

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

MONDAY, AUGUST 17, 2020

6:00 P.M.

612 West Broad Street

CITY COUNCIL MEMBERS

Zachary Svette, Ward 1,
John Baryak, Ward 2
Lyle Waddell, Ward 3
Sandra Breymaier, Ward 4
Tarry Alberini, At-Large

MAYOR

Kenneth A. Kline

CITY MANAGER

David M. Lynch

LAW DIRECTOR

A. Joseph Fritz

CITY CLERK

Kathleen M. King

1. Call to Order
2. Pledge of Allegiance/Prayer
3. Roll Call
4. Special presentations by staff members or invited consultants
5. Public Comments (limited to those items as identified on the agenda)

6. Reports

Mayor
Council Members
Finance Director
Law Director
City Manager

Changes to tonight's agenda

7. Approval of Previous Minutes

July 6, 2020 - Regular Meeting

8. Public Hearings:

1. Ord. 2020-23: An Ordinance amending Ordinance 2016-14 amending collected income tax allocations.
2. Ord. 2020-24: An Ordinance amending Ordinance 2015-15 establishing administrative overhead cost allocations to the electric revenue fund, the water revenue fund, the sewer revenue fund and general fund.

9. Unfinished Business:

1. Ord. 2020-23: An Ordinance amending Ordinance 2016-14 amending collected income tax allocations.
2. Ord. 2020-24: An Ordinance amending Ordinance 2015-15 establishing administrative overhead cost allocations to the electric revenue fund, the water revenue fund, the sewer revenue fund and general fund.

10. New Business:

1. Res. 21-2020: A Resolution accepting the amount and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor.
2. Res. 22-2020: A Resolution of appreciation to Justin Davis and all the volunteers and businesses who participated in volunteering projects recently completed in the City of Newton Falls.
3. Res. 23-2020: A Resolution authorizing the City Manager to enter into an agreement with Shelly and Sands pursuant to their June 10, 2020 bid through the County Engineer for the First Street resurfacing project.
4. Motion: That any improvements or additions to any City park property must first go through the Park & Recreation Commission for their approval or denial and recommendation to City Council.
5. Motion: To schedule the first meeting in September for Tuesday, September 8, 2020 at 6:00 p.m. (City offices are closed on Monday for Labor Day Holiday)

11. Public Comments:

Charles Verbanic - proposal for City on property tax

12. Closing Remarks: Mayor, City Manager and Council

13. Motion to Recess into Executive Session (if necessary)

Move into executive session, by majority vote, for any of the following reasons with a motion and second.

- 1. Personnel Matters: To consider one or more, as applicable, of the marked items
 - Appointment
 - Employment
 - Dismissal
 - Discipline
 - Promotion
 - Demotion
 - Compensation
 - Investigation of charges/complaints (unless a public hearing is requested)
- 2. Purchase or Sale of Property
- 3. Pending or Imminent Court Action
- 4. Collective Bargaining Matters
- 5. Matters Required to be Kept Confidential
- 6. Security Matters (National Security)
- 7. Hospital Trade Secrets
- 8. Confidential Business Information of an Applicant for Economic Development Assistance
- 9. Veterans Service Commission Applications

14. Adjourn:

Newton Falls City Council met in Regular session on Monday, July 6, 2020 at 6:00 p.m. in Council Chambers. Mayor Kline, called the meeting to order following the Pledge of Allegiance. Mayor Kline gave the opening prayer.

ALSO, PRESENT:

David M. Lynch, City Manager; Kathleen M. King, City Clerk; Attorney A. Joseph Fritz; Anna Musson, Finance Director; Gene Fixler, Police Chief.

ROLL CALL:

Breymaier, Baryak, Svette, Alberini, Waddell

ABSENT:

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

Svette made a motion second by Waddell to move the Proclamation up to this time in the meeting.

**ROLL CALL: Baryak aye, Svette aye, Alberini aye, Waddell aye, Breymaier aye.
MOTION PASSED 5-0**

Mayor Kline presented the Proclamation of Recognition to Kalena Speicher and Bailey Shrum who were in attendance representing the Newton Falls High School Senior Class Valedictorians. Allison Sembach, Hanna Carden and Julie Coss were unable to attend but would receive their certificates in the mail. Also Salutatorian Elizabeth Nutter would receive a certificate.

