

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

MONDAY, APRIL 19, 2021

6:00 P.M.

612 West Broad Street

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

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

April 5, 2021 - Regular Meeting

8. Public Hearings:

1. Ord. 2021-03: An Ordinance Amending Ordinance 2020-39 Making Appropriations for the Current Expenses and other Expenditures for the City of Newton Falls, Ohio for the Fiscal Year Ending December 31, 2021.

9. Unfinished Business:

1. Ord. 2021-03: An Ordinance Amending Ordinance 2020-39 Making Appropriations for the Current Expenses and other Expenditures for the City of Newton Falls, Ohio for the Fiscal Year Ending December 31, 2021.

10. New Business:

1. Motion to set the recall election for Tuesday, May 3, 2022.
2. Motion to set May 25, 2021 as the date for the recall Special Election day.
3. Motion to acknowledge receipt of the Finance Department March monthly report, and attachments as presented.

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
- 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

14. Adjourn:

Newton Falls City Council met in Regular session on Monday, April 5, 2021 at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance. Prayer by Michael Primer

ALSO PRESENT:

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

ROLL CALL:

Alberini, Spletzer, Baryak, Zimmermann, Breymaier

ABSENT:

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

PUBLIC COMMENTS:

Rick Kerlin, 611 North Canal encouraged council to pass the pay increasing the wages for the workers. He would like to see it 10% rather than 2% they deserve it.

Brian Kropp, 247 Elizabeth commented on the requirement to wear a mask even when at the podium speaking. He stated that was an exception to the mandate. Spoke on Ordinance 2021-03 and agreed that the workers were well past time for a raise. He had information on raises given out recently and the percentage increase of each employee even when the City was not receiving revenue.

Tim Stintson, 252 Arlington commented on the requirement to wear a mask while speaking at the podium and that it was an exemption in the requirement. He asked why the city administration was allowed to make rules like that and closing the building. He was glad the building was back open, but we still have work to do.

REPORTS :

Zimmermann:

- Attended the Fire Board meeting on the 30th and provided statistics on runs.
- Saw a post on Facebook about the sidewalk at the corner of Ridge and Elizabeth he forwarded the concern to Mr. Lynch. Mr. Baryak also has someone approach him about the sidewalk conditions.
- Participated in the river clean up and thanked the organizer Nick Holub and all the volunteers.
- This past Saturday participated in the Newton Falls garbage pickup challenge and encouraged everyone to participate and beat the 150 bags collected last year.
- Thanked Mr. Kropp for cleaning up the Elizabeth Street park.
- Also gave a shout out to Art Ritter who is an artist and would be at the Spring Peddler.

Baryak:

- Was working in Ward 1 when residents spoke to him about the sidewalks at the corner of Ridge and Elizabeth, he hoped it could get taken care of.

Spletzer:

- Spoke with Mr. Stintson on March 18th and noted there are still two positions open on the Park & Recreation board and encouraged citizens to apply. Also took a close look at the agenda that the Commerce Association put out.
- On March 19th participated with citizens getting the referendum petitions.
- On March 30th participated in a town hall call with Congressman Ryan.

Breymaier:

- Planning & Zoning Commission will be meeting tomorrow at 6:00 p.m. via zoom.

Alberini:

- Reminded everyone about the Lattes and Legislatures event still planned for April 12th.
- Had a discussion with the City Manager on property regionalization with Newton Township and Braceville. He felt to remain strong as a community we needed to consider being under one umbrella.
- At the last zoom meeting some unfriendly comments were directed to him. He said he was not bothered by them and that we have some great people here in Newton Falls.

FINANCE DIRECTOR: Available via phone

Baryak stated Ms. Musson was hardly ever at the City Council meetings and they were not told she would not be here.

Alberini said a comment was made about the City finances and revenue stream and asked Ms. Musson to clarify the status of the City finances. Ms. Musson stated the finances for the City of Newton Falls were fine. As stated previously during the early months we don't get revenue in yet from Income Tax which is why we make sure our carry over is healthy. It is common to draw down until the revenue come in from Income Tax. We are expecting revenue however because of Covid there are some delays.

