

Dover City Council Special Meeting Minutes of March 23, 2009

President Tim Tarulli called the meeting to order at 7:30 pm. All stood for the Pledge of Allegiance.

Roll Call: Bair, Gunnoe, Maurer, Mueller, Parolini, Moss...Six (6) present.

Motion by Mueller to excuse Mark Cappell. Seconded by Moss and the motion carried.

President Tarulli stated that the purpose of the meeting was to discuss RJ Corman's cooperation with the engineers designated by the City of Dover and related RJ Corman issues. The meeting was called by Mayor Richard Homrighausen and Law Director Doug O'Meara.

Mayor Homrighausen – Met Tuesday with ODOT engineers and District 11 personnel including a conference call with ODOT attorneys in Columbus to discuss the proposed at grade crossing at Guy Smith Way. RJ Corman has refused to sign therefore the City of Dover must pass an ordinance demanding that RJ Corman abide by the rulings.

Law Director O'Meara – Referenced an email he sent to council outlining RJ Corman's stance and refusal to respond. This led to drafting proposed Emergency Ordinance 22-09 ordering RJ Corman to cooperate and giving them 90 days to respond to the request and sharing of costs which is 85% municipal and 15% railroad. Passage of legislation will begin the 90 days therefore O'Meara asked for suspension and passage. O'Meara asked for executive session to discuss RJ Corman's negotiations.

Mayor – Stated that passage tonight would put the city 3 weeks ahead of waiting until the April 6th meeting.

Motion for executive session by Bair. Seconded by Gunnoe. Discussion.

Roll Call: Gunnoe, Maurer, Mueller, Parolini, Moss, Bair...Six (6) present.

Break for executive session at 7:40 pm.

Council resumed at 7:50.

RECOMMENDATION

Council as a whole representative Don Maurer stated that on behalf of Dover Council as a whole he would like to submit emergency ordinance 22-09. Emergency ordinance 22-09. An Emergency Ordinance directing the RJ Corman Railroad Company to cooperate with the engineers designated by the City of Dover pursuant to ORC Chapter 4957 and section 4957.12 and to submit its approval of the plans, specifications and agreements for the new at-grade crossings across Guy Smith Way, milepost 75.54, and the widening and re-construction of the at-grade crossing across Ohio Avenue (County Road 80), milepost 75.80, as submitted and proposed by the Ohio Department of Transportation to the RJ Corman Railroad Company on February 6, 2009, or as amended, and authorizing the Law Director of the City of Dover to file all necessary causes of action and the petition to obtain a court order pursuant to ORC Chapter 4957 and sections 4957.12 to 4957.17 and 4957.29. Motion to accept by Maurer. Seconded by Gunnoe, Discussion. Roll Call: Maurer, Mueller, Parolini, Moss, Bair, Gunnoe...Six (6) present. Motion carried. Accepted.

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AUDIENCE

None.

LEGISLATION

Emergency ordinance 22-09. An Emergency Ordinance directing the RJ Corman Railroad Company to cooperate with the engineers designated by the City of Dover pursuant to ORC Chapter 4957 and section 4957.12 and to submit its approval of the plans, specifications and agreements for the new at-grade crossings across Guy Smith Way, milepost 75.54, and the widening and re-construction of the at-grade crossing across Ohio Avenue (County Road 80), milepost 75.80, as submitted and proposed by the Ohio Department of Transportation to the RJ Corman Railroad Company on February 6, 2009, or as amended, and authorizing the Law Director of the City of Dover to file all necessary causes of action and the petition to obtain a court order pursuant to ORC Chapter 4957 and sections 4957.12 to 4957.17 and 4957.29. Motion by Moss to suspend rules. Seconded by Parolini. Discussion. Roll call...6 yeas. Motion carried. Suspended. Motion by Maurer to pass. Seconded by Mueller. Discussion. Roll call...6yeas. Motion carried. Passed.

UNFINISHED BUSINESS

Mueller called a Planning and Zoning meeting on April 6, 2009 at 7:15.

Motion by Moss to adjourn. Seconded by Mueller. Discussion. Motion carried.

Council adjourned at 8:00 pm.

CLERK OF COUNCIL
Julie Leggett

PRESIDENT OF COUNCIL
Timothy Tarulli