

REGULAR COUNCIL MEETING – 7:00 P.M.

The Council of the City of Cortland met in regular session on Monday, July 16, 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, Don Moore, Kevin Piros and Scott Rowley. Also present at the meeting were Mayor Woofter, Law Director Wilson, Finance Director Gibson, Police Chief Morris, Fire Captain Price, Service Director Wittman, and Clerk of Council Horn; absent was Fire Chief Rea.

A motion to approve Council Minutes from the July 2, 2018 Regular Council Meeting was made by Councilman Piros and seconded by Councilman Rowley. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, abstain; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

A motion to approve Schedule of Bills to be paid totaling \$101,922.44 was made by Councilman Moore and seconded by Councilman Edwards. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; 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 third and final reading by Councilwoman Keller and seconded by Councilman Edwards. **ROLL CALL ON O-22-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye.

ORDINANCE PASSED THIRD AND FINAL 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 third and final reading by Councilman Rowley and seconded by Councilman Piros. **ROLL CALL ON O-24-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye.

ORDINANCE PASSED THIRD AND FINAL READING

NEW BUSINESS:

RESOLUTION R-25-18 – An Resolution authorizing the Mayor of the City of Cortland, Ohio to place his signature on the Replat of Lot 651A and 652A Cortland Estates No. 1 Volume 30, Page 77 Lots 651 and part of Lot 652 City of Cortland Trumbull County, Ohio was read and moved by Councilman Moore and seconded by Councilman Edwards.

COUNCILMAN PIROS – Don, is this just moving the line a few feet or something?

SERVICE DIRECTOR WITTMAN - That is correct.

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

ORDINANCE O-25-18 – An Ordinance authorizing the Mayor to enter an agreement with GPD Group for professional services to perform construction administration and inspection for the Main Street Resurfacing Project, PID 101759 was read and moved for first reading by Councilman Rowley and seconded by Councilwoman Fleischer.

SERVICE DIRECTOR WITTMAN - I'd like to make a couple comments. This is for the upcoming project resurfacing Main Street which is going to be from McCleary Jacoby up to South Mecca Street, the railroad tracks, jump over downtown through the intersection and then pick up where the pavement was paved for the new bridge. That second part will go from East Main Street out to Rt 11. This will be for the engineering company to oversee the project and provide an inspector since it is an ODOT job. The funding for this will be completely subsidized outside of city funds. This will be paid for through ODOT and OPWC money at no cost to the city.

PRESIDENT OF COUNCIL PETROSKY - Excellent.

ROLL CALL ON O-25-18 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

ORDINANCE O-26-18 – An Ordinance amending the contract with Browning Ferris Industries of Ohio, Inc. d.b.a. Republic Services of Youngstown for the removal of refuse from the City of Cortland, Ohio was read and moved for first reading by Councilwoman Keller and seconded by Councilman Piros.

MAYOR WOOFER - We had two bids. Not actually bids, but we had prices submitted to the city for refuse pickup. They were extremely close. We decided to extend the contract another year with Browning Ferris. They perform very good work in the city. We get very few, if any, complaints throughout the year about the garbage pickup, little tiny things that they have been able to take care of right away. We feel we can revisit this next year and start a little bit earlier in the request process for prices. We feel we might be able to get a better deal for our residents by waiting another year.

COUNCIL PRESIDENT PETROSKY - Just to clarify, both bids were thrown out.

MAYOR WOOFER - That is correct.

COUNCILMAN MOORE - How do they compare with the pricing we have now?

MAYOR WOOFER - The current pricing that Browning Ferris came with was slightly higher than what they are currently charging the residents. Remember, this isn't a contract with the city; it is something we provide to the city residents. The other company that submitted pricing for this was slightly lower than what they are right now. We didn't really have enough history on the other company, which was Ohio Valley. So, we decided to extend this another year, resubmit it next year and see what we come up with.

COUNCILMAN MOORE - Were you expecting more quotes?

SERVICE DIRECTOR WITTMAN – Actually, getting two was a surprise. Typically, we only get one. Ohio Valley took the current pricing that Republic Services has and reduced it by \$ 0.02 per month and did a 3% escalation for every subsequent year. I think Republic's was a 3% increase from current pricing in year 1 and a subsequent 3% in year 2 and year 3. A lot of this is being driven by the recycling and that the markets are closing due to what has been termed the China Sword. They are rejecting a lot of material that would go to them for processing from the United States. So, the larger seaports are seeing an abundance of paper and cardboard that can't go over there. They lowered their 3% contamination level to less than 0.5 %. So, it is really making some changes in the recycling market. We intend to take a harder look at our residential trash and recycling services and see if we need to change it at all and come out with a new specifications technical proposal. We will be looking at doing that early spring of next year.