Spletzer noted that \$250,000 was taken out of the Treasury Investment Board to meet anticipated expenses on March 1st. She asked when we anticipated putting the money back into the Treasury Investments. Ms. Musson said we did move money from one bank to another as we do every year. She said the money would be put back when we receive the Income Tax collections. However, she noted that the Income Tax date was moved back to May 17th. She expected to put money back into Treasury Investment sometime in June or July.

LAW DIRECTOR:

Baryak said it was stated on Council floor that nothing was in the Charter, ORC where Mrs. Breymaier could not vote on her own discipline. Baryak read from the Rules of Procedure section 121.03 that council shall follow the Ohio Ethics Commission ethics policy, that's in the Charter. He said he called the Ethics Commission and was told voting on your own discipline was a direct conflict of interest. He read a section of the Ethics Policy on conflict of interest. Council members signed the Ethics Law that we understand ethics and are to go by the policy, it's part of our Charter.

Mr. Baryak also read from an interview in October 2018. Baryak said Mr. Alberini said "because an elected official cannot vote on a motion directly pertaining to him or her, Alberini said he expects the motion to end in a 2-2 tie vote today, with the mayor being called upon to break the tie". Mr. Alberini said that was not him.

Baryak said he asked Attorney Fritz Thursday about the letter he sent to the Board of Elections and who asked him to do that. Baryak said he would not answer him. Baryak asked Attorney Fritz who asked him to get involved in the recall procedure.

Attorney Fritz stated Mr. Baryak was entitled to his own opinion but is not telling all the facts. He said he answered on Thursday. He indicated to him that Mr. Danzo sent a notification to him who is the Attorney for the Board of Elections.

Baryak read a letter from Jason Toth, prosecutor to Attorney Fritz in reference to the recall petitions.

Baryak said he did not get an answer to his question and asked again who told Mr. Fritz or did he do it on his own go down to the election board and get involved. Attorney Fritz stated as he told him Thursday, Bill Danzo asked him to do it. Attorney Fritz noted that was not the first email and read an email from March 17th from Bill Danzo. After that email exchange Attorney Fritz said he did contact Mr. Danzo and wrote the letter that was just read. Again Attorney Fritz stated Mr. Danzo reached out to us. Whenever we have an election issue the Board of Elections does not know the Charter. The Charter changes so does the ORC. We had a Charter Review Committee about three or four years ago and they made major modifications to the Charter also since that Charter Review was changed there have been changes to the Ohio law. So we are in a new situation.

Baryak said nothing was ever said about the emails and he would like to see those. Attorney Fritz said he did last Thursday.

Alberini said he thought the Tribune presented a great editorial on recalls here in the Village of Newton Falls. He did not think the citizens of Newton Falls wanted to be known as the recall capital of Ohio and it's quickly becoming that. With the recalls it keeps giving us a black eye. He asked Mr. Baryak what the goal was here, Mr. Fritz has explained himself over and over. He suggested the Mayor move forward. Mayor Kline said everyone was going to get a chance to ask questions and he had a lot. Mayor Kline said he could care less what the Tribune puts in.

Mayor Kline stated the Charter is what we go by it does not matter that somebody at one point... Mr. Fritz has already admitted one time that he has made a mistake in the past, changed on that. We are not going to make a mistake on this so next year we can go and say it was wrong then.

Spletzer had a copy of the letter Mr. Fritz sent to the Board of Elections on March 26th. It was received by the Board of Elections at 9:38 a.m. In this letter Mr. Fritz is trying to say that Council should be setting the date for the election and follow the Ohio Revised Code. She had an updated version from 2019 from the Charter, "If such officer shall not resign within seven (7) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not more than ninety (90) days after the date of such delivery". She stated the question of delivery comes into question because Ms. King delivered the recall petitions to the Board of Elections on March 26th. That is the day she delivered them to the Board of Elections and by doing so she declared them sufficient. She simply was going to them and asking if they could be nice and verify the signatures for us. At this point we are seven days past Ms. Breymaier's seven days to make up her mind.

Spletzer asked Ms. Breymaier if she would resign. Ms. Breymaier said, "as soon as you do". Spletzer asked Ms. Breymaier again if she would resign. Ms. Breymaier said, "no I will not".

Baryak said he asked Mrs. King when we were to be notified because in the Charter it says promptly notified once the signatures were returned. She went down Thursday around 12:30 or so and picked them up. He said to Mrs. King she had 20 days to research this and if it was not sufficient the people have ten days to correct it. You sent it to the election board and did not notify the people who did the petition. Therefore it must be sufficient. Now all the sudden we got to get the Law Director. Baryak said the Charter specifically states the Law Director has no part in a council matter. The council sets the recall. He asked Attorney Fritz if that was true, he had no, nor the City Manager had no jurisdiction in this. If we want, your opinion we'll ask for it. Attorney Fritz stated that was not correct. Baryak asked if this was not a Council matter. Attorney Fritz said it was a Council matter, correct.

Baryak said you can't pick an old Charter from 2016. He was going from that directly states.... Baryak said he wanted to sue him go ahead and sue him, but this Council duty is to take care of this recall election not yours or the City Manager's. Attorney Fritz stated Mr. Baryak was over simplifying. Baryak again asked why he went to the Board of Elections, asked for the emails and said it was a public record show him. Attorney Fritz noted that not everything he has is public record, there is attorney-client privilege attached to most of his emails.

Attorney Fritz stated the comment that it is not his jurisdiction is entirely incorrect. As lawyer for the community it is his job to represent the community on a whole. If you were to create a law that was going to cause trouble and/or cost a lot of money or get us sued it is his job to raise it to their attention and that is what he will continue to do. Baryak said ok that was his opinion, and he has changed them a lot of times in the last few months anyhow so you can have it.

Baryak said in numerous places we are to obey the Ethics Law. Baryak asked why he did not tell them it was in there. Baryak said it specifically states in the Charter that we are to go by the

laws. Attorney Fritz said he is misstating his words. Attorney Fritz said he said the Charter does not specifically deal with this as being an ethics violation, he even went on to say he suggested if people want an answer, they should take it to the Ethics Committee. Attorney Fritz stated his advice is not given to individual council members of their conflicts. As an individual Council member you signed that paper stating you read the conflict rules and you will abide by them. That is between you and the Ethics Commission not with the City.

Baryak asked again when Council instructed him to get involved and why was he not notified. Attorney Fritz stated he does not need to be instructed.

Mayor Kline said it was very clear as Law Director he is to assist Council. When your opinion goes against what the Charter says not to follow your opinion. Mayor Kline said he did not understand what is different now that you had to get involved. It is very clear, and he said he spoke to two attorneys and a Judge. The Judge clearly said that it's as plain as the nose on your face what takes place, that your opinion on this is wrong and that you and the City Manager if you don't follow this should be in trouble.

Mayor Kline said it is very clear and asked when it comes to Newton Falls government why do things change from year to year. This isn't our first recall, why all the sudden you had to get involved. Petitions were turned in, they were verified by Ms. King now they were verified signatures by the Board of Elections, they came back. Council should have been notified Thursday afternoon or today and we should be moving forward, and they should tonight be setting a date for the people in the community to vote. Mayor Kline said if this isn't followed, he would be talking to the Ethics Committee. He has done a lot of research on these things and we are going to do things right.

Mayor Kline asked where we stand, why is this wrong. Is Council going to be notified tonight. Attorney Fritz said to the Mayor when he does his investigation to look at the Charter and tell him how we tell the Board of Elections when the date is. When you look at just the Charter language how does it control when the Board of Elections has a hearing. He said the Charter is not everything it does not run the whole process. Attorney Fritz stated the new Ohio law says that they have to have at least ninety days and set it for a primary or a general. Attorney Fritz explained that we changed the Charter in 2018 all the recalls happened before so he and Mr. Danzo took the ORC and our Charter, discussed the matter and laid out a procedure that worked out for both the City and Board of Elections to have a proper election. Because we want to make sure we have a proper election.

