



July 15, 2019

REGULAR COUNCIL MEETING – 7:00 P.M.

The Council of the City of Cortland met in regular session on Monday, July 15, 2019 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, and Police Chief Morris; absent were Fire Chief Rea, Service Director Wittman and Clerk of Council Horn.

A motion to approve Council Minutes from the July 1, 2019 Regular Council Meeting was made by Councilman Piros and seconded by Councilwoman Fleischer. **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 \$ 103,310.59 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-22-19 - An Ordinance amending Ordinance O-31-15 establishing the terms of employment for the Part-time Police Officers of the City of Cortland was read and moved for third and final reading by Councilman Moore and seconded by Councilwoman Keller. **ROLL CALL ON O-22-19** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

ORDINANCE O-23-19 - An Ordinance amending Ordinance O-30-15 and establishing the terms of employment for the Part-time Administrative Assistant of the Cortland City Police Department was read and moved for third and final reading by Councilman Moore and seconded by Councilwoman Fleischer. **ROLL CALL ON O-23-19** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED THIRD AND FINAL READING**

ORDINANCE O-24-19 - An Ordinance authorizing the Mayor to enter an agreement with Thomas Fok & Associates, Inc. to perform engineering and bidding assistance for the North Mecca Waterline Replacement Project was read and moved for second reading by Councilman Rowley and seconded by Councilwoman Fleischer. **ROLL CALL ON O-24-19** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED SECOND READING**

ORDINANCE O-25-19 - An Ordinance authorizing the Mayor to enter an agreement with Thomas Fok & Associates, Inc. to perform construction administration and inspection for the Cedar Drive Waterline Replacement Project was read and moved for second reading by Councilman Piros and seconded by



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Councilman Edwards. **ROLL CALL ON O-25-19** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED SECOND READING**

ORDINANCE O-26-19 - An Ordinance amending the Annual Appropriation Ordinance O-11-19 for the City of Cortland, County of Trumbull, State of Ohio, for Fiscal Year ending on the 31st day of December 2019 was read and moved by Councilman Moore and seconded by Councilwoman Keller. A motion to suspend the rules was made by Councilman Rowley and seconded by Councilwoman Fleischer. **ROLL CALL ON SUSPENSION OF RULES** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ROLL CALL ON O-26-19** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED EMERGENCY**

NEW BUSINESS:

RESOLUTION R-30-19 - A Resolution authorizing the Mayor of the City of Cortland, Ohio to place his signature on the Replat of Lot No. 55, Plat Volume 5, Page 24, formerly known as Lot No.s 49 & 50 and Part of Lot No. 48 in Lattins Addition to Baconsburg Plat Volume "A", Page 115, City of Cortland, Trumbull County, Ohio was read and moved by Councilman Rowley and seconded by Councilwoman Fleischer.

MAYOR WOOFER – This sounds a whole lot more complicated than it is. There is a family that lives on Market Street and has a garage that was built right on the property line. Our ordinances state it has to be ten foot from the property line. So, they made arrangements, however that came about financially, with the people that live behind them on Lot 55B so Lot 55A could extend their property by ten feet. That's it. If you have any questions, there's really not much to it.

COUNCIL PRESIDENT PETROSKY - (INAUDIBLE)... did that but that would have been grandfathered in, right? They didn't have to do this, did they?

LAW DIRECTOR WILSON – Yes, they should have. If they were going to transfer it, then their subsequent transferees would have needed to do it.

MAYOR WOOFER - If somebody sold the property.

LAW DIRECTOR WILSON – If anything happened to the property going forward, then that wouldn't be grandfathered in. The current owners are grandfathered in.

COUNCIL PRESIDENT PETROSKY - (INAUDIBLE)... problem for me. I also live on Market St and have building right on the property line. So, good to know!



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(LAUGHTER)

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

RESOLUTION R-31-19 - A Resolution authorizing the Mayor of the City of Cortland, Ohio to place his signature on the Replat of Out Lot 1A, Part of Out Lot No. 1, Plat Volume 5, Page 24, City of Cortland, Trumbull County, Ohio was read and moved by Councilman Piros and seconded by Councilman Rowley.

COUNCIL PRESIDENT PETROSKY - Mayor, I couldn't figure this one out. The other one was a little easier.