COUNCILMAN MOORE - Certainly makes sense because it really could be a game changer next year in recycling.

ROLL CALL ON O-26-18 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

ORDINANCE O-27-18 – An Ordinance enacting as Chapter 917 within Part Nine, Title One of the codified ordinances regulations and related fees within the City of Cortland for small cell facilities was read and moved by Councilman Piros and seconded by Councilman Rowley. A motion to suspend the rules was made by Councilwoman Keller and seconded by Councilman Rowley.

MAYOR WOOFER - Let me comment on this and why it's an emergency. The State of Ohio has recognized small cell businesses/companies that want to erect small cells in various municipalities around the State of Ohio as a public utility. That goes into effect the 1st of August. At my last Ohio Municipal League meeting that I attended in Canton, it was advised by the League that if we don't have something on our books by August 1st we should; so we have some kind of tooth to deal with these small cell businesses. We already had and have one company that has been knocking at our door to put in small cell towers within the city. There could be several companies that come. Let me back up just a little bit. The small cell tower is trying to get ready for the 5K network. Right now we are up to 4K. The 5K is going to open up lots of different things. Several companies in the United States are waiting

to move into municipalities and set up their small cell towers for communication. Because they are recognized as a public utility, they can come in and pretty much say this is where we want to have our towers. The one company that approached us more than a 1 ½ years ago wanted to erect a 120 foot tower across from Point Park in front of the area by the Dairy Queen. We were basically opposed to that because of where it is, the location of it. Thankfully, there were enough communities in the State of Ohio that put forth a lawsuit against these companies coming into cities and telling them what they could or could not do. Unfortunately out of all that, they ruled in favor of the small cell companies.

LAW DIRECTOR WILSON - Jim, let me jump here.

MAYOR WOOFER - Yes, go ahead.

LAW DIRECTOR WILSON - What has ended up on the books is a compromise provision between the cell technology companies and the State of Ohio. 1 ½ to 2 years ago the State of Ohio pushed through a bill that was very anti-city and village. It took away all of our rights and rules that we could use to tell these companies where to put their technology, how to put in, and what it could look like. The State of Ohio came in with House Bill 331 and said no, you can't do anything like that. This is a state-wide issue. We are going to tell you what you can and can't do. Fifty cities appealed that. The courts did rule in favor of the cities on technicalities saying there were a lot of issues packed into one bill. The Supreme Court said you can't do that. So, that put the technology companies back on their heels and they had to come up with a compromise which is what this new law is, which goes into effect, as Jim said, August 1st. So, getting this ordinance on the books before August 1st gives Cortland some rights and able to push back against cell phone technology that is coming in.

MAYOR WOOFER - It's not that we are against it because we're not. 5K is going to be the wave of the future. There are so many of these companies and subcontractors working for the different cell phone companies. They come in, they erect these towers, they sell their tower usage to companies like Sprint, Verizon, AT&T and who ever. We could possibly end up with 2, 3, or 4 kinds of towers in the city.

COUNCILMAN MOORE - I would think they would contact an owner of private property?

MAYOR WOOFER - No, because they are a public utility, they are in the right-of-way.

LAW DIRECTOR WILSON – What happened Don was the first law that came out said they can put it in our right-of-way and there wasn't anything we could do about it except for a couple of small sections we could tell them maybe where to put it and/or what to avoid. There was not a lot we could do as a city. That all changed once the lawsuit got filed.

COUNCILMAN MOORE - Could they put it on private property?

LAW DIRECTOR WILSON – The small cell technology can if they could find a willing participant. The city has telephone poles. We aren't talking about big towers here. We are talking about equipment that can get attached to a telephone pole around the city. They would rather do that.

COUNCILMAN MOORE - Well, he mentioned a 120 foot tower and I just...

MAYOR WOOFER – Actually, there are two different types of equipment. There are telephone sized ones with a small antennae and very little equipment. In fact, we granted use of one on Pearl Street. Mobilitie, they are the ones that approached the city a couple years ago, to put that 120 foot tower in. At the same time they requested putting in smaller, telephoned-sized equipment. We gave them that permission to put it on Pearl St. on a pole down there. Of course, they have to get the owner's... I guess it's a telephone pole, Don?

SERVICE DIRECTOR WITTMAN - I thought they were going to construct a new pole.

MAYOR WOOFER – That could be, but it's the height of a telephone pole. We are going to see other requests for higher towers.

COUNCILMAN MOORE - They will apply to the city? There will be an application process administered by the Service Director?

LAW DIRECTOR WILSON - Don is going to administer.

MAYOR WOOFER – Yes. It will be administered by the Service Dept. It won't go through the Planning and Zoning Commission, currently. Utilities don't have to go through the Planning Commission. They work with our Service Dept.

COUNCILMAN MOORE – Do we have to set up some standards?

MAYOR WOOFER – That's what this does.

COUNCILMAN MOORE – But beyond this, are there rules?

MAYOR WOOFER – Pardon me?

COUNCILMAN MOORE – Are there fees involved?

MAYOR WOOFER – Yes.

LAW DIRECTOR WILSON – This sets up the fee of \$250 per application. The first bill did not allow the cities to charge. It was another bone thrown to the municipalities.

COUNCIL PRESIDENT PETROSKY - Good discussion.

ROLL CALL ON SUSPENSION OF RULES - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ROLL CALL ON O-27-18** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED EMERGENCY**

REPORTS:

FINANCE DIRECTOR'S REPORT:

FINANCE DIRECTOR GIBSON – You have my report. It is insurance renewal time. As you see, the property and liability insurance decreased which was nice. It's \$28,000. Last year it was around \$31,000. The year before it was \$50,000. Last year we switched to the PEP through OML. Health Insurance – the Mayor and I met with Dan Caparso. We have our health renewal in. It's about 8½%. Once the Mayor and I met with Dan then we also had our Healthcare Committee meet that day and they got to also meet with Dan and ask questions and go through different things. There were other plans that we could shop but our best bet is to go ahead and renew at the same rate.

LAW DIRECTOR WILSON – How was the turnout for the Healthcare Committee?

MAYOR WOOFER – Good.

LAW DIRECTOR WILSON – Did everyone show up?

FINANCE DIRECTOR GIBSON – We had to come in here and meet.

LAW DIRECTOR WILSON – Good. I wanted to make sure because that was hotly negotiated.

MAYOR WOOFER – I invited our Dept Heads to attend that meeting as well.

FINANCE DIRECTOR GIBSON – We had someone from every department plus all the Dept. Heads here.

LAW DIRECTOR WILSON – Thank you.

FINANCE DIRECTOR GIBSON – We got our BWC rebate check. That was nice. It's in your report. \$52,000. And a lapse payment credit for payments on time was some \$600. So, I thought that was really nice.

We are working on delinquent accounts still. That's going to be an ongoing process. We will know the exact number once we get the new software in. Then, I will have to have you guys write off some of the really old ones. That's all I have. I'll answer any questions that you have.

POLICE CHIEF'S REPORT:

POLICE CHIEF MORRIS – First of all, I want to say thank you for supporting the mobile records software. That will be a big help to us.

Our new car is in. It's at Daffrons right now getting the graphics put on it. I would like to add that Daffron donates his time to put those graphics on. We purchase them from a company and he puts them on for free. He has done that for every police cruiser that we have. So, we appreciate that.

I also want to give a public thank you out to Chris Guesman from the Service Dept. We had a bad crash at Rt 305 and Southdale the other day that sent multiple people to the hospital and totaled out a couple vehicles. Chris helped out considerably with traffic control that day. I definitely want to commend him for his help. He was very helpful to us.

When I attended that healthcare meeting it was very informative. Patti coordinated that so I appreciated that.

FIRE CHIEF'S REPORT:

(FIRE CHIEF REA ABSENT)

FIRE CAPTAIN PRICE – Dave told me to come up and entertain any questions. I don't know if he gave you anything in your packets. He is sunning himself on some beach somewhere. The guys have been busy. We are averaging right now 5 to 7 calls a day it seems like. My neighbors love to say, hey you sleep all night. I say I'll call you if you want. I was up 3 times after midnight. If anybody wants to know what we do after midnight I can put you on my group text.

(LAUGHTER)

FIRE CAPTAIN PRICE – So, we are keeping busy. The heat is really killing the elderly right now. That's what our units are dealing with the most. We didn't end up at the fairgrounds, but we went to the drowning the other day and helped with that while they were handling a couple calls in the city. They did well. They staggered their resources. Everything is going well. We got a couple FEMA grants still waiting to hear news on. We are keeping our fingers crossed. I read from the old minutes the EMS stuff he has talked to you about and that's about where we are at. The next wave of grant applications for FEMA will start the beginning of September, I think. I'll start writing for that.

COUNCIL PRESIDENT PETROSKY – We appreciate that. I know you do a lot of grant writing.

FIRE CAPTAIN PRICE – I wish we could guarantee them every year. It really gets harder and harder every year. FEMA just sucks up the... I think the first one I got was the year after I was hired, back in 2001. Back then you could almost tell them anything and they would say sure. Now due to fraud all

this stuff over the years they have really... there are a lot of check boxes involved. They like to kick you out for little things. They really look at our numbers. We think we are busy but when you look at other places it's just one big fish bowl and sometimes we get it and sometimes we don't but we try.

COUNCILMAN PIROS - Appreciate it.

COUNCIL PRESIDENT PETROSKY - Well, I wanted to make sure that we thanked you and...

FIRE CAPTAIN PRICE – Oh, you're welcome. I enjoy it.

COUNCIL PRESIDENT PETROSKY – and recognize you for all that hard work.

FIRE CAPTAIN PRICE – Thank you very much.

SERVICE DIRECTOR'S REPORT:

SERVICE DIRECTOR WITTMAN – I'd like to thank you for the support to purchase the Service Director's vehicle. Hopefully this one goes through this time. I will know this week when I go to place the order. You have my monthly report but I'd like to add to that. A follow up to Mr. Harper from the last council meeting... the brush has been cleared from that manhole and the casting has been sealed. So, that work was completed. It was just happenstance that we were aware of it and we were getting it scheduled when he came in to get his concerns on the record. We were able to complete that, I believe, last week or maybe the week he came in. So, that work has been cleared. Other than that, I will entertain any questions that council may have for me.

COUNCIL PRESIDENT PETROSKY –Thank you for taking care of Mr. Harper's concerns in a timely manner.

MAYOR'S REPORT

MAYOR WOOFER – I have just a few things. One thing I want to clarify and that is the moving of the gazebo. I made an administrative decision to award that to Mecca Township. After conferring with our Law Director, we decided because of the age and condition of the gazebo at Point Park that I was able to do that without having to go through the process of asking for bids to purchase the gazebo. So, that was moved early Sunday morning at 7:00 a.m. before traffic got busy. It's sitting now at Mecca Township Park.

Also, I'm working on grants for the tennis courts, the resurfacing and re-fencing of that. It's approx. a \$72,000 project. I'm hoping to obtain grant money this year and then actually resurface and refurbish the courts next year. I'm asking for grants from Farmers Bank, Trumbull Memorial Hospital Foundation, and Trumbull 100. The Lakeview School Board has agreed to give us \$5,000 and Home Savings gave the schools \$5,000 in addition to give towards the resurfacing. So, we will be receiving a check from the Lakeview Schools for a total of \$10,000. As we are either rejected or we receive money

from those other entities, I will keep you informed on that. Hopefully everybody had a great 4th of July. Other than that, that's all I have unless you have any questions.

COUNCILMAN MOORE - The moving of the gazebo, was that done at any expense to the city?

MAYOR WOOFER – None.

COUNCILMAN MOORE - They actually came down to get it?

MAYOR WOOFER – Danny Galbincea, a Mecca Township Trustee, coordinated it and worked with Super Tire who had a flatbed truck and pulled it up on that and drove it out to Mecca.

COUNCILWOMAN FLEISCHER – There's video of it on social media.

MAYOR WOOFER – It didn't look like it handled the trip very well. It's still in kind of in one piece but the cupola is crooked. If you look at it in the light out in the open you can see the roof definitely needs to be completely replaced. The cost to repair that is almost equal to the amount if we were to purchase a new gazebo and put it somewhere else in the city. The Veterans Memorial Committee informed me that they have started. The trees and all the brush have been removed. Some of the property that's there we will retain like the concrete picnic benches that are in there. We will retain the two park benches. We will also retain the drinking fountain. Some of the rocks that aren't used, the old big foundation rocks, will be repurposed in the Memorial Park. Those that are not, we will retain as well and use them elsewhere in the city as we see fit.

COUNCILMAN MOORE - Thank you.

MAYOR WOOFER – One other thing I want to make perfectly clear while I'm thinking about the Veterans Memorial. They have come to us several times, as you all know. There is a lot banter around on social media where people didn't realize this was all going to happen. As you know, we have had many meetings on it through the Parks Board system and through City Council. They have met with us here at City Council meetings and showed us pictures of the future construction. This is not a Masonic Lodge project. It is a group of men from the Masons and outside of the Masonic Lodge that have put themselves forward to raise the money for this. They have done an outstanding job, raised almost \$165,000 which surprised me that they actually raised it in such a short period of time. The construction of it will be done by Gilmore Design. They will be in contact with our Service Director as the property moves along because the property does belong to the city. It was not donated to this group of veterans. And as you know, we have allowed them to build this memorial on city property. Now I'm done.

NO COMMITTEE REPORTS

QUESTIONS OF COUNCIL FROM AUDIENCE

July 16, 2018

A motion to adjourn the meeting 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**

Meeting adjourned at 7:33 p.m.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL