

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 2, 2015**

The meeting was called to order by Council President Patten at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

D'AMICO, TROYER, SALVATORE, MENCINI, BURGIO, POWERS, HIGGINS

Also in attendance were Mayor Coyne, Finance Director Cingle, Safety Director Byrnes, Service Director Cayet, Economic Development Commissioner Dolan, Building Commissioner Hurst, Law Director Jamison (7:35 p.m.).

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on May 5, 2015.

Motion by Mr. D'Amico, supported by Mr. Troyer, to approve as printed. Members of Council voted AYE. The motion carried.

2. Regular Caucus meeting held on May 19, 2015.

Motion by Mr. Mencini, supported by Mr. D'Amico, to approve as printed. Members of Council voted AYE. The motion carried.

DISCUSSION:

1. ROAD REPAIR – Councilman Troyer

Mr. Troyer stated I brought this up because on May 19th the Mayor provided Council with a listing of capital improvements for 2015. I asked to have the road repair on the agenda because I would like the Mayor to tell us what he is going to budget for the 2015 Streets Program.

Mayor Coyne responded Leslie and Sylvia.

Mr. Troyer continued that was encumbered in another year that was passed last year.

Mayor Coyne continued no, it was not it has to be appropriated for this year, comes out of the 20% split.

Mr. Troyer stated other than that there are other streets that are in bad shape how much money will be transferred from the Capital Improvements Fund to the 2015 Streets Program?

Discussion: cont.

Mayor Coyne responded nothing.

Mr. Troyer asked are you choosing to spend the money elsewhere.

Mayor Coyne responded if you'll read the Capital list and I will give you a copy of what's already been encumbered; it's mostly for equipment. So available to me for expenditures after those encumbrances is about \$980,000 and the leases for the rubbish trucks are about \$230,000; that's why I'm suggesting that we go to the ballot in November for the city's capital needs. The city does not have enough money in the capital budget with the 80/20 split to provide for the roads and these copies will be provided to you. For example, Doris Drive is like \$340,000 from Wengler to Bowfin and Bowfin to Hummel is about \$415,000 and there's about \$10 million dollars worth of work here. I will also provide to you if Council wants to borrow the money what it will cost to do a Roads Program but there are not sufficient numbers to do this. I will also provide the Capital Improvement outlay for this year of things that were already encumbered. One of the items you see in there is for a few hundred thousand dollars our communication systems, phone systems and computer programs are all obsolete. On a weekly basis there could be one or two times our communication abilities are affected in the city; so this is something that we have to do. So again most of the outline money with the exception of that one project is for equipment needs and if you look at that you'll see that you're equipment needs are at least 10% of what the capital split would be. We also have some debt retirement that comes out of that as well and the Finance Director provided that figure but I don't have it with me this evening. So that's what your situation is and if you want to do a Roads Program you're going to have to borrow money or affect other needs of the community. Most of them are small things the turnout gear for the fire department half will be replaced this year and the other half next year; firearms requirements for the police department will be half this year and half next year. There will be no new vehicles and literally all the vehicles that we have for various departments whether it's service or building inspectors cars most of them are over a decade old. Most of those numbers are equipment and you can change that if you wish but that's what you'll be affecting and the bottom line, in my view, to do a real Roads Program affects things and you will have to borrow the money.

Mr. Troyer stated I have your memo that Council received that is roughly what Council appropriated at \$944,000; you have \$981,000 or roughly \$1 million dollars. So you're saying the remaining Leslie/Sylvia monies in Capital Improvements came out this year's budget.

Mayor Coyne responded yes it's being paid for this year, that's correct.

Discussion: cont.

Mr. Troyer stated that's not okay but that is what you're saying.

Mayor Coyne asked what are you insinuating?

Mr. Troyer responded nothing.

Mayor Coyne stated if that's what I say it's a fact and asked Finance Director Cingle to explain.

Mr. Cingle stated the Board of Control awarded the contract earlier this evening for the Leslie/Sylvia Reconstruction Project to Fabrizi Trucking and Paving in the dollar amount of \$989,959.00 and those dollars will be appropriated and encumbered in the 2015 year.

Motion by Mr. D'Amico, supported by Mr. Troyer, that item number one was discussed. Members of Council voted AYE. The motion carried.

2. 2016 TAX BUDGET

Mr. Cingle stated this is a standard item approved by Council each year and is time sensitive, needs to be done to the county on or before July 20, 2015. Once the county receives this tax budget they will peruse through it and put together a resolution certifying the tax rates that City Council adopt probably in October or November for the 2016 year.

Motion by Mr. D'Amico, supported by Mr. Burgio, to place under Verbal Approval on the next Council agenda. Members of Council voted AYE. The motion carried.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:

1. A RESOLUTION REQUESTING THE CITY OF BEREAS MAYOR AND COUNCIL TO JOIN WITH THE CITY OF BROOK PARK IN AN EFFORT TO ESTABLISH A QUIET ZONE DESIGNATION AREA AND LOCKOUT GATES FOR THE SHELDON ROAD – NORFOLK SOUTHERN CROSSING AND DECLARING AN EMERGENCY Introduced by Councilman Troyer

Mr. Troyer stated it was exciting to hear Councilman D'Amico bring up at the last meeting and also the Mayor that there are discussions of making the Sheldon Road a quiet zone, I though this resolution would help with that matter.

Mayor Coyne commented this is already in the works but you can pass a resolution if you want. Economic Development Commissioner is appearing at the next Berea

Legislative Committee – Chairman, Troyer: cont.

City Council meeting to discuss this with them. It won't hurt to pass but it doesn't have to be passed; it's already in the works.

Mr. Troyer stated excellent but this could help.

Mr. Higgins stated I would rather conduct myself by making a phone call to the Berea Council Members if this is already in the works; I don't see any reason to pass a piece of legislation urging anybody to do anything for a neighboring community, that's my opinion.

Mayor Coyne commented that Economic Development Commissioner Dolan is in attendance and can enlighten Council as to the progress if that's Council's pleasure.

Mr. Dolan stated the notices of intent to establish a quiet zone for the Holland Road triple track crossing was issued probably to Norfolk-Southern approximately four or five weeks ago. I have had conversations with them and am waiting for their reply because they do have a specific amount of time to reply to the notice of intent to establish. The way this works is Norfolk-Southern will object they do not want a quiet zone at that crossing because it is a triple-track. My expectation is they will come back that there are a lot of upgrades that are acquired for electrical signalization. So the city will follow that through and once it is established what is required the railroad will require that a force account be created by the Council and certain funds be deposited to fund construction. Then the railroad will make the improvements on their track side that they access to. My estimate is this could take anywhere from two, three or more years because the railroad does not want a quiet zone at that crossing. That is a dangerous crossing and we will see where it goes but I have been in contact with Berea City Council and Berea Mayor and will be making a presentation as to the CFR (Code of Federal Regulations) and what the requirements are and what the process is and what it looks like when done. There are only nine to 15 quiet zones in the state and Brook Park probably has the majority of them which have worked rather well according to the FRC And FRA (Federal Railway Association) but nevertheless even getting the Holland Road CSX crossing for the engineers not to blow the horns has been a challenge; railroads just don't like them. This process will probably take at least two to two and a half years and maybe more.

Mr. Salvatore stated to Mr. Dolan how much of a cost burden will the railroad be placing on the two cities?

Mr. Dolan responded the railroad will put the entire burden on the two cities because they are not required to have the quiet zones at the crossings which is why it's hopeful that the City of Berea will join with Brook Park. For both cities it's

Legislative Committee – Chairman, Troyer: cont.

a rather small percentage of the population that affected directly by the loud train horns but they are interested in it and don't know what the process will be. The one thing about a long-lead time is that it gives people an opportunity to plan. I can't tell you what the railroad signalization requirements will be for a quiet zone but ballpark I think it could be done for a couple of hundred-thousand dollars tops. That would be the four-gate crossing and if you look at the Code of Federal Regulations and the rules of the Federal Railway Administration there's different levels of crossings that the city can have. The city could have a four-quadrant gate system, four-quadrant grade system with signalization is inside the gates that allows for the gate to kick up if there is a car or truck inside the gates allowing for exit of the vehicle; there can be concrete approaches – lane dividers to prevent vehicles to get under the gates; all different classes of caution crossings has a different safety rating meaning that the crossing must meet certain requirements and be built a certain way then there is no FRA approval required under the new rules, it becomes automatic.

Mr. Salvatore stated that \$200,000 guesstimate is that the City of Brook Park's portion or a split with the City of Berea?

Mr. Dolan responded that money would be split with the City of Berea and both cities will work to keep the costs as low as possible.

Mr. Troyer asked Mr. Dolan if anything else has been looked at as far as overpasses and/or underpasses or any other possible options for this.

Mr. Dolan responded on that crossing with an underpass would be in the multi million dollar ranges; probably over \$10 million dollars and the same would go for an overpass. There would also be properties that will have to be acquired from the Mr. Cook who owns the enterprise property and down to where Fosbel is.

Mr. Troyer asked if there are any available grants to cover some expenses. Even though it may take some serious time a quiet zone is the way to go?

Mr. Dolan stated quiet zones are probably the only way to do ODOT (Ohio Department of Transportation) will not give any grants to cover the cost of building an overpass and/or underpass; that would be, in my view, definitely more funding requests.

Mayor Coyne commented the city has the monies for the quiet zone.

Mr. Troyer concurred.

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Mrs. Powers asked for a clarification because the legislation says it's the Sheldon Road Norfolk-Southern crossing to have a quiet zone and lockout gates and Mr. Dolan is telling Council about the CSX crossing on Holland Road. Are two different locations being talked about?

Mr. Dolan responded no, the crossing for which Councilman Troyer is proposing this resolution is the Norfolk-Southern triple-track on Sheldon Road. The example I gave was the most recent quiet zone established by the city last year was the CSX – Holland Road crossing by way of analogy, comparison, or example.

Mrs. Powers stated it's my understanding that the crossing on Sheldon Road comes through the City of Brook Park around factories and goes into Berea around factories so it's not the same as the Quiet Zone established at Eastland, where it runs through the residential area. So is a Quiet Zone really needed to protect factories from train noise?

Mr. Dolan responded I think if you asked your residents' in that neighborhood the answer to that would be yes.

Mr. Mencini stated I do agree that overpasses and/or underpasses are very costly and time-consuming and when I spoke to CSX Representative, Rusty Orbitz (not sure of spelling) about a year ago he told me the same thing that you mentioned is that federal law oversees a quiet zone and he wasn't in favor of them. I think the big problem that I hear from people is the train horns. One or two toots residents' could live with but it's the longevity of the train horns in the early mornings and this is with both CSX and Norfolk-Southern. According to CSX personnel the engineer could hit the horns as many times as they want to divert a potential safety problem down the track. Could it be done to where the engineers don't blow the horns for such a long period of time?

Mr. Dolan responded to clarify the question is there something that can be done to have a train crew modify the number of times the horn is blown or the time of day the horn is blown.

Mr. Mencini responded probably a little bit of both.

Mr. Dolan responded the answer to that question is no without a quiet zone every train that approaches a grade crossing is required to sound the horn for two longs and one short as approaching and going through the intersection. That is supposed to start from ½ mile out and it also varies on the speed of the train. There are some trains that come through this crossing at 50 to 60 miles an hour and the trains on the Norfolk-Southern lines start blowing the horns as soon as they come out of the Berea yard. The same goes for the trains leaving the

Legislative Committee – Chairman, Troyer: cont.

Rockport bend trains will start blowing their horns because of the Eastland Road crossing. Even if there is a quiet zone if there is any perceived threat on the rail the engineers will lay on the horn and in that kind of situation they are authorized to lay on the horns for as long and loud as they can to eliminate the danger.

Mr. Mencini interjected I understand to eliminate the danger but all the time?

Mr. Dolan continued there have been several instances on the CSX line that crosses over Sheldon Road of children on the tracks and in February there was a fatality on that track; a child was walking down the track with the headset on that led to a fatal accident that also led to people up on the track with memorials and such at all hours of the night. Train engineers take that seriously and will air on the side of caution and quite frankly if it comes to running someone over or waking up an entire neighborhood, they will take the latter.

Mr. Mencini stated I think the residents understand that and I know that there are children that hang out on the tracks at Middlebrook and Michael. Chief Foster and Safety Director Byrnes have done a great job in taking care of that situation and it's very unfortunate that a Brook Park child lost his life. Sitting on a patio at a house on Holland Road down by the service garage and with these trains going so fast that could be why the quickness of the horns at times. Sitting on the resident's patio one Sunday she told me she doesn't mind a horn or two but several trains came by you could hear the horns being blown about ten or twenty yards after the tracks; that could sometimes be a problem and maybe these engineers are getting a little carried away with the horns; so maybe that could be addressed by both CSX and Norfolk-Southern.

Mr. Burgio asked if it is legal to share expenses with another city on this location and why this can be done; but couldn't be done with the tracks on Smith Road.

Mr. Dolan responded yes, it is on the boundary line between the City of Berea and City of Brook Park on Sheldon Road; so half of the cost would be shared between the Cities of Brook Park and Berea. The tracks on Smith Road are entirely in the City of Middleburg Hts. that's why there couldn't be any shared costs.

Mr. Higgins stated to Mr. Dolan that possibly the city could reach out and get some congressional help, possible letter of support, if the city is having a hard time with getting the quiet zone.

Mr. Troyer stated that most of Council agrees that we would like to have quiet zones at all the crossings in the city to take care of these problems. This one came up and I would like to have the support on this legislation to have that little extra push as most Council Members would agree that anything extra that can be

Legislative Committee – Chairman, Troyer: cont.

done to get quiet zones here or any other areas in the city, Council should try to do that.

Motion by Mr. Higgins, supported by Mr. D'Amico, to this was discussed. Members of Council voted AYE. The motion carried.

Mr. Salvatore reminded Council Members that several items appearing under Second Reading on the Council agenda will need suspension because the honorees have been invited to the meeting.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.