

REGULAR COUNCIL MEETING – 7:00 P.M.

The Council of the City of Cortland met in regular session on Monday, March 5, 2018 at 7:00 p.m. at the City Administration Building, 400 N High St, Cortland, Ohio with Council President Petrosky presiding. Members of Council present were James Edwards, Kathy Fleischer, Patti Keller, Don Moore Kevin Piros and Scott Rowley. Also present at the meeting were Mayor Woofter, Law Director Wilson, Finance Director Gibson, Police Chief Andrews, Service Director Wittman and Clerk of Council Horn; absent was Fire Chief Rea.

A motion to approve Council Minutes from the February 20, 2018 Regular Council Meeting was made by Councilwoman Keller and seconded by Councilman Moore. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

A motion to approve Schedule of Bills to be paid totaling \$85,164.77 was made by Councilman Moore and seconded by Councilwoman Keller. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

OLD BUSINESS:

ORDINANCE O-01-18 – An Ordinance authorizing the Police Chief to purchase accessories and installation of the accessories in the 2018 Ford Police Interceptor Sport Utility Vehicle was read and moved for third and final reading by Councilwoman Keller and seconded by Councilman Rowley. **ROLL CALL O-01-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

ORDINANCE O-02-18 – An Ordinance amending Part Five General Offenses Code of the City of Cortland’s Codified Ordinances by establishing Section 521.101 to prohibit smoking in City Parks was read and moved for third and final reading by Councilman Piros and seconded by Councilman Moore.

COUNCILMAN MOORE – I have a comment or a question, I guess. We probably all saw the editorial in the paper. When you look at it, we said where they couldn’t smoke but didn’t say where they could. I presume at like Pearl Park, if they go out on the sidewalk that’s outside of the park. So, I presume that would be okay without saying it. We didn’t define in there the parks but I’m not sure about the parking lots of the parks.

MAYOR WOOFTER - That’s still city property. It would be prohibited even in the parking lots. It would have to be off city property. At Willow Park, and Don maybe you can back me up on this, I believe there is over by the service garage a designated smoking area for the employees. It’s outside the building. There’s a picnic table and something else where they smoke. That’s not really considered a park rather than a service garage area but...

LAW DIRECTOR WILSON - It's a prohibitive ordinance. We weren't looking to give anybody an opportunity to smoke nearby in a certain area. We just said forget it.

COUNCILMAN MOORE – But just if someone asks where can I smoke?

LAW DIRECTOR WILSON - Leave the park.

COUNCILMAN MOORE – Certainly the sidewalk at Pearl is right outside the splash pad. Maybe we should make that clear.

MAYOR WOOFER - Anywhere from the edge of the road on the side of Pearl Park and beyond is off city park property.

COUNCILMAN MOORE – In case somebody asks we ought to at least tell them where they can smoke. If someone has that question, “Well, I can't smoke here, where can I?”

MAYOR WOOFER - Anywhere they want off city park property.

COUNCILMAN MOORE – They aren't going to get a ticket. They are going to be asked to cease and desist.

MAYOR WOOFER - I'll defer to the Police Chief but I'm sure they wouldn't unless there was some kind of an altercation.

COUNCILMAN MOORE – Right. If they refuse or something.

COUNCIL PRESIDENT PETROSKY - Or if the people were complaining.

MAYOR WOOFER - I'm sure if our police officers drove by and saw somebody smoking out in the middle of the splash pad where they aren't supposed to be they would probably stop and redirect them.

COUNCILMAN MOORE – Or the people inside would say something.

MAYOR WOOFER - I'm sure that would happen before.

SERVICE DIRECTOR WITTMAN - When we presented this to the Parks Board, there was some discussion as far as allowing designated areas and so far as even a distance away from defined recreational areas. The board thought it best to do an outright ban of smoking on city property. We are trying to legislate common sense to address some issues that have come up. Most of the organized athletics such as soccer and baseball, they have it so there is no smoking around the fields. They police that themselves. We are taking it one step further to do an outright prohibition of smoking in city parks.

COUNCILMAN PIROS - Smoke knows no boundaries. You can't restrict smoke. If you designate a smoking area the smoke is not going to stay there. We all remember back before the indoor smoking bans you would go into a restaurant and the smoking section would abut to the non-smoking section. Did the smoke stay in the smoking section? No. Smoke itself knows no boundaries. It will infiltrate into the smoking areas.

ROLL CALL O-02-18 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

ORDINANCE O-03-18 – An Ordinance authorizing the Service Director to purchase a fluoride meter from USABlueBook was read and moved for third and final reading by Councilwoman Keller and seconded by Councilman Piros. **ROLL CALL O-03-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

ORDINANCE O-04-18 – An Ordinance authorizing the Mayor to sign an intergovernmental agreement for the City of Cortland to participate in and partially fund the Trumbull County Transit Service was read and moved for second reading by Councilman Piros and seconded by Councilwoman Keller. **ROLL CALL O-04-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED SECOND READING**

NEW BUSINESS:

ORDINANCE O-05-18 – An Ordinance amending in part O-35-96, Section 1113.02 of the City of Cortland Codified Ordinance to define Marijuana Dispensary, Cultivator, Cultivator Level I, Cultivator Level II and Processor as defined by the Ohio Revised Code was read and moved for first reading by Councilwoman Keller and seconded by Councilman Piros.