When we get a copy of the petitions how do we know what is a sufficient number of votes that part of the Charter is poorly written. If you read the Charter, we don't know how many people should be on that petition. That is why the first letter was written asking what the number of signatures was needed to make them sufficient. You could read the Charter 100 times it will not have that procedure in there, so we have to figure out a procedure and make it exist. Mayor Kline noted it says 51%. Attorney Fritz asked of what, how many? Mayor Kline said if the Board of Elections was in agreement with what he was talking about they would not already have two dates set as the days of the election. There might be changes to it but none of them affect what is right here. It sounded to him like we were trying to find a way not to follow it.

Attorney Fritz asked what two dates they have; they have the Primary election and the General election. Mayor Kline said if the people that wrote the Charter meant it to be then they would have put it in the Charter. Attorney Fritz said we have no jurisdiction over the Board of Elections and Ohio Revised Code says these things are done at Primary or General elections.

Mayor Kline said the prosecutor for the Board of Elections says this is as clear as the nose on your face and he has another Judge. Attorney Fritz disagreed and said he said that there is an alternate interpretation. Mayor Kline said that was funny because he said it to him.

Baryak said maybe this Council needs to go to the Attorney General or Secretary of State. This comes borderline to interfering in an election. This Council will determine what goes on.

Mayor Kline said the fact of the matter is if we are not going to follow then we will speak to someone outside.

Spletzer said she submitted two emails this week within timely fashion. One went out Monday, March 29th at 11:14 am. she wanted the Clerk to certify the sufficiency and validity of the signatures validated referendum petitions for Ordinance 2020-19. The second motion was a motion to direct the Law Director to craft a letter of reprimand to be placed in the City Manager's personnel file. Neither of the motions appeared on the agenda. She asked who decided she was not allowed to put these on Council's agenda. Attorney Fritz said he did. Spletzer said she is a council member and wanted an opportunity to discuss these issues with her colleagues. Attorney Fritz stated the first one regarding the sufficiency, it is not Council's jurisdiction, it is the City Clerk's jurisdiction. You cannot direct her to do that so there is no reason to put that on the agenda. In regard to the second one you wanted to put this on the last agenda and spoke to him a few days before. During that conversation he indicated all discipline issues must start in executive session to make sure nothing is on the floor that will cause liability to the City. We had it on the last agenda, and you asked to have it removed. The rules are the same as they were two weeks ago. That is we do not discuss discipline for the first time on the open floor of any employee based on the risk of liability.

Mayor Kline this past week was holy week based on humility and servanthood he spent time and went door to door to businesses, games and events. What individuals share with him is what he brings here, he does not bring his own voice.

CITY MANAGER:

- As reported in the written report submitted to Council.

Baryak asked who was paying for the Latte going on. Mr. Lynch stated Mr. Alberini was the sponsor. Baryak asked if that was a conflict of interest. Baryak asked if the City was paying for anything. Mr. Lynch said the City will pay for any employees that want to attend as we have in the past.

Spletzer stated on the City Manager's report it says you met with Perigee and Granicus she asked for an explanation. Mr. Lynch stated Perigee is the telephone company and Granicus are a

consulting firm who he has been talking to them about the recent stimulus passed in Washington. We have no contract with them and have paid them nothing.

Zimmermann asked for an explanation of the preconstruction meeting on the Washington Avenue project. Mr. Lynch said it was when you have a sit down with the winning contractor. The meeting was a chance for us to sit down with our department heads and the contractor to discuss their overall game plan. We can't anticipate everything but want to make sure traffic control and safety measures are appropriate and answer any questions the contractor may have for us.

Baryak said he has heard for ten or twelve months that we were getting grants. We hired Youngstown State, we have Ms. Musson and you. Now we have a low interest loan and have to pay the money back, but you sold it as a grant. Baryak questioned Medley and the extra work that needs done and if we had the money. Mr. Lynch said yes, we do that is part of the project. Baryak said we encumbered money and now were almost broke and asked what we were going to do raise the sewer rates. Baryak asked what Mr. Lynch would like to see happen with the AMP T money. Mr. Lynch said his preferred method would be lower the rates.

CHANGES TO TONIGHT'S AGENDA: none

APPROVAL OF PREVIOUS MINUTES:

Alberini made a motion seconded by Zimmermann to adopt the minutes from the March 15, 2021 Regular Meeting as submitted by the Clerk.

ROLL CALL: Spletzer (stepped out), Baryak aye, Zimmermann aye, Breymaier aye, Alberini aye.

MOTION PASSED 4-0

PUBLIC HEARINGS: none

UNFINISHED BUSINESS: None at this time

Baryak made a motion seconded by Spletzer to remove from the table the motion to give the citizens and businesses a one-time rate discount on utilities

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

Clerk noted that this would be removed from the agenda.

NEW BUSINESS:

ORDINANCE 2021-03: An ordinance Amending Ordinance 2020-39 Making Appropriations for the Current Expenses and other Expenditures for the City of Newton Falls, Ohio for the Fiscal Year ending December 31, 2021.

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

Spletzer noted that the City Manager was a sponsor, and he is not a legislator. Clearly the Charter says he can suggest to Council items he feels that would be favorable. She suggested he suggest to Council and not just write the legislation himself. Spletzer stated Ordinance 2020-39 was something Mr. Waddell voted on while he was sitting in her seat. Therefore, it is part of her active ongoing lawsuit she did not see how we could amend something that was involved in an active lawsuit. She would love to give the employees a five or ten percent raise because they deserve it but did not see how we could amend something in an active lawsuit.

Attorney Fritz stated the fact that this Council is a legislative body does not mean that there is a sole provider of the legislation that comes forward. He stated he has been through these three or four times, there is an administrative staff headed by the City Manager it is our position and job to put these matters on for Council approval or disapproval. The City Manager can sponsor just like anyone else. Attorney Fritz stated in reference to the lawsuit it was up to them if they wanted to talk about it. He was not going to make a decision on how the court would rule. Attorney Fritz stated this is not the exact ordinance that is in front of the court.

Mayor Kline on sponsorship with the City Manager asked where that was stated and if it is how, you compare the Finance Director or Law Director why don't you sponsor legislation. Attorney Fritz said he could if he wanted to and read section 121.02 b of the Administrative Code. Mayor Kline said he did not believe that said he could legislate it says to help. Basically take what Council has given him to put on the agenda. Attorney Fritz said there is nothing in the Charter or Council Rules in reference to sponsorship except to say someone who sponsors legislation has the first opportunity to speak. He also stated the act of legislation is not putting it on the floor the act of legislation is voting on it.

Baryak asked the City Manager if the Economic Development Director position was filled. Mr. Lynch said no. Baryak asked if he would need to come back to Council because it was creating a new department. Mr. Lynch stated Council already passed that creation. Baryak said the way it was handled slipped by him.

Alberini asked to call the vote. Mayor Kline said no everyone would have a chance to speak.

Spletzer commented that the Economic Development position has not been properly created according to the Charter. Just because it was in the budget it does not create a position. Mayor Kline asked why we even need that position. Mr. Lynch stated that position was not on the agenda the legislation was for the increase in wages. Mayor Kline stated that was a position in the ordinance. Mr. Lynch stated that the real question was does the City need Economic Development and the answer is yes. The amount of time to invest in the field of Economic Development is massive. Mayor Kline said he did not think Council had the proper amount of time to look at this position.

Alberini stated that Council is legislative, and the City Manager is administrative. He stated it behooves us not to get into that playing field because that is when you get into conflict of interest.

Zimmermann noted that this is an additional 2% raise for city employees on top of the 1% allocated.

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

MOTION PASSED 3 ayes -2 abstentions

RESOLUTION 16-2021: A Resolution of Appreciation and Recognition to Nicholas Holub and Volunteers from the Newton Falls Clean up Group.

Zimmermann made a motion seconded by Alberini to adopt this Resolution.

Members of Council and the Mayor thanked Mr. Holub and all the volunteers.

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

MOTION PASSED 5 ayes – 0 nays

RESOLUTION 17-2021: A Resolution Urging the Ohio State Legislature to Pass House Bill 135 and House Bill 153 to bring Fairness to the Application of Prescription Drug Plans for those Struggling to pay Deductibles and Out-of-Pocket Costs for Life-Saving Medications.

Alberini made a motion seconded by Zimmermann to adopt this Resolution.

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

MOTION PASSED 5 ayes – 0 nays

PUBLIC COMMENTS:

Christopher Granchie 14 East Broad Street thought it was ironic that the three members of council who voted to pass the AMP-T contract voted to shut down the one-time rate reduction. He also stated no one cares about the Tribune editorial. Mr. Granchie noted that over 100 people who voted for Mr. Breymaier want her gone. That speaks volumes.

Rick Kerlin, 11 North Canal spoke on the ethics of voting on the recall. If Ms. Breymaier voted on that it would be a conflict of interest. Our Charter states 51% of the elected voters' signatures are needed for a recall petition. The City Clerk had 20 days to say if the petitions are sufficient. He encouraged Council to do their job and set the date for the recall.

Tom Colosimo, Carson Salt Spring Road, Vice President of the Commerce Association announced that on May 8th they will be holding the Spring Peddler.

He also thought there was some bias here tonight. Mr. Stintson was asked to leave because he was not wearing a mask, but some were sitting or talking without a mask. This should be applied equally not just single out those you don't want to hear from.

Julie Lemmon, 2750 East River Road asked how all the communities under the same umbrella would benefit the City.

She also said she was harassed by Mr. Lynch and she has the audio. If Council will not reprimand him, she will have to go above their head. She said she has spoken to Ms. Spletzer at length over Mr. Lynch's behavior.

Jamie Kline, 312 Ridge Road felt that Mr. Alberini, Mr. Zimmermann and Ms. Breymaier owed Ms. Spletzer an apology because of the comments made at the last meeting. She commented Attorney Fritz should not be yelling at the Mayor and asked that they contact the bar because he was doing things he should not be doing.

Laura Neiheisel, 227 North Center commented on the news article and said she would not have a problem if people were doing their jobs. She said it was our right to hold a recall. Once this recall was completed, they would be 3/5 corrected and then have two more to go

Tracy Hurst 615 Ophelia stated if the Village Manager informed the representatives and community on issues there would not have to be recalls. She said they try to reach out. She also questioned whether Mr. Breymaier read and signed the Code of Ethics.

Tim Stintson questioned why the City Managers report was not in the Council packet sent out. He also questioned what right the City Manager had to not put an item on the agenda. He also stated that the administration is there to help Council write legislation. However, if the legislation was being written without Council input that would be incorrect. He also felt all legislation should have a sponsor.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Zimmerman clarified that there was no need to remove the one-time rate discount from the table because we have a plan for a long-term rate discount.

Tomorrow will be a Planning & Zoning meeting and later this week a Fire Board meeting.

Baryak, we have some spirited debates here but there comes a time he will put his foot down because we don't need to be yelled at or talked down to and he has questions. Hopefully this Council will set the date for the recall. Today he contacted the Ethics Commission and was told if Ms. Breymaier opens her mouth or participates in any way they will get involved. Baryak said when you ask a question of the Law Director and he says go tell it to the Judge, he said he would not be disrespected. We have to work together to get out of the limelight. Baryak said he still did not get an answer to his questions tonight. As far as recalls let the people speak.

Spletzer said on March 15th Jamie Kline spoke and notified everyone that they collected 211 signatures for the recall. On March 26th Mrs. King took the petitions to the Board of Elections and they were done by Tuesday, she chose not to pick them up till Thursday. So as far as she was concerned, we are at the point where she would like to call a special meeting for Thursday to set the date for the election.

Alberini stated sometimes people already have opinions formulated whether you have done something wrong. People have the right to speak. When it becomes personal its overboard. There is a spirit of hatred here and he was not sure why. He appreciated Mr. Granchie coming to the podium but said it would be a good idea to get the legislation and look at it more because the AMP legislation will benefit the whole town.

Lattes and Legislature events, we have worked hard to establish a relationship with the Youngstown Warren Chamber. Since probably 1976 when Rockwell closed never had an economic plan intact like other communities. When Mayor Waddell was elected one of his priorities was to start economic development. We are behind the eight ball and are trying to catch up. Opportunities were given to the public to cosponsor the Lattes event. They have other communities to hold the event and could have taken it anywhere. Because of our relationship they chose us. The reason is to showcase the Village and show what a great community it is.

Mayor Kline thanked the individuals here today, sometimes people get zealous to him that says they care. When he ran for Mayor individuals came to him and asked what side of the fence he was on. He made it very clear he was in the middle, whatever was best for the community was where he was at. He respected every individual. There is a right way of doing things. Just because he gets a little upset and asks question does not mean he does not agree. He did not approve of the way we have been doing business, there is to much jammed through. We don't pick and choose when to use the Charter and it very specifically says that what we are doing is not correct. We should be setting a date right now, but we are going through this improperly. He had meeting tonight to go over with a lawyer and Judge to go over this and we would do this properly and legally.

MOTION TO RECESS INTO EXECUTIVE SESSION:

ADJOURN:

After no further comments or questions Alberini made a motion seconded by Spletzer to adjourn at 8:04 p.m.

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

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

DRAFT

ORDINANCE 2021-03

**AN ORDINANCE AMENDING ORDINANCE 2020-39 MAKING
APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER
EXPENDITURES FOR THE CIYT OF NEWTON FALLS, OHIO FOR THE
FISCAL YEAR ENDING DECEMBER 31, 2021.**

(Sponsored by the City Manager)

WHEREAS, Newton Falls City Council approved Ordinance 2020-39 making appropriations for the fiscal year ending December 31, 2021; and

WHEREAS, City Council wishes to authorize an additional 2% wage increase to City of Newton Falls employees retroactive to January 1, 2021.

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

SECTION I: The Newton Falls City Council authorizes a 2% wage increase to City of Newton Falls Employees retroactive to January 1, 2021. Total increase for 2021 thus becomes 3% due to the previous 1% authorized by Council.

SECTION II: The Newton Falls City Council amends Ordinance 2020-39 pages 417 and 418 with Exhibit A attached hereto as if fully rewritten herein.

SECTION III: All full-time salaried employees are exempt from this additional wage increase.

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2021.

