

**REGULAR COUNCIL MEETING – 7:00 P.M.**

The Council of the City of Cortland met in regular session on Monday, December 5, 2016 at 7:00 p.m. at the City Administration Building, 400 N High St, Cortland, Ohio with Council President Dennis Linville presiding. Members of Council present were James Edwards, Patti Keller, Don Moore, Deidre Petrosky, and Scott Rowley; absent was Kevin Piros. Also present at the meeting were Mayor Woofter, Law Director Wilson, Finance Director Moyer, Fire Chief Rea, Police Chief Andrews, Service Director Wittman and Clerk of Council Horn.

A motion to approve Council Minutes from the November 21, 2016 Regular Council Meeting was made by Councilman Moore and seconded by Councilman Edwards. **ROLL CALL** - Edwards, aye; Keller; aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **MOTION PASSED**

A motion to approve Council Minutes from the November 23, 2016 Special Council Meeting was made by Councilwoman Petrosky and seconded by Councilwoman Keller. **ROLL CALL** - Edwards, abstain; Keller; aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **MOTION PASSED**

A motion to approve Schedule of Bills to be paid totaling \$104,667.66 was made by Councilwoman Keller and seconded by Councilman Moore. **ROLL CALL** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **MOTION PASSED**

**OLD BUSINESS:**

**ORDINANCE O-45-16** –An Ordinance authorizing an application to participate in the Ohio Public Works Commission State Capital Improvement Program and/or Local Transportation Improvement Program for the 2017 City Resurfacing Program and to execute contracts as required was read and moved for third and final reading by Councilman Moore and seconded by Councilman Rowley. **ROLL CALL O-45-16** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

**ORDINANCE O-46-16** – An Ordinance authorizing an agreement for legal defense for indigents was read and moved for third and final reading by Councilwoman Keller and seconded by Councilman Edwards. **ROLL CALL O-46-16** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

**ORDINANCE O-47-16** – An Ordinance authorizing the Mayor to enter an agreement with GPD Group to perform a traffic study of the State Route 5 and State Route 46 corridor was read and moved for third and final reading by Councilman Rowley and seconded by Councilwoman Keller. **ROLL CALL O-47-16** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

**NEW BUSINESS:**

**RESOLUTION R-36-16** – A Resolution specifying amounts appropriated by account numbers for the City of Cortland, Ohio was read and moved by Councilman Moore and seconded by Councilman Edwards.

**FINANCE DIRECTOR MOYER** - Just a brief explanation. We are taking \$50,000 from the contingency line item in the Fire Dept to pay the advance. We had advanced \$100,000 into the Fire Levy Fund at the beginning of the year. We've been able to pay back \$50,000 of that through our regular budget. We need the other \$50,000 to come out of contingencies. That is what this resolution will do. It will take it out of the contingency line item and put it into the advance.

**ROLL CALL R-36-16** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piro, absent; Rowley, aye. **MOTION PASSED**

**ORDINANCE O-50-16** - An Ordinance authorizing the Chief of Police to purchase a new 2017 Ford Police Interceptor Sport Utility Vehicle from Statewide Ford Lincoln Mercury was read and moved for first reading by Councilman Moore and seconded by Councilman Edwards.

**COUNCILMAN MOORE** - Is this the new one we get every year?

**POLICE CHIEF ANDREWS** - New for us. This is our normal vehicle purchase. We will pull the trigger the first of the year. (INAUDIBLE)... Chevy Impalas. They aren't going to be making those anymore. If you notice the price, we were able to get this under the state co-operative price. We did try to buy local. We were in some negotiations with them but they couldn't get close to that.

**COUNCILMAN MOORE** - This is a sport utility vehicle? Something a little different?

**POLICE CHIEF ANDREWS** - Pretty much what you've seen out and about. We would have loved to try to get the Chevy Tahoe but that's probably \$10,000 more. So, this will work. It will be a nice change of pace for us. The cars seem to be getting smaller and we seem to be getting more stuff in them with equipment and stuff.

**ROLL CALL O-50-16** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piro, absent; Rowley, aye. **ORDINANCE PASSED FIRST READING**

**ORDINANCE O-51-16** - An Ordinance authorizing the Mayor to enter into an agreement amending the 8/6/98 Service Area Agreement between Trumbull County and the City of Cortland, Ohio was read and moved for first reading by Councilman Moore and seconded by Councilman Rowley.

**COUNCILWOMAN PETROSKY** - Let me just first state that I am not in favor of this ordinance purely on policy alone. We don't like to allow services unless the property is annexed into the city. However, if Council sees fit to approve the legislation, I have the following questions. Don, in your email, you stated there was a discussion of putting a private ejector pump, tying a lateral to a force main, and several other options that didn't require an extension, what is the final option that was selected?

**SERVICE DIRECTOR WITTMAN** - There was a gravity sewer approved by the Trumbull County Sanitary Engineers because those other options were not feasible.

**COUNCILWOMAN PETROSKY** - On the map you provided, the force main is illustrated but where is the gravity sewer?

**SERVICE DIRECTOR WITTMAN** – In the center of the parcel immediately adjacent to it.

**COUNCILWOMAN PETROSKY** – Can you show me where?

**SERVICE DIRECTOR WITTMAN** – It was in the email that I sent you. It's immediately south of the parcel in question.

**COUNCILWOMAN PETROSKY** – And that parcel is contiguous with the City?

**SERVICE DIRECTOR WITTMAN** – No it isn't.

**COUNCILWOMAN PETROSKY** – So, is this a tie-in or an extension?

**SERVICE DIRECTOR WITTMAN** – It would ultimately be a sewer extension and a tie-in to the existing sewer.

**COUNCILWOMAN PETROSKY** – Well, it's either one or the other. An extension is subject to EPA approval; a tie-in is not.

**SERVICE DIRECTOR WITTMAN** – I'm deferring to the Sanitary Engineer's Office and their prosecuting attorney who has forwarded this information to me and I'm forwarding it on to the Board through the approval of the Law Director for consideration. This is very similar to other sewer extensions that we did involving Tracks Inn as well as the Links Golf Course who have constructed sewer extensions; and it's pursuant to this existing sewer agreement from 1998.

**COUNCILWOMAN PETROSKY** – But they weren't tied into this gravity sewer, correct?

**SERVICE DIRECTOR WITTMAN** – They tied into the lift station. They tied into the city sewer just at a different location. It was a much more extensive sewer extension than what we are looking at with this situation.

**COUNCILWOMAN PETROSKY** - It would be easier for this property owner to just comply with the policy and annex in. That shouldn't be an issue.

**SERVICE DIRECTOR WITTMAN** – Well there was another situation on St Rt 46 in which I proposed that that resident had to annex to tie- in and Council elected to issue a tapping, a resolution to allow that person to tap in without annexing. That was R-12-09.

**COUNCILWOMAN PETROSKY** - Well, I had asked you Friday for a comprehensive list of the reimbursable projects and that wasn't one on the list.

**SERVICE DIRECTOR WITTMAN** – That was outside of a reimbursable agreement.

**COUNCILWOMAN PETROSKY** - Not reimbursable projects, any extraneous water and sewer agreements. So, I'm not familiar with that since I don't have it in front of me. Also, again, if Council sees fit to pass this, there

is an error in the amendment that was sent to us by the County. It's Section 3, the date is incorrect. It needs to be changed to 1998.

**PRESIDENT OF COUNCIL LINVILLE** - I know that when we approved this in 1998, it is different from the water in that we supply the water, the County supplies the sewer. I don't think we have any choice whether or not to allow people to tie-in because it is the County and not the City. So, we fashioned an agreement with the County at that time to be forward looking so that when this came up again we had something on our books to facilitate this action. For the new Councilmembers, this isn't something new we are doing by allowing extensions into property that is not being annexed. There is a precedent and there is an agreement that we had in place from 1998 in order to accommodate this. Are there any questions or comments before we call the vote on the first reading? Keep in mind, it's the first reading.

**LAW DIRECTOR WILSON** – I'd like to follow up with what Dennis just said. It is just your first reading if you find something in the next couple of meetings you're unhappy with; you don't have to follow the same vote you make tonight. If you look into the agreement, it was signed and authorized by your predecessors. It says the City agrees to permit the properties in the County which are directly benefitted by this sanitary sewer only to connect and utilize the sanitary sewers under the conditions provided here. It didn't, back then, make it contingent on annexation which the County controls the sewers. As Dennis said, the water would be a different scenario. We ran into this problem later on after 1998 when the City wanted to charge higher fees to the folks using the sewers that were outside the City and the County said no. We were prevented from charging the higher fees just to the sewer because of agreements like this. We do have it on the books to charge higher water but again we own and control the water. So, the sewer is a different animal.

