

**ZOOM MEETING**  
**NEWTON FALLS CITY COUNCIL**  
**REGULAR MEETING AGENDA**  
**MONDAY, FEBRUARY 1, 2021**

Join Zoom Meeting  
<https://us02web.zoom.us/j/84491873645?pwd=YjNlYy9YWlZ3dGpGb3RkRXlpQzRHdz09>

Meeting ID: 844 9187 3645  
Passcode: 44444  
One tap mobile  
+13126266799,,84491873645# US (Chicago)  
+19292056099,,84491873645# US (New York)

**6:00 P.M.**  
612 West Broad Street

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**CITY COUNCIL MEMBERS**

Adam Zimmermann, Ward 1  
John Baryak, Ward 2  
Tesa Spletzer, 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

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1. **Call to Order**
2. **Pledge of Allegiance/Prayer**
3. **Roll Call**
4. **Special presentations by staff members or invited consultants**  
  
2020 annual reports by boards and commissions to be read per Charter.
5. **Public Comments** (limited to those items as identified on the agenda)

## **6. Reports**

Mayor

Council Members

Finance Director

Law Director - (Including explanation of response to Baryak's question regarding recent campaign literature.)

City Manager

Changes to tonight's agenda

## **7. Approval of Previous Minutes**

January 21, 2021 - Regular Meeting

## **8. Public Hearings:**

## **9. Unfinished Business:**

1. Motion to give the citizens and businesses a one-time rate discount on utilities.  
(TABLED)
2. Motion to appoint 2021 Council Representatives to Boards and Commissions.  
(TABLED)

## **10. New Business:**

1. Res. 3-2021: A Resolution Authorizing the City Manager to Apply for a Paddling Enhancement Grant through the Ohio Department of Natural Resources.
2. Res. 4-2021: A Resolution Authorizing all Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant.
3. Motion to reschedule the second meeting in February for Tuesday, February 16, 2021 at 6:00 p.m.

## **11. Public Comments:**

## **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 – 2020 CV00945
- 4. Collective Bargaining Matters
- 5. Matters Required to be Kept Confidential – Contract Negotiations
- 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 CIVIL SERVICE COMMISSION  
612 West Broad Street  
Newton Falls, Ohio 44444

**2020 Annual Civil Service Report**

Members: Ed McCoy III  
Anthony Sabo

Ed McCoy was elected Chairperson for the year 2020

Anthony Sabo was appointed Vice-Chair for 2020.

Commission members met on the following:

- Authorized the test for entry level Police Officer and Finance Department Clerk I.
- Approved and certified the list for Finance Clerk I.

The Commission expended no funds in 2020.

## MEMORANDUM

**TO:** Mayor & Council  
**FROM:** Planning & Zoning Commission  
**DATE:** January 21, 2019  
**SUBJECT:** Year-End Report 2020

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At the first meeting of the year the Commission appointed Brian Axiotis as Chairperson and Rick Bodnar as Vice-Chairperson. The meetings will continue to be held on the first Tuesday of each month at 6:00 p.m. in Council Chambers.

The Planning & Zoning Commission has a five-member board. In 2020 the board members were Brian Axiotis, Rick Stanish, Paul King, Rick Bodnar, Tim Willaman.

Sandra Breymaier & Zachary Svette were the Council Representatives to the Planning & Zoning Commission.

Due to Covid-19 the Board only met five times during 2020.

The Commission met and discussed or took action on the following:

- ✓ Reviewed grass assessment information provided by the Code Enforcement Officer.
- ✓ Discussed and reviewed plans for the New Dollar General store to be located on Ridge Road.
- ✓ Received a presentation on the purchase of a GIS license for the Code Enforcement Office.
- ✓ Discussed the proposed fiber utility for the City.
- ✓ Reviewed proposed Parking on Broad Street in front of Lakeshore Insurance.
- ✓ Discussed the zoning designation for the area on Arlington Road between Kendall and McKinley Streets.
- ✓ Heard an appeal of the Code Enforcement Officers ruling on a dangerous tree on Oak Knoll.
- ✓ Discussed the proposal for a convenient store at the corner of Broad Street and Ridge Road.

- ✓ Denied a variance request at 318 E. Maple Blvd to change the zoning from C-2 Commercial to R-Residential.