MAYOR WOOFER – This is a little difficult for me, too. Patrick, help me out here.

LAW DIRECTOR WILSON – The Federal Loan Home Mortgage Corporation reacquired this lot probably through a foreclosure and then was going to turn around and sell it and wanted to reconfigure it with the additional acreage before they did that.

COUNCIL PRESIDENT PETROSKY – So, was it two and they put them together as one?

LAW DIRECTOR WILSON – Yes, they did. That is correct.

COUNCIL PRESIDENT PETROSKY – That makes sense. Thank you. I appreciate that.

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

RESOLUTION R-32-19 - A Resolution authorizing the Clerk of Council of the City of Cortland to advertise for bids for the Cedar Drive Waterline Replacement Project was read and moved by Councilman Rowley and seconded by Councilman Piros. **ROLL CALL** - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **MOTION PASSED**

ORDINANCE O-27-19 - An Ordinance amending Codified Ordinance No. 921.06 and authorizing the City of Cortland to place special assessments onto the Trumbull County Tax Records arising from unpaid water accounts was read and moved for first reading by Councilman Moore and seconded by Councilwoman Fleischer.

MAYOR WOOFER - So, earlier this year we had a situation with a home on Hillman. They were getting ready to sell the property and they owed us several thousands of dollars in water and sewer



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assessments that they weren't paying. We realized at that time, we didn't have any type of ordinance that we could go back to them and collect money from the property owner for unpaid water and sewer bills. So, last month you approved one ordinance for us to be able to do that on that particular property. So, these next two ordinances on the water and the sewer will be permanent ordinances within the city that will allow us to collect unpaid utility charges from the home owner. That's what these are.

LAW DIRECTOR WILSON - Typically, we've always had the legal authority to pursue these folks in court be it small claims or common pleas if the bill was higher; but what the Mayor and Finance Director wanted was the real serious leverage of having a lien on a property so when a property goes to sale, much like the Mayor was talking about this property in June that was going to go to sale, the title company won't clear the title until that lien is paid off. The auditors said, hey that's great Cortland, but you need something in your codified ordinances authorizing us to do that and that's what this legislation is going to do. We won't need to come back to you with resolutions here and there. This will be a blanket approval going forward.

COUNCIL PRESIDENT PETROSKY – Excellent.

ROLL CALL ON O-27-19 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

ORDINANCE O-28-19 - An Ordinance amending Codified Ordinance No. 925.08 and authorizing the City of Cortland to place special assessments onto the Trumbull County Tax Records arising from unpaid sewer accounts was read and moved for first reading by Councilman Piros and seconded by Councilwoman Fleischer.

MAYOR WOOFER - So, the first one was water. This is the sewer.

ROLL CALL ON O-28-19 - Edwards, aye; Fleischer, aye; Keller, aye; Moore, aye; Petrosky, aye; Piros, aye; Rowley, aye. **ORDINANCE PASSED FIRST READING**

REPORTS:

FINANCE DEPT REPORT:

FINANCE DIRECTOR GIBSON – You have my reports. I have nothing else to report, but I'd be happy to answer any questions.

COUNCIL PRESIDENT PETROSKY – Other than on your report, you were talking about the amount of money you transferred to make a substantial amount of interest. Congratulations. That was a very good move.



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FINANCE DIRECTOR GIBSON – Thank you. We did that Insured Cash Sweep. I talked to the auditors about it when they were here and they said there were a lot of entities that do it and they do not have a problem with it.

COUNCIL PRESIDENT PETROSKY – That's awesome.

FINANCE DIRECTOR GIBSON – 2.4% interest is pretty good.

COUNCIL PRESIDENT PETROSKY – Yes it is.

POLICE DEPT REPORT:

POLICE CHIEF MORRIS – You should have my report. We have our MARCS radios up and running. They are great and easy to hear. We are glad to have them.

As you probably heard, we had an armed robbery this morning at Valley View. Hopefully we will capture this guy. His picture is out there on our Facebook page. Social media has blasted it out there so hopefully someone will recognize him and turn him in. Nobody was hurt, so that's the important thing.

COUNCIL PRESIDENT PETROSKY – Absolutely.

POLICE CHIEF MORRIS – I highly recommend, if you see something, to say something. We do know his intent was probably to rob another store nearby because he walked into the store but there was nobody behind the counter. We have video of that and then he walked out and went to Valley View. He is scoping the area; at least he was this morning. If you see something suspicious, call us and we can start heading that way. That's what I would ask the public to do as well.

COUNCILMAN MOORE - Was he in the car or walking?

POLICE CHIEF MORRIS – I can't reveal that at this point because it's part of our investigation.

COUNCIL PRESIDENT PETROSKY – I have two things. Congratulations to Officer Chris Hillier. He graduated from YSU with his Bachelor of Science degree in May.

Also, in your report was Car 43, it was also in the invoices of bills to be paid. It is a 2016. Is it doing okay?

POLICE CHIEF MORRIS – It's a 2016 Impala. I'd trade it in as fast as I could trade it in; however, it's a 2016 with, I think, 40,000 miles.

COUNCIL PRESIDENT PETROSKY – Yeah, it has really low mileage.



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POLICE CHIEF MORRIS – It doesn't have a lot of miles so we won't be getting rid of it in the near future, but I would like to.

COUNCIL PRESIDENT PETROSKY – Enough said.

FIRE DEPT REPORT:

(FIRE CHIEF REA ABSENT)

MAYOR WOOFER - Chief Rea will be back in service tomorrow.

COUNCIL PRESIDENT PETROSKY – Awesome. That's excellent.

MAYOR WOOFER - He will be on limited work duty, desk-type duties for a while. He will be here tomorrow.

COUNCIL PRESIDENT PETROSKY – Glad to have him back.

SERVICE DEPT REPORT:

(SERVICE DIRECTOR WITTMAN ABSENT)

MAYOR WOOFER – Service Director Wittman is on vacation.

COUNCIL PRESIDENT PETROSKY – Anything you'd like to say on his behalf?

MAYOR WOOFER – Nope. I hope he is having fun.

MAYOR'S REPORT:

MAYOR WOOFER – First thing, we just got notice of our health insurance increase. For the City of Cortland, what we are looking at right now is a 19% increase in our health insurance policy. That will cost about \$10,000 more per month with this increase. So, I called an Insurance Committee Meeting and had all our staff present as well. The Fire Chief wasn't there but we did have someone from the fire dept there. The Insurance Committee is made up of each individual from the perspective unions as well as myself, Patrick, Patti, and the other Dept Heads.

COUNCILMAN MOORE - And me.

MAYOR WOOFER – And Don from City Council. Thank you, Don. We met with these people we are looking at different avenues and hopefully try to save money by having individuals do something a little different. I'll refer to Patti now so she can refer to what we are doing here.



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FINANCE DIRECTOR GIBSON – It's called a MEWA – a Multiple Employer Welfare Agreement. It gets away for the Affordable Care Act and it's a large employer so instead of just one there could be...

MAYOR WOOFER – There are several entities that belong to this...

FINANCE DIRECTOR GIBSON – You could have 5,000 employees in this group instead of just our employees. The way it was in the old days, you had to have it medically... (INAUDIBLE). So, everybody has to fill out insurance forms all over again electronically. They sent me over the paperwork today to set up an HR account. We have everything ready. Chief, I'll give you yours tonight. The service dept. will pick up their packet tomorrow. The fire dept already has their packet. Some of us in the administrative office have already filled ours out. Even the employees that have declined coverage still need to go on their account and waive coverage. I think we have four of those. We are hoping that we will get a better rate. It's still an HSA. Everything is the same. It will go from Anthem to Medical Mutual. That is, as long as the rates come back decent. If they decide we are too unhealthy to insure, the rates will sky rocket and we will be back at square one.

MAYOR WOOFER – We are basically doing this as an experiment. The unions have agreed to talk to their people and have them fill out this information. It's not unlike the old days when you applied for health insurance and you had to physically fill out forms hand written with here is John Doe, and here is Jan Doe and all the family members, and here's their health and this is what's happened in the last couple years, etc. The insurance companies can look at this and determine how healthy of a group we are. If they feel we are a healthy group, and obviously we've had some issues because our rate is going up 19%, the MEWA group may determine that we aren't really so bad. The MEWA group is already 24% less than what we are using right now.

FINANCE DIRECTOR GIBSON – But that's a street rate. That is just a rate if all goes well.

COUNCILMAN MOORE - If everything is perfect.

MAYOR WOOFER – And it's not so they could come back and say we are going to give you a 15% increase. They are already 24% lower than what we are currently paying. Our current company wants to increase us 19%. So, we could possibly save the city some money by going with this MEWA group. At this point, it is a determination once everybody fills out these individual papers and has them turned in. Then they will be evaluated. This is going to happen pretty quickly.

FINANCE DIRECTOR GIBSON – I filled mine out. It is in depth. Just for a single person, myself, it took 30 minutes today.

MAYOR WOOFER – Really? It took that long?



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FINANCE DIRECTOR GIBSON – You have to list every health problem, any issue has to be on there, and the treatment, medication, your dosage... everything is on there.

COUNCILMAN MOORE – The deadline is Sept 1st. You didn't mention that yet but that is why time is of the essence. We are basically giving them a short period of time to get the answers done so we can get it in.

LAW DIRECTOR WILSON – Are we are still working through the same broker?

MAYOR WOOFER – Yes.

LAW DIRECTOR WILSON – I want to commend the Mayor and the Committee for including the unions. It's one of the things we always hear at negotiation time is that they are left out of these health insurance negotiations; so you are to be commended on bringing them in as we agreed on.

MAYOR WOOFER – Well, thank you. That came out in your last contract negotiations where we were to create a Health Insurance Committee and that's what we have been doing that. We have met 3 or 4 times this year, actually. This is the first meeting that we had any kind of information that we could share with them so they can actually see what kind of costs are going to be involved. Hopefully we will be able to save the city some money. This is going to be significant.

FINANCE DIRECTOR GIBSON – The agent came out and spoke with them so that was good. We are all on the same page here.

MAYOR WOOFER – Our agent is excellent. He is very knowledgeable, wouldn't you say, Don?

COUNCILMAN MOORE - Yes. I was impressed.

MAYOR WOOFER – I'm very happy with who we have right now representing us. As a reminder, Mosquito Spraying is July 24th unless it rains and then it will be the following day. Brush chipping is the week of July 22nd. Put your limbs and brush out at the curb on Sunday. That's all I have. Thank you.

NO COMMITTEE REPORTS

POLICE CHIEF MORRIS - Can I interject one second?

COUNCIL PRESIDENT PETROSKY - Sure.



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POLICE CHIEF MORRIS -With the lights flickering, I just got a 911 alert. That was a transformer that blew up in the area of Huntington Bank. There is no power in that area.

COUNCIL PRESIDENT PETROSKY - Thank you for the information. What about the traffic lights?

POLICE CHIEF MORRIS - I don't know. They should default to flash.

(INAUDIBLE ~ MULTIPLE CONVERSATIONS)

QUESTIONS OF COUNCIL FROM AUDIENCE:

KARI CLARK ~ 200 TOURNAMENT TRAIL

KARI CLARK – Hi. I'm Kari Clark. I was here two weeks ago and I was just following up. My friend and neighbor, Elaine Hofius, sent out these letters. I wanted to make sure you got it. If not, she gave a copy to me if I needed to read. I was wondering if anything was discussed about our flooding problem on Tournament Trail.

MAYOR WOOFER – I'll let you read that if you like but our Service Director responded to Elaine's email. He responded to myself and to our Council President with an official response on this. Before she reads that, several weeks ago, I talked to some people that brought this up to me at a face to face, off the record kind of a meeting. At that time, I suggested the Tournament Trail Board of Directors look at hiring an engineering company to look at your situation up there to determine what needs done. Having said that, I'll let our Council President, Deidre Petrosky, read Don's email response to Elaine Hofius's last email.

COUNCIL PRESIDENT PETROSKY – At first let me say, when she was speaking last time I indicated we would address this at our next Technical Review Committee Meeting which would have been this evening but our Service Director is out of town. So, we were unable to do that. You'll see in his response it will take some time. Let me read to you his response:

Official Response form Service Director Wittman:

- 1.) *The annexation of a parcel from one jurisdiction to another will not change the amount of storm water run-off generated.*
- 2.) *There has been no significant change to land use in the area surrounding the condos to dramatically increase storm water run-off.*
- 3.) *The run-off from SR5 that bypasses the ditches and storm sewers and adjacent parcels cannot be controlled by the city*
- 4.) *The City performed maintenance of the storm system on the west side of SR 5 from the newly annexed property. The plug is further downstream on SR5 which is outside the City.*
- 5.) *Walnut Run is a Receiving Water of the State.*



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COUNCIL PRESIDENT PETROSKY – This is what I was trying to explain last time indicating it was coming from north of the city from tributaries and everything up there.

Official Response form Service Director Wittman (continued):

The City does not have an easement or maintenance responsibilities. It flows along private property and is the responsibility of the property owners to maintain.

MAYOR WOOFER – That's Walnut Creek. We do not have easement for Walnut Creek. That is a state controlled by the Army Corp of Engineers. We are not allowed to be in there at all.

COUNCIL PRESIDENT PETROSKY – Some confusion lies with the fact that prior to the Army Corp really being stringent with their regulations, in the past the city had been able to go in and clean up some debris and shrubbery; but because they have become very stringent in enforcing their regulations we are no longer allowed to do that.

Official Response form Service Director Wittman (continued):

- 6.) *The storm sewer system in the Walnut Run Condos, including Walnut Run, is the responsibility of the homeowner's association.*
- 7.) *The overflowing of the storm sewers is an indication that there may be some sort of blockage. See No.6*

Unfortunately, the City cannot address the water issues on private property.

As you are aware, there is no quick fix to flooding. It will take some time to investigate. I will be willing to meet with the members of the association to discuss and offer technical assistance.

COUNCIL PRESIDENT PETROSKY – Don is an engineer. He is willing to come out and discuss that.

Official Response form Service Director Wittman (continued):

In the meantime, they (the condo association) need to investigate their own storm system to see if its functioning properly. From the outfalls to the creek, the catch basins to the downspout lateral and sump pump lines.

MAYOR WOOFER – So that gets back to my suggestion if the association would spend a few bucks and hire an engineering company, somebody like GPD or whoever you want. We can recommend several different engineering companies that can come in and look at the property to see what is there. It may cost the association \$2,000 to \$3,000, and I'm just throwing numbers out. It certainly could be very beneficial to the whole association and everyone's property values if you could get some type of



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engineering evaluation on the problem that's causing this. Now having said that, if it is a problem that is related to the city, then that gives you some teeth to come back to us and say... hey look, here is our problem... here is your problem, we need to get together and fix this. It is not the city's problem based on what Don is saying here but we are willing to work with you and try to figure out what we can do to help you.

KARI CLARK – I appreciate that.

MAYOR WOOFER – But I honestly feel you should hire an engineering company to come out and look at your situation. That would be coming from not just you personally but the whole association.

KARI CLARK – Right. Those pictures that I gave you, do you still have them?

MAYOR WOOFER – I have those on my desk.

KARI CLARK – I don't know if you already showed him.... but when the Service Director comes back can you make sure he sees them?

MAYOR WOOFER – He has seen them.

KARI CLARK – I agree with what you are saying but I keep reiterating just to make sure you understand its two problems. The creek is one problem and the coming from the north but then the west flooding. It is two separate problems. It happens at different times. It can be both or one or the other. I wanted to make sure I was making that clear.

MAYOR WOOFER – Yes. We understand that.

KARI CLARK – Thank you so much.

COUNCIL PRESIDENT PETROSKY – Thank you.

MAYOR WOOFER – I want to say I appreciate your problem. I really do. I would really like to see the condo association hire an engineering company to come in and assess and evaluate what the problem really is.

COUNCILMAN MOORE - Is Don sending that response in writing to the association?

MAYOR WOOFER – He sent it to myself and Deidre Petrosky.



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COUNCILMAN MOORE - He probably should send something in writing to the association that reiterates what he just said.

COUNCIL PRESIDENT PETROSKY – Very fine.

MAYOR WOOFER – We can do that.

KARI CLARK – Can I have a copy?

MAYOR WOOFER – What is your email address?

KARI CLARK – Karicc321@aol.com

MAYOR WOOFER – I'll forward that to you tomorrow.

KARI CLARK – Thank you. That way I can give it to the board instead of trying to remember everything.

MAYOR WOOFER – He is very specific in his email.

KARI CLARK –Yes.

MAYOR WOOFER – Just so you know when we annex property that's just paperwork. That doesn't change anything.

A motion to adjourn the meeting 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**

Meeting adjourned at 7:36 p.m.

CLERK OF COUNCIL PRO-TEMPORE

PRESIDENT OF COUNCIL