PUBLIC COMMENTS:

Catie Karl, 128 West Quarry commented on Ordinance 2020-26 in reference to the AMI Project. She noted that this was changing the existing ordinance that people did a referendum petition on and even with the new ordinance this was still a three-million-dollar project.

Ed McLaughlin, 230 Elizabeth Street discussed Ordinance 2020-26 he asked if they were demand meters. He also questioned what these would save the customers.

Sara Hawkins, 17 East River felt Ordinance 2020-26 was presented to stop the petitions that had over 300 signatures. She felt this was telling the people Council did not care.

Bruce Moore, 348 E. Broad was shocked and appalled at the behavior of this Council. Council was to represent the people whatever their intentions and desires were. Mr. Moore felt Council was spending money we did not have, and Council conveniently ignored may issues.

Phil Beer, 509 Ravenna Road felt Council was doing the right thing. The people here tonight were not the whole city and Council needs to make up their mind on what is right for the city.

He also noted that Ohio Edison would have all their meters changed over by the end of this year to smart meters.

Jim Luonuansuu, 10 East Liberty Street also commented on Ordinance 2020-26. He said Ms. Breymaier campaigned on being a representative of the people and the Mayor campaigned he would listen to the people. Three Hundred people spoke on the petition. He felt the Mayor had the right to rule the Ordinance out of order because of the emergency. This was originally brought to Council in March then tabled until June. Why was this an emergency now. Mr. Luonuansuu felt this was dereliction of duty and also the Charter prohibited granting a franchise on anything to do with utility rates by emergency.

Dave Hanson, 4365 Warren Road felt it was time to move forward with the meters and modernize. If we waited until later, we would only pay more down the road. Mr. Hanson also stated that 98% of the people were scared of being bullied and will not say anything.

Brian Kropp, 247 Elizabeth Street and Ward 1 resident supported Ordinance 2020-25 and felt that would be an asset to our community.

Mr. Kropp stated in reference to Ordinance 2020-26 thought this was blatantly ignoring the will of the people.

Tim Stintson, 253 Arlington Road also supported Ordinance 2020-25.

In reference to the meters he asked if Council knew the cost of them meters versus the cost of regular meters. He also felt the cost of this project and the meters was too much money. Mr. Stintson said per the contract the installer could be paid up to \$43.30 per hour and we could do this ourselves for less. He encouraged Council to vote no.

Laura Neiheisel, 227 North Center Street said Council is voted in to represent their ward and make decisions for the City. Citizens legally have the right to place issues on the ballot to be voted on by everyone. By passing this ordinance as an emergency it is silencing their rights to vote. She asked Council to vote no.

REPORTS :

Alberini:

- Thanked everyone for coming to tonight's meeting.
- Treasury Investment Board met, and the City's rate of return is between 3.2% and 5%. It is a fallacy that the City is in bad shape. Our investments are strong, and he commended the member of the TIB board which included Mr. Haney, & Ms. Reimbold who years ago laid out the ground work to be fiscally conservative.

Mayor Kline:

- Had the opportunity to partake in the events at Liberty Park

LAW DIRECTOR:

Baryak said two weeks ago he asked for documentation on a court case the Law Director mentioned, and the three cases used for that opinion. He has still not received the information in writing.

Attorney Fritz said Mr. Baryak is making constant demands on him that are unprofessional and harassing. He has told him repeatedly that if three members of Council or the City Manager direct him, he will get the information to everyone.

FINANCE DIRECTOR:

Ms. Musson noted the Treasury Investment Board met and the current rate of the market is historically low for interest rates but because of our portfolio in government securities we actually see an increase in our funds. Our average rate of return is 5.09% which is phenomenal.

CITY MANAGER:

- We received reimbursement from the State for our Covid expenses from the CARES Act in the amount of \$63,000. This will cover the expenses of the Covid test kits and related expenses. We should not have to spend any of the money we transferred. He also thanked Gil Blair State Representative for his work on getting this funding approved.

Baryak said there has been a lot of publicity on the proclamation about statues. He asked who gave him permission to do this. Mr. Lynch said no one. Baryak said this could put the community in possible harm's way.

Alberini commended the City Manager. He said he has received comments from all over Ohio and they commend the City of Newton Falls for taking this step. The majority of people love it.

CHANGES TO TONIGHT'S AGENDA:

Baryak made a motion that City Council had to approve any proclamation. No second was made to the motion.

Svette made a motion seconded by Baryak to direct and require the City Manager to rescind the proclamation dated July 4, 2020 regarding accepting statues into the City of Newton Falls.

