



**OPEN PORTION**

Bill Marquardt called the meeting to order.

**Oil & Gas Wells**  
**Chapter 1179**

Diane Calta takes us through Chapter 1179 revisions:

**1179.04**

This talks about Landowners being subjected to the regulations. I added; and Landowner(s) who have leased their land for such purposes.

- (a) by the Permit Holder **and/or** Landowner

This is where they have to file a copy of the permit. When they file the permit they have to send out a letter to all the owners of properties that adjoin the property so they know a permit has been pulled.

**Clarify:**

Landowner = Where the well's going to be drilled.

Permit Holder = Operator

Unit = Needs to be defined.

- (b) All of 1179.04 will apply to Permit Holders & Landowners.
- (c) There was discussion on confirmation of fracking methods and where they would need to tie into any gas line. I added this.
- (f) This is where we talked about the distance of any structures or facilities. State Law says 100 feet. We would have a hard time enforcing anything more restrictive.  
**Decision: Redundant – take out.**
- (g) Changed this to five million dollars (\$5,000,000)
- (j) This again is where we get into putting in; Permit Holder **and/or** Landowner.
- (k) This whole section is new; Required screening & buffering (taken from Mentor's section 735.09).
- (o) I think a Cash BOND is better than a Surety BOND. You're going to get one yr with the Surety Bond and then you're going to have to renew it. So you'll be constantly chasing those renewals. This is about site restoration after well is drilled for life of the well.

- **Set up Fund Account with Finance Dept for this specific purpose for Deposit.**
- **Take out capping & abandonment language.**
- **Return BOND when site work completed.**
- **Clarify; CASH Deposit.**

**(q) Clarify; CASH Deposit.**

- **BASS Energy Electronic Drilling Report**

Diane Calta said one last thing I want to mention is when BASS was drilling their well on Echo, they were sending out a well drilling report as a courtesy. That was interesting & helpful. If the Police or Fire were to get a call at least they'd know where they were in the drilling operation. Some of it was foreign language to me but at least you could see they were progressing.

**Require bi-weekly drilling progress report. Incorporate into Chapter 1179.**

**Review Final Draft Nov 10<sup>th</sup>**

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- **Landman (Solicitor) & "No Soliciting Stickers"**

John Marrelli said I have a question on this relating to the Ordinance we passed through Council on the Landman being the solicitor. Nothing has been put into effect that I know of. The Police Department hasn't been notified that from now on the Landman is a solicitor. Nor has the public been notified they can get "No Soliciting" stickers for their homes. How are we going to get that ball rolling?

- 1. Law Dept to send letter to Police Chief.**
- 2. Notice to Drilling Companies;  
"You are now required to register with the Police department".**

**Oil & Gas Wells  
Chapter 905.011**

905.011 Oil & Gas Drilling Equipment and vehicles Permit Fee; BOND

- (b) Diane said this was the main thing I included; A plan shall be submitted detailing the proposed truck route through the Village.

Bill Marquardt concerned 1<sup>st</sup> paragraph is drawing too much attention to oil/gas, that it's targeting.

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Diane Calta said that's why we went back and forth on this. There are different size drilling rigs. If you single out drilling rigs, there may be some that aren't 80,000 pounds. This would be a whole new section under 905. Reminder, this is only residential roadways.

- 1. Revise to read; 905.011 Heavy Equipment and vehicles Permit Fee; BOND**
- 2. Take out reference to rigs.**

**(c) Revise language to read video vs videotape.**

**Review Final Draft Nov 10<sup>th</sup>**

Resident Linda Butler arrives at 5:30 p.m.

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**Oil & Gas Well Legislation**  
**Senator Niehaus vs Senator Grendell**

Bill Marquardt said I don't believe they'll have these proposals until the 1<sup>st</sup> of the year. Not much we can do but to make a resolution in support of.

**Linda Butler 817 Hanover Rd** said the Grendell Bill has been submitted but it hasn't gone through the whole process. The Niehaus Bill has been submitted and has gone through the process. They are beginning taking testimony related to the Niehaus Bill at the end of the month. Hopefully they'll both be considered and there will be some sort of a compromise.

**Keep on Agenda**

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**Fence Ordinance**  
**Section 1157.08**

John Marrelli said I couldn't find anything anywhere on the problem that I had with the neighbors trying to run parallel fences that says you can't do that.

**Table - Further Research Required**

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**Mayfield Village Code**  
**Insurance Provisions**

Diane Calta said this is something I brought up in September. This is Insurance from Jay Hutchinson with Wichert Insurance. A lot of it is antiquated language. Nothing jumped out that we need to address immediately. What I can do is go through each section and do a redline version of the changes.

**Review Redline changes 11/10**

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**Contractor Registration Fees**  
**Chapter 1309**

John Marrelli said our Contractor registration fee passed in 1977 is still \$25.00. I checked 13 different municipalities and put a chart together which showed what others are paying. The average came out to \$83.00. Since we haven't updated this for 32 years, I thought it was time.

**DECISION**

Mrs. Wervev, seconded by Mr. Catalano made a motion to increase Contractor Registration Fee from \$25.00 to **\$100.00** (commence 11/1/09).

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

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**  
**Recommendation to Council**

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**Administrative Meeting Fees**  
**Chapter 1309**

John Marrelli said I went through these fees as well. I'm in the process of doing a comparison on these. We haven't raised our fees on meetings to cover our costs. These fees again are about 30 years old. I'll have a more complete synopsis at our next meeting. Our Planning Commission fees are way low for commercial projects. We have no provision to pay our Professionals for their time on the projects. We had about 50 meetings for the Hilton Garden proposal. They paid a one time fee. Board of Appeals fee will probably stay the same. Architectural Board I want to split into residential & commercial. Planning Commission I want to do residential vs commercial and Conditional Use Permit as a separate fee.

**Review Fee Schedule Comparisons 11/10**

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Mr. Marquardt asked if anyone has any other items for discussion.

- **FEMA Maps**

Tom Cappello said the Federal Emergency Management has the Federal Insurance Rating Maps that they've updated. As part of this they're requiring us to pass this Ordinance with specific language. I have a model Ordinance. I'm in the process of reviewing the changes. Our

old one was geared more to development. This one is a little different but same principal. I'll have a summary for the next meeting. They just don't want you building in a flood zone.

Diane Calta asked if they changed anything.

John Marrelli asked if there's more flood area now than last time.

Tom Cappello said actually in the Village they've reduced it. Before Hanover was developed, that was a big wooded area. After the development, all these areas got filled in. Those houses are way up high. The problem is when you map the property there used to be a creek by it, then all of a sudden you're in a flood zone even though your house could be 30' above. If there was no detail done then we do the map amendments like we've done for other people. There was a big flood zone in Worton Pk. People would call us out and say "I've been here for 40 years and have never had any flooding". Some of them have elevation details and some don't. That has detail so I'm able to get that number and compare it to their lowest adjacent grade. A lot of them we've been able to take the house out of the flood zone so they don't have to buy the flood insurance. Hanover I think slipped through the cracks. A study should have been done to eliminate those zones. A lot of the people in there unless they go through some re-financing will never know. They never had to get the insurance because they never re-financed. I think it was the 70's or 80's when it kicked in.

**Review FEMA Model Ordinance 11/10**

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**OLD BUSINESS**

- **Proposed Gas/Oil Well Updates**

**Linda Butler** said there's movement on Bonnieview. The people I know were told by Mario from Stone Creek that they're planning to put the well in Nov 1<sup>st</sup>. The people have hired a very competent lawyer because they felt they weren't fairly represented in that none of them had to sign an official document about turning over their mineral rights. They're hoping to stall this in court. Hopefully in one year the regulations will be changed at the State level. The Russian woman that testified at Council that wanted to get a well went bankrupt and their house has been reclaimed by the bank. Whether or not they stay there, I don't think that lease is going to happen.

John Marrelli said we've heard rumors. However there's nothing on the Cuyahoga County Auditor's website and people are still living there. Besides that, the people that bought 6900 Wilson Mills have shown interest in that particular property if it were to go into foreclosure. They would like to reclaim that whole area under one ownership.

**Linda Butler** said another thing related to the Niehaus / Grendell Bill; What's disappointing with the Niehaus Bill is that there's no change in setbacks, local control or mandatory pooling. NEOGAP Group is asking for 1000'. They have found something in the FHA regulations, a

300' setback to give a loan on a property. If you make somebody be mandatorily pooled and then they can't sell their house, that seems like a huge conflict. I think there's a movement afoot to set up a suit related to mandatory pooling. I was talking to the people at the Ohio Environmental Council and they think it would be a strong case because there isn't fair adjudication lobby. A commercial well is not in the public interest.

Diane Calta said I think Niehaus tried to pacify some of that. They upped the fee to \$5,000 and you can only apply so many times in one year to mandatory pool. With the number of applications supposedly that are mandatory pooled, no driller is going to run up against that limit.

**Linda Butler** said they would. Some of the drillers are mandatory pulling 60, 70 & 80 people a year. They use it as an intimidation technique. That's one of the things that concern me about having even the minimum. They can still intimate people into signing. BASS doesn't do it very often. It's OVE and Everflow who are the biggest users.

John Marrelli said I just downloaded something off the Plain Dealer website. Broadview Hts had a whole neighborhood come out to try and stop a well and were unsuccessful. **Linda Butler** said 4 wells were going into a 22 acre property and 150 people got together with people from the State and showed up. I went down and videotaped it. **Diane Calta** said I heard the development that was being affected, the Developer kept all their mineral rights. **Linda Butler** concurred. Essentially there's a 22 acre plot in the middle of the subdivision. Subdivision's all the way around it. They got a large number of those acres from this Developer who had all the mineral rights but didn't own the surface rights. He went in on it and then they did pooling of some of the neighborhood. They were drilling diagonal wells and the setback for that is 75' from a house. Some of these people that aren't going to get a cent have an actual wellhead 75' from their home. **John Marrelli** said one woman they quoted in the paper said she had no idea this was going to happen and would have never bought a house in that development. Really, who would have thought about going through all 500 papers while signing to make sure they still have their mineral rights somewhere in the deed. **Mary Ann Wervey** commented, pretty darn smart of that Developer, not very nice, but pretty smart. **Linda Butler** concluded, in addition to those 4 wells that were going in, there's another 3 or 4 in the neighborhood. They have 65 wells now in Broadview Heights. They're getting almost exclusively oil, not gas, so all of them have pumpers.

## **ADJOURNMENT**

Mr. Marquardt said if there are no further comments, I'd like to entertain a motion for adjournment.

Mr. Marrelli, seconded by Mr. Catalano made a motion to adjourn.

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**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Meeting adjourned at 6:10 p.m.**

Respectfully Submitted,

Deborah Garbo

Executive Assistant

Building Department

**cc:** Jean Triner  
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