Submitted proposed changes to City Council:

Ordinance 2020-28 An Ordinance rezoning specific lots from R-1 Residential District to I-Industrial.

Ordinance 2020-29 An Ordinance rezoning specific lots on Arlington Road in the City of Newton Falls

All above Ordinances were approved by City Council on the recommendation of the Planning & Zoning Commission

All Planning & Zoning Commission meetings are open to the public. The Commission is required to publish all Public Hearing notices and contact all adjoining neighbors when a variance is requested. Members investigate and review all requests that come before them.



# Village of Newton Falls

Utility Appeals

Board of Review

419 N. Center Street  
Newton Falls, Ohio 44444  
330-872-1010

## **Annual Report for 2020**

**January 02, 2020**

The Utility Appeals Board of Review had twelve (12) appeals and met on nine (9) occasions during 2020. The Board reviewed the appeals and the information provided by the Utility Office and other departments within the village and made rulings on each case. The Board does not have a budget and therefore spent no funds.



# Village of Newton Falls

## Finance Department

419 N. Center Street  
 Newton Falls, Ohio 44444  
 330-872-1010

### Treasury Investment Board

### 2020 Annual Report

For the 2020, the City's investment portfolio performed consistent with our primary goals of preservation of capital and modest returns. A combination of U.S. Government related securities along with high-quality corporate bonds has been the strategy for a number of years and has served the city well through numerous periods of volatility in the various markets.

Table 1: provides a historical value of our investment portfolio with shows the growth trend from 2013-2020, which is a result of our conservative investment strategy.

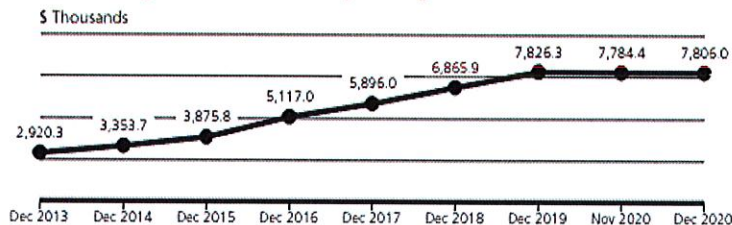
**Table 1: TIB TRACKING 2013-2020**

#### Value of your portfolio

As a service to you, your portfolio value of \$7,805,977.90 includes accrued interest.

	on November 30 (\$)	on December 31 (\$)
Your assets	7,784,446.01	7,805,977.90
Your liabilities	0.00	0.00
<b>Value of your portfolio</b>	<b>\$7,784,446.01</b>	<b>\$7,805,977.90</b>
Accrued interest in value above	\$17,901.78	\$22,500.16

#### Tracking the value of your portfolio



#### Sources of your portfolio growth during 2020

Value of your portfolio at year end 2019	\$7,826,348.68
Net deposits and withdrawals	-\$485,989.60
Your investment return:	
Dividend and interest income	\$160,824.17
Change in value of accrued interest	-\$840.13
Change in market value	\$305,634.78
<b>Value of your portfolio on Dec 31, 2020</b>	<b>\$7,805,977.90</b>



Newton Falls City Council met in Regular session on Thursday, January 21, 2021 at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance. Prayer by Mayor Kline

**ALSO PRESENT:** (via Zoom)

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

**ROLL CALL:**

Breymaier, Alberini, Spletzer, Baryak, Zimmermann

**ABSENT:**

**SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:**

**PUBLIC COMMENTS:**

Tim Stintson 253 Arlington Road recently requested some records that showed that the City gave two rate discounts last year. He thought there was only one. Asked if someone would tell him how many discounts the City gave last year.

**REPORTS :**

Alberini:

- April 12<sup>th</sup> the City along with the Youngstown Warren Regional Commerce Association will be hosting the Legislators and Lattes with the guest speaker the Director of the Ohio Department of Transportation who will speak on autonomous vehicles.

Spletzer:

- Spoke this weekend to Mark Stimpert Code Enforcement Officer and received an update on some issues in Ward 3.
- Went door to door and received several complaints about the zoom meetings.
- Had several residents ask about having the police blotter reinstated in the paper.

**FINANCE DIRECTOR:**

Finance Department closed the fiscal year of 2020 and we are balanced to the penny.

The Audit is complete and successful.

Submitted to the State Treasurer information for the Ohio Checkbook.

**LAW DIRECTOR:** Nothing to report.

Baryak asked about the City being sued and why he was not told. Attorney Fritz said yes by Mr. Luonuansuu and we are evaluating before making a report. Baryak asked who was representing

us and who would pay for outside counsel. Attorney Fritz stated it appears an outside counsel would be representing us, and the City is paying for their services. Baryak asked why we would pay for a lawsuit our City Manager instituted. Attorney Fritz said we are evaluating this and were added as a third party after the lawsuit was filed. We were named by the attorney for Mr. Luonuansuu.

Spletzer noted that she obtained the information off the Trumbull County Clerk of Courts website. She asked if this would be covered under the City liability insurance. Mr. Lynch stated yes.

Attorney Fritz noted that Mr. Lynch was representing himself pro se. This has been sent to our insurance company and no one has been paid at this point.

**Alberini called a point of order. Typically when we have litigation, we discuss this in executive session.**

Baryak stated this is public record and any citizen could find this out.

**Zimmermann seconded the point of order motion to wrap this up and move on.**

Kline said it was nice to say that, but it is public record and if someone asking him on the street it is just a simple explanation.

Baryak asked if we had a deductible on our insurance. Attorney Fritz said yes.

**CITY MANAGER:** Nothing at this time

Baryak asked about the bonds for the church and if we had them yet. Baryak said we paid cash for the church why did we need the bond money. Lynch said the legislature for the bonds passed prior to us paying for the building to meet the deadline to pay for the building per our contract.

Spletzer said she had an issue with a resident who wanted to get in and speak with the City Manager. She asked for a face-to-face meeting and he told her no. Spletzer felt this was a violation of the City Manager's contract and when she spoke to the Law Director about this, he said that wording was not literal. She said she would deal with this later.

Spletzer said she heard a rumor we purchased a limousine style golf cart. She asked under what ordinance this was authorized and how was it paid. Mr. Lynch denied the rumor that we purchased a limousine style golf cart. This was budgeted in the 2021 ordinance. A separate ordinance was not needed as long as it was approved in the ordinance by Council.

Baryak asked if we were still paying on the sign on Rt. 5. Mr. Lynch said yes, it is in the 2021 budget. Baryak said First Streets look like we are saying welcome to the garbage dump. He has asked about putting on part time employees and we can not do that but can pay \$650 a month for the sign. He asked about priorities. Mr. Lynch said our priorities are for infrastructure including a record amount of road work done in Mr. Baryak's ward also a priority is citizen safety,

economic development and infrastructure. Mr. Lynch also noted that he has discussed several times with Mr. Baryak about getting a team out on First Street to clean up.

**MAYOR KLINE:**

- Attended basketball games for the boys and girls and congratulated them on their success. He also thanked the coaches, school staff, Athletic Director, Gregory Films and the City Manager for everything they have done.
- Last week attended the Commerce Association meeting and appreciated everything they are doing.

**CHANGES TO TONIGHT’S AGENDA:**

**Baryak made a motion seconded by Spletzer to add a motion to the agenda discipline of Ms. Breymaier on the items sent to Council by email on January 5th from the Mayor.**

**ROLL CALL: Alberini aye, Spletzer aye, Baryak aye, Zimmermann aye, Breymaier aye.  
MOTION PASSED 5-0**

**APPROVAL OF PREVIOUS MINUTES:**

**Alberini made a motion seconded by Zimmermann to adopt the minutes from the January 4, 2021 Regular Meeting as submitted by the Clerk.**

**ROLL CALL: Spletzer aye, Baryak aye, Zimmermann aye, Breymaier aye, Alberini aye.  
MOTION PASSED 5-0**

**Zimmermann made a motion seconded by Alberini to adopt the minutes from the January 11, 2021 Emergency Meeting as submitted by the Clerk.**

Spletzer said at the meeting she questioned the City Manager’s ability to call the meeting and at the meeting the City Manager called himself the Executive Director of the Staff.

**Alberini made a motion seconded by Spletzer to amend the minutes to reflect that the City Manager called himself the Executive Director of Staff.**

Vote on the motion to amend.

**ROLL CALL: Baryak aye, Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye.  
MOTION PASSED 5-0**

Vote on motion to adopt as amended.

**ROLL CALL: Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye, Baryak aye.  
MOTION PASSED 5-0**

**PUBLIC HEARINGS:** None at this time

**UNFINISHED BUSINESS:**

**Alberini made a motion seconded by Zimmermann to remove from the table the motion to give the citizens and businesses a one-time rate discount on utilities.**

**ROLL CALL: Breymaier aye, Alberini aye, Spletzer aye, Baryak aye, Zimmermann aye.  
MOTION PASSED 5-0**

Mr. Lynch said he is working on a way to provide a permanent discount for utilities. He asked that they table this motion again so he can continue on this and estimated it would take four to six weeks to compete.

**Alberini made a motion seconded by Zimmermann to table this motion.**

**ROLL CALL: Alberini aye, Spletzer aye, Baryak nay, Zimmermann aye, Breymaier aye.  
MOTION PASSED 4-1**

**Baryak made a motion seconded by Zimmermann to remove from the table the motion to appoint 2021 Council Representatives to Boards and Commissions.**

**ROLL CALL: Spletzer aye, Baryak aye, Zimmermann aye, Breymaier nay, Alberini nay.  
MOTION PASSED 3-2**

Mayor Kline suggested suspending the rules to discuss this and look at this as a slate. Mayor Kline also reviewed the list and made suggested changes to the 2020 appointments.

Baryak disagreed with the Law Director that it took three votes. Baryak said felt it took four votes. He also stated he was told you don't have to accept a committee if you did not want it and if you were not advised of the appointment beforehand. He said he was not advised when this slate was put on last week. He said he was more than qualified to be on Economic Development and Ms. Spletzer with a master's degree was more than qualified to be on the Finance Committee. He also made suggested changes to the list.

After a discussion no motion was made to amend the 2020 board and commission appointments.

**Alberini made a motion seconded by Zimmermann to table this motion.**

**ROLL CALL: Baryak nay, Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye.  
MOTION PASSED 4-1**

**NEW BUSINESS:**

**RESOLUTION 2-2021: A RESOLUTION OF APPRECIATION TO ORGANIZATIONS AND INDIVIDUALS WHO VOLUNTEERED AND ORGANIZED EVENTS TO MAKE**

**THE HOLIDAY SEASON MERRIER FOR MANY RESIDENTS IN OUR COMMUNITY.**

**Spletzer made a motion seconded by Baryak to adopt this Resolution.**

Spletzer said she submitted this to the Clerk on Wednesday before the deadline and was the sponsor. Everyone is listed as a sponsor and was curious how this works. Mr. Lynch said it is the practice of the office to put all Council names on this type of "feel good" legislation. If someone has an objection to this, we would leave their name off.

Baryak agreed this was an honest and sincere resolution and people should get credit however he would like to be contacted before his name is put on legislation.

Spletzer said she also would appreciate the courtesy of being contacted and asked if it was ok as the author of the legislation.

**ROLL CALL:** Zimmermann abstain, Breymaier abstain, Alberini abstain, Spletzer aye, Baryak aye.

**MOTION PASSED 3 abstentions 2 ayes.**

Mayor Kline declared the motion passed. Attorney Fritz noted however there are occasions when an abstention is treated as a no vote.

**Alberini made a motion seconded by Zimmermann to appoint 2021 Council Representatives to Boards and Commissions per attached Exhibit A.**

Kline stated on the basis of working together as a group of five we should waive the rules and discuss this and amend this list.

Spletzer said with her education and background she felt she was better suited for the finance/administration/audit committee.

**Baryak made a motion seconded by Spletzer to suspend the rules.**

**ROLL CALL: Breymaier nay, Alberini nay, Spletzer aye. Baryak aye, Zimmermann nay. MOTION FAILED 2 ayes – 3 nays.**

Alberini explained that per the charter and ordinances he was appointed to the Treasury Investment Board and Finance Committee until his term is expired.

Attorney Fritz also noted that when you are appointed to the Treasury Investment Board you remain on that until no longer on Council also when the Economic Development Committee was established the appointment was till the end of the session.

Baryak said that it has been the same two people on Economic Development and Finance and Mr. Alberini is a lame duck.

Alberini called Point of Order he said just because someone says he is a lame duck he has a Council term to finish and will fulfill his obligations to the citizens. He would appreciate not using the term lame duck.

Kline said in actuality it was true, but we won't use it. Mayor Kline asked that they refrain from using this terminology.

Baryak said he was not contacted about the appointments proposed and Ms. Spletzer was not contacted. He felt Spletzer had more knowledge and experience in finance and he had 40 years business experience more than whether the river is clean, or people wear their masks. He would like to start this year with them all getting along, and it can't be all one way.

Alberini said in the community people want consistency. He reminded Mr. Baryak that two and a half years ago Mr. Baryak and his fellow council members presented a similar list with no discussion.

Baryak called Point of Order and said it was on the agenda the year it was presented.

Alberini said Mr. Baryak is accusing him of doing exactly what Mr. Baryak prior.

**Zimmermann called for the vote.** Mayor Kline stated we would call for the vote when everybody got their time.

Spletzer asked to be removed from the Tax Review and Enterprise Zone and said she would like to be the lead on the Fire District Board. As the elected official in the group she should get more precedence over an appointed Councilman.

**ROLL CALL: Alberini aye, Spletzer nay, Baryak nay, Zimmermann aye, Breymaier aye.  
MOTION PASSED 3 ayes – 2 nays**

**Mayor Kline declared the motion FAILED because it was illegally passed you need four votes.**

Attorney Fritz stated the motion was on the agenda with advance notice. Mayor Kline said it was very clear in the January 2019 then the 2019 April meeting minutes. We were told on the committees that they were done wrong for the last ten years that this needed four votes to pass. Attorney Fritz disagreed. Mayor Kline said he agreed then so let him know when he is wrong. Was he wrong tonight or were you wrong there. Attorney Fritz said he did not know what happened back then, but he was wrong then. Mayor Kline stated like the previous Mayor if we don't pass with four votes, we have no committees. Mayor Kline said we would follow past president and be equal and fair it is the exact replica of this meeting. Mr. Lynch stated the determination of whether it passed or not is in the recorded role call takes president. Attorney Fritz asked if the advance notice was on the agenda. Mayor Kline said the previous Mayor stated that they were passed wrong because they were passed with three votes. Baryak stated the

Mayor was supposed to be counted and we got a second opinion it had nothing to do with prior notification.

Mayor Kline said he has a good friend who if he took the advice of his Law Director, he would still be in prison today if he took that advise. He read the minutes and it had nothing to do with any Councilman coming in and tried to jam them through. It was because the Mayor came in and said they were illegally done and did away with all committees. If we can't come to something tonight, then we have no committees.

**Alberini made a motion seconded by Zimmermann to accept the Finance Department December 2020 monthly report and attachments as presented.**

Spletzer asked several questions in reference to the report submitted. She asked about the statement of cash and earlier it was said we had the bonds for the church. On the City of Newton Falls bank reconciliation the only things she saw is the account for the bonds for the AMI meters she did not see the bonds for the church. She asked about period twelve called the 2020 financial reports, with drawls. When money is withdrawn where does it go. The City Council report utility billing collections, new account deposits and late fees when added together where does that money go. The \$6,000 on the credit card for the Police Department was that for the golf cart.

Ms. Musson explained the statement of cash position and unexpended balance and ending balance is the same number.

On the bank reconciliation it would not list the church bonds because the church bonds are not a bank account. Huntington required the escrow account money for the AMI meters to be a bank account.

The with drawls on the main account are typically checks and (zba) which is zero balance account. It means the money gets funded out of one account and gets paid from another. With drawls on payroll would be where we pay employees and on deductions, the health care account... So with drawls are money going out.

Utility Billing collections the money is for utilities which is water, sewer, electric, storm water, water debt and capital fees. There is a penalty for the citizens who don't pay their bills on time.

Lastly the Police Department Credit Card is where the golf cart was purchased. Chief Fixler noted the golf cart was \$4,100 the rest was vehicle repairs and other purchases they made.

**ROLL CALL: Spletzer aye, Baryak aye, Zimmermann aye, Breymaier aye, Alberini aye.  
MOTION PASSED 5 – 0**

**Baryak made a motion seconded by Spletzer to discipline Ms. Breymaier on items sent to Council by email on January 5<sup>th</sup> violation of rules 1 and 6 of Council.**

Baryak said he has received a lot of calls. He is not a vindictive person.

Mayor Kline said he has been very graceful and merciful on this and the reality on council and the citizens could have to agree with him. The noises being made during the meetings, the name calling, the interruption of citizens, fellow councilperson derogatory remarks and on and on. He did not want to have to do this. There is a reason we have rules.

Baryak asked if the Charter says Ms. Breymaier has to recuse from voting. Kline agreed that she could not vote on her own discipline. Attorney Fritz asked what they were basing that opinion on. The Charter says the accused cannot vote on their own removal it does not say anything about a reprimand, there is nothing limiting her voting.

Baryak said this is a progressive chain to discipline. He asked if the Law Director was saying she could vote. Attorney Fritz said he does not make that decision if a person should abstain or not as always members should vote or not vote based on personal reasons. There was nothing that prohibits her from voting on this matter. Mayor Kline stated after words he would be looking into this because he did not think it would be an issue. He thought it would be totally unethical.

Spletzer said when she was going door to door most comments were about Ms. Breymaier's lack of respect and behavior during the meetings, with under the breath comments, covering the camera a lot of things.

**ROLL CALL: Baryak aye, Zimmermann nay, Breymaier nay, Alberini nay, Spletzer aye.  
MOTION FAILED 2 ayes – 3 nays**

Mayor Kline stated the motion failed but it was really unethical to have the person vote. He said he was not concerned everyone knows he was correct.

**PUBLIC COMMENTS:**

Tim Stintson, 253 Arlington Road commended the Mayor for standing his ground.

Requested public records recently. Earlier he asked a simple question about the records received. He has not received an answer to his question about the electric discount and how many times it was discounted. He also asked what the \$64,000 expense to city employee telework was spent on.

Mr. Stintson said questions and rumors have been discussed about how much money went to U.S. Safety Gear. Looking at the report he received that amount was nothing to be concerned with. What we expended was not that much.

Don Placer, 476 Circle Drive thanked the Chief and Police Department for their help in locating the missing children.

He asked what charities the three members of Council donated to that abstained from voting on tonight's resolution.



Chief Fixler addressed Ms. Spletzer's comment about the police blotter appearing in the Tribune. He stated that the Tribune reporter comes to the Police Department and makes notes on the activities. However, he has no control over what they print in the paper. The information is open and available to the paper.

Chief Fixler also noted that the Police Department F.O.P. Lodge 120 went above and beyond this holiday season and handed out ham, turkey, and all the fixings to many residents they also held their annual Shop with a Cop event.

Laura Beth Neiheisel, 227 North Center Street thanked the Council members who recognized the Woman's Dart League for the effort they put into their Christmas donation events. We don't do it for the recognition they do it for our community.

She also felt the golf cart slipped under the radar with the budget because they had 24 to look at the budget with an emergency meeting.

### **CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:**

Can't have it one way one time and another way another time. Baryak commented on the Sopkovich opinion on voting and felt that four votes were needed for the appointment to boards and committees.

He asked if we were going to pay back the money, we used from the Electric Company the \$462,000.

Baryak commented on the Defender and the questions the Law Director. He felt the Law Director should know who we could have do an investigation. He also said we would not know if it was criminal or civil until an investigation. The other question was who would pay for the investigation. Ms. Musson previously said it was her job to find the money for what Council wanted to get done. Baryak said he would put on a motion to have the investigation and felt everyone would want to clear their name and get to the bottom of this paper. The public is going to speak.

He did not answer to anyone on this Council and would appreciation not having anyone tell him what he did or did not do and try to ruin his credibility.

Spletzer in the aftermath of the Resolution she proposed she could see where we would think because it was a "feel good" resolution and everybody would be on board. However she said she has been met with abrasive opposition from Breymaier and Alberini since she sat in this seat. She asked in the future that the author of the legislation be asked before other names are added.

Alberini said to give the insulation because Council does not all vote that same. To insinuate that the people who don't vote a certain way are doing something wrong or violating something.

He said to say he was abrasive toward Ms. Spletzer was not true. He said he did not know her and only knew what he read from her Facebook comments. He stated he could get over those comments and work with her. Everyone should be for the betterment of Newton Falls but sometimes the road was bumpy. It was a false narrative out there that we were all incompetent.

Mr. Lynch said we try to provide information when we can. To Mr. Stintsons questions about teleworks he did not have an answer, but he did inform Mr. Stintson that the City gave two months of discounts last year.

Mayor Kline said in the transition period into February the committees will be on. We can work together as a group. But four votes anyone that questions should look at the minutes from 2019.

Stated that when the motion was made it was made till February. Tonight's audio was not good, and the community deserved better. He agreed sometimes we don't get along and that is fine we need to work the best for the City of Newton Falls. He suggested we meet together and do it properly to represent our community.

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

**Spletzer made a motion seconded by Alberini to adjourn into executive session at 8:14 p.m. for the purpose of matters required to be kept confidential – contract negotiations.**

**ROLL CALL:** Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye, Baryak aye.  
**MOTION PASSED 5 – 0**

**ADJOURN:**

**After no further comments or questions Alberini made a motion seconded by Breymaier to adjourn at 8:41 p.m.**

**ROLL CALL:** Breymaier aye, Alberini aye, Spletzer aye, Baryak aye, Zimmermann aye.  
**MOTION PASSED 5 – 0**

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Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
City Clerk/Clerk of Council

**CITY OF NEWTON FALLS**  
**2020 COUNCIL REPRESENTATIVES TO BOARDS AND COMMISSIONS**

David M. Lynch, City Manager

TABLED

**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      Kathleen King, City/Council Clerk

**VICE-PRESIDENT OF COUNCIL**

**Breymaier**

***Council Representatives to Commissions & Boards:***

PLANNING & ZONING      **Breymaier**  
(Meets the 1<sup>st</sup> Tuesday of each month at 6:00 p.m.)      Alt. Zimmermann

CIVIL SERVICE      **Alberini**  
(Meets on an as needed basis)      Alt. Breymaier

PARK & RECREATION      **Breymaier**  
Meets the 4<sup>th</sup> Tuesday of each month at 6:00 p.m.)      Alt. Zimmermann

TREASURY INVESTMENT BOARD      **Alberini/Waddell**  
(Meets Quarterly – normally during office hours)

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      **Kline/Waddell**  
(Per Eastgate Mayor is designated Representative)

TAX REVIEW BOARD & ENTERPRISE ZONE      Zimmermann/Alt. Waddell

UTILITY APPEALS BOARD      **Finance Director**  
**Baryak** Alternate Alberini  
Community Mem: Wentworth

LOCAL BOARD OF TAX REVIEW      **Alberini/Zimmerman**

ECONOMIC DEVELOPMENT      City Manager, Mayor, Finance Dir.,  
Waddell, Alberini (Excluding Rt. 5)

**RESOLUTION 3-2021**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A PADDLING ENHANCEMENT GRANT THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES.**

WHEREAS the State of Ohio through the Department of Natural Resources Waterways Safety Fund administers financial assistance for public boating access, and

WHEREAS Newton Falls desires financial reimbursement under the Paddling Enhancement Grant Program.

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

SECTION I: The Newton Falls City Council approves of filing an application for Paddling Enhancement Grant financial assistance.

SECTION II: The City Manager is hereby authorized and directed to file and execute an application with the Ohio Department of Natural Resources and provide all information and documentation required to be eligible for possible financial assistance.

SECTION III: The Newton Falls City Council agrees that it has and will obligate the funds required to satisfactorily complete the project under the terms and conditions of the Cooperative Agreement if the project is accepted for financial assistance.

PASSED IN COUNCIL THIS 1<sup>ST</sup> DAY OF FEBRUARY 2021.

\_\_\_\_\_  
Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
Kathleen M. King, City Clerk

**RESOLUTION 04-2021**

**AN RESOLUTION AUTHORIZING ALL ACTIONS  
NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC  
ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY  
GRANT.**

**WHEREAS**, the City of Newton Falls, Ohio is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grant for 2021 ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

**WHEREAS**, the City of Newton Falls wishes to enter into a Grant Agreement with NOPEC, Inc. in substantially the form presented to Council to receive one or more NEC Grant(s); and

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

**SECTION 1.** This Council of the City of Newton Falls finds and determines that it is in the best interest of the City of Newton Falls to enter into the Grant Agreement to accept the NEC Grant(s) for 2021 and authorizes the City Manager to execute the grant Agreement to accept the NEC Grant(s) funds.

**SECTION 2.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

PASSED IN COUNCIL THIS 1<sup>ST</sup> DAY OF FEBRUARY 2021.

\_\_\_\_\_  
Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
Clerk of Council, Kathleen M. King