

REGULAR COUNCIL MEETING – 7:00 P.M.

The Council of the City of Cortland met in regular session on Monday, July 2, 2018 at 7:00 p.m. at the City Administration Building, 400 N High St, Cortland, Ohio with Council President Deidre Petrosky presiding. Members of Council present were James Edwards, Kathy Fleischer, Patti Keller, Kevin Piros and Scott Rowley; absent was Don Moore. Also present at the meeting were Mayor Woofter, Law Director Wilson, Finance Director Gibson, Police Chief Morris, Fire Chief Rea, Service Director Wittman, and Clerk of Council Horn.

A motion to approve Council Minutes from the June 18, 2018 Regular Council Meeting was made by Councilman Edwards and seconded by Councilman Rowley. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, abstain; Moore, absent; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

A motion to approve Schedule of Bills to be paid totaling \$145,912.27 was made by Councilman Rowley and seconded by Councilman Piros.

COUNCILMAN PIROS – I have a question. The invoice for the tree removal, was that one tree or multiple trees?

SERVICE DIRECTOR WITTMAN – That was 4 trees.

COUNCILMAN PIROS – Okay, because it had quantity one but I figured that was one invoice and not one tree.

FINANCE DIRECTOR GIBSON - One invoice.

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

OLD BUSINESS:

ORDINANCE O-22-18 – An Ordinance authorizing the Police Chief to purchase and install a mobile records software system for the Cortland City Police Department was read and moved for second reading by Councilman Piros and seconded by Councilwoman Fleischer. **ROLL CALL ON O-22-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, absent; Petrosky, aye; Piros, aye; Rowley, aye.

ORDINANCE PASSED SECOND READING

ORDINANCE O-24-18 - An Ordinance repealing Ordinance O-14-18 and authorizing the Service Director to purchase a new 2019 Jeep Cherokee 4 X 4 Sport Utility Vehicle to be utilized as the Service Director's vehicle from Lebanon Chrysler Dodge Jeep Ram was read and moved for second reading by Councilman Rowley and seconded by Councilwoman Fleischer. **ROLL CALL ON O-24-18** -

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Edwards, aye; Fleischer, aye; Keller, aye; Moore, absent; Petrosky, aye; Piro, aye; Rowley, aye.

ORDINANCE PASSED SECOND READING

NO NEW BUSINESS

REPORTS:

FINANCE DIRECTOR'S REPORT:

FINANCE DIRECTOR GIBSON – I have nothing to report at this time but will answer any questions.

POLICE CHIEF'S REPORT:

POLICE CHIEF MORRIS – I have nothing to report and I will answer any questions.

COUNCIL PRESIDENT PETROSKY – Everything go smoothly at the street fair?

POLICE CHIEF MORRIS – It went very well.

COUNCIL PRESIDENT PETROSKY – Very good. Thank you, and to the fire department as well.

FIRE CHIEF'S REPORT:

FIRE CHIEF REA – Street Fair went well. We used the county ERV to remove just one person, I believe, from street fair. It made it a little bit easier getting in and out of there.

Today we were awarded a grant for \$4,005 from the State Division of EMS. That will be put towards our new cot.

COUNCIL PRESIDENT PETROSKY – Excellent.

FIRE CHIEF REA – We are going to look at purchasing that before September because in September the prices are going up.

COUNCILMAN PIROS – Are you still doing fundraising?

FIRE CHIEF REA – Yes. Still in the process.

MAYOR WOOFER - How much do you have?

FIRE CHIEF REA – Right now, \$2,600 from fundraising efforts. We still have a little over \$6,900 from the Bureau of Workers Comp grant.

(INAUDIBLE ~ MULTIPLE CONVERSATIONS)

SERVICE DIRECTOR'S REPORT:

SERVICE DIRECTOR WITTMAN – The Asphalt Resurfacing Program - I will know a little bit more tomorrow. We are having a pre-construction meeting. I'm going to go out with the contractor to survey the areas. There was an indication they could have squeezed us in as early as after the 4th milling and paving next week but with the completion of the middle school and them hauling dirt out we opted to an August window. I told them that would be the preference. Tomorrow we will issue the notice to proceed and a contract based on our discussions with the contractor.

The other ongoing project - the Cedar Dr Waterline Project - that was an emergency. That is going to begin after the holiday. They were already out saw-cutting the driveways. I anticipate that work to take a couple days to get the main line in at which point the city will take over and do the testing and flushing of that line. Then we will bring all the houses and connect to the new line and abandon the old line. Once we are done with all those tasks the city will do restoration of the yards and driveways.

MAYOR'S REPORT

MAYOR WOOFER – Announcements:

Splash Pad ~ New hours: 11 am to 7 pm daily. I've already had a couple people thank us for that. They thought it was nice that we were extending those hours because of the people that work.

