

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JULY 31, 2014**

The meeting was called to order by Council President Patten at 4:35 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

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

Also in attendance were Service Director Cayet, Finance Director Cingle, Law Director Jamison, Mayor Coyne (4:36 p.m.)

SUBJECT: DISCUSSION:

Note: Due to memory card failure (transcription equipment) the first half-hour (30 minutes) of this meeting was not transcribed and the following excerpts for items one and two are from notes taken by the clerk.

1. DEPARTMENT OF LIQUOR CONTROL – Parkbrook Entertainment, Inc.
16600 Brookpark Rd & Patio, Brook Park, OH 44142
C TRFO 6700199-0005. Response Date 08/04/2014

Motion by Mr. D'Amico, supported by Mr. Higgins, that item number one was discussed. Members of Council voted AYE with the exception of Mrs. Powers who voted NAY. The motion carried with a vote of 6-1.

2. A RESOLUTION URGING RAILROADS OPERATING THROUGH THE CITY OF BROOK PARK TO IMPROVE RAILROAD TRACK INTEGRITY AND TANK CAR SAFETY AND FURTHER PROVIDE ADVANCE NOTICE OF HAZARDOUS MATERIALS BEING SHIPPED THROUGH BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne.

Mr. Salvatore asked for co-sponsors on this legislation and all Members of Council and Mayor Coyne would like to co-sponsor.

Mr. Salvatore requested that railroad personnel attend a meeting to discuss the problems recently occurring with train traffic, horn blowing through quiet zones, children playing on the tracks and other matters.

Mr. Mencini commented that residents are concerned with children playing on the tracks and that meeting notification should include the residents to express their concerns.

Mr. D'Amico commented when a date is given for railroad personnel to attend a meeting residents should be notified to express their concerns.

Note: New memory card inserted and transcription of meeting begins.

Discussion: cont.

Motion by Mr. Salvatore, supported by Mr. D'Amico, to place on the Special Council agenda immediately following.

Mayor Coyne stated if railroad personnel will listen and hear what residents have to say then this city will be better off to move forward. Mayor Coyne continued to Mr. Patten to have the hearing for residents and call that meeting.

Mr. Troyer requested a new piece of legislation drawn up listing all the problems including services to other businesses.

Mrs. Powers stated the city has had trains on the tracks with hazardous chemical for years so what difference would a week or two make so that this is not rushed through as an emergency.

Mr. D'Amico stated in 2001 the quiet zones first came to the city and the residents want action done now.

Mr. Salvatore stated this is not something that can wait other cities and the federal government is already having hearings on some of the issues that are being brought forward; so the timing is perfect.

Mr. Mencini stated there are many issues in this city that will be coming forward and this city cannot hold-up things because there are many things that need to get done.

ROLL CALL: AYES: Salvatore, D'Amico, Troyer, Mencini, Burgio, Higgins
NAYS: Powers. The motion carried with a vote of 6-1.

Mr. Patten stated that will appear under M-1 as Resolution No. 18-2014.

3. AN ORDINANCE AMENDING SECTION 553.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'OBSTRUCTING STREETS BY RAILROAD COMPANIES AND/OR THEIR EMPLOYEES OR AGENTS AND DECLARING AN EMERGENCY. Introduced by Council President Patten, Council Members Higgins, D'Amico, Burgio, Salvatore, Mencini, Troyer, Powers and Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Troyer, to place on the Special Council agenda immediately following.

Mr. Troyer stated that the former legislation had conductors arrested had that ever happened?

Mayor Coyne responded yes.

Mr. Troyer asked Law Director Jamison if this legislation can be enforced.

Discussion: cont.

Mr. Jamison responded this is two-fold and the first issue is that trains idling for 30 minutes or more are in violation. The other change is in the penalty clause making this a first degree misdemeanor, instead of a fourth degree misdemeanor and the most important word is 'shall' be fined \$1,000. The city's prosecutor has informed the Berea Courts that when these cases are received it is the city's expectation that the ordinance will be followed by imposing the mandatory \$1,000 fine. In the past since this was a fourth degree misdemeanor the maximum fine was \$250.00 and the case would be resolved when the fines were paid. This legislation is enforceable and could be challenged but railroad personnel attitude in the past is that since the railroads are regulated by the federal government and interstate commerce local communities cannot control the railroads; so with collective effort by Council that railroad personnel are willing to come and talk to the city is a major accomplishment.

Mr. Troyer stated since railroad personnel is willing to come and speak should this legislation be placed on First Reading until after that meeting.

Mr. Patten stated the Resolution will have its First Reading and suggested that the Ordinance be passed in order to move on.

ROLL CALL: AYES: Salvatore, D'Amico, Troyer, Mencini, Burgio, Powers, Higgins
NAYS: None. The motion carried.

Mr. Patten stated this will appear under M-2 as Ordinance No. 9926-2014 on the Special Council agenda.

4. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE SYLVIA DRIVE AND LESLIE DRIVE RECONSTRUCTION AND WATER MAIN REPLACEMENT PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mayor Coyne asked Councilman Troyer if he would like to co-sponsor the legislation.

Mr. Troyer responded absolutely, and clarified that this will be a full-depth repair with cement or cement curbs and asphalt.

Mayor Coyne responded all concrete.

Mr. Troyer asked if the width will remain the same as the current street.

Mayor Coyne responded yes.

Mr. Troyer stated the residents will be notified as to what will be occurring.

Mayor Coyne responded yes.

Discussion: cont.

Mr. Troyer continued originally the water line on Sylvia was going to be done will the water line be done on Leslie Drive?

Mayor Coyne responded the water main line design is the same with that short section and the project will go past Plant Lane to Leslie Drive where the buttress curbing is.

Motion by Mr. Salvatore, supported by Mr. D'Amico, to place on the Special Council agenda immediately following.

Mrs. Powers stated how long will the waterline replacement project take and will this entire project be done this summer.

Mayor Coyne responded this project was part of the 2013 Roads Program that was never done so the plans for the project are done and the decision was made to further the pavement area for obvious reasons so as soon as legislation is passed the project process can begin and be completed this year.

Mr. Higgins asked for clarification as to whether suspension will take place on this legislation because of two police vehicles sitting in a parking lot rusting that Council tried to pass at the last meeting. Now the city has a project and for some reason there are a few Members of Council that don't want to suspend on legislation for unnecessary reasons at times.

ROLL CALL: AYES: Salvatore, D'Amico, Troyer, Mencini, Burgio, Powers, Higgins
NAYS: None. The motion carried.

Mr. Patten stated this will appear under M-3 as Ordinance No. 9927-2014.

5. AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE INSPECTOR(S) FOR THE SYLVIA DRIVE AND LESLIE DRIVE RECONSTRUCTION AND WATER MAIN REPLACEMENT PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Higgins, to place on the Special Council agenda immediately following.

Mrs. Powers asked how long the process will take for an accurate inspection and how much the inspector will be paid.

Mr. Patten responded in accordance with the legislation the dollar figure gives flexibility between \$18.00 and \$23.00 an hour and normally after the contractors have left the inspector stays behind to give daily reports to make sure that everything on the print was done accordingly.

Discussion: cont.

Mayor Coyne stated that inspectors are hired to watch the project on a daily basis. If the contractor does not work then the inspector does not work. In the Fairlawn area the city's inspector informed city personnel that there were not enough guys on the job causing slow moving of that project; so the inspector runs the job on a daily basis.

Mr. Higgins stated many projects have construction managers on these projects and the amounts listed are very cheap compared to what most cities pay project managers to inspect the project.

Mr. Mencini stated after researching this matter the amounts listed are a good price compared to other municipalities.

ROLL CALL: AYES: Salvatore, Higgins, Powers, Burgio, Mencini, Troyer, D'Amico.
NAYS: None. The motion carried.

Mr. Patten stated this will appear under M-4 as Ordinance No. 9928-2014.

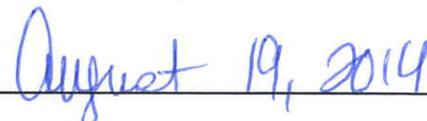
There being no further business to come before this meeting a motion by Mr. D'Amico by Mr. Troyer, to adjourn. Members of Council voted AYE. The motion carried at 5:19 p.m.

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.