COUNCILMAN MOORE – We discussed at the hearing and I understand the reason for doing it to have something on the books. It was also brought up at the last meeting that after we adopt this we could entertain a ban on top of this or a moratorium if we choose. I would like to pursue that after we are done with the 3 readings for this. I don't know how anyone else on council feels; but since we have this safeguard if a ban would be overturned, based on the comments at the last meeting and the school superintendent, I would be in favor of a ban. I'd be glad to submit that.

MAYOR WOOFER - You can do that should you choose to. I would recommend you speak with Rhonda and probably Patrick.

COUNCILMAN MOORE – I will.

MAYOR WOOFER - They will give you information that you need to follow through with that.

COUNCILMAN MOORE – I actually have some samples.

LAW DIRECTOR WILSON - I would not recommend a moratorium at this point in time. If you want to go for an outright ban that's different.

COUNCILMAN MOORE – That's fine.

COUNCIL PRESIDENT PETROSKY – I'm going to put a question out there. I was trying to find out how long these provisional licenses are for. Does anyone know? Or have they even determined that yet? I'm going to do some more digging because at this point I don't even know. It was difficult to find. I don't know if it's been defined yet.

MAYOR WOOFER – I would be taking a stab at it. If it were like liquor licenses, and Rhonda you can comment to this, I think every year we get something from the state to see if we object to any of the renewal or new licenses.

CLERK OF COUNCIL HORN - New and renewals. We don't get that many of them.

MAYOR WOOFER – No, we don't. That's only because we have like 2 liquor licenses in the city. We will have 3 now. We are given an opportunity from the state to object to a particular place to renew their liquor license. I really can't say if whether they are going to do the same with these facilities but I would almost guess they probably would. That's on a yearly basis with these liquor licenses.

ROLL CALL O-05-18 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

ORDINANCE O-06-18 – An Ordinance amending in part O-35-96, and in particular, Section 1117.10 of the City of Cortland Codified Ordinance to identify Medical Marijuana Cultivators Level I and/or Level II and Processors as Uses Permitted Upon Review in the City's Industrial District was read and moved for first reading by Councilman Piros and seconded by Councilman Rowley. **ROLL CALL O-06-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

ORDINANCE O-07-18 – An Ordinance amending in part O-35-96, and in particular, Attachment D of Part Eleven, Planning & Zoning Code of the City of Cortland Codified Ordinances to identify Medical Marijuana Dispensaries, Cultivators Level II and Processors as Uses Permitted Upon Review in certain Commercial Districts was read and moved for first reading by Councilwoman Keller and seconded by Councilwoman Fleischer. **ROLL CALL O-07-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

ORDINANCE O-08-18 – An Ordinance authorizing the Service Director to purchase a John Deere mower from John Deere Company was read and moved for first reading by Councilman Rowley and seconded by Councilman Moore.

COUNCILMAN PIROS - Don, this particular mower, its proven durable and reliable equipment?

SERVICE DIRECTOR WITTMAN - Yes, currently we have 3 riding mowers. We have a Toro, a John Deere and a Husqvarna. This would be replacing the Husqvarna which has had some issues as far as maintenance and whatnot. It's the last one anyone wants to take out to mow with. So, we will probably be disposing of that. It is our 2nd oldest riding mower. The John Deere that we have is pretty durable under the conditions we put it through. Going through the state purchasing program we get a pretty significant discount on it. Cope Farm Equipment is the dealer buying it from John Deere directly with a purchase order and delivering it through Cope Farm Equip.

ROLL CALL O-08-18 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

REPORTS:

FINANCE DIRECTOR'S REPORT:

FINANCE DIRECTOR GIBSON – I'd like to thank you for that prayer. Mary will be missed.

I'm working on appropriations this week. I will be getting spreadsheets to the department heads and then will be sitting down with each department head along with the Mayor. They will be ready for the next meeting. Normally they go on the first meeting in March but we got a little behind in our department so they will be on the next meeting.

COUNCIL PRESIDENT PETROSKY – No worries.

FINANCE DIRECTOR GIBSON – That's really all I have unless you have any questions.

POLICE CHIEF'S REPORT:

POLICE CHIEF ANDREWS – I appreciate your support on the equipment package. The people that will be installing everything in Van Wert (INAUDIBLE) to get everything so that's probably a good sign. We should get them a lot quicker than last year. We'll get those tomorrow. I'll cut the P.O.'s and we'll get them sent out. We can get those ordered and it will all be shipped to them.

