

# DRAFT

**MINUTES OF THE REGULAR MEETING OF COUNCIL**  
**Monday, July 19, 2010 – 8:00 p.m.**  
**Mayfield Village Civic Hall**

The Council of Mayfield Village met in regular session on Monday, July 19, 2010, 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. Marquardt, Mr. Marrie,  
Mrs. Mills, Dr. Parker and Mr. Saponaro

Absent: None

Also Present: Mayor Rinker, Mr. Wynne, Ms. Calta, Mr. Cappello,  
Chief Dearden, Mr. Marrelli, Mr. Metzong,  
Mr. Dinardo, Mr. Thomas, Mrs. Kalina, Mr. Esborn  
and Mrs. Betsa

The Pledge of Allegiance to the Flag was given.

## **OPEN PORTION**

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

There were no comments.

## **CONSIDERATION OF MINUTES:**

### **Regular Council Meeting – June 21, 2010**

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

ROLL CALL: AYES: All  
NAYS: None

Motion Carried  
Minutes Approved

**Special Council Meeting – July 6, 2010**

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

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
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 reported that we have moved many trees along the SOM corridor. It looks much nicer. This is a reminder to everybody that we did not pay for those trees. We won a landmark case against Great Lakes Construction. We will begin replacing those in the Fall. As time goes on we will be filling in the open spots.

**BUILDING – John Marrelli**

There was no report.

**ENGINEERING – Tom Cappello**

Mr. Cappello reported that the Wilson Mills Road culvert project is tentatively scheduled to begin on July 26<sup>th</sup>. We will have temporary closures but will be opening traffic during rush hour. On August 2<sup>nd</sup> they are planning then to do the lane closure. This is a projected schedule. It may change a little bit depending on certain items, but that is what the contractor has stated. We prepared a letter to go out to the residents and business owners. It has not been sent yet, but it is going out. Mayor Rinker added, the media are being advised. Mr. Cappello continued, we look forward to that. Also, the ravine cul de sac where the Thornapple Pump Station is located is finally landscaped. They did an excellent job. Mayor Rinker asked about residents' feedback. Mr. Cappello replied, they are happy to see that it is pretty well camouflaged and the project is done.

**LEGAL DEPARTMENT – Ms. Calta**

Ms. Calta stated if there are any questions about the letter prepared relative to the Charter Review proposals, she can answer them or defer them to Joe. It pretty much summarizes what

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we found in the way of the procedures for Council to follow with regard to the Charter Review recommendations for changes to the Charter.

Council President Buckholtz asked Ms. Calta to frame it just in terms of explaining that the Charter Review came forth with some amendments and what our role is in that.

To summarize, Ms. Calta stated, it is administrative which means that your role is to place it on the ballot for the electorate to make a decision on, not to make changes or have any discretion in the process. It's administrative. That's what we found.

Council President Buckholtz asked, that's just the ruling of case law that you were able to find?

Ms. Calta replied, to say that there's case law directly on point would be incorrect. There really isn't anything directly on point but the case that we did find gave some guidance on what the rule is in other circumstances. The Broadview Heights' case had to do with whether the procedures on the emergency clause were followed appropriately. In that instance there was the same procedure, the Charter Review Commission made recommendations and they came to Council to be placed on the ballot. They were going through their usual process of three readings and they had an emergency clause in all of their ordinances certifying them to the Board of Elections. The emergency clause did not pass. There weren't enough votes to pass it as an emergency. But, there were enough votes to pass it. It was a 4-3 vote. There was a challenge to the validity of the ordinance because the emergency clause didn't pass. In that instance, the Ohio Supreme Court said, your role is administrative. You take what they give you. The language says that you pass it on to the Board of Elections, straightforward.

Council President Buckholtz has always said it in the past. He will say it now and he will say it again. The way we have always handled it is a vote "yes" is not in support of what the item is, it's merely our responsibility, our duty to pass it on to the electorate.

Mayor Rinker replied, you're supporting the process without necessarily commenting on the merits.

Council President Buckholtz agreed. However, having said that, at the last meeting there was some interesting discussion. We talked about opening it up for public forum, having a public hearing and encouraging people to come in and understand it and talk about it. It's his understanding that we are still looking to go forward and do that.

Ms. Calta replied, that was one of Joe's recommendations. To air the issues with the public at a public hearing and see what that fleshes out, knowing that Council can bring forward its own amendments if you choose to do that. You can do that in an August meeting. If you have a public hearing and something comes about, you can certainly go ahead and bring something forward at the regular meeting in August. That would be ready to go to the Board of Elections by the deadline in September.

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Council President Buckholtz indicated that Mary Beth circulated some dates. It is his understanding that there was one that everyone was good for except him because he was leaving town. He may not be leaving town. He will know Thursday. We may be able to work that date if administration can work that fast or we can set out a couple new dates. Which one was it that was the most popular date?

Mrs. Betsa replied that the most popular date was August 2<sup>nd</sup>, but there is another Council member who won't be able to be there.

Council President Buckholtz stated we will revisit additional dates and coordinate. Does anyone else have any comments or questions now? We will certainly get to talk about it at Caucus.

Council President Buckholtz asked if there was anything else. Ms. Calta replied, unless there are any other questions. There were none.

**FIRE – Chief Mohr**

There was no report.

**FINANCE – Ron Wynne**

Mr. Wynne reported that the State Auditor's office has been here for the past couple weeks reviewing the 2009 books. That will possibly be going on for the next three or four weeks. For the month of July our tax collections were \$663,000 which is \$35,000 below last year's for the month of July, but that also includes that \$45,000 refund mentioned to you in the financial report.

Mayor Rinker asked, so in gross we are higher, in net we are lower? Mr. Wynne replied, correct. So on a year to date basis, we are \$207,000 ahead of last year or 3.5% higher.

Mr. Wynne stated that over the past couple weeks he had a conversation with Moody's. They did the annual review of our operations from the standpoint of rating our bonds. They were interested in how 2009 went, how we ended up with the year and what the plans are for 2010. They came back and we have maintained our bond rating level of Aa2 which basically means our bonds are high quality with very low credit risk.

This evening, you will be passing legislation on the issuance of the \$3.4 million Notes. As part of that process, he has to certify to the Council what the original dates of those Notes are and when they mature. He is signing the Certification now. He will just pass it around for you to read it prior to the legislation.

Mayor Rinker does not know if everyone noticed, but apparently the City of Beachwood now is going to go to voters to raise the tax rate to 2%. That was interesting.

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**POLICE – Chief Dearden**

Chief Dearden reported that the police facility continues to make great progress. They are still on schedule for a September opening and still within the budget.

**PARKS & RECREATION – Bill Thomas**

Mr. Thomas reported that hopefully everyone received the statistics that we send out for Parkview Pool. He is anticipating that you are going to see quite a difference for July from last year because of the terrible weather we had. The 21<sup>st</sup> Annual Debbie Hudacko Run was held on July 11<sup>th</sup>. We had 125 runners and walkers participating. It was a muggy hot day so that's why it brought down a little bit of our numbers. This Sunday the 11<sup>th</sup> Annual Summer Sizzler Swim Meet will be held. It will start at 8:30 in the morning.

**ARCHITECT – Ron Dinardo**

Mr. Dinardo provided an update on the solar panels for the police station. The contract with John Fidel's company, Dovetail Solar, is being reviewed with our Law Department. He does not know the timetable right now.

Ms. Calta received an e-mail from him at 7:29 this evening. It is attached to this e-mail. She will take a look at it.

Mr. Dinardo stated that part should be completed within the next week or so. The next step is to submit to the State of Ohio for their review. We anticipate a 60-day review process. From there, with their approval, the install date for the panels are around November 1<sup>st</sup> and should be completed around mid-November. As the Police Chief stated, the police station is scheduled to be completed by the first half of September. The install of the solar panels will not affect the opening. If they want to time the Grand Opening so people can see the solar panels, it will have to be at a later date. Maybe that's something you guys can contemplate in handling the Grand Opening.

**HUMAN SERVICES – Eunice Kalina**

Mrs. Kalina reported that just today we got our date for our flu shot program. We got our first choice which is Friday, October 22<sup>nd</sup> from 9:00-11:00. It will be in this room. We will have a couple of pre-registrations as we always do in the beginning of October. Mrs. Kalina mentioned at the last meeting that there will be an H1N1 and seasonal flu combined into one vaccine all for the same price. This Wednesday we have a program in our Senior Speaker Series at 2:00 in the Community Room regarding the waiver program for assisted living. The Federal Government is now realizing that it is probably more economical to help people be in assisted living facility than a nursing home. If they don't need a nursing home it is certainly preferable. This should be a very good program and an important one. We have an AARP Safe Driving Class on August 18<sup>th</sup>. We still have space available. It's a one-day program from 12:00-4:30.

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**PLANNING DEPARTMENT – Ted Esborn**

Mr. Esborn stated that you should have received in packets a memo about the NOACA Transportation Enhancement Grant Opportunity. He wanted to just go over some of the highlights for that. It's an application that we are working on with URS. It's for \$600,000 worth of Federal funds. We have had two meetings with URS so far. It's been a collaboration with the administration of the Service Department, Administration, Finance and Planning Development. The most important part is that the Greenway Master Plan that was done through NOACA's TLC program was really intended to be leveraged for dollars to implement it. This is a pretty perfect opportunity to do that. We are positioned very well because we have worked with NOACA before and this will be working with NOACA again. The Council Resolution in support of the application is not needed until September but we wanted to get this in front of Council this evening.

**STANDING COMMITTEE REPORTS:**

**Activities Committee** – Mrs. Mills reported that we had our first band concert on July 15<sup>th</sup>. It was fairly well attended considering the hot weather. The University Heights Band played. It was a very good band. There were between 50-60 people there. The band played until 9:10 which is unusual. It was very good music, some John Philips Sousa, a good mixture of swing, everything. The next concert is the 29<sup>th</sup> and that's the Swing Band.

**Architectural Review Board** – Mr. Marrelli stated that there was no meeting. There is no report.

**Beautification Committee** - Mr. Marrie stated that there was no meeting. There is no report.

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

**Cemetery** – Mrs. Mills reported that she had a meeting with Frank Legan, the representative from Highland Heights. We went through the income and expenditures so far for 2010. We will be hiring a young gentleman to help out at the Cemetery to do some extra weeding. The Garden Club has been doing a good job, but they need some help. We have to stay ahead of the game there. Everything's in order there. We have a lot of people calling us to know if their great-great grandfather is there, etc. One woman from Florida called her. She found her great-great grandmother. At least once or twice a week we have someone inquiring about their ancestors. We just had a woman come in. She wanted a picture of her great-great grandfather, Captain Wilson. We had a picture. Council President Buckholtz stated we used to get those periodic calls from all over the Country.

**Citizen's Advisory** – Mr. Marrie stated that there was no meeting. There is no report.

**Commission on Aging** – Mrs. Kalina reported that there was no meeting. There is no report.

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**Safety and Service** – Mrs. Cinco reported that Safety and Service met on Tuesday, July 6<sup>th</sup>. At that time we talked about the street striping for the year, replacement of the center arm for the Case 650 and Mr. Metzger reported that he is renting a skid steer loader that grinds asphalt and we talked about the street program.

**Finance Committee** – Mr. Saponaro reported that the Committee met this evening. They also met last week on the 12<sup>th</sup> for their Caucus. We have 8 expenditures that we are recommending for approval. Of the 8, there is a clarification on number 7, the Wiley Park 319 Grant. Mr. Saponaro will request a motion to amend. We want it amended to include the language “subject to receiving the Grant”. So obviously if we do not receive it, we will not have this expenditure. We are also recommending three Ordinances for approval.

**Historical Society** – Mrs. Mills reported that the ladies are getting ready to start planning the ice cream social the second Wednesday in September. We are also planning our Quilt Show which will be the second weekend in October. It will be held here in the Civic Center. Mr. Muhle had someone come in and rebuild one of the big storm windows on the front of the house. It worked out very well because they were able to save the glass. It’s been reinstalled. The window was washed and put back in place.

**Hillcrest Council of Councils** – Council President Buckholtz stated there was no meeting. There was no report.

**M.A.R.C.** – Dr. Parker reported that the M.A.R.C. meeting was held on July 1<sup>st</sup>. The Treasurer’s report showed a balance of \$7,135.00 as of June 30<sup>th</sup>. The Art Show has been set for September 24, 25 and 26. The Punt, Pass and Kick Competition is set for September 11<sup>th</sup> at 1:00 p.m. at the High School field. The next meeting will be September 2<sup>nd</sup> at 7:00 p.m.

**Ordinance Review Committee** – Mr. Saponaro reported that Ordinance Review met on July 13<sup>th</sup>. At that meeting we discussed the special purpose flood damage reduction ordinance and put some final touches to that. Mr. Cappello is now dealing with ODNR on that to get that finalized. Secondly, we talked about the stormwater key credit through the NEORS and the rainbarrels. We are looking at and Diane has put together a potential ordinance for us regarding rainbarrel systems for the Village. Joe Saponaro also gave Mary Beth an article that was in the *Plain Dealer* from a couple weeks ago and asked her to distribute it to the Ordinance Review Committee and to Council and whoever else would like a copy of that. We will be discussing that. As a Committee we have reviewed the ordinance and have approved it. Now it needs to move forward to the Council. We also talked about the International Residential Code. There were amendments from the 2002 edition that were inadvertently left out. This is a housekeeping mechanism that we need to get cleaned up and put back in. The Committee entertained a motion and approved that going to the next step. We also talked about and took no action on a model ordinance for off-street parking. The goal would be to reduce impervious parking areas in the community. We will be looking at that as well.

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

**Recreation Board** - Mr. Marrie reported that there was no meeting. There is no report.

**SPECIAL COMMITTEE REPORTS:**

**Information & Technology** – There was nothing to report.

**Records Commission** – Mrs. Mills reported that the Commission met on June 30<sup>th</sup>. We went over Shred Day and tweaked it to improve the traffic pattern. Mary Beth and I went down to Shredding Network to see what their operation was all about. It was very interesting. The paper that was already shred was re-shred. It comes out as a bale at the very end of a long conveyer. It is then sent to another company that makes brown paper bags and napkins. It's very interesting. We are going to look into other companies to see what they are offering. Diane Calta has looked at their contract. When and if we get ready to do something with Village Hall, there are a lot of records over there that have to be stored somewhere else. We need to have a place. We are looking for storage. The next meeting is on September 1<sup>st</sup>.

**OLD BUSINESS**

- . **Second Reading of Ordinance No. 2010-22**, entitled, “An Ordinance proposing an amendment to the Charter of Mayfield Village to correct and clarify certain definitions and grammatical irregularities and to establish gender neutral content throughout.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – June 21, 2010)
  
- . **Second Reading of Ordinance No. 2010-23**, entitled, “An Ordinance proposing an amendment to Article III, Section 8 of the Charter of Mayfield Village pertaining to the procedure in the event of vacancies in Council.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – June 21, 2010)
  
- . **Second Reading of Ordinance No. 2010-24**, entitled, “An Ordinance proposing an amendment to Article III, Sections 12 and 13 of the Charter of Mayfield Village to determine when zoning and land use changes may be submitted to the electorate.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – June 21, 2010)
  
- . **Second Reading of Ordinance No. 2010-25**, entitled, “An Ordinance proposing an amendment to Article IV, Section 7 of the Charter of Mayfield Village clarifying when the President of Council shall become the Acting Mayor.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – June 21, 2010)





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- . **Motion to authorize expenditure in the amount of \$46,000 representing the Village's cost for the Wiley Park 319 Grant (Total cost of project: \$230,000; our portion: 20% or \$46,000).**

**Amended to read:**

- . **Motion to authorize expenditure in the event we receive a Grant, in the amount of \$46,000, representing the Village's cost for the Wiley Park 319 Grant (Total cost of project: \$230,000; our portion: 20% or \$46,000).**

Mrs. Mills, seconded by Mr. Saponaro, made a motion to authorize expenditure in the event we receive a Grant, in the amount of \$46,000 representing the Village's cost for the Wiley Park 319 Grant (Total cost of project: \$230,000; our portion: 20% or \$46,000).

We are still encumbering these funds.

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

Roll Call:     AYES: All  
                  NAYS: None

Motion Carried  
Expenditure Authorized

- . **Motion to go out to bid for infrastructure improvements for 2010.**

Mrs. Mills, seconded by Mr. Saponaro, made a motion to go out to bid for infrastructure improvements for 2010.

Mr. Saponaro stated that this for chip sealing and asphalt rejuvenation throughout the Village. Mr. Metzger added we will be making repairs to the Worton Park, Joyce Road and Beech Hills neighborhoods. Those streets will be chip sealed. It will just about cover all of our streets older than 15 years old as far as asphalt goes. Then we are going to rejuvenate to keep the asphalt binder to the Hickory Hill neighborhood and Metropark, Highland Road and Zorn.

Roll Call:     AYES: All  
                  NAYS: None

Motion Carried  
Bidding Authorized

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- **First Reading of Ordinance No. 2010-29**, entitled, “An ordinance to provide for the issuance and sale of \$3,400,000 of notes of Mayfield Village, Ohio, in anticipation of the issuance of bonds for the purpose of acquiring certain real estate together with the existing buildings and other structures located thereon and any related equipment and certain other real estate for recreational purposes, improving the parks and recreation system of the Village by acquiring certain real estate, constructing and lighting ball fields, together with the necessary appurtenances thereto, and otherwise improving that system, and conserving, preserving and enhancing the availability of open spaces in the Village by acquiring land or interests therein, and declaring an emergency.” 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 Mrs. Cinco, made a motion to enact Ordinance No. 2010-29.

Mr. Wynne reported that the current Note is outstanding at \$3.6 million which is due on September 2<sup>nd</sup>. We will be paying \$200,000 down towards those Notes and then rolling over the Notes for another year.

Mayor Rinker stated one of the things he commented before is we do want to have at some point in the not too distant future a return of the kind of Town Hall forum setting that we had used going into the vote in May to explain to voters what we are doing now that we have the commitment from voters. Remember the five basic areas that we are apportioning funds. This is one in which we are paying down the debt. It will be included among the others but what’s been critical here is Ron has been very methodical in following through on each of these steps. One of the other ones is working with all of our Department Heads projecting a five-year budget. You have seen parts of that, but again, Council will get in a more formal format in the next probably about a week or two weeks. We are just about done with our sessions with Department Heads. That’s another shoe on this. Everyone here is to be commended. Mayor Rinker thinks we all agree that Ron has done a very thorough and steady job in making sure that we all keep on task.

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

ROLL CALL: AYES: All

NAYS: None

Motion Carried

Ordinance Enacted

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- **First Reading of Ordinance No. 2010-30**, entitled, “An emergency ordinance authorizing and directing the Mayor to enter into a Grant Agreement with the Northeast Ohio Public Emergency Council known as NOPEC, Inc.” 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 Mrs. Cinco made a motion to enact Ordinance No. 2010-30.

Council President Buckholtz asked if there was any discussion.

ROLL CALL: AYES: All

NAYS: None

Motion Carried

Ordinance Enacted

- **First Reading of Ordinance No. 2010-31**, entitled, “An emergency ordinance confirming the reappointment of Eunice Kalina as Human Services Director for Mayfield Village, Ohio.” 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. Marrie made a motion to enact Ordinance No. 2010-31.

Council President Buckholtz asked if there was any discussion.

Mr. Wynne explained that the purpose of this is that in June when Council passed legislation putting into effect on July 1<sup>st</sup> the raises for the employees, all the positions in the Village with the exception of the Human Services Director are included in the wage ordinance you passed that evening. This is simply adjusting the compensation for the Human Services Director at the same level that the others were adjusted.

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

ROLL CALL: AYES: All

NAYS: None

Motion Carried

Ordinance Enacted

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**ANY OTHER MATTERS:**

Council President Buckholtz asked if there were any other matters.

Mayor Rinker stated that tonight Council approved the final installment of our \$100,000 per annum to Progressive. We have come a long way since this all began. If you recall, this began in 1991 when Mayfield Village entered into an agreement with Progressive Insurance Company to put its World Headquarters on its Campus 1 location with the commitment that it provide no less than 1,500 jobs in exchange for which the Council voted, much to the dismay of the brand new Superintendent, David Abbott, a 2/3<sup>rd</sup>'s property tax abatement to last for a 15-year period. It began in 1994 with the first construction on the Campus. We worked out with interesting cooperation all the way around, but fundamentally the \$100,000 was Mayfield Village's way of saying that were we to receive sufficient income tax receipts and we actually had a sliding scale, some of you may remember Mr. Ferrante's comments on that point, that if we dipped below a certain number, it would diminish accordingly, but the idea was to show good faith that we were supporting our School District and that while real estate taxes were being foregone for that period, income tax receipts were sufficient to support this payment to the school in exchange for which the school would demonstrate on an annual basis. This would go to Mayfield Village locations, so the High School and Center School, and be focused upon science and technology. The Board of Education at that time had just adopted a five-year plan before they even added the science wing. So over the years, the first couple of years, toward the end of each calendar year that we were able to reach that mark and make the payment. By the third year we hit the number probably in February or March. That's the way that Progressive grew. To take it full cycle, last year, given the constraints we had, without much discussion at all, had agreement from the school not to make that payment. Recall that this \$100,00 really was due last year. It's an interesting postscript when you look at all of the history of what has gone on with Progressive Insurance Company and the impact on our community and certainly on our School District. It's something that Council collectively can look at with no little pride. It was unorthodox in many respects for Council to make that commitment of income tax receipts which were earmarked for particular school purposes to support an important institution.

Council President Buckholtz asked if there were any additional comments. There were none.

**ADJOURNMENT**

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

The meeting adjourned at approximately 8:45 p.m. The next Council meeting is scheduled for Monday, August 16, 2010 at 8:00 p.m.