City Offices Closed ~ Wednesday, July 4th ~ Independence Day. Republic trash/recycling collection will be delayed 1 day.

Mosquito Spraying ~ Jul 11th and 25th. If it rains those days it will get moved to the next day. If it is raining that day it will be cancelled.

Brush Chipping ~ week of Jul 23rd

COUNCILMAN PIROS – I have a question about the splash pad. I've had numerous people report through the Facebook link about smoking in the pavilion. Even though we do have multiple "No Smoking" signs posted throughout the facility, what should we tell them to do? Call the police?

POLICE CHIEF MORRIS – Call the police.

MAYOR WOOFER – Tell them there was an ordinance enacted and that it is enforced through the police department. Rather than wasting all their time posting things on Facebook, they really should just call the police department.

COUNCILMAN PIROS – Which is what we do. We tell them to call the police non-emergency number.

MAYOR WOOFER – Actually, they don't have to call the non-emergency number...

POLICE CHIEF MORRIS – They should call the police non-emergency dispatch number. Don't call our office line. Call the non-emergency dispatch at 330-675-2730

MAYOR WOOFER - As far as that goes, they could call 911 if they wanted to. How many people know the non-emergency number?

(INAUDIBLE ~ MULTIPLE CONVERSATIONS)

POLICE CHIEF MORRIS - They are not going to get in trouble for calling 911, but we don't direct them to do that.

COUNCILMAN PIROS – What's that number again?

POLICE CHIEF MORRIS - 330-675-2730. That's the preferred number.

COUNCILMAN PIROS – Thank you.

NO COMMITTEE REPORTS

QUESTIONS OF COUNCIL FROM AUDIENCE:

DON HARPER ~ 120 HICKORY CIRCLE

DON HARPER – Along my backyard I have Walnut Run and I live at the last house before the lift station for the sewage. I've had sewage in my basement 3 times in the 34 years I've lived there but 3 weeks ago I had 8 inches and it was all caused by the heavy rains that we had flooding the sewer lines. Both neighbors on both sides of me had sewage in their basement and one neighbor the next door over. I think a lot of it comes down to the fact that I am the last house before the lift station. So, everybody in our development, the condos that are on this side of the creek, everyone's sewage runs into a point right behind my house which goes to the lift station. So, if there are any problems, me being the last house, I get nailed. On this particular day, Walnut Run flooded. I had water probably within 10 feet of my house. In my backyard it was at least knee deep if not deeper than that. Near the lift station, there is a man hole between my house and the neighbors and it's about 18 inches off the ground because they built it up. The water was within about 2 inches to the top. The pedestal that it sits on has been lifted off the ground and water ran under that into the sewer line. I have a letter from Mr. Wittman that they are going to go out and fix it but again that's been 3 weeks. I hate to say if we have any more heavy rains I'm going to have the problem again until they do fix it. I went to my neighbor who works for the city and he came over and looked at it. He went in the next day and reported it and they came out and said there's no problem. He had to go back with him and show him what we were talking about and again they said they were going to schedule to fix it. I'm waiting.

The other problem is, on Ridge Road, a farmer has bought a lot of the farms up there. If you drive north on Ridge Rd off East Main St., to the left the land slopes towards Rt 11, to the right there is a ridge and on one side it flows towards Rt 11 and the other side it flows toward Rt 193. Schwartz, I guess, is the guy's name that has bought a lot of these farms and this winter he went in and dug an 11 foot deep trench. I haven't seen it. I've been told by other people that live up there they drained the

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property that flows toward 193 because he can't farm there because the water sits. That water now flows towards Rt 11. When we had heavy rains and you go out and look at the water in Walnut Run it is brown as can be from the mud. Again, I've lived there 34 years and I've never had water that looks like this. I've had water in my basemen before when the power went out and I've had water within 4 or 5 feet of my house probably a half a dozen or more times. I'm just afraid it is going to get worse and I'm going to lose my basement. I do have a letter that was written to me by Mayor Roush years and years ago that my basement would never flood and Walnut Run would handle the water. I have brought that to council and I have showed this letter to council. It is on city paper and everything and I've been told that it is a guarantee that I will not have water in my basement and I could possibly hold the city responsible if I do.

MAYOR WOOFER – I don't know. Is that possible, Patrick?

LAW DIRECTOR WILSON – A lot would depend on the circumstances of the flooding. Sounds like...

DON HARPER – I understand that the city is only responsible for so much. They can't deepen Walnut Run because a lot of it in the area where I'm at is bedrock. They only way to do that would be to dynamite or go in there with heavy equipment.

MAYOR WOOFER - I believe, and Don correct me if I'm wrong, we aren't allowed to do any kind of dredging or anything like that because of the EPA and the Army Corp of Engineering. We aren't allowed to do anything in there.

DON HARPER – Right. Also, when they built the condos down the road here...

MAYOR WOOFER - Tournament Trail.

DON HARPER – Right. They put the sewer under Walnut Run, but they didn't put it deep enough. Back behind me it sits 12 to 14 inches above the bedrock so when the water comes down it has to flow over top of it so it creates a pond almost in my backyard at that point. There is always water in it that's a good 12 to 14 inches deep. And then it flows over that and it's deepened on the other side because it keeps the water... (INAUDIBLE) ... out. The one time the city, or the county, came in to try to do something and they hit that, and it shook everyone's houses in the neighborhood because it's pretty big. They didn't realize that was what it was. They thought it was just some rocks and tried to dig it up. We had to go out there and stop them or they would have caused all kinds of problems. Unfortunately, where my land is the waterlines go through my property to the condos, the sewer lines go through my property to the condos and then they go to the lift station. I'm that house that is always going to have a problem. My concern is, if I put backflow valves in and everything else, and I still get it, where does the city become responsible? What can the city do to stop it? Again, we've all put money into our houses

and/or basements to try to stop the problem and we keep having it. It's nothing we can do to stop it. It's got to be the city's responsibility somewhere along the line to protect us.

COUNCIL PRESIDENT PETROSKY - Let me just say, the city can repair the infiltration of the storm sewer water into the sanitary sewer. We will get that repaired as quickly as possible. Thank you for bringing to our attention the ditches and the water from the farming area because I wasn't aware of that. That is something that I believe we would have to work with the Law Director and/or the county, I'm not quite sure.

LAW DIRECTOR WILSON - You can't unilaterally change the course of water to move it from your property onto someone else's property. You don't have the right to do that.

DON HARPER – That's the reason why I'm bringing this. It's creating more problems for those of us who live on Walnut Run.

MAYOR WOOFER - And that would have to be in some form or another proven that what he has done up there is actually causing that situation. Just by someone saying they heard... You've never seen it, you heard about it.

DON HARPER – I think the easiest thing to do would be to go drive down the road and look and see. If you see a big huge trench that's a hump in the road and dug real deep it will prove...

MAYOR WOOFER – I'm not sure... I drive down that way all the time and not noticed but then again I'm not looking either. Where would I look for it?

DON HARPER – Do you know where Walter Trumbull lives?

MAYOR WOOFER – Yes.

DON HARPER – Walter Trumbull is the one who brought it to my attention. I've never driven up that way to see it. He's the one who told me how deep it is because they had to go get Denman from Kinsman's backhoe to come in and dig it because that was the only thing they could find big enough to go down. He's the one who brought it up to me.

MAYOR WOOFER - This ditch supposedly runs north and south?

DON HARPER – Well, the road runs north and south.

MAYOR WOOFER - Yes, so is the ditch parallel?

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DON HARPER – Yes, but I’m not exactly sure where the ditch is. It may be behind where Kevin Trumbull lives, back in that area. I don’t know because, again, I have not driven by to see it.

(INAUDIBLE ~ MULTIPLE CONVERSATIONS)

DON HARPER – Yes, the south end across the street. Schwartz now farms his land. I want to bring this to your attention so if someone can look into it. If it’s a possibility, we need to stop it. I’m trying to protect my house as well as anyone else who lives along there that may have the same problem.

MAYOR WOOFER – The first thing we need to do and I was aware that we need to make some changes with that storm drain that’s up there that you were alluding to that’s now above ground.

DON HARPER – Just because it looked so bad today I went and put plastic all around the bottom of it and packed it with dirt. I didn’t want any more water going in there. I’m trying to be proactive. I don’t want it to happen and I thought by now it would have been taken care of. When I saw the clouds today I thought, nope, I’m not taking any chances.

MAYOR WOOFER - So Don, can you tell Mr. Harper where we are on this?

SERVICE DIRECTOR WITTMAN - I am going to check to see where it is on the status of getting things completed. I know it was brought to my attention and we will address it because it’s definitely one of the issues. I believe there was a tree or something that took it off of the...

DON HARPER –Yes.

SERVICE DIRECTOR WITTMAN - ... basically the casting is probably 12 inches tall and is sitting on top of the concrete manhole and has been pushed off to the side. So, it allows for an opening. Because the creek come up, and you said the creek came up within 10 feet of your house, and within 2 inches to the top of the manhole, that means it was just pouring right into the sanitary sewer. That’s definitely a source of inflow that we can easily rectify through a repair to that structure.

COUNCIL PRESIDENT PETROSKY – It would be in everyone’s best interest to do it quickly.

DON HARPER –Thank you.

MAYOR WOOFER - I appreciate the manner in which you presented that to us. I do. We all do. So, thank you.

DON HARPER – You’re welcome.

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

Meeting adjourned at 7:22 p.m.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL