed $18,000.00 for website development by WRIS Company.

Council President Buckholtz asked if there was any further information that we need. Council President Buckholtz thinks we have all of the facts and figures now of what current development and future development will be. Council President Buckholtz asked if everyone's comfortable in Finance. Mr. Marrie replied, yes.

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

. **Motion to appoint Mary E. Betsa as designee to receive Public Records training representing re-elected Councilmen Joseph Saponaro, William Marquardt and Dr. Stephan Parker pursuant to and in accordance with Ohio Revised Code Section 109.43(B) and 149.43(E)(1) for their term commencing January 1, 2008 to December 31, 2011.**

Mrs. Mills, seconded by Mrs. Cinco, made a motion to appoint Mary E. Betsa as designee to receive Public Records training representing re-elected Councilmen Joseph Saponaro, William Marquardt and Dr. Stephan Parker pursuant to and in accordance with Ohio Revised Code Section 109.43(B) and 149.43(E)(1) for their term commencing January 1, 2008 to December 31, 2011.

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

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

. **First Reading of Ordinance No. 2009-22,** entitled "An Emergency Ordinance amending Section 1501.13 of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

. **First Reading of Ordinance No. 2009-23,** entitled "An Emergency Ordinance creating Section 1505.15 of Chapter 1501, entitled Fire Prevention Code." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

. **First Reading of Ordinance No. 2009-24,** entitled "An Emergency Ordinance repealing in its entirety Chapter 931 entitled Electricity. Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

. **First Reading of Ordinance No. 2009-25,** entitled "An Emergency Ordinance creating Chapter 1521 of the Village's Codified Ordinances pertaining to the schedule of fees, bond and insurance coverage amounts for Part 15, Fire Prevention Code." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

. **First Reading of Ordinance No. 2009-26,** entitled "An Emergency Ordinance amending Section 1519.02(c) of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

. **First Reading of Ordinance No. 2009-27,** entitled "An Emergency Ordinance amending Section 1501.14(a) of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

. **First Reading of Ordinance No. 2009-28,** entitled "An Emergency Ordinance repealing in its entirety Chapter 747 entitled Transportation of Radioactive Materials." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on Three Reads.

ANY OTHER MATTERS:

Council President Buckholtz stated that takes care of the agenda. Are there any other matters at large before Council?

Mrs. Triner asked to speak.

Jean Triner
829 Hanover

Mrs. Triner wanted to thank you for the shredding. That was wonderful. They took full advantage. Her life has disappeared from 1982 to 1996.

Secondly, thank you Mayor for putting a document into the *Voice of the Village* which a few of you may have gotten tonight. Mrs. Triner would like to have it officially entered into the record. Mrs. Triner handed the document to Mrs. Betsa. The document is the "*Tale of Two Houses and Say No to Residential Oil and Gas Leasing*". People are still out there knocking on doors.

Third, thanks Steve for mentioning about the meetings that are going to be taking place with Grendell. She was asked to convey also NEOGAP which is the Northeast Ohio Gas Accountability Project has a meeting next Thursday in Bainbridge. They are trying to get the legislation changed. They have a petition to go to Governor Strickland. She does not know what all is going to take place there, but they are encouraging as many people to come as possible to Bainbridge Township Civic Center Township Hall. So if you are interested, just call Bainbridge and ask the time or it may have even been in the *Sun Messenger*. So you might check the *Sun Messenger*.

Just for clarity about this tabling the resolutions permanently, Mrs. Triner wonders if somebody could give us an explanation of what that really means. What does that really mean? Could it ever be untabled and what would be the process for that?

Council President Buckholtz explained what it means to us is that it is off the agenda. We don't have to every week look at it and decide what to do with it. It's not an issue. Somebody made an offer. We considered negotiating with them on that offer. They rescinded the offer. There's no further offer.

Mrs. Triner asked, what if they come back?

Council President Buckholtz replied, then we would have to decide whether we wanted to go down that path again.

Mrs. Triner asked how people would be notified.

Council President Buckholtz replied, customarily we send out our agendas or we post them on the website. Council President Buckholtz can speak for everybody, but if gets into deep water, then he will turn it over to the big tough guys like attorney-type people like the Mayor and the guy sitting next to him, Joe Diemert. He would imagine that we would be foolish not to very very aggressively and actively notify. As Council President Buckholtz earlier said, he is going to be doing in Worton Park, even though there's nothing on our agenda, he is going to be letting people know about all of the meetings and all of the informational sources that we have accumulated and that are out there and urge the people to go there and let them know in no uncertain terms. Whether they care about it, somebody could be knocking on their neighbor's door or their own door and bringing this up.

As far as the Village and public lands go, we pretty much heard from this point from the community. Council President Buckholtz does not see that as an issue. Again, if Joe wants to comment, we just don't feel like, we need to get it off the agenda. That's the most expeditious way to get it off the agenda.

Mrs. Triner said, thanks. She appreciates that.

With regard to the Hejcl property, Mrs. Triner asked, it wasn't clear, they couldn't get the deal together? What has happened?

Mayor Rinker replied, that basically has not been to our knowledge even a gleam in anyone's eye for months now because what was understood by us as the likely drilling unit we learned in the Fall from Mr. Miller and Judge Krenzler that they had not, contrary to earlier representations, agreed to any non-drilling lease document. They hadn't signed anything. Frankly they were deferring to us. We knew that that was a pivotal piece. We were also made aware, again secondhand, that Whitehaven Cemetery, a large contiguous property, had no intention of entering into any kind of a lease agreement on any basis. At the end of the day, unless there are other residents or property owners, and when we had the meeting with you and the Kenwood group, we got no impression that there was anyone there. So we included the discussion because we felt historically that had been broached and we wanted at least people to be aware of kind of the pieces and parts of it. But otherwise, that's it. You were here when the representative from Seagull withdrew the offer. Mayor Rinker would be surprised if we had any driller come back and approach us, but if it were to happen, it would certainly be public record. We would discuss it here and Mayor Rinker is more than confident that this time your Council representative would be sure to speak up and let you know as well. Mayor Rinker just does not see it happening. He does not think it is practical.

The last point for clarification, Mrs. Triner asked about Aintree having a meeting here.

Mayor Rinker replied we understand that Aintree Park, because they have communicated as much to us, they have set up a drilling committee. They had at least one meeting on this in the last few weeks. Kim Price is the contact person there. She indicated that they want to have some type of panel discussion. They are inviting a number of the drillers to that. Other than that, he understands that's what they are proposing, and that the date is set for June 2nd. That's about as

much as Mayor Rinker is aware of and he imagines stay tuned. Mayor Rinker is sure that if you were to talk to Kim, she could fill you in on more detail.

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

Mayor Rinker replied he is not inviting anyone. What Mr. Buckholtz said is that in our neighborhood in Worton Park, he was going to notify a number of the people in there. It just seems to be going neighborhood to neighborhood to neighborhood so nothing has been organized there, certainly to our knowledge. He was just making sure they had the heads-up as well and then finally you heard from Senator Grendell.

Mrs. Triner asked, we are going to notify them of the upcoming meetings with Senator Grendell.

Council President Buckholtz replied he has already sent an e-mail to the main people that run the Worton Park Homeowner's Association. He figured why wait for them to become aware of a problem or a potential problem. Let them get informed every way they can in advance. That's what his intentions are there.

Council President Buckholtz added he is sensing, this is totally the way he operates, facts have nothing to do with it, the price of gas is low. Some of the wells did not pan out, he hears. Council President Buckholtz's guess is this gives us an excellent opportunity to create this legislation to get people informed to try to unite neighborhoods and get people interested in what's going on, to make their own decisions, not make their decisions for them, but just put the facts or present the options out on the table of what they might be approached with or in for so people are less likely to make what may or may not be bad decisions or uniformed decisions.

Mrs. Triner stated we do appreciate the cooperation we have received. She just wanted to get clarification. Mrs. Triner will check with Kim about what the agenda is on the Aintree meeting.

Council President Buckholtz stated we can't really speak for homeowner's associations. He was called and Patsy, he is sure was called. Mrs. Mills said, yes she was. Council President Buckholtz continued, we share that neighborhood. We are both Council representatives in that neighborhood. He will be out of town that day but he has already told them everything he knows and said he would forward everything he could and he would be there if he was anywhere near the area. He knows Patsy will be there. Whether or not homeowner's association meetings are a place for the general public at large, again, the idea of picking a representative like you guys, if you want to come and share as a representative. He would be hesitant bringing an entire other neighborhood, to invite Worton Park to that. But he certainly wants to tell them about the Bainbridge e-mail that we both got. He is going to send that to the Worton Park people coming up this Thursday and then definitely they will be most comfortable coming here on the 8th because it will be home turf. They will be able to ask questions and be involved. That should be the Village at large. That should be everybody. Then truly, if somebody comes back later and says, I never heard anything about this or I don't know what's going on, we have always tried to

avoid that, but now we certainly have enough of the community out there that we will be able to achieve that.

Mrs. Triner said she was just trying to get clarification. Again, thank you for putting something in the Village *Voice*. That was very helpful.

Jim Triner
829 Hanover

Mr. Triner said one more thing. This is really kind of a heads-up for the Village. He knows you are going to be working on legislation. He did some research this past week and came up with, a fellow from Hunt Circle talked about the Trojan Horse. He will submit this as part of the record, but there's a thing called Marcellus Shale which is the next drilling frontier as he can see. Right now they are talking about clinton sands drilling. Well, Marcellus Shale, this particular area here which is our area, it's something like 5 times the amount of gas as any part of the country. The only thing is is that it has to be drilled from 4,500 feet to around 10,000 feet and it needs anywhere from 40-160 acres. Now in just putting together the dots on that, he has a lease here from the Ohio Valley Energy Systems and they say that the leasing unit, a drilling unit of no more than 160 acres. Now, isn't it odd that we have been drilling in 20-acre sites and they are putting together a pool for 160 acres which just happens to be the well size for Marcellus Shale which is kind of like the next frontier?

The other thing Mr. Triner noticed to is there were a couple of energy companies, in fact there was one, he thinks it is called Echo Energy, he would have to look up the name, they have over a million leased acres in Marcellus Shale in the Appalachian region. Then there is another company that's called Echo Resources. They had tried to put together or pool leases from companies in Northeast Ohio. Because maybe it's the economic conditions of natural gas right now, they decided it was in the best interest of their shareholders not to proceed with that. Mr. Triner guesses the only thing he is saying is that he thinks there's more to come from these people and there's a much more influence on gas drilling in these areas than we are even aware of now. This is like things to come.

The thing that makes Mr. Triner suspicious is that these gas leases aren't for 20 acres, but they're for 160 acres and that relates also to what the next drilling field is going to be. The difference is that these wells aren't drilled in 10 days. These wells are drilled in a year. It takes a year because they have to go out two miles and many times they'll come out and put an extra pumping station and gas line and everything else because these wells can pump close to 3100 thousand cubic feet per well per day. They are huge gas sources. Again, from a business aspect, these companies might be looking at Northeast Ohio and Mayfield Village, Gates Mills and Highland Heights being kind of the center of this complex as the next frontier for draining this whole area of nothing but a huge gas field.

Council President Buckholtz asked what lease he is referencing for 160 acres.

Mr. Triner replied, this was from Ohio Valley systems.

Mayor Rinker asked, covering what?

Mr. Triner said for two people in Hanover Woods. Two of the properties, this was the language in two of the properties of the leases.

Mayor Rinker asked, so you are saying two people in Hanover Woods signed on?

Mr. Triner replied, no. This is just a copy of the lease that they were asking them to sign.

Mrs. Triner added, they didn't sign it.

Council President Buckholtz asked, but it indicated that they were accumulating 160 acres.

Mr. Triner said, yes. Which again, he knows at a couple of the meetings ago, some people, an older couple, he thinks on Kenwood, they had been approached and they were questioning the 160 acres. This document kind of says why it's 160 acres.

Mr. Triner said, again, he thinks it is important to attend these meetings and it's also important to realize that it's probably something beyond this current activity that we are seeing her. Again, if they are going to pool 20 acres, they could get a neighborhood, now you are talking about drilling down 2 miles with real high gas wells. This is just something for Council to be aware of.

Mrs. Mills asked if she could talk about Appalachia. She does not know if you have ever been in that area, but they have had wells there since the late '50's which some of them have exhausted themselves. What they're doing there is they go up in the mountains, they take all the timber, then they take the coal, then they take the gas. So you know what's left. Those mountain people, they don't really care. All they can think about is they are getting money for timber, gas and the coal. The coal is stripped out of the mountains, so there's really, it's, if you would go there, especially in the Cumberland Gap area, you would very disenchanted to see what they have done to the land. As far as drilling deep, those mountains are high mountains. That's why they have to drill so deep. That's how it is.

Council President Buckholtz thanked Mr. Triner again, as always.

Council President Buckholtz asked if there was anything else.

Mr. Metzung asked if you can sell them the rights to gas for the 20 acres of clinton and then sell it again for the shale.

Mr. Triner replied, that is a good point, because they are getting people to sign these clinton sands leases. What if they come back and find the Marcellus Shale. Who says they are going to have to change anything? It doesn't say in the lease that they drill another well.

Mayor Rinker stated you are assuming that once you sell the mineral rights you can subdivide them again. You can't.

Mr. Triner said the lease says it will continue as long as they are operational. If they come back and they are going to redrill a deeper well, who says they are going to share it with anybody.

Mayor Rinker said you may be right if they can sell off those mineral rights then there's no limitation. Once they are separate, they probably have one lease covers all.

Mr. Triner added in light of some of the other larger companies pooling millions of acres of these leases, you don't know what could happen to your property.

Council President Buckholtz stated at that point the only decent thing they could do is buy everyone's house from them and do what they want.

Council President Buckholtz asked if there was anything else.

Mayor Rinker reminded everyone of the Memorial Day Services. He appreciates Tom making the announcement. Just so everyone knows, for the last couple years, Merv and Mary Singer have really taken the bull by the horns. This is something started years ago and candidly in the last few years they have had a hard time pulling things together so we really appreciate the fact that Merv and Mary have kind of revivified this effort. At least if Council people can get out there on Saturday and/or Sunday, that would be great. It's a nice way to recognize something that's important. They make a point of doing it on Sunday as opposed to Memorial Day itself because they want to try to compliment the services all around. It's something we can do locally. Whitehaven's always been very supportive. Thanks.

ADJOURNMENT

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

The meeting adjourned at approximately 9:25 p.m. The next Council meeting is scheduled for June 15, 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