Secondarily, some of you may know. I will be retiring May 7th. It's been in the works for a while now. The Mayor and I have been working along with Law Director and the Civil Service Commission. Terri Barnovsky has been really helpful too. We met with the Civil Service Board and they have authorized a Chief's test. It will be held April 7th. Our officers are taking that and then from there one will be chosen. I'm very comfortable. I think we are in very good hands to pass this off. It's a

good time to do it. I didn't accomplish what I wanted to do but that's in the making (INAUDIBLE). With that being said, if you have any concerns, I know I talked with some people, even though I won't know who my replacement is officially, we will get a good idea after the test. It's traditionally the highest score. I would think there are 2 or 3 guys that considered taking it and some of the others just want to take the test for experience. I will get a chance to work with that person for a short period of time to bring them up to speed of what I do a little bit and give them the behind the scenes of what really goes on. I think we will have no problem at all. It's a nice position to be in. Other than that, I'll entertain any questions you have.

COUNCILMAN MOORE - What are you going to do?

(LAUGHTER)

COUNCILMAN PIROS - Do we have to accept your retirement?

(LAUGHTER)

POLICE CHIEF ANDREWS – Yes. Just leave it at that.

COUNCIL PRESIDENT PETROSKY – That's a good question. I know we have a few months to go yet.

POLICE CHIEF ANDREWS – Hopefully, I don't let you down.

COUNCILMAN PIROS - You will be missed, Chief. You will be missed.

COUNCIL PRESIDENT PETROSKY – Yes, absolutely. You have done a wonderful job there. The department has come full circle. It's all thanks to you and your leadership. I really appreciate that.

POLICE CHIEF ANDREWS – I appreciate that but I think we have a lot of good people that are working for us.

COUNCIL PRESIDENT PETROSKY – And that we do.

POLICE CHIEF ANDREWS – And that will continue. I can guarantee that.

COUNCIL PRESIDENT PETROSKY – Thank you, Chief.

FIRE CHIEF'S REPORT:
(*FIRE CHIEF REA ABSENT*)

SERVICE DIRECTOR'S REPORT:

SERVICE DIRECTOR WITTMAN – Thank you for your support on the ordinances. I think the smoking ban although may be difficult to implement and work through and educate. I will be ordering some signs and coming up with a strategy. I think what we are looking at doing is probably just posting a sign at the entrances to the park saying this facility is smoke-free as opposed to putting it at each one of the buildings. People may think well if I walk away from the building then... It will be well posted and well-marked. I think it will help everyone's enjoyment of the parks especially with the splash pad pavilion which was the driving force behind this.

We will get the fluoride meter ordered so we can stay compliant with the Ohio EPA. It had a triennial survey from them. We are still waiting for the results from those. I have to get some information this week. Coming out of winter here, it looks like our salt supply is going to last. We will have enough salt. It was a little touch and go there. We've been out cold patching. I know Woodview is a mess, to say the least. We are going to work on getting that fixed as soon as possible. Possibly doing an interim repair in anticipation of the asphalt being ready. Other than that, I will entertain any questions that you may have.

COUNCILMAN MOORE - Don, I drove down Woodview today. I saw where they patched. It looks like they just dump it in a hole. Do they not tap it down a little bit?

SERVICE DIRECTOR WITTMAN – That's typically what you do with cold patch. It just fills in the hole and then the traffic packs it in. It just moves.

COUNCILMAN MOORE – It seems as you drive through it could kick out. I just thought tapping it down somewhat would at least keep it from coming out of the hole. That's what I do when I patch my driveway.

SERVICE DIRECTOR WITTMAN – I will take a look at that tomorrow.

COUNCILMAN MOORE - Thank you.

MAYOR'S REPORT

MAYOR WOOFER – I have a few announcements:

Spring Clean Up – April 26th and 27th to be put out with your regular garbage

No bulk gas/oil bids received thus far

City Welcome Packets – Deadline is March 19th to receive donations

Lastly, of course, it was a sad day today with the news of the passing of Mary McFarland yesterday. She will be sadly missed. She put 16 years here at the city. The thing I remember her the best is she never took any crap off Don. That was enjoyable to listen to. There will be a memorial service for her this Saturday at the Fowler Community Church. Rhonda, help me with the times.

CLERK OF COUNCIL HORN - It is 10:00 a.m. to 11:00 a.m. for family and friends to visit and then the Service is from 11:00 a.m. to 12:00 p.m.

MAYOR WOOFER – A collection was taken up today from all the employees of the city. A flower spray was purchased for her services.

NO COMMITTEE REPORTS

NO QUESTIONS OF COUNCIL FROM AUDIENCE

ANNOUNCEMENTS:

A motion for an Executive Session to include Mayor Woofter, Law Director Wilson, Finance Director Gibson and Council to discuss personnel was made by Councilman Piros and seconded by Councilman Moore. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

Council went into Executive Session at 7:28 p.m.

Council Meeting reconvened at 7:38 p.m.

A motion to adjourn the meeting was made by Councilman Piros and seconded by Councilwoman Keller. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

Meeting adjourned at 7:38 p.m.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL