MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, June 15, 2009 – 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, June 15, 2009 at approximately 8:00 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, Dr. Parker and Mr. Saponaro

Absent: None

Also Present: Mayor Rinker, Mr. Miller, Ms. Calta, Mr. Cappello, Sergeant Smith, Mr. Marrelli, Mr. Metzung, Chief Mohr, Mr. Thomas, Mr. Dinardo 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.

Pat McGreevy
6728 Walnut Drive

Ms. McGreevy was at Cruise Night this past Saturday when Adam Kahn put together a couple of people to get signatures for the drilling petition. Ms. McGreevy was one of those people. She wanted to provide everyone with feedback.

She would like to thank Diane for all of her help and support in helping put this together. They actually got 75 letters signed. Just to give you a little breakdown on that, out of those 100 people, the ones who did not actually sign the letters took them with them because they would kind of like to read it before they signed it. But five people were actually for drilling, like, get out of here, I am going to go and drill. And then the rest, it was kind of a split about a third. Approximately one-third had absolutely no knowledge about the drilling.

The leading question was, "Are you familiar with the oil and gas drilling in residential areas in Northeast Ohio?" That was our opening question. So about a third of them had no knowledge at all. About a third of them knew something about it but didn't have much information and a third of them were openly opposed to drilling. They were ready to sign the letters right away. Now, there was some interesting things here. Ms. McGreevy would say about half of them were from Mayfield Village and the other half were surrounding Mayfield Heights, Highland Heights, Gates Mills, etc. There were three couples, actually one was a woman and her husband was somewhere else and two

couples separately stated that they lived in apartments in Mayfield Village and wanted to live in Mayfield Village and wanted to buy homes here, but if there was drilling, they didn't want to live here. That Ms. McGreevy found kind of interesting. One of them is willing to say that if necessary.

Many people who knew a little bit about it thought that it was okay. They would point to the Golden Gate well and they would point to a few other things so they figured it was okay because of being permitted. There was an interesting conversation she had with a man from Gates Mills. She is not sure if you are aware of this, a few of us went to the Gates Mills Grendell meeting and we found that although most of us thought there were around 40 wells, there are 67 permits in Gates Mills right now. There's more coming around. Ms. McGreevy spoke to this gentleman. He was going to drill. He didn't know anything about it. His comment to Ms. McGreevy was, well, the city put it in, there's one behind city hall, so it's got to be fine. So, Ms. McGreevy kind of quizzed him a little bit. Do you understand about the optic waste? Do you understand about mandatory pooling? Some of those things. He didn't know anything about it at all. So, her sense was that once there's a critical mass, it's just kind of, you know it's going to go because he's probably not going to drill now. Ms. McGreevy gave him that great piece that Jim Triner put together about the tale of two houses. He is going to take that and look at some websites and he may not do it.

Ms. McGreevy would like to congratulate everyone for keeping this out of Mayfield Village as long as you have. Her good neighbor there Tommy Marrie thought she was a little bit nuts because she knew nothing about this until April of this year and he said, where have you been all your life? Ms. McGreevy knows a lot now.

Basically, Ms. McGreevy would like to really thank everyone for that because she thinks it's made a significant difference because we have also become familiar with Broadview Heights and what's happened there and they have 60 some wells and there's more coming along too, so it seems to Ms. McGreevy from what she has heard from some of the comments is if it's permitted, people think it's okay and they just don't understand all the issues around it.

So, we got those signatures. We want to continue working on signatures and we are trying to get a table at Heinen's. There's also some other areas like Chesterland, some other places, where they're going to take our model in putting this table together for letters. What we are doing is getting letters to the Governor signed. That's what the 75 were. They are going to take our model and they are going to put that in some other places and try to do the same thing.

Council President Buckholtz thanked Ms. McGreevy very much for that report.

Council President Buckholtz asked if there was anyone else.

<u>Gordon Nichols</u>
6460 North Aintree Drive

Last December, we brought up some of the issues that he was talking about throughout the year. He extended it to the time limit. He was told to put everything in writing and bring it to the office. He brought it to Mary Beth. She made copies and distributed it to all of the Council people. He believes

everyone all read it. He does not have any response. He asked for a response. Nobody responded. He called up Bill when he came home from Florida and said, what about the manholes? They were supposed to be started this year in July? He said, well, I'll call Doug about it. He thought that was a done situation. Did anybody go out and look at what he is talking about? Mrs. Cinco, did you go out and look at this manhole? Mrs. Cinco said, yes. Mr. Gordon asked if he is right or is he wrong? Mrs. Cinco said, yes. Mr. Gordon asked Patsy if she went out and looked. Mrs. Mills said, yes. Mr. Gordon asked what we are going to do. Did you get together, did the Council people get together and go over this letter?

Mr. Saponaro replied, the way that that that would work is, it wouldn't come to us. Here's how it would work because you are being heard. But it comes to the Administration. The Administration then has to make the assessment. Council can look at it on our own. We can do our own independent investigation, but it's going to come to us upon recommendation from the Administration itself, from one of the Directors here. They would come and they would say, this is what we need to do and this is what the issue is and we are investigating it, we are looking at it and then once something comes to Council before us in the Committee, we would vote on it or take action on it. Mr. Gordon asked how long that would take. Mr. Saponaro replied, it depends on what the investigation is and what they are trying to do. That's how it's generally done when anyone makes an inquiry. It may come to Council. We don't act individually. We take it to the Administration because that's really where it needs to go and then it comes back to us. Mr. Nichols said, it has to go to Douglas.

Council President Buckholtz said, if I can interrupt, he knew Mr. Nichols was coming up here tonight. He was delighted to find out in his packet, because as Mr. Saponaro says we get word from the Department Heads, this item is on the agenda tonight. Doug, the Service Director, has already put this item before Council, so it's going to be voted on tonight to do the work. That's what has to happen now. We have all been out to see it. Doug's been out several times to see it. The idea is is that you as the resident taxpayer gets to send a letter in and then go to Florida and relax and know that we are all working for you. As Council President Buckholtz said to Mr. Nichols on the phone, it's all in the works. We are going to vote on it tonight.

Council President Buckholtz asked Mr. Metzung to address the item on the agenda.

Mr. Metzung replied that you will see on tonight's agenda $7,500.00 for Osborne Cement. We will be beginning that process. We have a letter prepared to go to the affected residents. We will give them a couple days to digest the letter and off we'll go. Your concern is why it has not happened already in the Spring, typically for us until after Cruise Night we are jammed with getting caught up, getting through Cruise Night. It is fairly typically for the Village to get into projects in the middle of June, so that's when you will see the work.

Mr. Nichols stated, it won't be until July.

Mayor Rinker asked, you are not complaining because we are doing it are you? Mayor Rinker is trying to understand.

Mr. Saponaro said, it's just that he wasn't told what's going on. All he wanted to know is if we are addressing it or not. We are. Mr. Saponaro asked Mr. Nichols if that is what he is upset about, he just wants to know if this is being addressed or not, correct?

Mr. Nichols replied, yes, correct. So all these things are going to be addressed?

Mrs. Cinco replied, yes.

Mr. Saponaro responded, yes, they are being addressed.

Council President Buckholtz stated projects are being started.

Mr. Nichols thanked Council.

Council President Buckholtz welcomed Mr. Nichols back.

Jean Triner
829 Hanover

First, Mrs. Triner would like to add her appreciation to Pat's for the support that was given by Council for the Cruise Night. If Adam Kahn were here, she would commend him as well as Pat and others for the work they did on that. Adam is going to try to be here a little bit later.

Secondly, Mrs. Triner thinks it's great for Pat to point out about the people that still need to be educated and anything that Council can do to help in that process will be really appreciated. Linda Butler who has spent a lot of effort on this was in Columbus and she made some progress. They are getting now co-sponsorship from Representative Michael Skindell in Lakewood to co-sponsor Grendell's Bill to strengthen HR 278 which is the Bill that needs strengthening on the oil and gas. Mrs. Triner thought you would like to hear that good news.

There is also good news that we just got out on the Federal level that both their Senators and Representatives are acting to close the Halliburton Loophole in the Safe Drinking Water Act. That will address the fact that toxic chemicals are used in the fracturing process and going into our drinking water. If that would be of interest, Mrs. Triner has a copy of that News Release about the Halliburton Bill that is being introduced. State action is happening and Federal action is happening. Mrs. Triner thinks that's great.

Finally, just to say that if you haven't seen all of the news coverage, it's terrific. First of all, the *Sun Messenger* continues to give us good information. You probably saw the editor wrote a letter in Thursday's edition of the *Sun Messenger* talking about the State failing us in these areas. Things like drilling as well as other things. You may have seen an editorial in *The Plain Dealer* which unfortunately was promoting state park drilling and the reaction was overwhelming by both people in Gates Mills as well as elsewhere. Some of the responses were published in the Sunday's *Plain Dealer*. If you didn't see that, Mrs. Triner would highly recommend that to you. So many letters

were received by *The Plain Dealer*, they could only run a sample of them. Again, Mrs. Triner thought that was great that those were printed.

In that response, you may have noticed that Council President Pro Tem Karen Schneider from Gates Mills had written that *The Plain Dealer* erroneously reported in their editorial there. Gates Mills does not welcome the drillers. They are tolerating them and they want better regulations. In the meeting that Pat referenced, there were over 100 people in Gates Mills at the meeting they attended. With three exceptions, everybody else said they were opposed to residential drilling. There was excellent coverage by Fran Suda in the *Sun Messenger* last Thursday about some of the reactions.

Finally, in the Saturday *Plain Dealer*, you may have seen that there was some indication in Texas where a lot of drilling takes place they think there might be a connection to earthquakes they are experiencing there. That was covered not only in *The Plain Dealer*, but in *The New York Times.*

There's lots of momentum going. Mrs. Triner just wants to conclude by saying if you know somebody who wants to help performing all the efforts, it's not only us here in Mayfield Village, Gates Mills, Mayfield Heights, other places. If you know somebody to help with the coordination, because there's too much for one person to coordinate, let Dr. Parker or Mrs. Triner know.

The last question references what the Mayor said in the *Voice of the Village* that there might be an ordinance committee working on drafting some legislation.

Mayor Rinker said, that's correct.

Mrs. Triner asked who is heading up the committee. What input, if any would you want from whom on that?

Mayor Rinker replied the committee is a standing committee. It's the Ordinance Review Committee of Council. In fact, there are a number of housekeeping pieces of legislation we have been handling throughout the year that are on the agenda tonight that are an example of the work product of that standing committee. Mayor Rinker's understanding in talking with the Council President when we had brought this up at Caucus is that it's being referred as a formal matter by the Council to this Council Committee. They will welcome any kind of input that they can get.

Mrs. Triner said, that's great. Thanks. Mrs. Triner added, if you will excuse us if some of us have to leave a little early tonight. We again want to express our appreciation for the support that we have gotten.

Council President Buckholtz stated just so you know, it was actually the second item of the last meeting on June 9th of the Ordinance Review Committee. They had 8 or 9 other housekeeping measures. He is not sure that they began work on it, but we are going to coordinate something with them.

Mrs. Triner said, thanks a lot.

CONSIDERATION OF MINUTES:

Regular Council Meeting – May 18, 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:

In addition to the matters that we have been handling on a regular course, it's worth commending everybody for a wonderful 50's Night. Thank you for delivering nice weather, keeping it South of us. Mayor Rinker thinks we dodged the proverbial on that one to say the least, looking at the storm clouds that were raging through Macedonia, we lucked out. But really, a very good time. It's always a lot of fun. Mayor Rinker appreciates all of the input and work from everybody who volunteered. Those who don't volunteer get to deal with all of the motorists. Actually it seemed more manageable this year on the highway, all things being equal.

A couple of things, of course we have an order of business tonight. Ron Wynne is with us waiting with baited breath. Mayor Rinker believes Council is going to be going into an Executive Session at the close of the meeting and then hopefully we have a favorable resolution following that.

A few other matters. Tomorrow night, kind of a kick-off meeting for the panel that will be reviewing all of the bid applications for the police department. Previous to all of this as really has been our practice, John Marrelli, Doug Metzung and Chief Dearden have gone over all of these. We have asked a number of people, getting a good cross-section of our Boards and Commissions and Council, to stand as the reviewing panel. Our goal will be tomorrow night really to consolidate the information, get on the same page and establish the criteria that will lead to the point where this group will probably interview anywhere from three to four live presentations. That's the discretion of this panel. And then following that, be in a position ultimately to make a recommendation following those. Mayor Rinker kind of anticipates two, maybe three meetings of this group to be able to make a recommendation to Council. Hopefully we will be able to move on this within several weeks. Things are looking pretty good. As everyone understands, we are going back to a very different approach in order to make sure that we make the budget. That would clearly be an important goal in the process. We are ready to move forward.

One other thing Mayor Rinker should report, we really had a very good week last week. QED as you know has done very very well on Beta Drive. Mayor Rinker was able to provide a guided

tour to not only the President of QED but also the Dean from Case Western Reserve University. We had a representative from BioEnterprise. We also had a representative, staff member from Congressman LaTourette's office, to demonstrate how we feel we are well positioned for Beta Drive redevelopment.

As Council is aware, the fiber line has now been installed. Ted Esborn has reported that he has already gotten some feedback from some of the property owners in Beta of tenants very very interested in the fact that they have this high speed broadband internet connection. It's economic and it's very very functional. It's a real solid piece of infrastructure. So all of these things we have been showcasing. Our goal, as you are aware, is by this Fall to have in place what we hope will be a successful, we have already put in the application for stimulus dollars with Case Western Reserve, but we think this collaboration will establish Mayfield Village if not a primary location, then an integral location for bioenterprise, for the medical imaging industry that has burgeoned. If you all looked at *The Plain Dealer*, it was either Saturday or Sunday, there was some pretty extensive coverage on how the shift in Ohio, in Northeast Ohio especially, the manufacturing bases, a lot of businesses that were supporting the auto industry are actually finding that they can retrofit, make the transition for medical imaging and other bioenterprise areas so it's really very very exciting and we are on a cutting edge and Mayor Rinker is looking very hopefully toward the next few months and getting good results in that effort.

COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ:

There were no comments.

DEPARTMENT HEAD REPORTS:

SERVICE – Douglas Metzung

Mr. Metzung reported, as stated earlier, the Service Department will begin sidewalk repair in the Aintree area in the manhole area. This will lead to an obvious question for repair of other blocks in the neighborhood. We are going to confine our work to the repair of the manhole area. The rest of it will have to be on an ad hoc. We do have some programs to help Village residents should they so choose to go ahead and make repairs that we can help out in that regard.

Mr. Metzung said some recognition should go to our Parks and Recreation Department for the last two events, the Mother's Day Pancake Breakfast and Cruise Night. This was the first time that we shifted the responsibilities to that department. Both events went off without a hitch. It was very good communication between Recreation and Service. Everything went real well.

The pool is up and functioning. We made several fairly, Mr. Metzung does not want to say major repairs, but we made some good repairs to the boilers, took them all apart and cleaned them. A lot of work went into the pool this year. We painted half of it. Hopefully everything's good. Today we got another laundry list of repairs that need to be done.

Mr. Thomas added we also sanded the decks. They look great.

BUILDING – John Marrelli

Mr. Marrelli does not have any other report, except to echo what the Mayor said about the fiber optic line on Beta. We have our first company doing their build out at Geis Properties. The only reason they are coming here is because they heard about the fiber line that is going to be available. They are needing a lot of broadband width. That's why they are coming here.

Mayor Rinker stated, excellent.

Mr. Marrelli added, it's a start.

ENGINEERING – Tom Cappello

Mr. Cappello reported that we had two bid openings, the Seneca Road Phase II which is going to handle the resurfacing of Seneca Road, and the street striping for 2009. Those are on the agenda tonight for consideration.

LEGAL DEPARTMENT – Ms. Calta

There was no report.

FIRE – Chief Mohr

Chief Mohr reported that the new pick-up truck is in service as of last Saturday. Also we are already planning the drill for this Fall on November 8th for flu shots. The four cities are already meeting. They are meeting Thursday at the fire station for departmental staff of all departments regarding anticipating any flu emergency we might have in the area. They are on top of it.

FINANCE – Dave Miller

Mr. Miller reported the tax budget is on the agenda. We will look to pass that at a special meeting at the Caucus the first Monday in July. Also, there's a renewal of the 2.3 on the agenda. That should probably go three readings. For everybody's information, that's been in existence since 1975. We roll it over every five years. It's 2.3 mills and it's something that we would like to get renewed.

The Tax Incentive Review Committee met this morning. The Minutes will be out by the end of the week. The meeting went very well. There were no problems. As all of you saw in the information that Mr. Miller gave to Council the week before, we have been fortunate that our TIFs have gone up because of the school increase. That's helping us out this year. We are looking forward to next year. The first property is going to become taxable and so the school is going to receive taxes in 2010 based on 2009. The Treasurer was at the meeting and he is aware that this is the last year that we will give them $100,000.00.

Council President said, and the Public Hearing on the Tax Budget will be at a Special Meetong on Monday, July 6th before Caucus at 8:00 p.m.

Mr. Miller said, that's correct. We will have a public hearing at 8:00 p.m. before Caucus.

POLICE – Sergeant Smith

There was no report.

PARKS & RECREATION – Bill Thomas

Mr. Thomas thanked Doug's staff but also his staff, Danielle Echt and Sean Supler for an outstanding job of coordinating Cruise Night and all of the volunteers. They did a great job.

Summer camps got off and running today. Sports-N-More and Teen Adventure Camp. We have 150 campers in Sports-N-More. That is our maximum. We are at maximum for Teen Adventure with 50 campers. We also have a very outstanding group of counselors that are working for Sports-N-More. They really make it. Mr. Thomas was there for about ½ the day and he was very impressed with what they did. We started off with great weather.

We have 25 campers in each of our one-week lacrosse camps at the Middle Schools. That is being sponsored by Mayfield Schools, Mayfield Village and Mayfield Heights.

Today, Mr. Thomas visited all our pool users around the deck. He goes and introduces himself. Believe it or not we had a number of non-residents that were visiting and they were paying the $10.00 non-resident rate. Mr. Thomas guesses the economy didn't affect them in any way. We raised that fee from $7.00 to $10.00 if you recall. Mr. Thomas was real pleased with that. Hopefully we are going to have a great year and a lot of people will be staying home and vesting the Parkview Pool.

Mr. Thomas also wanted to add to Doug's report. Believe it or not, as Doug reported, last time we met, we are not losing any water in the diving well. Mr. Thomas believes we are not losing any water in the main pool as well. That was found by his staff. We are going to, Mr. Miller, save a lot of money.

ARCHITECT – Ron DiNardo

There was no report.

HUMAN SERVICES – Eunice Kalina

There was no report.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that we did a run down on the Pancake Breakfast. We have the summer concerts all in place. Cruise Night, of course, was Saturday night which was wonderful. Our Service Department has to be commended for their work before, during and after. It is just fantastic, you never know anything happened here. When residents are telling you that they go through the Village in the morning and they can't find any debris, that's pretty good. Mr. Thomas said, you forgot to mention the two Safety Services. Mrs. Mills said, the police have a lot of fun. The Activities Committee appreciates everyone's work here. The volunteers especially. Our fireworks are on July 5th. We did discuss the Community Garden and there is an article in the Rec bulletin and the *Voice of the Village* about any interest in the gardens before we go forward with that. Our next meeting will be June 24th. We have a lot of other things to discuss at that time also.

Architectural Review Board – Mr. Marrelli reported that there was no meeting, so there is no report.

Beautification Committee- Mr. Saponaro reported that there is a meeting coming up on June 29th. On May 26th, there was a ceremony for the children who participated in the Keep Mayfield Village Clean program, which is a program that was adopted by the Mayfield Schools. They had posters that were displayed here at the Civic Center. We had a separate reception. Mr. Saponaro was not able to make it due to a death in his family. Bill and Patsy came. Thank you. People from the Committee were there and were able to speak. Dr. Price was there. There were some of the Principals there. The children take it very seriously. The art teacher really thinks it's a great part of the curriculum. We are happy to be a part of that. It was very well received. Of course we will do it again next year. Our next meeting is Monday, June 29th at 7:00 p.m. in Civic Hall. We will be concentrating on the memorial benches. Hopefully we will get the word out regarding that. The baskets have been picked up and have been placed. The container gardens look beautiful. Mayor Rinker said, a lot of feedback, very very good. Mr. Saponaro said we have been hearing a lot of good feedback from them, the colors and so forth. People are really happy. When they first went up, they weren't as grown as we wanted them to be, but we also did this a lot later than we normally would. Mr. Saponaro was really pleased with how much they filled in in that time period. In our July meeting we are going to focus, Doug and his

group are working on the application for Tree City which is what we have been pushing for in Beautification. We are waiting to get that back from Doug and will keep moving on that as well.

Board of Appeals – Mr. Marrelli reported that there was no meeting. There is no report.

Cemetery – Mrs. Mills reported that she has some bids for tree removal and also to grub out some of the brush that's along the driveway. It's kind of closing in on the driveway. Mrs. Mills wanted to thank Garden Club members Jean Britton and Carol Marrie and Councilman Tom Marrie because they were over there weeding the flowerbeds. Mrs. Mills did some weeding, but they went in there and finished up the weeding and spread mulch. It looked very nice for 50's Night. The Garden Club has committed themselves to do some weeding again this year there, so we will work on that. Mayor Rinker said, it makes a difference.

Citizen's Advisory Board – Mr. Marrie stated there's basically no report, but he wanted to mention he would like to publicly thank Mary and Merv Singer for all of their hard work and the tremendous effort they made for Memorial Day at the Cemetery putting down 2800 flags. They coordinated it and the speeches for the following day for the actual ceremony. The Mayor spoke. Mayor Rinker added that Jim Mason did a great job just coordinating all of the speaking. He basically was the emcee. It was a nice format.

Commission on Aging – There was no report.

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

Safety and Service – Mrs. Cinco reported that Safety and Service met on June 1st. At that time, we discussed from the Fire Department the County Grant request which is on the agenda this evening. At that time, Dave can explain what that all involves.

Finance Committee – Mr. Marrie reported the Finance Committee met this evening. There were 18 items on the agenda. There is one change which the Council President will amend when it comes time to vote. They were all agreed upon. Most of them were already discussed by the Department Heads again here tonight.

Historical Society – Mrs. Mills reported that we had Lander Road School come with 102 students at the end of May which gave our total for this year about 340 students which is a good program. The kids really like the House. We have been spot-painting the house to keep it so we don't have to paint the whole house at one time. They go and sand it down and put some more good paint on it. We are working towards with the help of the Service Department of making a Memorial Garden for one of our members that passed away. They are going to put a bench in memory of her and some more plantings. That's in the offing. The Service Department got involved in that again. Mr. Saponaro said, there's a gentleman who is a painter who does phenomenal work. He's very reasonable beyond words. Mr. Saponaro will give Mrs. Mills his name. He may be someone you can utilize or have come out and look at and then plan for in the future. He's very good in that respect. Mr. Saponaro will provide Mrs. Mills with that information after the meeting. Mrs. Mills said we have a maintenance man there. We call him

our maintenance man. He's retired and he cuts the grass and he does stuff. He's there almost 8 hours a day. He really likes it. The other project that we are looking in to is to put a movable chair lift to the upstairs. We are pricing that out. We have people that are not able to climb the stairs so we felt that would be a good thing to do for the community. Mrs. Mills has talked to John about it. We are just in the process of bids. Once we get the bids in, we will see what John has to say about this before we do anything. Mr. Saponaro said, okay, if you want that name, just let him know. Mrs. Mills thanked Mr. Saponaro for that information.

Hillcrest Council of Councils – Council President Buckholtz deferred to Mrs. Mills. Mrs. Mills reported that she went to the breakfast meeting. Debbie put the information in the packet. Interestingly enough, we have 2977 registered voters here. 70% turned out. Vote by mail was 858. That's kind of interesting. She is hoping that they get over 40-50% in this next election, vote by mail. They are really pushing that. Council President Buckholtz asked if they are cutting people off the rolls who don't vote. Mrs. Mills said 134. The people that they are removing are people that are deceased or no longer live here. A lot of times you see in the register when you look at it all these names. Jane Platten, the Director down there, was very interesting to listen to as far as the process of what happens down there. It was a very very good meeting. Not well attended, but a good meeting. Mrs. Mills brought back this information for everyone.

M.A.R.C. – Mrs. Mills gave the report in Dr. Parker's absence. The M.A.R.C. Board meeting was held on Thursday, June 4th at the Board of Education. At this meeting the following was discussed: Director Phil Weinburg reported that the woman's summer tennis league will be using Highland Heights' tennis court again this year. Letters went out to the cities and villages requesting annual donations to M.A.R.C. as part of their financial support. Mayfield Village received a check and expenditure reimbursements for the MBA to close out the 11th season. They turned forms to establish M.A.R.C. as a non-profit organization. The next Board meeting will be held July 2nd at 7:00 p.m. at Parkview Pool.

Ordinance Review Committee – Mr. Marquardt reported that there was no meeting. There is no report. Council President said we do have those items to get to. We will do a fresh agenda on the oil and gas wells.

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

Recreation Board - Mr. Marrie said we don't meet during May and August, but a couple comments. We still need volunteers for a couple of events coming, the summer concert series. If you are interested, please sign up. Danielle is signing up volunteers for the Summer Sizzler. Give her a call. We could use some volunteers for that also. That's a very large event. The next meeting we will have won't be until September 16th. He also would like to thank all of the departments and their associates for all of the hard work they did on the event as they have done in the past. It's well appreciated. Patsy, thanks for the compliment, but the reason he was up pulling weeds is his wife Carol and Jean Britton tied him to the wheelbarrow. Mrs. Mills said, she knows, they told her. She is glad you are such a willing subject.

SPECIAL COMMITTEE REPORTS:

Planning Development Committee – The meeting was postponed. Another meeting will be scheduled very soon. Mayor Rinker said he thought Diane was getting another date for the next couple of weeks.

Information & Technology – Council President Buckholtz reported that the Committee has not had a need to meet at this point but we will be.

Records Commission – Mrs. Mills reported that Records Commission met last week. We discussed Shred Day. We decided to have another one in October 2009. Mrs. Mills asked Mrs. Betsa if she got a date on that yet. Mrs. Betsa is waiting to hear from the representative. Mrs. Mills continued, we discussed the handling of records and requests by the different departments. We have a schedule that they are adhering too. They are doing a very good job with that. There is some revisions to the retention schedule which we are keeping up with. The update on the training class that was held here May 21st was very well attended. The next meeting will be on August 12th.

Health Care Task Force – Mrs. Mills said she does not know if it is necessary to have that on here yet because that's an entity all its own now. You might want to think about taking it off. Council President Buckholtz said we can do that.

Council President Buckholtz understands the Civil Service Commission met as well on the 12th. Minutes will be sent out shortly.

OLD BUSINESS

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

. **Third 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 – May 18, 2009)

This Ordinance is ready to be passed.

Mrs. Mills, seconded by Mr. Saponaro, made a motion to enact Ordinance No. 2009-19.

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

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

. **Third 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 – May 18, 2009)

Mr. Saponaro, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-20.

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

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

. **Third 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; Second Reading – May 18, 2009)

Mr. Saponaro, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-21.

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

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

. **Second 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. (First Reading – May 18, 2009).

This Ordinance will be left on Second Read.

. **Second 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. (First Reading – May 18, 2009)

This Ordinance will be left on Second Read.

. **Second 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. (First Reading – May 18, 2009)

This Ordinance will be left on Second Read.

. **Second 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. (First Reading – May 18, 2009)

This Ordinance will be left on Second Read

. **Second 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. (First Reading – May 18, 2009)

This Ordinance will be left on Second Read.

. **Second 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. (First Reading – May 18, 2009)

This Ordinance will be left on Second Read.

. **Second 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. (First Reading – May 18, 2009)

This Ordinance will be left on Second Read.

NEW BUSINESS

. **Motion to authorize expenditure in the amount of $2,054.56 to Mayfield City Schools for custodial fees for adult basketball league (balance – p.o. already open for $2,499.00 – total bill: $4,553.56).**

Mr. Saponaro, seconded by Mr. Marrie, made a motion to authorize expenditure in the amount of $2,054.56 to Mayfield City Schools for custodial fees for adult basketball league (balance – p.o. already open for $2,499.00 – total bill: $4,553.56).

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 $3,182.17 to Oriental Trading for sports camp supplies. (Straw vote approved – 5-28-09.)**

Mr. Saponaro, seconded by Mr. Marrie, made a motion to authorize expenditure in the amount of $3,182.17 to Oriental Trading for sports camp supplies. (Straw vote approved – 5-28-09.)

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 an amount not to exceed $21,000.00 to City of Mayfield Heights for money owed for co-op of Teen Adventure Camp (pass through).**

Mr. Saponaro, seconded by Mrs. Cinco made a motion to authorize expenditure in an amount not to exceed $21,000.00 to City of Mayfield Heights for money owed for co-op of Teen Adventure Camp (pass through).

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

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

. **Motion to accept the bid of Specialized Construction in the amount of $194,715.00 for the Seneca Road Water Main and Road Rehabilitation Project Phase II-Road Rehabilitation.**

Mr. Saponaro, seconded by Mrs. Cinco, made a motion to accept the bid of Specialized Construction in the amount of $194,715.00 for the Seneca Road Water Main and Road Rehabilitation Project Phase II-Road Rehabilitation.

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 to Cuyahoga County in an amount not to exceed $110,000.00 for County Radio System to provide funding for State of Ohio, Cuyahoga County, Lake County radio systems at Mayfield Village tower site (pass through – we will be reimbursed).**

This motion was amended to include “and to go out to bid”.

Council President Buckholtz stated we will be reimbursed for this so this authorization to go out to bid and to make the expenditure.

Mr. Marrie, seconded by Mr. Saponaro, made a motion to authorize expenditure to Cuyahoga County in an amount not to exceed $110,000.00 for County Radio System to provide funding for State of Ohio, Cuyahoga County, Lake County radio systems at Mayfield Village tower site and to go out to bid (pass through – we will be reimbursed).

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 $6,800.00 to Firehouse Resources, LLC for emergency replacement of rescue equipment.**

Mr. Saponaro, seconded by Mr. Marrie, made a motion to authorize expenditure in an amount not to exceed $6,80000 to Firehouse Resources, LLC for emergency replacement of rescue equipment.

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 $7,500.00 to Osborne Concrete for various projects.**

Council President Buckholtz stated these projects do include the sidewalk manhole covers.

Mr. Saponaro, seconded by Mrs. Cinco, made a motion to authorize expenditure in an amount not to exceed $7,500.00 to Osborne Concrete for various projects.

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

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

. **Motion to approve recommendation from Planning & Zoning for withdrawal of conditional use permit for Hardbody Fitness Center at 700 Beta Drive (operations ceased).**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to approve recommendation from Planning & Zoning for withdrawal of conditional use permit for Hardbody Fitness Center at 700 Beta Drive (operations ceased).

Council President Buckholtz stated we had a comprehensive memo on this. Are there any questions?

Council President Buckholtz asked what they were doing with the equipment. Mr. Marrelli explained the property owners actually own the equipment. The equipment is still sitting there. Council President Buckholtz asked if there was anything for sale. Mr. Marrelli replied, not yet. Council President Buckholtz asked that we be kept posted.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Recommendation Approved

. **Motion to accept the bid of Pat Flowers, Inc. in the amount of $18,773.20 for 2009 Striping of Certain Streets.**

Mr. Marrie, seconded by Mrs. Cinco, made a motion to accept the bid of Pat Flowers, Inc. in the amount of $18,773.20 for 2009 Striping of Certain Streets.

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

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Bid Accepted

. **First Reading of Ordinance No. 2009-29,** entitled "An Emergency Ordinance amending Section 739.03(a)(11) of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

. **First Reading of Ordinance No. 2009-30,** entitled "An Emergency Ordinance amending Section 709.02 of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

. **First Reading of Ordinance No. 2009-31,** entitled "An Emergency Ordinance amending Section 745.05(f) of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

. **First Reading of Ordinance No. 2009-32,** entitled "An Emergency Ordinance amending Section 761.02 of the Village's Codified Ordinances." Introduced by Mayor Rinker and Council as a Whole.

. **First Reading of Ordinance No. 2009-33,** entitled "An Emergency Ordinance creating Chapter 767 of the Village's Codified Ordinances pertaining to the schedule of fees, bond and insurance coverage amounts for Part 7, Business Regulation Code." Introduced by Mayor Rinker and Council as a Whole.

Ordinance Nos. 2009-29 through 2009-33 will go through Three Reads.

. **First Reading of Ordinance No. 2009-34,** entitled "An Emergency Ordinance adopting a tax budget for Mayfield Village, Ohio, for the Tax Year 2010." Introduced by Mayor Rinker and Council as a Whole.

Council President Buckholtz stated we will vote on this at the Special Meeting on July 6th pending the public hearing.

. **First Reading of Ordinance No. 2009-36,** entitled "An Emergency Ordinance approving a lot split and consolidation plat of property owned by Gerald Gernhard and David Chadwell." Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills asked if we should suspend the reading on this. Mr. Marrelli said yes.

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Rules Suspended

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-36.

Mr. Marrelli asked if we could get this signed tonight. The two property owners have been working on this for 13 years. They didn't realize that it was never recorded. They are waiting anxiously actually to get a plat signed so that they can file it.

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

Dr. Parker arrived at the meeting.

. **First Reading of Ordinance No. 2009-37,** entitled "An Emergency Ordinance authorizing an agreement with the Board of County Commissioners, Cuyahoga County, Ohio, for the site upgrade of the Cuyahoga County Public Safety Interoperable Communications prime site located in Mayfield Village." Introduced by Mayor Rinker and Council as a Whole.

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Rules Suspended

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-37.

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

. **First Reading of Resolution No. 2009-05,** entitled "A Resolution declaring the necessity of renewing by levy a tax in excess of the 10-mill limitation and submitting the same to the electorate of Mayfield Village, Ohio." Introduced by Mayor Rinker and Council as a Whole.

Council President asked if this is something that needs to be passed tonight.

Ms. Calta explained this is going to have to go the Board of Elections, but it can go three readings, June, July and August and then it can go down to the Board of Elections

Mayor Rinker stated, if he can interject, if Finance Committee has not really discussed this, he would appreciate the Finance Committee do so and issue a good report. Mayor Rinker wants this to be something where everyone understands the merits of it, something that we can publish. Because periodically when this comes up every five years, a lot of people think, well why do we need to renew a tax? This is so fundamental to our infrastructure, to what we do in the community. It's very important that Finance, it's good for everyone's benefit, both on Council, the Administration and the community. That's Mayor Rinker's request. He thinks it would be very functional.

Mrs. Mills stated Mr. Miller has already done that. Primarily he started at the last meeting.

Mayor Rinker stated he is not asking Mr. Miller, he is asking the Finance Committee to make sure the discussion is thorough and then present a report.

EXECUTIVE SESSION

. **Motion to go into Executive Session for the hiring of personnel for the position of Finance Director.**

Roll Call: AYES: All Motion Carried
NAYS: None

Council President Buckholtz stated we do have one more item to vote on. This should be a brief meeting. We will be right back.

ROLL CALL: AYES: All
NAYS: None Motion Carried
Executive Session Approved

Council went into Executive Session at approximately 8:50 p.m.

Council reconvened at approximately 9:00 p.m.

. **First Reading of Ordinance No. 2009-35,** entitled "An Emergency Ordinance confirming the appointment of Ronald Wynne as the Director of Finance for Mayfield Village, Ohio and establishing the terms, conditions and compensation." Introduced by Mayor Rinker and Council as a Whole.

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

ROLL CALL: AYES: All
NAYS: None Motion Carried
Rules Suspended

Mrs. Mills, seconded by Mr. Saponaro, made a motion to enact Ordinance No. 2009-35.

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

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

Council welcomed Mr. Wynne aboard.

Mayor Rinker stated, far be it from him to refrain from saying a few words. This has been a year Council has been very patient, very attentive. It's been a long process, but Mayor Rinker can say, without equivocation, he is very optimistic, very encouraged. Mayor Rinker thinks we are

going to find in Ron Wynne a wonderful Finance Director. Dave Miller kept saying, is it tonight? Is it tonight? Is it tonight? Dave will not be a stranger. We see this transition as seemless. We always have a lot on our plate, but Mayor Rinker thinks we are going to find this year with a lot of the vicissitudes of the economy in general, other factors that are going on in the Village. Mayor Rinker has mentioned to Council there are transitions with Progressive, some big ticket issues coming down the pike dealing with Beta. We have a lot of, Mayor Rinker thinks, very interesting comprehensive and complex issues in addition to the day-to-day Finance affairs. We have looked to Ron as somebody ideally suited to meet these challenges. You have already welcomed him aboard, but now we have to do the dirty deed of swearing you in.

Mayor Rinker administered the Oath of Office to Ronald Wynne as Finance Director for Mayfield Village.

ANY OTHER MATTERS:

Mayor Rinker deferred to the Council President, but he thinks everyone recognizes that Senator Grendell is here tonight, graciously returning from Chardon where he had a meeting. Mayor Rinker said to Senator Grendell he knows the Senator is either double, triple or quadruple booked for the day. Mayor Rinker thinks it is great he is here with Council considering referring this potential legislation that we are considering for Mayfield Village. We know the Senator has legislation in the offing. We have heard a lot about it. This is a good opportunity for the Senator to share the status with us and again any Q&A from Council would be appreciated.
Council President Buckholtz said it is nice to see the Senator.

Senator Grendell thanked Council President Buckholtz and Mayor Rinker. Senator Grendell apologized for the confusion about the last ODNR meeting. Senator Grendell read in the newspaper we were supposed to be here, so he showed up last week. It had been cancelled by the director.

Senator Grendell stated it is always a pleasure to be in Mayfield Village. This issue about the gas well, very briefly Senator Grendell will go backwards and then go forward. Prior to the passage of House Bill 278 in 2004, you had local control over oil and gas wells. If you didn't want them, like in Gates Mills, you didn't have them. Senator Grendell again apologized, he just came from a septic meeting in Chardon, so you are getting him in his second best.

Senator Grendell continued, you had all the control prior to 2005 when House Bill 278 went into effect. You had local zoning. Gates Mills didn't want oil and gas wells. Chester Township where Senator Grendell lives had a 700 foot rule from a well to a resident. Various communities dealt with oil and gas the way they wanted to deal with it. The one basic thing was no one was drilling oil and gas wells 100 feet from people's houses. Generally speaking, oil and gas wells were not allowed in residential neighborhoods as a result of local zoning.

Senator Grendell fought House Bill 278 for months when it was in Committee because he had been an oil and gas exploration lawyer in his early life. He understood the process and could never fathom why we would want to be putting oil and gas wells in residential neighborhoods. He never had a problem with putting them in industrial areas if they were in the right place away from homes or stick it in the farms. There's places for oil and gas wells. Putting them in residential neighborhoods is a real problem.

When the Bill was coming out of Committee, he had it blocked for months and then one of the representatives from Lakewood crossed over. The day that happened, Senator Grendell tried to exempt residential areas from the State control. He left it at local control. He lost that by one vote. He then moved for the 300-foot rule. He lost that by one vote in Committee. Then he went to at least let the local government control the buffering and the screening so that if you are going to get stuck with these wells, you could require board on board fencing and nice trees and things to try to at least hide their long-term impact in the residential areas. Senator Grendell lost that by one vote.

Since that time, Northeast Ohio has been cursed, or blessed, depending on how you see it, with the proliferation of oil and gas wells and in fact 63 alone just in Gates Mills since 2009 and well over 500 in his Senate district since 2005. It has continued to be a major source of concern for Senator Grendell.

Senator Grendell continues to try to find a way to get some legislation through to try to give you back some of the control over the oil and gas because the problem with House Bill 278 on its face seeks to preempt local zoning control over oil and gas wells and leave it in the hands of the Department of Natural Resources. That's a problem. At the time, they said, well no, don't protect the local communities. We had our doubts. At the time, Senator Grendell was actually working with Mayfield Heights. They filed a lawsuit trying to challenge this. They eventually abandoned the lawsuit when it became clear the Court was going to go the wrong way and we did not want to create that law.

Subsequently when Mayfield Heights tried to deal with the noise problem, because as you may now know, when you start drilling an oil and gas well, it's a 24/7 proposition. They don't turn off the well when it is time to go home, they keep drilling until they are finished. That becomes a noise problem for people in residential areas. When Mayfield Heights attempted to enforce the noise ordinance, they were informed by the Department of Natural Resources and the State Attorney General's office that they would be sued for violating the powers of ODNR under House Bill 278.

Then in December of 2007, there was an incident in Bainbridge Township in Geauga County where an oil and gas well was drilled. It was improperly drilled. The annulus, which is the area between the pipe and the ground, it's this little gap which is supposed to be cemented, the annulus was not properly cemented on that well. Gas escaped when they opened the well into the aquifer. This was a neighborhood that is served by individual water wells, not by central water. The gas permeated the aquifer. Some of us who live on wells have our well taps outside. One particular house in this subdivision had their well capped in their basement. The gas

accumulated in the basement and at 2:30 in the morning, it ignited and literally blew the house off its foundation. The miracle is the occupants were home but not injured. The house was destroyed. Also, though, 41 homes in the neighborhood had their water wells polluted by the gas. Those wells today, a year and a half later, are still having in their garages plexi-plastic and plexi-glass tanks of water still trucked in every week and put in those tanks so those people have water that they can actually consume in their homes, 18 months after this incident because the wells are still contaminated. ODNR recently ordered that the driller install a waterline for 20 some of those homes. We are still negotiating when all the homes will get it.

Oddly enough, the Bainbridge Police Department was about a mile away from all this. Their water well caught fire that night. The only way it could have caught fire is if it too had migrating gas coming into it because water doesn't catch fire on a normal day. That water well at the Bainbridge Police Department is still not usable as of today. They are asking to get relief as well. We are working with ODNR trying to get them either on that waterline or some sort of relief.

Out of that unfortunate situation has come some opportunity. Senator Grendell can confess to be an opportunist here. That situation was serious enough for Senator Grendell to get some folks' attention in Columbus that something has to give about this loss of control of oil and gas wells at the local level.

When they passed House Bill 278, Senator Grendell was assured by the representative of the oil and gas association that the incident in Bainbridge was a one in a billion possibility. So the one in a billion has already come home in less than three years after they passed House Bill 278.

We have had other incidents. Gates Mills' fire log is full of incidents dealing with oil and gas well problems that they have had as to maintenance issues and safety issues. In Chesterland, we have had problems with flare-ups and fires . There were some problems in Mentor. There are concerns in Chester about water. So, we sort of have an opportunity to try to get something done.

House Bill 278 was introduced and passed by then-Representative Tom Niehaus from Clermont County who is now Senator Niehaus. He is Senate President Pro-Tem. He has assured Senator Grendell he has wanted to get some legislation passed originally by the end of this June, but the budget problem in Columbus has become all-consuming. So now our deadline is to get something passed by the end of this year.

Senator Grendell thought he would just give to you the differences as to where we stand. Senator Grendell has a Bill and Senator Niehaus has a Bill. In the Senator Niehaus version which he has negotiated with the Ohio Department of Natural Resources and representatives of the Oil and Gas Drilling Association, this is what they are proposing. They want to have better notification. They are willing to pass some sort of noise ordinance, noise standards, although they haven't decided what those will be. They are willing to have the local communities be more front-end involved in the well-site identification. To that end, they are going to extend the

approval time for ODNR to approve a permit and designate a point of contact with each local municipality for input prior to ODNR making their approval and decision.
Last year, ODNR had 1400 oil and gas well applications. They did not approve 12 of them, which is a little less than 1% by his count. There is some issue here about the approval process. They want to increase the insurance on the oil and gas operators to $3,000,000.00. They want to have additional fees.

One of the problems is that there are 11 inspectors for oil and gas wells in the State of Ohio. Remember what Senator Grendell just said about 1400 permits? They issued 1388 of those last year and they had 11 inspectors. That is a major problem.

Senator Grendell was of the impression that they inspected the whole time the well was being drilled. Senator Grendell then found out they inspect when they show up to inspect. One of the problems is there is something called the water test. When they did the annulus, when they pour the concrete in the annulus, they run a test, they pour pressured water and measure it down one side and it is supposed to measure when it comes up the other side and it is supposed to be the same amount of water. If you are getting different water amount, then that means something is fractured and water is disappearing somewhere below the surface. That well in Bainbridge flunked the water test, but there was no inspector there at the time. For whatever reason, the driller ignored that flunk and kept on going and cracked the well and it caused the problem. So, they want additional fees so that they can add inspectors.

Last but not least, there is something called mandatory pooling. In Ohio, and Mayor Rinker is a great real estate lawyer, Senator Grendell knows he understands this, before property can be taken being the municipality, we go through this whole process of public necessity. You go to a jury and decide how much is going to be paid. You go through this whole thing. That does not work that way for your subterranean oil and gas rights. You need 20 acres for a standard well to be able to pool in Ohio. If you get 15 acres, you need 5 more. If the owner of the 5 does not want to give you an oil and gas lease for their 5, there's a statute in Ohio that allows the driller to go to the Director of the Division of Mining of ODNR and ask him for what's called a mandatory pooling order and he, a bureaucrat of the State, not a judge and not a jury, can direct that you give up your 5 acres of subterranean rights to that driller to be included in his 20 acres for that well. They can't put the well or the tank on your 5 acres, but your underlying 5 acres are included in the well pool. The compensation is you get your percentage interest, 1/8th on the interest, for example, you get 1/4th of 1/8th. They take your subterranean rights involuntarily. You get what you get.

For Senator Grendell, he has a real constitutional problem with that because you don't want to do it. Why do we give some bureaucrat in Columbus the power to take away your subterranean mineral rights just because?

The last thing that Senator Niehaus version will do will increase the fee for mandatory pooling to $5,000.00 per mandatory pooling application and will limit the number of pools so that a driller could not mandatory pool more than five times a year in the State of Ohio. This is a good step in the right direction. It's better than the current situation. But if you take the theory

that mandatory pooling should be unconstitutional because it's the involuntary taking of your property, then why people can be unconstitutional five times a year versus 50 times a year is the step in the right direction is not just logical when you think about that.

That's what Senator Niehaus is suggesting. What Senator Grendell's Bill does is restore local control over oil and gas wells in residential neighborhoods. There are two ways to approach this. One is to just give you back the control. The second is to have a local zoning ordinance that the legislature will approve with some parameters and then if you want to adopt that as your ordinance you can do it, but when you do that, you have to take authority over residential oil and gas drilling.

That's step number 1, number 2 is we eliminate mandatory pooling in Senator Grendell's legislation completely. Senator Grendell still thinks it is unconstitutional.

Third is we demand disclosure and accountability. You have to notify all the residents within 3,000 feet of a proposed well and you have to provide financial disclosure.

We raised the requirement for the insurance from $5,000,000.00 to $10,000,000.00. The insured in Bainbridge had a $1,000,000.00 which is the current requirement. That won't come close to the problems in Bainbridge. The only good fortune for those people in Bainbridge is that insured had a $12,000,000.00 umbrella policy. Senator Grendell's gut tells him they are going to use every dime of that by the time they are done with the problems they have out there. So we are going to increase the insurance requirements from $5,000,000.00 to $10,000,000.00.

Senator Grendell does not want to just give you more input. He wants to give you some control. You are the folks who end up getting the phone calls and you are the folks who get the complaints. You get all the grief. Senator Grendell thinks when it comes to residential drilling, you still need to have the final say. If you decide you want to do it, that's fine. If you decide you don't want to do it, that ought to be fine too. There may be some residential communities, some cities who want this. If they do, God bless them. Senator Grendell just does not like the idea that you don't get a say in the process.

We are going to fight this out over the next six months once we finish this budget mess that we are in. Senator Grendell looks forward to your input. We will be providing to the Mayor for Council a chart to show you the differences in the summaries of both Bills. If you want to weigh in with a Resolution in support, we would really appreciate it.

As to fire safety, we got a nine-point plan from the Fire Chief of Gates Mills that we are going to incorporate into our Bill because he raised some excellent issues. They are supposed to be inspecting these things, but the gates are rusted and locked, so are not operable. If you need access, you need an accountable person. You need to be able to have fire safety get there. Your fire safety needs training. There was a time when the industry provided funding for fire training in oil and gas. There was a place in Wooster that had special fire training. The problem was it cost you money to go get the training. The industry ought to belly up to the bar and provide

funding. Not just the funding for training, you have the overtime and shipping them down. We are going to work on that aspect as well.

Senator Grendell would be glad to answer questions. He will leave you with one thought. House Bill 278 allegedly took away your local control, although nobody's fully tested that out completely. There's a control that you have and Senator Grendell does not think it is in House Bill 278, you may want to have your law department look at it, and that's controlling the guys who knock on the doors and solicit the oil and gas leases themselves. Senator Grendell has a pet peeve with these folks knocking on the doors and telling people that this is the Ohio lease form. It's not. An oil and gas lease is a negotiable document. There's no set approved form. There's no mandatory form. You can negotiate your rights, require more distance. You can require screening. We need an educated populous to understand that the guy at the door is a slick real estate or oil and gas agent and is not telling them everything they need to know before they put the ink on a lease.

Senator Grendell thinks the community could step in there. You can require that these agents hopefully can be registered in the city, so that you don't just have strangers floating around. Maybe have a required form that they have to give your residents when they knock on the door and offer and explain to them what the rights of your citizens are in this process both as to signing of a lease, negotiating a lease and mandatory pooling. You might be able to, if you can't solve the ultimate problem, at least try to get in front of the problem by helping educating your residents and putting some restrictions on these folks who are misleading some residents into signing leases that are not in their best interests or being buffaloed into signing leases or being told that there is only one lease form and frankly on the mandatory pooling being told if you don't sign this lease, the government is going to take it from you.

There is a process for mandatory pooling with appeals and granted ODNR's track record is not great on this, Senator Grendell would suggest that until we can fix House Bill 278, an area you may want to explore is how you can get these folks who are getting the leases signed under some sort of control and registration and notification process. House Bill 278 doesn't touch that at all. It may be a way for you to exercise some protective care. Senator Grendell has suggested this to Highland Heights and Mayfield Heights and Gates Mills. Your law departments may want to share some thoughts and see if there is some place there you can get in front of the process. If you can't stop it, at least make it a little fairer for the people out there.

Mayor Rinker asked if there has been any discussion as far as allowing communities to intervene at the point of application and at least demonstrate unique problems. For example in Bainbridge where you don't have a public water system, they should be able to impose either a greater set of criteria, some type of evidentiary process.

Senator Grendell replied in our Bill, we actually require a water study if you are on non-city water. A water study would be submitted with your application. In one version that we have suggested, we have posed that we can't give you total power, that they would come to you. When the permit application is made, it would be then sent to the community in the city or village or township. They would have so many days to state their concerns and objections and

then ODNR would have to address those concerns before they could issue the permit. That may be where we end up here. That seems to be the middle ground on what we are talking about. Mayor Rinker asked, any kind of administrative review other than someone behind a desk behind a closed door, like quasi-judicial proceedings like they do at liquor control?

Senator Grendell said, yes, it would be an appeal then. Let's say if the concerns were not met, there could be an appeal to, he can't remember the technical name, it's the oil and gas part. We also need to fix the membership on the gas board because it's all oil and gas people. We need to make them a little bit of a fair appellate court. If we can't give you total control, we need to give you meaningful input and some ability to appeal if that well is going to still be objectionable.

One of the proposals back from ODNR, and this is a very fluid give and take negotiation still going on with Senator Niehaus and ODNR, one of the suggestions was a suggestion that you could state your objection and as long as you could pick where within the 20 acres the well could go, as long as the well was allowed, you could pick where, you the local community could pick where the 20 acres go.

This goes contrary to the ODNR statement that this has nothing to do about the fee income. Senator Grendell will publicly tell you, he thinks this has a lot to do with their fee income. When he sees 1388 wells get approved out of 1400, he does have a concern. Their response is they don't care about to a degree local control as long as it doesn't limit the number of wells that ultimately would be drilled. Ultimately you would be responsible for where the 20 acres are that the well goes. That has been thrown back as a compromise.

Mayor Rinker said we have gone through that exercise.

Council President Buckholtz said it doesn't work well.

Senator Grendell said to him maybe in a certain neighborhood you don't want to have any drills there.

Mayor Rinker said that's what we found out.

Senator Grendell said you will be getting this. We are not quite finished yet, but when we get it done, we will get you a comparison chart of the two Bills and a chance to weigh in over the summer. We won't really get into this thick and heavy again until September is Senator Grendell's guess.

Mayor Rinker said that is good to know that timetable. We definitely would want that. We appreciate that.

Senator Grendell said at some point we would love to have you come down and testify. When this thing gets into hearings, we are trying to get folks to tell them the way it is. This is a phenomena to Northeast Ohio unfortunately. While there are some wells being drilled as you go

down to the East end of the State into the Southeast area, the fact is, their economy is such that they are happy for any economic development and the oil and gas wells are considered significant economic development. We have a different phenomena. First of all, the shelf of the gas is up here. It is just north of Akron and east of Cleveland. We are in the heart, so we are getting a lot of the wells. But we have a different phenomena. This is residential neighborhoods and it has greater impact.

When this thing passed, it was 84-15 in the House. The 15 were those of us who lived in Northeast Ohio and were screaming bloody murder. We saw the train coming and we didn't want our constituents to be run over and frankly we didn't want to be standing in the tracks when it happened. But if you are from Cincinnati, or Napoleon, Ohio and Lakewood or Cleveland or Columbus, you don't care about this issue. Nobody's drilling wells there because you don't have any oil and gas to drill for. So, it's not as big of an issue for them, so it's harder to get them fired up. That's why the Bainbridge incident actually was, he does not want to say helpful, because it sounds kind of cold, but it raised people's awareness, because when you blow people's houses up, suddenly people get concerned.

Dr. Parker asked, if it's not such a big issue, then why do they care? Why resist this? If it really doesn't affect them to put this type of legislation, or corrections to this legislation, why would they care then?

Senator Grendell replied, he will answer to you in two ways. The official answer that was given was that this will reduce our dependence on foreign oil and reduce the cost of natural gas in Ohio. If you believe that, Senator Grendell has a bridge to sell you right down at the Wilson Mills hill. But that was the official statement.

Senator Grendell will tell you the Tim Grendell opinion. There's a lot of money being spread by the oil and gas association around Columbus which is making it an issue of interest for people who don't have wells in their District. There are some reports that the oil and gas association has spent an upward of $200,000.00 in campaign contributions from the last cycle in Columbus. He cannot verify that. He knows the number is significant, he does not know if it is that high. So they have no dog in the fight, and they don't want to be unfriendly to those who have been friendly to them. That makes it even more difficult to the other dog in the fight. If it was in your District, you would be more concerned. It's just wrong. Oil and gas wells in residential neighborhoods in his opinion, unless you want them, is wrong. It doesn't make sense. And by the way, it didn't lower the gas price and it sure as heck hasn't changed our dependency on foreign oil and most of these wells are generally gas-driven wells. We have some oil but the real issue is the gas.

Council President Buckholtz asked, if we want to try to put together, like you said, allegedly being taken away, nobody's really tested that, so , if we want to come up with our own ordinance here, a more restrictive ordinance for residential, obviously you have had suggestions or we have gleaned some ideas right there, but we are going to put it through our Ordinance Review Committee and tweak a few ideas here. You are doing your work in Columbus and we would love to piggy-back on that, but we would like to do something here.

Senator Grendell's understanding, remember he is a zoning lawyer in his other life, used to be, he understands from some comments that have been made by the Director there's probably some room in the regulatory area at the local level until you get to the point that you are preventing a well from being sited and drilled. Senator Grendell thinks you have some room, but he does not know where that room is exactly. His guess is buffering, screening, he thinks you have room there. But when your ordinance gets to the point that it just prevents the well from being drilled, or prevents ODNR from deciding ultimately the site of the well, they will give some of that as long as a well can be drilled, that's where you are going to cross into the ODNR problem. Ultimately ODNR's going to allow just about anything within reason as long as the well gets drilled. Senator Grendell thinks they are going to let you have some leeway on regulatory.

Council President Buckholtz asked, what would they do, sue us?

Senator Grendell replied, yes.

Council President Buckholtz asked, would the driller sue us? Would the ODNR sue us? Senator Grendell replied, it may be both. The way he would see this is, the ODNR will issue, you will actually sue someone else. The ODNR will issue them a permit. This is how it happened in Mayfield Heights. ODNR will issue them the permit. You will see a rig pull up on a dirt road. Your police department will be told to stop them if they are violating your zoning. At that point, Senator Grendell's guess is, unless the rig operator is an idiot, his lawyers will sue you and ODNR and the Attorney General's office may or may not weigh into the fight. Senator Grendell is not sure where that will end up in the process. His guess is you will end up getting sued by the driller because the driller is going to say he has a permit and your zoning has been preempted by State law and he is drilling his well. Then he is going to threaten you with all sorts of nasty damages under 42 USC 1983 and threaten civil rights violations, his rights, and sue all you guys individually too. That's how nasty these people are.

Dr. Parker asked, when you talk about the State's rights, you would think that based on some of the incidents we have seen with aquifer pollution, types of materials that they are putting into these wells to drill them that the Environmental Protection Agency which is on the national level, would try to step in and say that there's pollutions going on here that overrule. We are constantly having to put up with these types of issues when we want to do something. Why wouldn't the EPA come in and say, you are essentially in cases creating a hazardous waste site? Senator Grendell replied, you hit the nail on the head. He just came from a septic meeting because Senator Niehaus and the boys are trying to also require a $35,000.00 septic system, but he got the Ohio Department of Health so concerned about groundwater that you no longer can use a gravity trench system, you have to put in a $35,000.00 mechanically hydraulically-driven trench system to protect the groundwater table from untreated human waste because it might pollute the groundwater and he has the ODNR giving out 1388 permits for people to drill the tar out of the ground and put aquifers at risk all over the place. He can't justify it, other than the Ohio Department of Health makes lots of fee money over here and the Department of Natural

Resources makes a lot of fee money over there. That's the only constant that is between those two because both science and logic dictates that they are completely inapposite of each other.

Dr. Parker said if we did something that affected the aquifer, the EPA would be right down on us shutting us down. They are not doing anything to these people.

Senator Grendell said the EPA doesn't get involved. That's the part that is so amazing. Up in Bainbridge they are not screaming bloody murder. You would think they would. But they don't. Senator Grendell does not disagree with Dr. Parker, this is not driven by science or logic, it is driven by, Senator Grendell believes on one level an industry that's looking for business and on another level a government that's looking for fees. Senator Grendell would love to tell you otherwise. He has been fighting this battle since 2004. It hasn't gotten any more fun. The problem is we are disproportionately hit up here. There's no question about it. We have more well permits applied for than any place else with residential areas. That's a problem. We have houses here. Drive around Gates Mills. It looks like there's an oil well on every corner. It's going to get worse because they hit.

This whole thing started when they hit at the cemetery on 91. That darn well came in and was outrageously successful. Once that happened, it was like the '49 Gold Rush in California. Everybody saw visions of sugar plums and the wells started popping up everywhere.

Senator Grendell stated, he looks forward to working with you. He would be glad to help on the regulatory side. He looks forward to you testing that. The problem is, it's never been fully tested. The issue of how far you can go versus this preemption issue is a problem. By the way, there's a hole in the ODNR situation. When they pushed this thing through, they said we will protect the local communities. They couldn't get enough inspectors to do it at the time. Five years later, they realized they are not even close. Senator Grendell is not even sure if the safety premise of the original position ever came to fruition.

Council President Buckholtz stated, there would be the countersuit.

Senator Grendell, said another gas industry would not go lightly into the night. They are mean. They are nasty and they've got tough lawyers floating around out there. So, if you are going to go that route, just make sure you know that they are not going to go away. They are going to come in swinging.

Council President Buckholtz and Mayor Rinker thanked Senator Grendell for coming.

Council President Buckholtz asked if there was anything else to discuss. There were no comments.

ADJOURNMENT

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

The meeting adjourned at approximately 9:40 p.m. The next Council meeting is scheduled for July 20, 2009 at 8:00 p.m.

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WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

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BRUCE G. RINKER, MAYOR

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MARY E. BETSA, CLERK OF COUNCIL