Mayor Kenneth A. Kline

ATTEST: _____
Clerk of Council/City Clerk

2021-03
EXHIBIT A

FULL TIME EMPLOYEES	CURRENT 2020	2021 YEARS	LONGEVITY	2021	MAXIMUM
	RATE	SERVICE	RATE	PAY RANGE	BASE PAY RATE
POLICE:					
CHIEF*	\$ 30.86	8	\$ 0.36	\$ 34.86	\$ 35.92
SERGEANT	\$ 24.89	25	\$ 0.70	\$ 25.14	\$ 26.36
SERGEANT	\$ 25.90	28	\$ 0.76	\$ 26.16	\$ 27.46
PATROLMAN	\$ 20.76	4	\$ -	\$ 20.97	\$ 21.39
PATROLMAN	\$ 20.76	4	\$ -	\$ 20.97	\$ 21.39
PATROLMAN	\$ 20.76	1	\$ -	\$ 20.97	\$ 21.39
PART-TIME PATROLMAN	\$16-\$18			\$16.00-\$18.1	\$ 18.54
PART-TIME DETECTIVE	\$ 19.00			\$ 19.19	\$ 19.57
PART-TIME SUPPORT STAFF	\$14.72-\$16.21			\$14.87-\$16.3	\$ 16.70
ZONING:					
ZONING MANAGER	\$ 23.55	2	\$ -	\$ 23.79	\$ 24.26
WATER PLANT:					
DIRECTOR*	\$ 28.76	25	\$ 0.70	\$ 34.86	\$ 35.56
OPERATOR 3	\$ 23.81	29	\$ 0.78	\$ 24.03	\$ 25.31
OPERATOR APPRENTICE TO 1	\$ 18.67	3	\$ -	\$ 19.16	\$ 19.23
OPERATOR APPRENTICE TO 1	\$ 17.85	3	\$ -	\$ 18.15	\$ 19.75
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
WATER DISTRIBUTION:					
DIRECTOR*	\$ 28.34	31	\$ 0.82	\$ 34.86	\$ 35.68
MRO 3	\$ 23.34	18	\$ 0.56	\$ 23.57	\$ 24.39
MRO 2	\$ 20.85	5	\$ 0.30	\$ 21.06	\$ 22.40
MRO 2	\$ 19.72	4	\$ -	\$ 19.92	\$ 21.47
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
WASTEWATER:					
DIRECTOR*	\$ 28.72	23	\$ 0.66	\$ 34.86	\$ 35.52
OPERATOR 2	\$ 21.21	5	\$ 0.30	\$ 20.96	\$ 22.14
OPERATOR 1	\$ 19.74	5	\$ 0.30	\$ 19.94	\$ 20.94
OPERATOR 2	\$ 20.60	4	\$ -	\$ 20.81	\$ 21.84
OPERATOR APPRENTICE TO 1	\$ 17.38	2	\$ -	\$ 17.55	\$ 19.53
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
ELECTRIC:					
DIRECTOR*	\$ 28.26	15	\$ 0.50	\$ 34.86	\$ 35.36
APPRENTICE TO 1	\$ 19.17	7	\$ 0.34	\$ 19.36	\$ 20.95
SENIOR LINEMAN	\$ 27.09	7	\$ 0.34	\$ 27.36	\$ 28.25
SENIOR LINEMAN	\$ 27.09	7	\$ 0.34	\$ 27.36	\$ 28.25
APPRENTICE TO 1	\$ 18.85	2	\$ -	\$ 19.04	\$ 20.95
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
UTILITY BILLING:					
UTILITY BILLING ADMIN	\$ 21.72	2	\$ -	\$ 21.94	\$ 22.38
UTILITY CLERK	\$ 16.21	2	\$ -	\$ 16.37	\$ 16.70
STREET:					
DIRECTOR*	\$ 27.52	38	\$ 0.96	\$ 34.86	\$ 35.82
MAINTENANCE 3	\$ 22.10	33	\$ 0.86	\$ 22.32	\$ 22.77
MAINTENANCE 3	\$ 22.06	31	\$ 0.82	\$ 22.72	\$ 22.74
MAINTENANCE 1	\$ 18.37	3	\$ -	\$ 18.30	\$ 19.44
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
CITY ADMINISTRATION:					
CITY MANAGER*	\$ 42.91	3	\$ -	\$ 43.34	\$ 44.21
CITY CLERK*	\$ 23.77	27	\$ 0.74	\$ 34.86	\$ 36.31
PART-TIME CLERK	\$ 14.75			\$ 14.90	\$ 15.17
FINANCE:					
DIRECTOR*	\$ 32.07	5	\$ 0.30	\$ 34.86	\$ 35.86
ACCOUNTING ADMIN	\$ 21.72	2	\$ -	\$ 21.94	\$ 22.38
FINANCE CLERK	\$ 14.85			\$ 15.00	\$ 16.83
LAW:					
LAW DIRECTOR	\$ 30.96				\$ 31.58
LAW CLERK	\$ 12.54			\$ 14.90	\$ 15.20
BUILDING MAINTENANCE:					
CUSTODIAN	\$ 14.75			\$ 14.90	\$ 15.20
BUILDING SECURITY	\$ 16.50			\$ 16.50	\$ 16.83
ECONOMIC DEVELOPMENT:					
ECONOMIC MANAGER*				\$ 24.04	\$ 24.04

Note: * This means these positions in 2021 are salaried employees will not be paid overtime nor license pay