

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

MONDAY, OCTOBER 5, 2020

6:00 P.M.

612 West Broad Street

CITY COUNCIL MEMBERS

Adam Zimmermann, 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

Jessica Williams, Child Welfare Supervisor, of Trumbull County Children Services

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

September 21, 2020 - Regular Meeting

8. Public Hearings:

1. Ord. 2020-27: Amending Ord. 2001-19 Utility Appeals Billing Appeals Review Board Newton Falls Codified Ord. Chapter 140.
2. Ord. 2020-28: An Ord. rezoning specific lots from R-1 District to I-Industrial.

9. Unfinished Business:

1. Ord. 2020-27: Amending Ord. 2001-19 Utility Appeals Billing Appeals Review Board Newton Falls Codified Ord. Chapter 140.
2. Ord. 2020-28: An Ord. rezoning specific lots from R-1 District to I-Industrial.

10. New Business:

1. Ord. 2020-29: An Ordinance rezoning specific lots on Arlington Rd. in the City of Newton Falls.
2. Ord. 2020-30: An Ordinance amending Ordinance 2019-32 vacating a portion of West Liberty.
3. Motion: To amend Council Rules 121.03 (k) Order of Business to allow public comments on any subject. (remove: limited to those items as identified on the agenda)(Waddell)
4. Motion: To amend Council Rules 121.03 to include Public Comments after New Business at Regular Meetings and after "Motion to recess to Executive Session (if necessary)" at Special Meetings, limited to three (3) minutes. (Baryak)
5. Motion: To assign Councilman Zimmermann to the Council Committees previously held by Councilman Svette.

11. Closing Remarks: Mayor, City Manager and Council

12. 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

13. Adjourn:

Newton Falls City Council met in Regular session on Monday, September 21, 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:

Waddell, Breymaier, Baryak, (Ward 1 seat vacant)

ABSENT:

Alberini

Waddell made a motion seconded by Breymaier to excuse Alberini from tonight's meeting.

ROLL CALL: Breymaier aye, Baryak aye, Waddell aye.
MOTION PASSED 3 - 0

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

Chief Fixler introduce the new K-9 dog Kato and Officer Lyden. Judge Vigorito swore in K-9 officer Kato.

Waddell made a motion seconded by Breymaier to add to the agenda Resolution 25-2020, 26-2020 and 27-2020 and read them at this time.

ROLL CALL: Baryak aye, Waddell aye, Breymaier aye.
MOTION PASSED 3 - 0

RESOLUTION 25-2020: A RESOLUTION OF CONGRATULATIONS TO TOM IVANY, ON DEMAND COUNSELING UPON THE OPENING OF ITS NEW OUTPATIENT CENTER HERE IN NEWTON FALLS.

Waddell made a motion seconded by Baryak to adopt this Resolution.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye.
MOTION PASSED 3 - 0

RESOLUTION 27-2020: A RESOLUTION OF CONGRATULATIONS TO ROY CLIFFORD CLONCH SR. ON HIS 80TH BIRTHDAY, SEPTEMBER 19, 2020.

Waddell made a motion seconded by Breymaier to adopt this Resolution.

ROLL CALL: Breymaier aye, Baryak aye, Waddell aye.
MOTION PASSED 3 - 0

RESOLUTION 26-2020: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH XPRESS UNDERGROUND, INC. FOR THE MEDLEY AVENUE SANITARY SEWER (LTCP - PHASE 4 - PART A) OHIO PUBLIC WORKS PROJECT.

Baryak made a motion seconded by Waddell to adopt this Resolution.

Baryak asked how much of this project was paid for by grants. Mr. Lynch state this is a ten-year loan at 0% interest. Ms. Musson explained the OPWC funding and the local share funding.

Baryak asked about the city debt. Ms. Musson stated we have not reached our debt limit and are financially stable.

ROLL CALL: Baryak aye, Waddell aye, Breymaier aye
MOTION PASSED 3 - 0

PUBLIC COMMENTS:

Brenda Persino, 226 Oak Knoll commented on the motion to restore public comments at the end of the meeting. She felt that the comments at the end of the meeting were very important for people to get a chance to speak and hoped Council would reconsider.

Sarah Hawkins, 17 East thanked Council for putting the motion on to open the beginning public comments to more than what was on the agenda but felt there should be public comments at the end of the meeting also.

Phil Beer, 509 Ravenna Road stated he did not have a problem with public comments but when people in the audience get out of hand that is not what this is all about. This is a business meeting and we should act civil. Council can always make the change to put comments back on if they choose. He also stated public comments was not a pulpit for campaign.

Brian Kropp, 247 Elizabeth Street said it was off putting that three Resolutions were added tonight and not on the agenda.

Mr. Kropp commented on 2020-27 in reference to utility appeals. He asked why the City Administration and Law budgets were over and why the City Administration had three hours in overtime. He formally requested an itemized list of credit card expenses.

Mr. Kropp also asked about the Finance report and the return on investments.

Mr. Kropp did not agree with the motion on the agenda to remove the restrictions on the first public comments. He stated the beginning comments should remain as they are now, and the last public comments are still in place because they are in the Code of Ordinances. He asked Council to vote no on motion number four.

Tesa Spletzer, 220 Ashlynn Court commented on Ordinance 2020-27 noting that the Mayor's name was incorrect. She commented that the City Manager may have caught that mistake if he had not been getting public records on her from the school.

REPORTS :

Baryak:

- Unable to attend the Utility Review Board meeting.

Waddell:

- Had the opportunity to attend the Washington D.C. fly in last week. He briefed Council and the public on, the speakers, topics and discussions.
- Attended the COG meeting, On-Demand open house, and the EMA Executive Committee where they discussed expenditures during emergencies.

Breymaier:

- Park & Rec meeting is tonight where the Finance Director will be discussing the proposed pickle ball court.

FINANCE DIRECTOR:

Nothing to report at this time.

Baryak asked if she had a chance to work on the figures to give the businesses a 30% discount. Ms. Musson said that would be discussed with the Finance Committee and no meeting has been scheduled.

LAW DIRECTOR:

Nothing at this time.

CITY MANAGER:

- Last week four out of five days we had power outages. All outages were short in length and isolated geographically. Our Electric Department has one of the lowest outage times in the State of Ohio.
- Also last week we had a chlorine leak at the Water Plant. The plant was evacuated and there was no danger to the public. The leak was handled expediently by our Water Plant Superintendent and the Fire Department.

➤ Attending the ICMA conference this week by Zoom meeting.
Baryak asked about Zoom meetings for Council and if the next meeting would be by Zoom. Mr. Lynch said that would be up to Council to make that determination.

Baryak stated that months ago the Law Director said it was a First Amendment right and was all for open meetings. He suggested we keep the meetings to ten people like the Health Department recommendations and take temperatures when they come. He also asked about insurance liability. Mr. Lynch explained that it was suggested we might have some liability issues. At this time Attorney Fritz advised that this should be discussed in executive session under pending/imminent court action. Baryak noted that other entities such as Warren were reopening.

CHANGES TO TONIGHT'S AGENDA: None at this time.

APPROVAL OF PREVIOUS MINUTES:

Waddell made a motion seconded by Breymaier to adopt the minutes from the September 8, 2020 Regular Meeting as submitted by the Clerk.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye.
MOTION PASSED 3 - 0

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

ORDINANCE 2020-27: AN ORDINANCE AMENDING ORDINANCE 2001-19 UTILITY BILLING APPEALS REVIEW BOARD NEWTON FALLS CODIFIED ORDINANCE CHAPTER 140.

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

Baryak explained that if you have an appeal and get a ruling you cannot come back to the board with the same issue for a year.

Attorney Fritz explained that the Charter allows for this board to try to resolve utility billing issues. What has been happening is people get an answer from the board, are not happy with the answer, and refile.

ROLL CALL: Breymaier aye, Baryak aye, Waddell aye.
MOTION PASSED 3 - 0

ORDINANCE 2020-28: AN ORDINANCE REZONING SPECIFIC LOTS FROM R-1 RESIDENTIAL DISTRICT TO I-INDUSTRIAL.

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

Attorney Fritz explained that when property is annexed into the City it automatically comes in as residential. Because of the area involved and the current land use the Planning & Zoning Commission is recommending this area be rezoned to Industrial.

ROLL CALL: Baryak aye, Waddell aye, Breymaier aye.
MOTION PASSED 3 - 0

Waddell made a motion seconded by Breymaier to accept the Finance Department August monthly report, and attachments as presented.

Ms. Musson reviewed the August report and responded to questions asked earlier.

- The graph of investments is just a benchmark not our actual rate of return. Our return is over 5%.
- Overtime in the City Manager's office is for the Clerk who receives overtime for evening meetings such as this Council meeting, Planning & Zoning, Civil Service.
- The budget sheets show a statement of cash position. The City is financially stable. The Administration/Law/Finance budgets at the end of August have not been adjusted with the cost allocations which will be done at the end of September. Additionally we have had an unprecedented year with the Covid expenses. We have received approximately \$63,000 and \$23,000 for those expenses. All the Covid expenses are out of the Administrative budget for tracking purposes.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye.
MOTION PASSED 3 - 0

Waddell made a motion seconded by Breymaier to amend Council Rules 121.03 (k) Order of Business to allow public comments on any subject. (remove: limited to those items as identified on the agenda)

Waddell stated after talking to citizens this is a compromise, he feels would allow the public to speak on any subject without limits. In addition they still get to speak at public hearings on specific ordinances.

Baryak said his motion is next to restore full public comments. He supports the people's right to speak.

ROLL CALL: Breymaier aye, Baryak nay, Waddell aye.
MOTION FAILED 2 - 1

Baryak withdrew motion number five listed on the agenda at this time.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Baryak again stated he did not know why we were discussing zoom meetings when everyone else was opening up. We should take temperatures and let people in. He felt zoom would be harder for the public to weigh in.

Waddell stated the Baryak wants to discuss this issue in the public when we should be discussing it in executive session. Waddell said he would like to hear from the insurance company and health department.

MOTION TO RECESS INTO EXECUTIVE SESSION:

Waddell made a motion seconded by Breymaier to adjourn into executive session at 7:12 p.m. for the purpose of personnel matters in reference to the vacant council position and pending or imminent court action.

ROLL CALL: Baryak aye, Waddell aye, Breymaier aye.
MOTION PASSED 3 - 0

Councilman Alberini arrived at 7:13 p.m.

Baryak made a motion seconded by Alberini to adjourn the executive session and reconvene the meeting.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye, Alberini aye.
MOTION PASSED 4 - 0

Alberini made a motion seconded by Breymaier to appoint Adam Zimmerman to the vacant Ward 1 Council seat.

Alberini and other members agreed all applicants for the vacancy were great candidates.

Waddell agreed and felt this appointment should look unanimous and be a unanimous vote.

ROLL CALL: Alberini aye, Waddell aye, Breymaier aye, Baryak aye.
MOTION PASSED 4 - 0

ADJOURN:

After no further comments or questions Waddell made a motion seconded by Alberini to adjourn at 7:43 p.m.

ROLL CALL: Waddell aye, Breymaier aye, Baryak aye, Alberini aye.
MOTION 4 - 0

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

ORDINANCE 2020-27

AN ORDINANCE AMENDING ORDINANCE 2001-19 UTILITY BILLING APPEALS REVIEW BOARD NEWTON FALLS CODIFIED ORDINANCE CHAPTER 140.

(Sponsored by: City Manager David Lynch)

WHEREAS, Ordinance 2001-19 establishes a Utility Billing Appeals Review Board Review for the purpose of hearing appeals from any person aggrieved by a decision of the Utility Department; and

WHEREAS, Ordinance 2001-19 authorizes the Utility Billing Appeals Review Board to adopt its own procedural rules and to keep records of its transactions,

WHEREAS, the Utility Billing Appeals Review Board has proposed amending the Board's procedural rules, and

WHEREAS, City Council has reviewed and accepts the amendments to be in the best interest of the Citizens of Newton Falls.

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

Section I: Newton Falls City Council hereby amends Section 140.04 Decisions to include Section B:

(A) The Utility Billing Appeals Board of Review may affirm, reverse, or modify the Utility Department or duly authorized employee's decision on any part of that decision. The Utility Billing Appeals Review Board shall issue a decision on the appeal within sixty (60) days of the hearing. The Utility Billing Appeals Review Board shall notify the aggrieved party by ordinary mail within fifteen (15) days after issuing the decision.

(B) Once the Utility Billing Appeals Board of Review hears an appeal the aggrieved party cannot appeal the board on the same factual issue in a 12-month period.

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

SECTION III: The Remainder of Ordinance 2001-19 shall remain intact

PASSED IN COUNCIL THIS _____ DAY OF _____ 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

ORDINANCE 2020-28

**AN ORDINANCE REZONING SPECIFIC LOTS FROM
R-1 RESIDENTIAL DISTRICT TO I-INDUSTRIAL.
(Sponsored by Ward 4 Council Representative Sandra Breymaier)**

WHEREAS, Ordinance 95-31 established zoning regulations for the City of Newton Falls and as part of these regulations the City was divided into zoning districts and a zoning map was drawn up; and

WHEREAS, The City of Newton Falls recently annexed 27.952± acres of territory from Newton Township and Braceville Township; and

WHEREAS, The Planning & Zoning Commission reviewed the area currently zoned R-1 (Residential) properties; and

WHEREAS, The Planning & Zoning Commission has determined that the economic, physical, or social nature within the area involved and the basic characteristic of such area, in order to conform to the City's comprehensive plan should be rezoned; and

WHEREAS, The Planning and Zoning Commission recommend the annexed properties be rezoned to I – Industrial; and

WHEREAS, The Newton Falls City Council has reviewed the Planning and Zoning Commission recommendations and is in full agreement.

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

SECTION I: City Council and Planning & Zoning Commission find that the basic characteristic of the area both physical or social in nature in order to conform with the City's comprehensive plan should be rezoned.

SECTION II: All lots currently zoned R-1 (Residential) shown on "Exhibit A" attached hereto and made a part hereof, are hereby rezoned to I - Industrial District.

SECTION III: The remainder of Ordinance 93-51 shall remain intact.

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

PASSED IN COUNCIL THIS 5th DAY OF OCTOBER 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council

Description of 27,952 acre annexation to Newton Falls, Ohio

Situated in the State of Ohio, County of Trumbull, located in the Township of Braceville, Section 23 of Township 4, Range V and in the Township of Newton, Section 3 of Township 3, Range V, all of the Connecticut Western Reserve and further described as follows;

Commencing in the centerline of right of way of Ravenna-Warren Road (Old State Route 5, 60.00 feet wide) at the intersection with the centerline of the Ohio Turnpike (Interstate Route 80) as shown on the Plat of Highway Centerline Survey recorded in plat volume 11, page 83 of the Trumbull County Recorder's Office;

Thence along the centerline of right of way of Ravenna-Warren Road, South 58 degrees, 51 minutes, 07 seconds West, 786.66 feet to the northwesterly corner of land deeded to David N. Hanson in instrument 201610280019841 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Number 67-000013) and a corner of the corporation boundary of Newton Falls as annexed by Trumbull County Commissioner's Resolution dated August 23, 2017 in instrument number 201810290021282 of the Trumbull County Recorder's Office, also being the northeasterly corner of land deeded to Kenmar Land Company, Ltd. in instrument 201610280019839 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Number 54-042300) and the Place of Beginning.

Thence along the westerly line of David N. Hanson's land and the corporation line of Newton Falls, South 31 degrees, 08 minutes, 53 seconds East, 912.03 feet to the northerly right of way line of CSX Transportation Inc. by Certificate of Merger of The Chesapeake and Ohio Railway Company, formerly the Baltimore & Ohio Railroad Company, effective September 2, 1987, 66.00 feet wide (Trumbull County Auditor's Parcel Number 68-000002), at the southwest corner of David N. Hanson's land and the southeasterly corner of Kenmar Land Company, Ltd.'s land (Trumbull County Auditor's Parcel Number 67-000001), being a corner in the corporation line of Newton Falls;

Thence along the northerly right of way line of CSX Transportation Inc. and the corporation line of Newton Falls, South 70 degrees, 51 minutes, 23 seconds West, 1469.48 feet to a point of curvature;

Thence continuing along the northerly right of way line of CSX Transportation Inc. and the corporation line of Newton Falls, along the arc of a curve deflecting to the left 234.06 feet, said curve having a radius of 1845.61 feet, a central angle of 07 degrees, 15 minutes, 58 seconds, and a chord which bears South 67 degrees, 13 minutes, 24 seconds West for 233.90 feet to the southwest corner of lands deeded to David N. Hanson as parcel 6 in official record volume 1034, page 332 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Number 54-273554), also being the easterly line of land deeded to Raymond L. Lutz and Carol M. Lutz in instrument 201312230030096 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Number 51-154700) where the right of way of CSX Transportation Inc. transitions from 66.00 feet wide to 100.00 feet wide and a corner in the corporation line of Newton Falls;

Thence along the transition in the northerly right of way of CSX Transportation Inc. and continuing along the easterly line of Raymond L. and Carol M. Lutz's land, North 27 degrees, 50 minutes, 10 seconds West, 573.30 feet to the centerline of right of way of Ravenna-Warren Road;

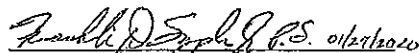
Thence along the centerline of Ravenna-Warren Road, North 58 degrees, 51 minutes, 07 seconds East, 705.13 feet to the southeasterly corner of land deeded to Teresa L. Young in instrument 200901050000188 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Number 54-028400) and a corner in the corporation line of Newton Falls at the southwesterly corner of land deeded to David N. Hanson as parcel 17 in official record volume 1034, page 332 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Number 67-000012);

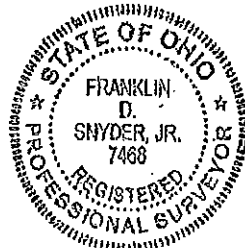
Thence continuing along the centerline of Ravenna-Warren Road, along the corporation line of Newton Falls, North 58 degrees, 51 minutes, 07 seconds East, 930.51 feet to the Place of Beginning and containing 27.952 acres.

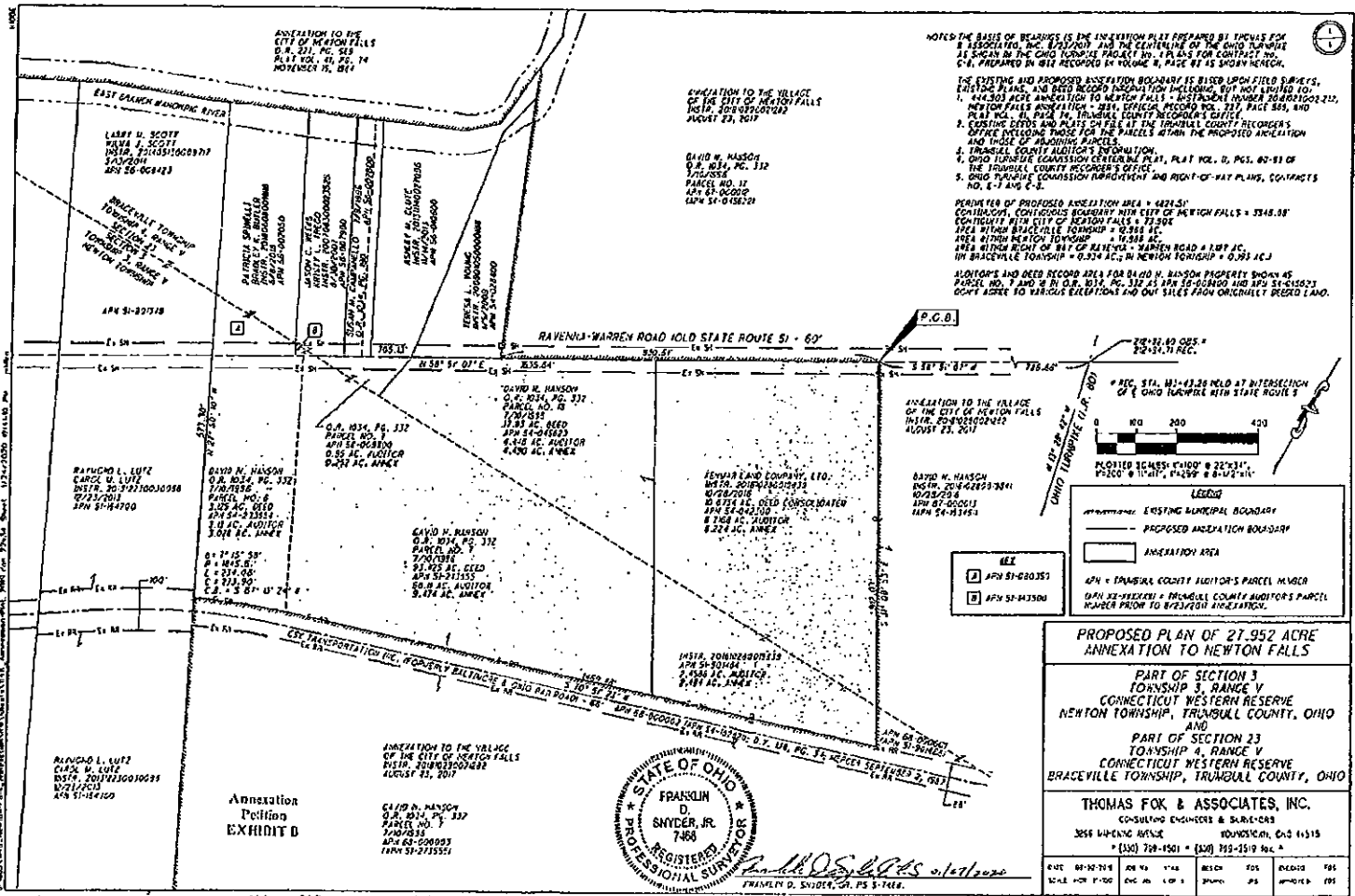
Intending to encompass all of the land deeded to David N. Hanson in official record 1034, page 332 in the Trumbull County Recorder's Office as Parcel No. 6 (Trumbull County Auditor's Parcel Number 54-273554) and Parcel No. 18 (Trumbull County Auditor's Parcel Number 54-045623), and that portion of Parcel No. 7 located north of the CSX Transportation Inc. right of way (Trumbull County Auditor's Parcel Numbers 56-009800 and 51-273555), and all of the land deeded to Kenmar Land Company, Ltd. in instrument 201610280019839 of the Trumbull County Recorder's Office (Trumbull County Auditor's Parcel Numbers 54-042300 and 51-901464.

The basis of bearings is North 13 degrees, 28 minutes, 42 seconds West along the centerline of right of way of the Ohio Turnpike as shown in the Ohio Turnpike Project No. 1 plans for Contract No. C-8 prepared in 1952 and the Plat of Highway Centerline Survey recorded in plat volume 11, page 83 of the Trumbull County Recorder's Office.

This description was prepared by Thomas Fok & Associates, Inc. in August 2019 under the direction of Franklin D. Snyder, Jr., P.S. Ohio #S-7468 and is based upon field survey locations performed in 2017, existing improvement and right of way plans, deeds and plats in the Trumbull County Recorder's Office.


Franklin D. Snyder, Jr., P.S.
Thomas Fok & Associates, Inc.
3896 Mahoning Avenue
Youngstown, Ohio 44515
330-799-1501





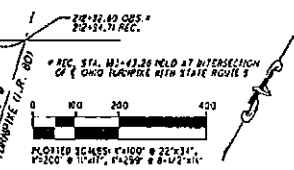
NOTED THE BASIS OF RECORDS IS THE ANNEXATION PLAN PREPARED BY THOMAS FOX & ASSOCIATES, INC. 08/27/2017 AND THE CENTERLINE OF THE OHIO TURNPIKE IS SHOWN IN THE OHIO TURNPIKE PROJECT NO. 1 PLANS FOR CONTRACT NO. C-6, PREPARED BY ME RECORDED IN VOLUME 8, PAGE 91 AS SHOWN HEREON.

THE EXISTING AND PROPOSED ASSASSINATION BOUNDARY IS BASED UPON FIELD SURVEYS, EXISTING PLANS, AND DEED RECORD INFORMATION INCLUDING, BUT NOT LIMITED TO:

- 442,903 ACRES ANNEXATION TO NEWTON FALLS - INSTRUMENT NUMBER 20160202212
- NEWTON FALLS ANNEXATION - 2011, SPECIFIC RECORD VOL. 217, PAGE 863, AND PLAN NO. 11, PLAN IN TRUMBULL COUNTY RECORDS OFFICE
- EXISTING DEEDS AND PLATS ON FILE AT THE TRUMBULL COUNTY RECORDS OFFICE INCLUDING THOSE FOR THE PARCELS AT THE PROPOSED ANNEXATION AND THOSE OF ADJOINING PARCELS
- TRUMBULL COUNTY AUDITOR'S INFORMATION
- OHIO TURNPIKE EGRESS/ENTRANCE PLAN, PLAT NO. 10, PGS. 60-61 OF THE TRUMBULL COUNTY RECORDS OFFICE
- OHIO TURNPIKE COMMISSION IMPROVEMENT AND RIGHT-OF-WAY PLANS, CONTRACTS NO. 1, 1 AND 2

PERIMETER OF PROPOSED ANNEXATION AREA = 4,827.51' CONTIGUOUS, CONTIGUOUS BOUNDARY WITH CITY OF NEWTON FALLS = 3,848.00' CONTIGUOUS WITH CITY OF NEWTON FALLS = 13,900' AREA WITHIN BRACEVILLE TOWNSHIP = 0.258 AC. AREA WITHIN NEWTON TOWNSHIP = 1,938 AC. AREA WITHIN RIGHT OF WAY OF STATE - WARREN ROAD = 1,287 AC. IN BRACEVILLE TOWNSHIP = 0.324 AC.; IN NEWTON TOWNSHIP = 0.983 AC.

ALTOGETHER AND DEED RECORD AREA FOR DAVID M. HANSON PROPERTY SHOWN AS PARCEL NO. 7 AND 8 IN O.R. 1034, PG. 332 AS PER 20-000000 AND APN 51-010007 DOES NOT REFER TO VARIOUS EXCEPTIONS AND OUT SALES FROM ORIGINALLY DEEDED LAND.



LEGEND

- EXISTING MUNICIPAL BOUNDARY
- PROPOSED ANNEXATION BOUNDARY
- ANNEXATION AREA

APN = TRUMBULL COUNTY AUDITOR'S PARCEL NUMBER
 OAPN 22-1952481 = TRUMBULL COUNTY AUDITOR'S PARCEL NUMBER PRIOR TO REVISION ANNEXATION.

PROPOSED PLAN OF 27.952 ACRE ANNEXATION TO NEWTON FALLS

PART OF SECTION 3 TOWNSHIP 3, RANGE V CONNECTICUT WESTERN RESERVE NEWTON TOWNSHIP, TRUMBULL COUNTY, OHIO AND

PART OF SECTION 23 TOWNSHIP 4, RANGE V CONNECTICUT WESTERN RESERVE BRACEVILLE TOWNSHIP, TRUMBULL COUNTY, OHIO

THOMAS FOX & ASSOCIATES, INC.
 CONSULTING ENGINEERS & SURVEYORS
 3856 WILKING AVENUE, YOUNGSTOWN, OHIO 44135
 P (330) 728-1501 • FAX (330) 728-1519

DATE	08-27-2018	BY	FRS	REVISION	FOR	PROJECT	105
SCALE	AS SHOWN	DATE	08-27-2018	BY	FRS	PROJECT	105



FRANKLIN D. SNYDER, JR., P.S. 7466

Annexation
 Petition
 EXHIBIT B

ANNEXATION TO THE VILLAGE OF THE CITY OF NEWTON FALLS
 INSTR. 20160202212
 AUGUST 23, 2017

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 7
 7,000 SQ. FT.
 0.16 AC. DEED
 APN 51-010007
 O.R. 1034, PG. 332
 PARCEL NO. 8
 3,874 SQ. FT.
 0.088 AC. DEED
 APN 51-010008

ANNEXATION TO THE VILLAGE OF THE CITY OF NEWTON FALLS
 INSTR. 20160202212
 AUGUST 23, 2017

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 7
 7,000 SQ. FT.
 0.16 AC. DEED
 APN 51-010007
 O.R. 1034, PG. 332
 PARCEL NO. 8
 3,874 SQ. FT.
 0.088 AC. DEED
 APN 51-010008

RAFAEL L. LUTZ
 CAROL U. LUTZ
 INSTR. 2012021003058
 07/23/2012
 APN 51-04700

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 6
 3,055 AC. DEED
 APN 51-010006
 O.R. 1034, PG. 332
 PARCEL NO. 5
 3,018 AC. DEED
 APN 51-010005

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 12
 17,700 SQ. FT.
 0.404 AC. DEED
 APN 51-010012
 O.R. 1034, PG. 332
 PARCEL NO. 11
 17,700 SQ. FT.
 0.404 AC. DEED
 APN 51-010011

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 7
 7,000 SQ. FT.
 0.16 AC. DEED
 APN 51-010007
 O.R. 1034, PG. 332
 PARCEL NO. 8
 3,874 SQ. FT.
 0.088 AC. DEED
 APN 51-010008

GENUINE LAND COMPANY, LTD.
 INSTR. 20160202212
 08/23/2017
 20,874 AC. DEED (CONSOLIDATED)
 APN 51-042100
 19,881 AC. DEED
 APN 51-042101

ANNEXATION TO THE VILLAGE OF THE CITY OF NEWTON FALLS
 INSTR. 20160202212
 AUGUST 23, 2017

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 7
 7,000 SQ. FT.
 0.16 AC. DEED
 APN 51-010007
 O.R. 1034, PG. 332
 PARCEL NO. 8
 3,874 SQ. FT.
 0.088 AC. DEED
 APN 51-010008

RAFAEL L. LUTZ
 CAROL U. LUTZ
 INSTR. 2012021003058
 07/23/2012
 APN 51-04700

ANNEXATION TO THE VILLAGE OF THE CITY OF NEWTON FALLS
 INSTR. 20160202212
 AUGUST 23, 2017

DAVID M. HANSON
 O.R. 1034, PG. 332
 PARCEL NO. 7
 7,000 SQ. FT.
 0.16 AC. DEED
 APN 51-010007
 O.R. 1034, PG. 332
 PARCEL NO. 8
 3,874 SQ. FT.
 0.088 AC. DEED
 APN 51-010008

ORDINANCE 2020-29

(Sponsored by: Sandra Breymaier, Ward 4)

AN ORDINANCE REZONING SPECIFIC LOTS ON ARLINGTON ROAD IN THE CITY OF NEWTON FALLS.

WHEREAS, Ordinance 95-31 established zoning regulations for the City of Newton Falls as part of these regulations the City was divided into zoning districts and a zoning map was drawn up; and

WHEREAS, The Newton Falls Planning & Zoning Commission reviewed the current zoning map for the City of Newton Falls; and

WHEREAS, The Planning and Zoning Commission believes there may have been an error made years ago in the current zoning map regarding the zoning on Arlington Road in the Quality Switch area; and

WHEREAS, The Planning and Zoning Commission after review and discussion recommends rezoning the lots between Highland and Kendall to better reflect the use of the land; and

WHEREAS, Newton Falls City Council agrees with the recommendations made by the Planning & Zoning Commission.

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

SECTION I: Newton Falls City Council on the recommendation of the Planning & Zoning Commission hereby rezone all lots between McKinley and Kendall on Arlington Road currently Residential - R-1 to Commercial - C marked as "Exhibit A (1)" attached hereto as if fully rewritten herein to reflect the current use and characteristics of the area and previously adopted comprehensive plan and future land use map.

SECTION II: Newton Falls City Council on the recommendation of the Planning & Zoning Commission hereby rezone all lots between McKinley and Highland currently zoned Commercial -C to Residential – R1 marked as "Exhibit A (2)" attached hereto as if fully rewritten herein to reflect the current use and characteristics of the area and previously adopted comprehensive plan and future land use map.

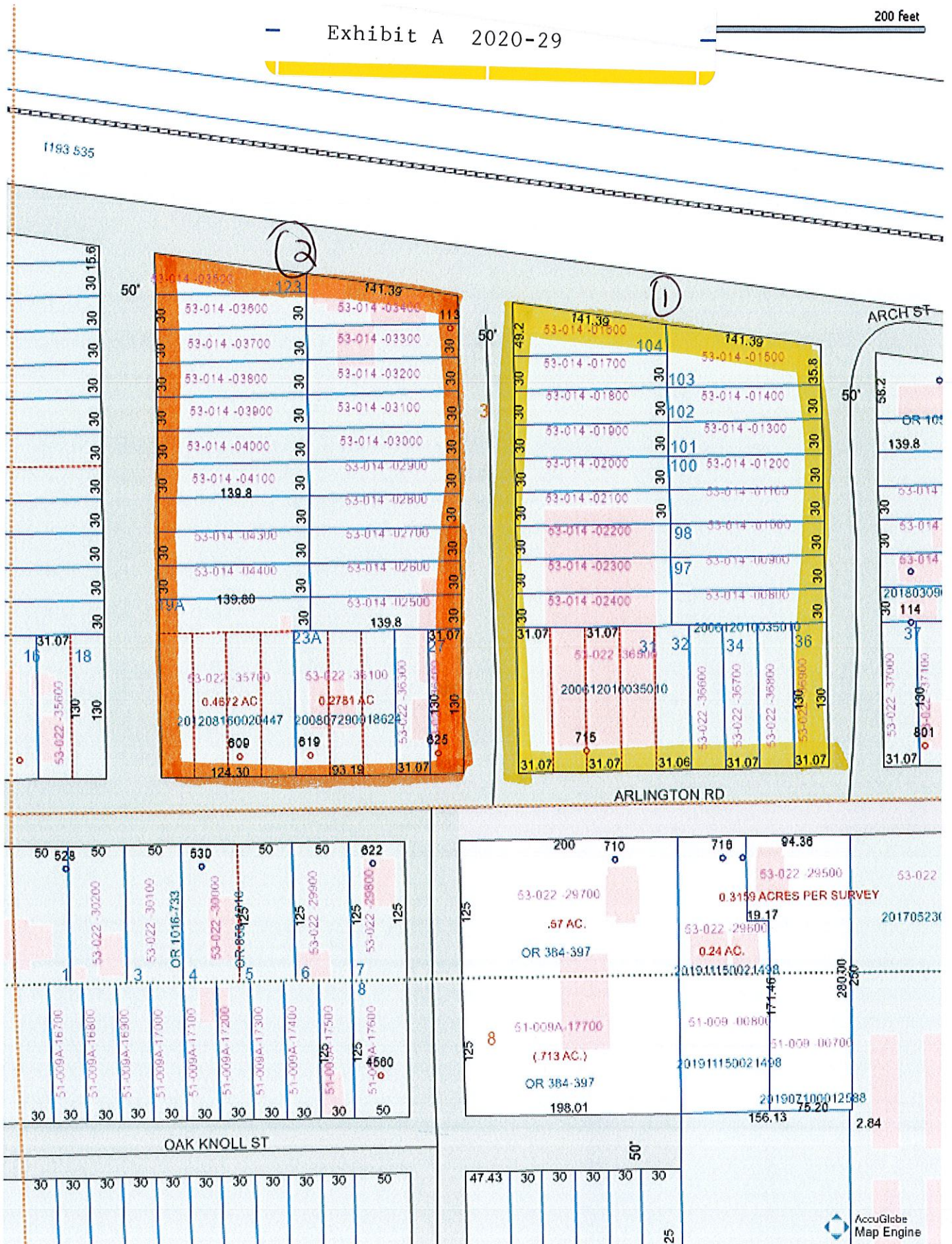
SECTION III: The remainder of Ordinance 93-51 remain in tact.

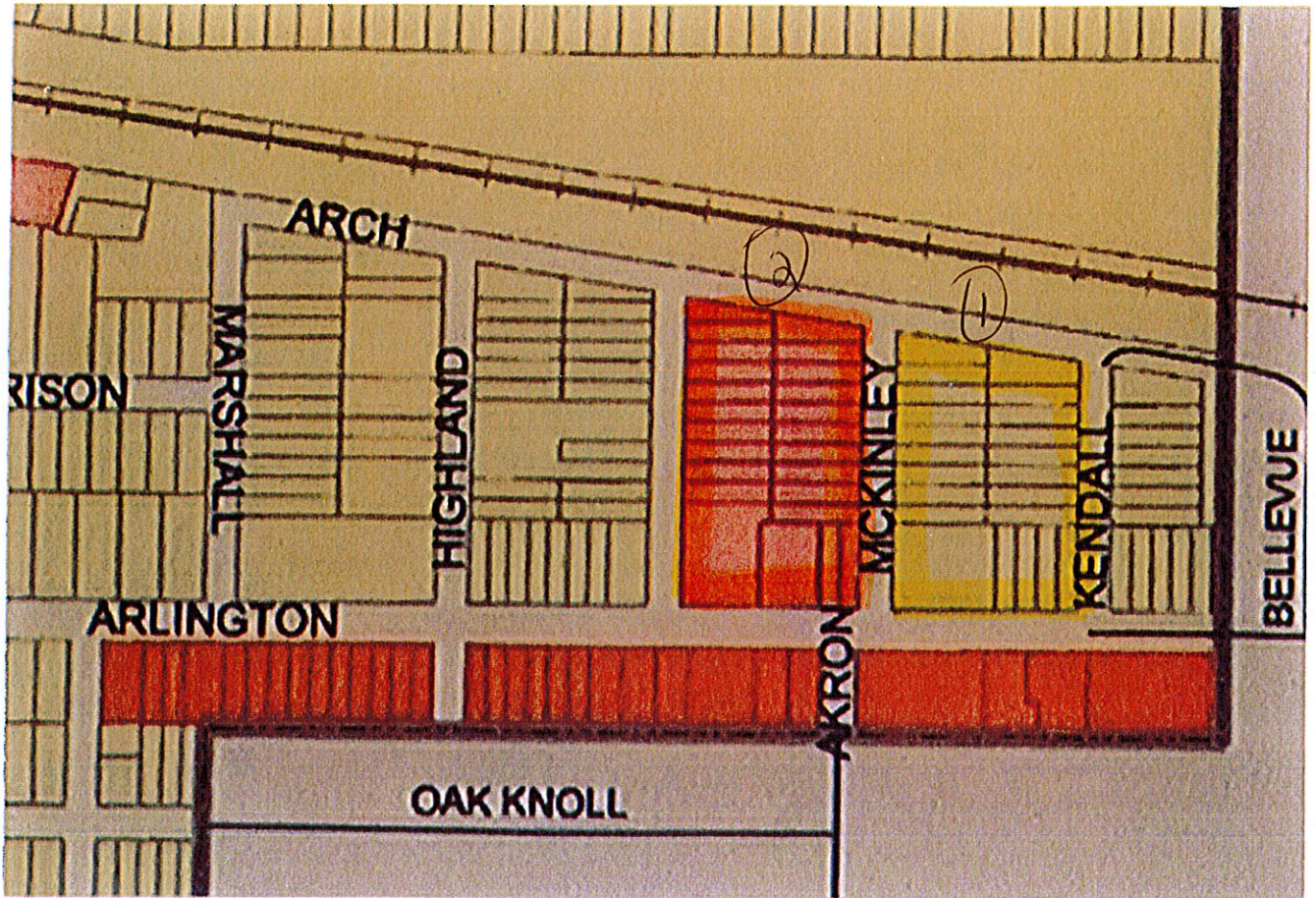
SECTION IV: Any ordinance or parts of ordinances in conflict with the context of this ordinance are hereby repealed.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2021.

Exhibit A 2020-29

200 feet





[Image not shown]

ORDINANCE 2020-30

**AN ORDINANCE AMENDING ORDINANCE 2019-32 VACATING A PORTION OF
WEST LIBERTY STREET.**

(Sponsored by: City Manager)

WHEREAS, Newton Falls City Council passed Ordinance 2019-32 on November 18, 2019; and

WHEREAS, Trumbull County has requested some changes in the wording of the Ordinance for clarification on the record at the county; and

WHEREAS, City Council acknowledges the request to vacate *a portion of* West Liberty Street between parcel 53-131950 and parcel 53-082496 *that measures 50 feet by 120 feet*, by the owners of the properties abutting this paper street; and

WHEREAS, finds that West Liberty Street is an unimproved street and the City has no need to improve the street and has not been used by the Municipal Corporation; and

WHEREAS, City Council has determined that this property is not needed for the purpose of a street; and

WHEREAS, City Council has determined that it is in the best interest of the City to vacate this portion of West Liberty Street.

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

SECTION I: Pursuant to Ohio Revised Code Section 723.05, the City of Newton Falls City Council finds that the portion of land known as West Liberty Street between 50 W. 8th Street (parcel 53-131950) and 38 W. 8th Street (parcel 53-082496) that is being vacated is not used by the Municipal Corporation.

SECTION II: City of Newton Falls hereby *amends Ordinance 2019-32 to* vacates the street between 50 W. 8th Street (parcel 53-131950) and 38 W. 8th Street (parcel 53-082496) and grants and conveys the property equally to the abutting property owners:

53-131950 Lot 29 Owned by Nelson C. Begeot and Kathleen M. Begeot

53-082496 Lot 28 Owned by Barbara J. Jenkins

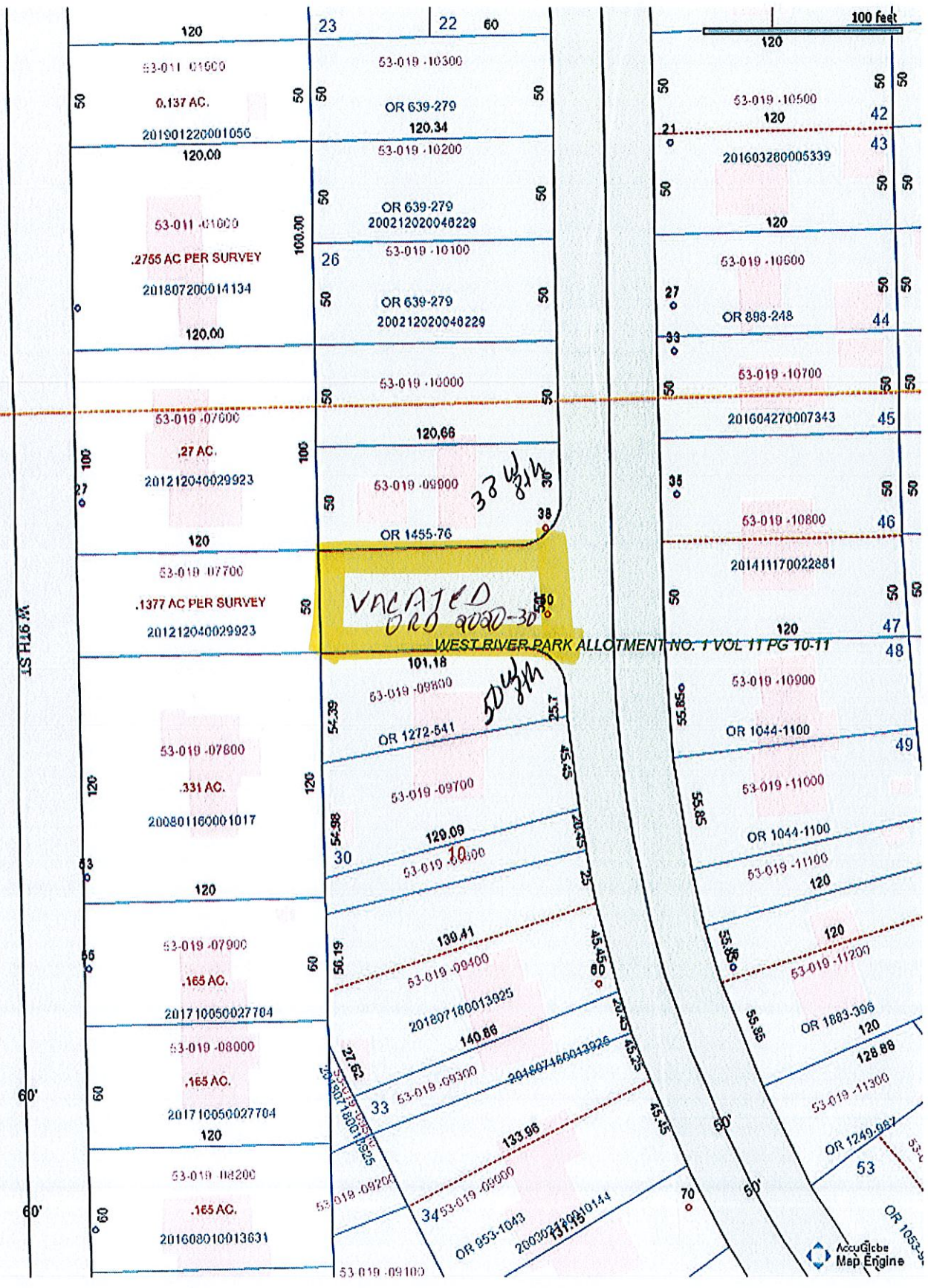
SECTION III: City of Newton Falls states that a survey will be made of the abandoned street and the costs to be equally shared by the abutting property owners.

SECTION IV: A copy of the Ordinance shall be forwarded to the Trumbull County Auditors Office and the Trumbull County Tax Department by the City Clerk of Newton Falls, along with a copy of the map showing the abandonment and vacating of the Street as shown in "Exhibit A" attached hereto as if fully rewritten herein.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2020.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk, Kathleen M. King



15TH16'

60'

60'

100 feet

VACATED
OR 8030-30

WEST RIVER PARK ALLOTMENT NO. 1 VOL 11 PG 10-11

Accuglobe
Map Engine

120
53-011-01900
0.137 AC.
201901220001056
120.00

53-011-01600
.2765 AC PER SURVEY
201807200014134
120.00

53-019-07600
.27 AC.
201212040029923
120

53-019-07700
.1377 AC PER SURVEY
201212040029923

53-019-07800
.331 AC.
200801160001017
120

53-019-07900
.165 AC.
201710050027704

53-019-08000
.165 AC.
201710050027704
120

53-019-08200
.165 AC.
201608010013631

53-019-10300
OR 639-279
120.34

53-019-10200
OR 639-279
200212020048229
53-019-10100
OR 639-279
200212020048229

53-019-10000
120.66
53-019-09900
OR 1455-76

101.18
53-019-08800
OR 1272-841

53-019-09700
129.09
53-019-10000

139.41
53-019-09400
201807180013025
140.86

53-019-09300
201607160043926
133.96
53-019-09200
OR 953-1043
200302240010144

120
53-019-10500
120
201603280005339

120
53-019-10600
27
OR 898-248

53-019-10700
201604270007343

53-019-10800
201411170022881

120
53-019-10900
OR 1044-1100

53-019-11000
OR 1044-1100
53-019-11100
120

120
53-019-11200
OR 1883-396
128.88

53-019-11300
OR 1249-987
53

OR 1052-5

CITY OF NEWTON FALLS
2020 COUNCIL REPRESENTATIVES TO BOARDS AND
COMMISSIONS

David M. Lynch, City Manager

CITY COUNCIL MEMBERS

Zachary Svette, Ward 1 John Baryak, Ward 2
Lyle Waddell, Ward 3
Phillip Beer, Ward 4 Tarry Alberini, At-Large
Mayor Kenneth A. Kline Kathleen King, City/Council Clerk

VICE-PRESIDENT OF COUNCIL

Breymaier

Council Representatives to Commissions & Boards:

PLANNING & ZONING (Meets the 1 st Tuesday of each month at 6:00 p.m.)	Breymaier Alt. Svette
CIVIL SERVICE (Meets on an as needed basis)	Alberini Alt. Breymaier
PARK & RECREATION Meets the 4 th Tuesday of each month at 6:00 p.m.)	Breymaier Alt. Svette
TREASURY INVESTMENT BOARD (Meets Quarterly – normally during office hours)	Alberini/Waddell
FIRE DISTRICT BOARD	Waddell/Alt. Baryak

Council Standing Committees – Pick two representatives for each committee:

FINANCE/ADMINISTRATION/AUDIT	Waddell/Alberini
UTILITIES/PUBLIC WORKS	Baryak/Alberini
PUBLIC SAFETY	Alberini/Waddell

Council Representatives to Community Commissions & Boards:

EASTGATE, Regional Council of Governments <i>(Per Eastgate Mayor is designated Representative)</i>	Kline/Waddell
TAX REVIEW BOARD & ENTERPRISE ZONE	Svette/Alt. Waddell
UTILITY APPEALS BOARD	<i>Finance Director</i> Baryak Alternate Alberini <i>Community Mem: Wentworth</i>
LOCAL BOARD OF TAX REVIEW	Alberini/Svette
ECONOMIC DEVELOPMENT	City Manager, Mayor, Finance Dir., Waddell, Alberini (Excluding Rt. 5)