**COUNCILWOMAN PETROSKY** – You're right, it didn't specify annexation; however, the flip side is the agreement that we have with the Tacks Inn that occurred in 2008 specifically said the City will not require said property owners now or in the future to annex into the City to receive sanitary sewer service. So, 10 years later, we are saying no, specifically in the legislation. That is a condition. You don't have to do that. That wasn't a condition in the LMD agreement that was done in 1998.

**COUNCILMAN MOORE** - Is there a cost to the City in all this?

**SERVICE DIRECTOR WITTMAN** - No cost to the City.

**COUNCILWOMAN PETROSKY** – Other than, we aren't going to get any property taxes.

**COUNCILMAN MOORE** -But we're not expending anything for this tie-in.

**SERVICE DIRECTOR WITTMAN** - Correct.

**MAYOR WOOFER** - I don't believe we are allowed to prevent them from tapping into the sewer. We can't hold annexation over their heads for that. Is that correct, Patrick?

**LAW DIRECTOR WILSON** – For sewers, correct.

**MAYOR WOOFER** - We can't prevent them from doing that. We don't own the sewer lines. We benefit from the sewer along with Trumbull County; but we don't own them. For instance, with the water, we own the water; we own the water lines, so we have leverage over the property owners that we can say if you want our water you have to annex. If you want our water, you have to annex it. We can't do that in this case. That was an agreement between City of Cortland and Trumbull County. Am I correct Patrick?

**LAW DIRECTOR WILSON** – Yes. You are correct.

**COUNCILWOMAN PETROSKY** – According to which agreement?

**LAW DIRECTOR WILSON** – To the one I was just reading from, Aug 6<sup>th</sup>, 1998.

**ROLL CALL O-51-16** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piros, absent; Rowley, aye. **ORDINANCE PASSED FIRST READING**

**REPORTS:**

**FINANCE DIRECTOR'S REPORT:**

**FINANCE DIRECTOR MOYER** – The only thing I have this evening is I will have one more adjustment to the appropriations. I certified my additional monies that have been received from grants and then some adjusting of the books. That will be coming to you in the second meeting in December. I do not believe we will need to have a Special Meeting at the end of the year.

**POLICE CHIEF'S REPORT:**

**POLICE CHIEF ANDREWS** – I appreciate your initial acceptance to our new vehicle. I'd like to thank Detective Morris. He did the leg work on this and made it all possible. He really knows what he is looking for and is able to go out and get that information in a timely fashion. Hopefully, very shortly, you'll have the second part to this which will be the equipment package that goes with it. That will be the computers, gages, racks and radios. Once again, we will keep it in line with (INAUDIBLE)... Other than that, we are wrapping up the end of the year.

Our kitchen is going to be done, surprisingly. The last thing came in today and they will start tomorrow to finish up the last of the remodeling project. That should be nice. We've been working around each other. The cabinets have been in the garage. We have been waiting on one more 18" cabinet that he said we are not going to get but he said he can work around that. Other than that, I'll answer any questions you have.

**COUNCIL PRESIDENT LINVILLE** - Would you like to make any comments on the gift tree that you have in your department?

**POLICE CHIEF ANDREWS** – It's been real successful. There is only one tag left as of today. Hopefully, we will reload tomorrow. It's going real well. It will be going for one more week. Dec 14<sup>th</sup> is the cut-off date. If anyone is interested, I would encourage you to take a name and drop off the items here. If it's after hours, you can give it to one of our officers.

**COUNCIL PRESIDENT LINVILLE** - It's a good program. Thank you Chief and thanks to the Police Dept. for that.

**FIRE CHIEF'S REPORT:**

**FIRE CHIEF REA** – If you want to look, I have my new vehicle sitting outside. It is lettered and ready to go. So, please take your time after Council and go out and look through it. You will get an idea of what the Police Chief is in the process of purchasing. It's the same exact vehicle only a lot more equipment goes in his than mine.

