

OPEN PORTION

Bill Marquardt called the meeting to order.

**Oil & Gas Wells
Chapter 1179**

Diane Calta said the changes we talked about at the last meeting are in Section **1179.04; MUNICIPAL REGULATIONS.**

First Paragraph "Surface Owner" shall mean the owner that has the well on their property.

(a) "Unit" shall mean those properties that are identified on the State issued permit as being part of the acreage necessary to drill a well.

(b) This is all the information for the "Surface Owner" and "Permit Holder". The "Permit Holder" will probably be the one we'll have our primary contact with.

Note: Part of this will be educating the residents about the ordinance to expect compliance. This needs some PR behind it, needs to get in the Voice of the Village.

(f) "surface owner" needs to be capped.

(m) Missing the word notice. Add notice after (48) hours.

(m) This talks about the "Permit Holder" submitting a drilling report. Diane's going to attach a copy of BASS's report from the Echo Dr. well as an appendix.

(n) & (p) Combine language in these two paragraphs for one cash deposit of \$20,000.00 to cover both the restoration of the site and payment of any fees which will be incurred by the Village Engineer or any other professional the Village determines it must engage in order to ensure compliance with the code.

(q) becomes (p)

1179.01 INTENT. Bill suggests wording along the lines to maintain the character of the Village. Some of the things we're requiring here are not necessarily safety issues, i.e. not having the well in the front yard.

Add: It is the intent of Village Council to ensure the safe operation of oil and gas wells and preserving the character and aesthetics within the Village.

DECISION

Mr. Marrelli, seconded by Mrs. Wervey made a motion to present Chapter 1179 to Council for passage to include corrections as noted.

Mr. Marquardt asked if any discussion. There was none.

ROLL CALL

Ayes: Mr. Marquardt, Mr. Catalano, Mrs. Wervey, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council for First Reading Only

Chapter 905.011 Heavy Equipment and Vehicles Permit Fee; BOND

Reference 905.011 at the end of 1179.04;

1179.04 (q) becomes; Surface Owner or Permit Holder shall be required to comply with Section 905.011 on Heavy Equipment.

Diane Calta said we've taken out the specific references to drilling rigs and other equipment relating to oil and gas drilling. It applies to vehicles that are over 80,000 pounds that are going on municipal residential roadways whether dedicated or undedicated. It requires the permit, the plan, the route, the BOND, the video before and after, and insurance carried by the Permit Holder.

DECISION

Mrs. Wervey, seconded by Mr. Catalano made a motion to present Chapter 905.011 to Council for passage to include corrections as noted.

Mr. Marquardt asked if any discussion. There was none.

ROLL CALL

Ayes: Mr. Marquardt, Mr. Catalano, Mrs. Wervey, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council for First Reading Only

Proposed Legislation
Senator Tom Niehaus vs. Senator Tim Grendell

John Marrelli said they are both proposing legislation to the State of what they'd like to see changed in these House Bills. One is extremely strict and the other extremely lax. They are still in Committee. As the information comes out, we'll get you copies to see how it's developing.

Ongoing - Keep on Agenda.

Administrative Meeting Fees

Chapter 1309

John Marrelli said I started going through our Administrative Fees. I haven't completed my studies. I'm looking at Zoning Board fees, Planning Commission Fees & Architectural Review Board fees. Every town does it different. It depends on if it's residential, if it's commercial, if it's over so many square feet, if it's under. There's 100 ways to break out fees on these. I'm going to keep gathering information. When I have something that I can compare apples to apples, I'll bring it in.

Ongoing - Keep on Agenda.

Insurance Provisions **Mayfield Village Program / Wichert Insurance**

Diane Calta recites revisions.

339.12 Motor Transportation Companies or Private Motor Carriers. Jay states this language is o.k. No changes.

505.11 Dangerous and Vicious Dogs Section (c). I upped this from \$50,000 to \$200,000.

945.22 Insurance; Construction Completion BOND; Performance BOND. This section is on cable franchise. In Ohio we used to be able to grant cable franchises. Not any more. It's all done through the State. Time Warner now goes to the State, applies for their permit and they provide us our cable service. This actually could all be appealed. State franchising went into effect just a couple of years ago. Repeal Chapter 945 and reference State Law.

1119.17 Insurance. This has to do with Developers. Jay suggested we add authorized to do business in Ohio and with an A.M. Best rating acceptable to the Village. We upped the insurance to one million dollars (\$1,000,000.00) combined single limit for injury to or death of persons or destruction of property.

Chapter 1177 Flood Plain District. Diane asked Tom Cappello for comment if we have any Village owned properties in a flood plain. Tom said flood insurance is basically damage to the residence. If it's vacant land, standard insurance would do. Diane feels if we do have any Village owned properties that aren't covered under the general commercial policy, we should identify them. Tom doesn't believe we have any Village owned properties in a flood plain but will check further.

1313.05 Insurance. This has to do with certificate of registration for contractors. I upgraded this to an amount of at least \$500,000.00 / \$50,000.00 / \$500,000.00. John mentioned we upgraded our contractor registration ordinance just this past year. Diane will go back to the tables for these sections, reference the table and put the increase in.

1343.05 Cash BOND; Insurance; Etc. This has to do with removing a building. Diane did some comparison of numbers with Mayfield Hts, Cleveland Hts, Highland Hts, Pepper Pike, Shaker

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Hts & Chagrin. Shaker Hts put in language that the amount should be determined by the Law Director. I didn't like that. Pepper Pike's ordinance is from 1929. Chagrin's is from 1988; \$1 million and \$100,000 property. A lot of these haven't been updated. I put in a cash BOND of \$5,000 or such larger amount as the Building Commissioner may require. Two million dollars (\$2,000,000.00) combined single limit by reason of personal injury, death or by reason of damage to property. John suggested a reference in here to 905.011; Heavy Equipment.

1361.02 Insurance. This has to do with property damage caused by blasting. Diane upped amount to before a permit to do blasting is issued, the applicant for such permit shall file a liability insurance policy in the sum of five million dollars (\$5,000,000.00) combined single limit for any accident, covering bodily injury, and wrongful death, and against property damage of any nature caused by blasting. Discussion ensued on blasting technique.

Marge Eisenberg said we lived on Highland Rd. when they put the freeway through. They did blasting and we had a lot of damage to our house and the other houses on both sides. Nobody wanted to claim responsibility. Our neighbor had a basement and her whole wall cracked on one side.

1519.02 Public Exhibition Permit Required; Fee; Bond; Records. This has to do with a licensed exhibitor of Fireworks. We changed this to proof of insurance coverage of at least five million dollars (\$5,000,000.00) combined single limit.

- **Diane Calta to submit revisions to Jay Hutchison for review.**
- **Committee to review final draft next meeting Dec 8th.**

FEMA
Model Ordinance
Federal Ins. Rating Maps

Tom Cappello said FEMA is revising all their Federal Insurance Rate Maps. They are trying to make one large seamless map County wide. As part of it, there's a requirement that all the municipalities pass a new ordinance. You have a copy of the Current Ordinance & New Ordinance. The numbers in red on the left hand side of the New Ordinance are the similar sections that already exist in our Chapter 1125; Flood Hazard Areas.

Tom continues. The New Ordinance requires a Flood Plain Administrator. Certain duties and responsibilities are listed. It defines other criteria as far as flood proofing houses or actually not letting people build in flood plains now unless they get special permits to prove they're not going to cause damage. It's self explanatory as you go through it. It's similar to the Current Ordinance with additional items they've had to put in to combat problems they've seen over the past 20 some years. I believe right now the only time you have to have flood insurance is if you have a mortgage that has federally funded dollars backing it. People call me that are in the flood plain that tell me they never had to get flood insurance and then they go to get an equity loan and it triggers this whole process. We've done numerous amounts of map amendments. If you look at the new maps, you'll see they removed / eliminated a lot of the flood plains.

Pg 11 (F). Optional: A floodplain development permit application fee set by the schedule of fees adopted by the Community. Diane asked Tom if he wants to set a fee for this. John questions what the fee is paying for. John said if somebody comes in with a subdivision, they're going to put a deposit down for professional services right off the bat. That shouldn't be covered in this. John suggests putting the fee into the flood plain to cover any construction. If it's a subdivision, the study fees for the flood plain district will end up being paid out of the deposit for the subdivision. If it's a single building or anything less than a minor subdivision, it would come under the flood plain district. Consensus; \$2,500 Deposit Fee for anything less than a minor subdivision. John said if somebody comes in to put an addition on the back of their house and they hit the flood plain district, they'd have to pay this study fee for professional services.

- **Tom to Draft New Ordinance & send to Law Dept for review for compliance with the new National Flood Insurance Program.**
- **Committee to review Ordinance next mtg Dec 8th.**
- **Ordinance to ODNR for review & approval.**
- **Final copy to Council for adoption.**

OLD BUSINESS

- **Solicitation**

Diane Calta said after we did the solicitation changes to include "Landmen", we sent copies of it out to all the drillers that have been in the Village. I asked the Chief about the "No Solicitation" stickers and he said they have them and they're available.

John Marrelli said and in case you didn't know, the Police Dept issued our 1st solicitation permit to BASS Energy. So our first "Landman" pulled a solicitors permit on Nov 6th.

Bill Marquardt suggests an article in the Spring VOV by the Law Department on Solicitation.

ADJOURNMENT

Mrs. Wervev, seconded by Mr. Catalano made a motion to adjourn.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 6:10 p.m.

Respectfully Submitted,

Deborah Garbo

Executive Assistant

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Building Department

cc: Jean Triner
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