ROLL CALL: Svette aye, Alberini nay, Waddell aye, Breymaier nay, Baryak aye.

MOTION FAILED 3-2

Attorney Fritz noted that because this was not on the agenda it needed four votes to pass.

Svette made a motion seconded by Waddell to add an executive session to discuss the City Manager's review.

ROLL CALL: Alberini aye, Waddell aye, Breymaier aye, Baryak aye, Svette aye.

MOTION PASSED 5-0

APPROVAL OF PREVIOUS MINUTES:

Alberini made a motion seconded by Waddell to adopt the minutes from the June 15, 2020 Regular Meeting as submitted by the Clerk.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye, Svette aye, Alberini aye.
MOTION PASSED 5 - 0

Waddell made a motion seconded by Alberini to adopt the minutes from the June 24, 2020 Special Meeting as submitted by the Clerk.

ROLL CALL: Breymaier aye, Baryak aye, Svette aye, Alberini aye, Waddell aye.
MOTION PASSED 5-0

PUBLIC HEARINGS:

ORDINANCE 2020-17: An Ordinance amending Newton Falls Codified Ordinance Section 521.06 Duty to Keep Sidewalks in repair and clean, in order to expedite sidewalk maintenance by all property owners such as railroad or other commercial owners.

Mayor Kline opened the public hearing on this Ordinance.

Catie Karl, 128, West Quarry in the past the railroad properties have always been an issue. She asked how we would get them to pay and or get reimbursement from the railroad.

Rick Eby, 50 West 9th Street talked to the Roadmaster in Lordstown who said they would clean up under the underpasses and roads if someone called them.

After no further comments Mayor Kline declared this public hearing closed.

ORDINANCE 2020-18: An Ordinance amending Newton Falls Codified Ordinance Chapter 557 Weeds and Grass to include railroad and commercial properties.

Mayor Kline opened the public hearing on this Ordinance.

Catie Karl, 128 West Quarry was glad this was being updated and considered.

After no further comments Mayor Kline declared this public hearing closed.

UNFINISHED BUSINESS:

ORDINANCE 2020-17: An Ordinance amending Newton Falls Codified Ordinance Section 521.06 Duty to Keep Sidewalks in repair and clean, in order to expedite sidewalk maintenance by all property owners such as railroad or other commercial owners.

Svette made a motion seconded by Waddell to adopt this Ordinance.

Svette said he shared the concerns in reference to getting a payment from CSX. Attorney Fritz said the bottom line is if we have no ordinance, we can do nothing. He is not sure how they will take this. Sometimes they will negotiate with someone to do the work.

ROLL CALL: Breymaier aye, Baryak aye, Svette aye, Alberini aye, Waddell aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-18: An Ordinance amending Newton Falls Codified Ordinance Chapter 557 Weeds and Grass to include railroad and commercial properties.

Svette made a motion seconded by Alberini to adopt this Ordinance.

ROLL CALL: Baryak aye, Svette aye, Alberini aye, Waddell aye, Breymaier aye.
MOTION PASSED 5 – 0

NEW BUSINESS:

ORDINANCE 2020-22: An Ordinance accepting the annexation of 27.952± acres in Newton Township and Braceville Township, Trumbull County, Ohio to the City of Newton Falls and declaring an emergency.

Waddell made a motion seconded by Alberini to adopt this Ordinance.

Mr. Lynch explained that this was the Venture Plastic annexation and is the last piece of legislation needed.

ROLL CALL: Svette aye, Alberini aye, Waddell aye, Breymaier aye, Baryak aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-22: Was read by title for its second reading.

Waddell made a motion seconded by Alberini to adopt this Ordinance.

ROLL CALL: Alberini aye, Waddell aye, Breymaier aye, Baryak aye, Svette aye.
MOTION PASSED 5 – 0

Proclamation of Recognition of the Newton Falls High School Class of 2020 Valedictorians & Salutatorian was read at this time.

Svette made a motion seconded by Baryak to adopt this Proclamation.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye, Svette aye, Alberini aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-23: An ordinance amending Ordinance 2016-14 amending collected income tax allocation.

Alberini made a motion seconded by Waddell to adopt this Ordinance.

Baryak asked how much would be for roads now that this moves 1%.

Ms. Musson explained that this is moving 1% of \$762,000 to the Street Department. Roads money comes from the Permissive Tax.

ROLL CALL: Breymaier aye, Baryak aye, Svette aye, Alberini aye, Waddell aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-24: An ordinance amending ordinance 2015-15 establishing administrative overhead cost allocations to the Electric Revenue Fund, the Water Revenue fund, the Sewer Revenue fund, and General Fund.

Alberini made a motion seconded by Waddell to adopt this Ordinance.

Ms. Musson explained this modification would exclude things like grants and donations. This is more of a housekeeping change.

ROLL CALL: Baryak aye, Svette aye, Alberini aye, Waddell aye, Breymaier aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-25: An ordinance authorizing the lease of property located at 36 West Broad Street to Fieldview Acres Mercantile LLC operated by Tom and Tracy Colosimo and declaring an emergency.

Alberini made a motion seconded by Waddell to adopt this Ordinance.

Baryak asked if a deposit has been collected and if there was any liability for the City. Mr. Lynch said no deposit has been collected and he was correct we have no liability.

ROLL CALL: Svette aye, Alberini aye, Waddell aye, Breymaier aye, Baryak aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-25: Was read by title for its second reading.

Waddell made a motion seconded by Alberini to adopt this Ordinance.

ROLL CALL: Alberini aye, Waddell aye, Breymaier aye, Baryak aye, Svette aye.
MOTION PASSED 5 – 0

ORDINANCE 2020-26: An ordinance repealing ordinance 2020-10 and enacting ordinance 2020-26 authorizing the City Manager to enter into and execute a contract for an AMI Implementation Project with Gardiner Service Company LLC and declaring an emergency.

Alberini made a motion seconded by Waddell to adopt this Ordinance.

Alberini said he talked to several well-versed people on small meters and they along with O.E. believe this is the way to go for the future. The concern about batteries has been investigated and he did not feel this was an invasion of privacy. He said he would not vote on anything to hurt the City of Newton Falls or that he did not want himself. People in the electric industry say this is the way to go.

Mr. Lynch stated that these were not demand meters.

Waddell said First Energy in Pennsylvania now has all smart meters. You can save money on your utilities by monitoring the information.

He also said fires can happen just like they can with anything else but there are a lot of these meters in service. He also felt that this was a way for us to move forward.

Baryak asked if anyone has signed a contract or letter of intent. Mr. Lynch said no.

Baryak also asked why we needed to repeal the previous ordinance. In the past like with the church we just approved the changes. He asked if this was being done to stop the referendum. Mr. Lynch said that was not the purpose of the changes.

ROLL CALL: Waddell aye, Breymaier aye, Baryak nay, Svette aye, Alberini aye.

MOTION PASSED 4 – 1

ORDINANCE 2020-26: Was read by title for its second reading.

Alberini made a motion seconded by Waddell to adopt this ordinance.

ROLL CALL: Breymaier aye, Baryak nay, Svette aye, Alberini aye, Waddell aye.

MOTION PASSED 4 – 1

RESOLUTION 20-2020: A resolution authorizing the Finance Director to establish Capital Improvement and Debt Retirement Funds.

Alberini made a motion seconded by Svette to adopt this resolution.

Ms. Musson said this was housekeeping in order to follow State Auditors recommendations on tracking the bonds and retire the bond series.

ROLL CALL: Baryak aye, Svette aye, Alberini aye, Waddell aye, Breymaier aye.

MOTION PASSED 5 – 0

PUBLIC COMMENTS:

Catie Karl, 128 West Quarry stated we have a proud history in Newton Falls and have always been a town to help others, but the Proclamation was reprehensible. This statement was made by the City Manager on his own and has put a target on our backs and our community. Ms. Karl felt this jeopardized the safety of our community and was very serious. She also thought this was a breach of contract.

Laura Neiheisel, 227 Center Street said her personal opinion did not matter whether statues were kept or removed but she asked if we were prepared for protesters and the fallout. We did not need that here in our City.

Phil Beer, 509 Ravenna Road said he is angry with what is happening in this country. He agreed it was a good idea not to accept confederate statues. Tearing down statues does not erase history and we need to stand up and fight,

Elizabeth said this is not Chagrin Falls and we should spend money accordingly and in a more conservative way.

MaryAnn Johnson, 204 Newton Drive asked why the power kept going out two or three times every other week.

Brian Kropp, 247 Elizabeth Street congratulated Colosimos for their new business.

Mr. Kropp said Mayor Kline was elected by the people of the Village an to lead with integrity. Mr. Lynch was spending money without asking.

Mr. Kropp said to Mr. Lynch we are not a City, but a Village and we need to check egos at the door. How dare he risk the lives in the Village by his own actions. This casts a negative light on the Village by issuing a Proclamation he had no authority to do so.

Mr. Kropp stated Mr. Alberini's email address was still incorrect on the web site. And the Treasury Investment Board did not exist on the web site.

Mr. Kropp also stated Venture Plastics has not paid for the video the City produced.

Mr. Kropp asked for a copy of the last two evaluations that were to be done on the City Manager. If Council has not done the evaluations, they were all in dereliction of duty.

Jim Luonuansuu, 10 East Liberty questioned the Proclamation and why it was not voted on since it was a 3 to 2 vote. Attorney Fritz noted that in order to add it to the agenda it needed 4 votes. Luonuansuu commented on the Charter, Article 3, Section 9 Powers of Council and passage by simple majority.

Mr. Luonuansuu said 23% of the citizens that voted signed the petitions. By passing the ordinance tonight Council disenfranchised 23% of the voters. He said they had an attorney to stop the emergency ordinance and that they were circulating a referendum on the bonds.

Dave Hanson, 4365 Warren Road commented on people in attendance without masks. And commented on the acceptance of statues.

Tim Stintson, 253 Arlington Road a member of Park & Recreation Commission and no one came to the board about renaming the park. He felt Mr. Lynch was self-motivated and not good for the City.

Sara Hawkins, East Liberty expressed concern with the Proclamation in reference to statues and was concerned about the safety of the children and elderly.

Bruce Moore, 348 East Broad had serious concerns with the Proclamation and stated history written by victors many times was portrayed inaccurately. To do this Proclamation without the backing of the community put people at risk.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Baryak said he was voted to represent all the people to be inclusive not divisive. People will speak in November.

Waddell thanked Tom and Tracy Colosimo for bringing their business to town.

He agreed with Mr. Stintson that we need to use our committees as they are set up.

Waddell said he was not a big fan of a lot of statues. We are a small community not a big town and he was here to do what is best for our community.

He noted that a lot of complaints here tonight were to stir people up. The person with the petitions wants you to do his work. His petitions he circulated had only two signatures of family members on it.

In reference to the Law Director's contract the people with the referendum petitions will go out and spend \$185.00 to \$200.00 an hour to fight the legislation and with the new contract for the Law Director he is making \$32.21 an hour with healthcare. He said you can't find an attorney who will work for \$32.00 an hour. Most of the people fighting this don't know the facts. Several of the people circulating the petitions could not answer questions because they don't understand the legislation. Instead of fighting get the facts.

Alberini said it was ok to criticize and it was ok to disagree but encouraged it to be done without malice and hatred. If you listen to the false narrative before you know it the lie becomes the truth.

To Mr. Kropp the Clerk did send a link to fix the email and we thought it was working.

To Mr. Luonuansuu with 3,000 voters in Newton Falls 23% is almost ¼ of the votes. Citizens have the right to referendum, and he respected that right but asked that people not loose site of what is going on. If Council did a quarter of what they are accused of doing, we would all be in jail. Council receives about \$300 a month before taxes for serving on Council. This is a great community and he loves being in Newton Falls. Sometimes we have to agree to disagree. Alberini said he is not always right but his opinion is his, he asked that you respect his and he would respect yours.

Mayor Kline congratulated the Colosimo's on their new business. He thanked the individuals here tonight who were respectful. Conflict is a good thing if handled properly and everyone comes to a better conclusion. He asked that we respect each other, and we all have our own personalities. Everyone he knows is out for the best for our community. The things voted on that cost money in the long haul will save the City money.

MOTION TO RECESS INTO EXECUTIVE SESSION:

Alberini made a motion seconded by Baryak to adjourn into executive session at 8:05 p.m. to discuss personnel matters in reference to the City Manager.

Baryak asked to be excused from executive session due to a serious family problem.

ROLL CALL: Svette aye, Alberini aye, Waddell aye, Breymaier aye, Baryak aye.

MOTION PASSED 5 – 0

Svette made a motion seconded by Waddell to adjourn the executive session and reconvene at 8:38 p.m.

ROLL CALL: Alberini aye, Waddell aye, Breymaier aye, Svette aye.

MOTION PASSED 4 – 0

ADJOURN:

After no further comments or questions Svette made a motion seconded by Alberini to adjourn at 8:38 p.m.

ROLL CALL: Waddell aye, Breymaier aye, Svette aye, Alberini aye.

MOTION 4 – 0

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

ORDINANCE 2020-23

**AN ORDINANCE AMENDING ORDINANCE 2016-14 AMENDING
COLLECTED INCOME TAX ALLOCATIONS**

*(Sponsored by Mayor Kline, Ward 1 Councilman Zachary Svette, Ward 3 Councilman
Lyle Waddell, Ward 4 Councilman Sandra Breymaier, at-large Councilman Tarry
Alberini)*

WHEREAS, The City of Newton Falls has previously established an Ordinance to allocate the income tax funds collected during the fiscal year; and

WHEREAS, The present allocation in the amount 1% to Future Building Fund is no longer required; and

WHEREAS, City Council deems it necessary and in the best interest of the City to amend the existing 1% Building Fund to the Street Construction, Maintenance and Repair Fund.

THE COUNCIL OF THE CITY OF NEWTON FALLS, STATE OF OHIO,
HEREBY ORDAINS:

Section I: The Income Tax Collections shall be allocated beginning June 1, 2020 and thereafter as follows:

80 % General Fund
~~10.5% Street Construction, Maintenance and Repair Fund~~
11.5 % Street Construction, Maintenance and Repair Fund
5 % Capital Improvement Fund
1.5 % Parks and Recreation Fund
~~1% Building Fund~~
2 % General Fund Reserve Fund

Section II: Any ordinances or parts of ordinances in conflict with the context of this ordinance are hereby repealed.

Section III: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the citizens of the City of Newton Falls the reason for the emergency is to meet all financial obligations.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2020

Mayor, Kenneth Kline

ATTEST: _____
Clerk of Council

ORDINANCE 2020-24

AN ORDINANCE AMENDING ORDINANCE 2015-15 ESTABLISHING ADMINISTRATIVE OVERHEAD COST ALLOCATIONS TO THE ELECTRIC REVENUE FUND, THE WATER REVENUE FUND, THE SEWER REVENUE FUND AND GENERAL FUND.

(Sponsored by Mayor Kline, Ward 1 Councilman Zachary Svette, Ward 3 Councilman Lyle Waddell, Ward 4 Councilman Sandra Breymaier, at-large Councilman Tarry Alberini)

WHEREAS, The City Council of the City of Newton Falls established a fair and equitable methods for determining administrative support services for the Electric Revenue Fund, the Water Revenue fund and the Sewer Revenue fund; and

WHEREAS, The Finance Director has followed the overhead cost allocation plan approved by Council in 2015; and

WHEREAS, In order to clarify the allocations the following amendment is needed.

COUNCIL FOR THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY ORDAINS:

SECTION I: Newton Falls City Council hereby amends Ordinance 2015-15 effective retroactive to January 1, 2020 to include the following:

Section VIII: The cost allocations exclude donations, grants and reimbursements for expenditures made in the General Fund that cover those expenses.

SECTION II: The remainder of Ordinance 2015-15 shall remain intact.

SECTION III: Any Ordinance or parts of Ordinances in conflict with the context of this ordinance are hereby repealed.

PASSED IN COUNCIL THIS _____ DAY OF AUGUST 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

RESOLUTION 21-2020
(Sponsored by: City Manager)

**A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

WHEREAS, The Council of the City of Newton Falls in accordance with the provisions of Section 5705.281 R.C., previously provided the Alternative Tax Budget Information for the succeeding fiscal year commencing January 1, 2021; and

WHEREAS, The Budget Commission of Trumbull County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten-mill limitation.

NOW THEREFORE THE COUNCIL OF THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY RESOLVES:

SECTION I: The Council of the City of Newton Falls, Trumbull County, Ohio, resolves that the amounts and rates, as determined by the Budget commission in its certification, be and the same are hereby accepted.

SECTION II: That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as shown on "Exhibit A" attached hereto as if fully rewritten herein.

SECTION III: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the county Auditor of Said County.

PASSED IN COUNCIL THIS 17th DAY OF AUGUST 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council, Kathleen M. King

**RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

The Council of the City of NEWTON FALLS, TRUMBULL
County, Ohio, met in _____ session on the _____ day of _____,
20____, at the office of _____ with the following members
present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council, in accordance with the provisions of Section 5705.281 R.C., previously provided the Alternative Tax Budget Information for the next succeeding fiscal year commencing January 1, 2021; and

WHEREAS, The Budget Commission of TRUMBULL County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill limitation; therefore, be it

RESOLVED, By the Council of the City of NEWTON FALLS, TRUMBULL County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10M. Limitation	County Estimate Rate to be	Auditor's of Tax Levied
			Inside 10 M. Limit	Outside 10M. Limit
	Column I	Column II	Column III	Column IV
General Fund (includes County Health)	130,565 58		2.05* 0.15	
Road and Bridge Fund				
Cemetary Fund				
Lighting Fund				
Police Pension Fund	17,953		0.30	
Fire District Fund				
Road District Fund				
Park Levy Fund				
Miscellaneous Funds (Fire Equipment)				
Amb. & Emergeny Medical Services Fund				
General (Note) Bond Retirement Fund				
Twp. Motor Vehicle License Fund				
Special Levy Fund				
Capital Equipment Fund				
Permanent Improvement Fund				
Total	148,576	0	2.50	0.00

Tangible Reimbursement from State
Total

0
148,576

TOTAL MILLAGE

2.50

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to be levied	County Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
------	--	--

General Fund:

Current Expense Levy authorized by voters on
not to exceed 5 years

Special Levy Funds:

Levy authorized by voters on

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of Said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

Adopted the _____ day of _____, 20_____.

President of Council

Clerk of Council

**CERTIFICATE OF COPY
ORIGINAL ON FILE**

The State of Ohio, TRUMBULL County, ss.

I, _____, Clerk of the Council of the City of
NEWTON FALLS, within and for said County, and in whose custody the Files
and Records of said Council are required by the laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original of _____

now on file, that the foregoing has been compared by me with said original document, and that the same is a
true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20_____.

Clerk of Council

NEWTON FALLS, City.

1. A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R.C. or at such later date as may be approved by the Board of Tax Appeals.

State of Ohio
COUNTY CLERK
20 | 20 |

RESOLUTION 22-2020

**A RESOLUTION OF APPRECIATION TO JUSTIN DAVIS AND ALL THE
VOLUNTEERS AND BUSINESSES WHO PARTICIPATED IN VOLUNTEER
PROJECTS RECENTLY COMPLETED IN THE CITY OF NEWTON FALLS.**

*(Sponsored by Mayor Kline, Ward 1 Councilman Zachary Svette, Ward 2 Councilman John Baryak, Ward
3 Councilman Lyle Waddell, Ward 4 Councilman Sandra Breymaier, at-large Councilman Tarry Alberini
and City Manager David Lynch)*

WHEREAS, On August 1, 2020 Justin Davis coordinated and organized volunteers to work on several projects to beautify and enhance areas in the City of Newton Falls; and

WHEREAS, Justin along with several other volunteers toured the City and chose projects that they wanted to work on to make the City a place to be proud to call home; and

WHEREAS, Projects included the Ridge Road tunnel, Veteran's Falls stairs and railings, Elizabeth Street Park, 6th Street Park, First Street posts and painting basketball hoop backboards; and

WHEREAS, Justin created a list of projects and work to be completed along with what tools and supplies were needed, posted the projects to be tackled and coordinated volunteers for each project to be worked on; and

WHEREAS, Several businesses participated and helped the volunteers by providing food and supplies which included; Shop N Save provided donuts, Big D's Newton Grill cooked lunch, Bob's Tree Service donated 12 yards of mulch; and

WHEREAS, The Newton Falls City Council would like to thank Justin Davis and everyone who participated in any way to help make this volunteer day a success. City Council knows that this effort took more than one person to accomplish but it is not possible to list all the individual volunteers who worked on these projects and/or made a donation to help however, the City would like to let everyone know we appreciate everyone for their time and involvement in this venture.

COUNCIL FOR THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY RESOLVES:

SECTION I: Newton Falls City Council with this Resolution would like to acknowledge and thank Justin Davis for stepping up and taking the lead in promoting positivity and beauty throughout the City and also acknowledge all the volunteers and businesses listed in "Exhibit A" attached hereto as if fully rewritten herein who helped make the City of Newton Falls a place to be proud of and call home.

SECTION II: Newton Falls City Council recognizes the effort, time and determination involved to get these projects completed.

SECTION III: Newton Falls City Council urge everyone in joining them in honoring them on the outstanding work accomplished.

PASSED IN COUNCIL THIS 17TH DAY OF AUGUST, 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk, Kathleen M. King

EXHIBIT A – RESOLUTION 22-2020

Shop N Save	Mark Stimpert
Big D's Newton Grill	Marilyn Waddell
Bob's Tree Service	Lyle Waddell
D&M Construction	Tarry Alberini
Melanie Newbrough	Missy Scott
Robin McLaughlin	Fred Hukari
Dan McLaughlin	Jamie Waltermire
Matt Evans	Jana Strock
Chris Fernandez	Eric – not sure of last name
Matt Nemet	Phil – not sure of last name
CJ Shelton	Dave Davis
Lacey Hacker	Nancy James
Ron Hacker	John Nemet
Bill George	Jill Powell
Randy Grunder	Brent Powell
Rachel Mattozzi	Jamie Kolacz
Jack Withrow	Kim Kolacz
Jackson Withrow	John Richards
Zach Svette	Jacky Young
Taryn Georgalas	Jen Zimomra
Ryan Rabel	Jim Zimomra
Courtnie Georgalas	Tracy Colosimo
Molly Howard	Tom Colosimo
Simeon Howard	Judy Hood
Christene Stinson	Pat Bryner
Jimmy Hogue	Patricia Benetis
Anthony Kline (plus his two daughters)	Blane Cox
Sandi Gorvet (plus her son and daughter)	
Frank Spano	
Cole Marquette	
Ian King	
Blayne Mann	
Joey Gossick	
Nick Lampman	
Nick Henle	
Ethan Lingo	
Drew Montgomery	
James Whisonant	
Konner Keas	
Zach Selman	
Nick Brown	
Alex Stinson	
Zach Stinson	
Shirley & Ron Raeburn in memory of Cindy Lyons Babyak	

RESOLUTION 23-2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SHELLY AND SANDS PURSUANT TO THEIR JUNE 10, 2020 BID THROUGH THE COUNTY ENGINEER FOR THE FIRST STREET RESURFACING PROJECT.

(Sponsored by Ward 3 Councilman, Lyle Waddell)

WHEREAS, The residents of Ward 2 deserve the respect and consideration reflected in updating the single largest road surface Ward 2 as soon as possible at the lowest cost; and

WHEREAS, The City of Newton Falls has contracted with Shelly & Sands Inc. to perform road work on various street in the City of Newton Falls; and

WHEREAS, The Trumbull County Engineer's office, acting as the bidding agent on behalf of the City of Newton Falls sent a letter to the City of Newton Falls indicating Shelly & Sands was the low bidder for the Newton Falls Road project for 2020;

WHEREAS, Since the Trumbull County Engineer's office bid out the 2020 road project the Ohio Public Works Commission has approved our application submission for the First Street Mill and Fill road resurfacing project; and

WHEREAS, The Ohio Public Works Commission application for the First Street Mill and Fill road resurfacing project was not included in the previous bid specifications; and

WHEREAS, The current contract between the City of Newton Falls and Shelly & Sands Inc. contains a provision that allows any extra work to be undertaken pursuant to the county bid contract, without any caps or limitations; and

WHEREAS, The Charter Article VIII. Section 3 allows for modification of contracts when certain conditions exist; and

WHEREAS, The present Corona Virus and the subsequent reduction of tax revenue has placed some City services in temporary economic stress and the contract modification will save the City significant monies; and

WHEREAS, The Newton Falls City Council authorizes the City Manager to amend the contract with Shelly & Sands Inc. and add the First Street Mill and Fill project to the scope of work in general compliance with the unit bid originally submitted by Shelly & Sands; and

WHEREAS, Newton Falls City Council feels that the amendment to the contract will save time and money by using resources available to the City.

COUNCIL FOR THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY RESOLVES:

SECTION I: Newton Falls City Council hereby authorizes the City Manager to amend the current contract with Shelly & Sands Inc. to include the First Street Mill & Fill Road Resurfacing Project approved by the Ohio Public Works Commission.

SECTION II: Newton Falls City Council acknowledges that the bid specifications agreed to in the current contract for the Newton Falls Road projects for 2020 and the unit bid price will remain the same as contained in the contractors public bid.

SECTION III: Newton Falls City Council acknowledges the current financial situation creates an emergency for the preservation for the public peace, health, welfare, or safety of the City.

PASSED IN COUNCIL THIS 17TH DAY OF AUGUST, 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King