Our Toys for Tots program is going real well. There will be pictures in the Cortland News. That's all I have for tonight.

**SERVICE DIRECTOR'S REPORT:**

**SERVICE DIRECTOR WITTMAN** – I don't have anything to report; however, thank you for supporting the legislation O-45-16. I will be able to submit a final application in the next week or so to meet the deadline to be in line to have \$75,000 from OPWC to be used towards resurfacing next year. I will get the agreement for the traffic study over to the consultant. Our preliminary discussion with them is that they will have the traffic counting after the first of the year. With the holidays and everything, we want to try to capture traffic movements under as normal circumstances as possible. Holiday traffic really doesn't do that. I will have more on that as that project moves forward.

This isn't really a Service Dept item; however, we did submit a grant funding opportunity to Dominion Community Impact Awards for the endeavor of the splash pad fundraiser on behalf of the Cortland Community Foundation. Last year there was \$100,000 split between 15 communities. The Beatitudes House received \$10,000 for their Over the Ledge fundraiser where they had people repelling off a building. Dominion gave them \$10,000 for that community effort. With the great community effort we had for the splash pad fundraising through the Community Foundation, we will try to get additional funding to replenish those funds in the Cortland Community Fund for Parks and Recreation. I'd like to acknowledge Terri Barnovsky and the job she did in getting that done and submitted on time. I'll entertain any questions Council may have of me.

**COUNCIL PRESIDENT LINVILLE** – So the hill is ready to go? Waiting for the snow?

**SERVICE DIRECTOR WITTMAN** – Just waiting on snow.

**MAYOR'S REPORT:**

**MAYOR WOOFER** – In regards to the sled hill at Eastlake MetroPark, located at St Rt 46, we will be having a ribbon cutting ceremony along with the Eastlake MetroPark individuals. Council is certainly invited to come. I encourage you to do so. It will be this Wednesday, Dec 7<sup>th</sup> at 1:00 p.m.

The Civil Service Fire Captain Test and Oral Interviews will take place tomorrow at the Trumbull County Ag Center starting at 9:00 a.m. We will be excited to see about that. I believe the other portion of the testing will be held Thursday.

With our Finance Director position, we have received five resumes plus one email request for a job description. We are reviewing those individuals, the Finance Director and myself. They have until Monday, the 12<sup>th</sup> to apply for that position. So, if you are listening, and would like to apply then certainly do so. We are welcoming all resumes for that position.

I want to thank all the Lakeview students that are here this evening. This is the only time we get to fill our Council Chambers with so many people is when the government teacher enforces you to be here. For your information, you can go to the city website if you didn't happen to have an agenda this evening. It is posted on there. After the minutes of this meeting are approved at our next council meeting, then these particular meeting minutes will be posted after the next council meeting. This way you can review what we talked about tonight.

Lastly, we are making progress on our new city website. It should be up and running by the end of the year. Later on, that will be announced when it goes live as well.

**NO COMMITTEE REPORTS**

**NO QUESTIONS OF COUNCIL FROM THE AUDIENCE**

**JERRY CARLETON – CORTLAND ROTARY CLUB**

**JERRY CARLETON** – My name is Jerry Carleton representing the Cortland Rotary Club. I'm happy to report that I'm not here to ask for money or to buy me a new car. On behalf of the Cortland Rotary, I would like to present to you, which will be passed on to the Cortland Community Foundation, a check from the Cortland Rotary Club for \$2,500. This will enhance the \$12,500 that is already in the Foundation that we received from Mercy Health to do the resurfacing on the pickle ball courts. So, we would like to present this to you and then you can present this to Curt to put into the Foundation.

**COUNCIL PRESIDENT LINVILLE** – Very good.

**MAYOR WOOFER** - Thank you.

**COUNCIL PRESIDENT LINVILLE** – We appreciate it Jerry.

(APPLAUSE)

**NO ANNOUNCEMENTS**

A motion to adjourn the meeting was made by Councilman Moore and seconded by Councilman Edwards.

**ROLL CALL** - Edwards, aye; Keller, aye; Linville, aye; Moore, aye; Petrosky, aye; Piro, absent; Rowley, aye. **MOTION PASSED**

Meeting adjourned at 7:30 p.m.

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL