

# NEWTON FALLS CITY COUNCIL

## REGULAR MEETING AGENDA

MONDAY, AUGUST 2, 2021

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

Brian Kropp, 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

Rocco Adduci, Superintendent Newton Falls Exempted Village Schools -  
Athletic Facility

## 5. Public Comments (limited to those items as identified on the agenda)

## 6. Reports

Mayor

Council Members

Finance Director

Law Director

City Manager

Changes to tonight's agenda

## 7. Approval of Previous Minutes

July 19, 2021 - Regular Meeting

July 29, 2021 - Special Meeting

## **8. Public Hearings:**

1. Resolution 24-2021: Alternative Tax Budget

## **9. Unfinished Business:**

## **10. New Business:**

1. Ord. 2021-08: An Ordinance to Amend Administrative Code 121.03 (f) to have Council member legislative submissions to be named sponsor and allow Co-Sponsor additions.
2. Ord. 2021-09: An Ordinance to Amend Administrative Code 121.03 to have legislative submissions time recorded and placed on agenda chronologically.
3. Ord. 2021-10: An Ordinance to Amend Administrative Code 121.01 (b) to describe Council Chambers.
4. Ord. 2021-11: An Ordinance to Amend Administrative Code 121.03 to have no current and/or former Elected/Appointed Legislative Officials hired for a period of at Least 2 Years from the time the official left office.
5. Ord. 2021-12: An Ordinance to Amend Administrative Code 121.03 to include no current and/or former elected/appointed Legislative Officials shall be permitted to do business with the Village for at least two calendar years from the time the official has left office.
6. Res. 24-2021: A Resolution Accepting the Amount and Rates Determined by the Budget commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.
7. Res. 25-2021: A Resolution to Cancel the Smart Meter Form and Rate Previously Set by the Village Manager.
8. Res. 26-2021: A Resolution asking Pamela Wolford to continue serving in the role of Acting Finance Director on a short-term basis, pending future decisions by Council

9. Motion to create a City Council Ad Hoc Committee consisting of Councilman Kropp and another Council person to work with administration to provide access to City Municipal building for workspace and business services.
10. Motion to orally sanction Council Sandra Breymaier, as per 121.03 (h) of the City Administrative Code, for failing to attend City Council meeting on July 6, 2021.
11. Motion to advertise and authorize the City Clerk to accept resume/applications for the Ward 4 City Council seat, upon certification of election results from the Trumbull County Board of Elections until midnight \_\_\_\_\_.
12. Motion to appoint Laura Neiheisel to the Park & Recreation Commission unexpired term commencing immediately and ending December 31, 2021.

**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 of the City Manager
  - \_\_\_ 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 Tuesday, July 19, 2021, at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance and prayer.

**ALSO PRESENT:**

David M. Lynch, City Manager; A. Joseph Fritz, Law Director; Kathleen M. King, City Clerk; Acting Finance Director, Pamela Wolford; Gene Fixler, Police Chief.

**ROLL CALL:**

Spletzer, Zimmermann, Kropp, Baryak

**ABSENT:**

Breymaier

Zimmermann made a motion seconded by Kropp to excuse Ms. Breymaier due to illness.

**ROLL CALL: Zimmermann aye, Kropp aye, Baryak aye, Spletzer aye.**

**MOTION PASSED 4-0**

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

**PUBLIC COMMENTS:**

Mr. Rick Kerlin, 611 North Canal Street spoke in general on the referendum petitions and information that he received through public requests. Since April 30<sup>th</sup> of this year everyone except the people and certain Council representatives knew we were fighting that referendum. When a decision was required, we just ignore them. He read Attorney Fritz opinion that it was administrative not legislative. Questions were asked if the contracts were done and what was said was the sales agreement was the contract. He asked what part the people still need to see that was the first part? Mr. Kerlin did not agree with the Law Director that it was administrative. He also stated that the administration cannot sell utilities. He also commented that the Clerk has been with the City for 25 years and has seen many referendums and asked how she could send a letter in objection to the referendums. In fact there is another referendum from last year in question. How with so much experience and being so able could she let this go by. Mr. Kerlin stated that on May 30<sup>th</sup> the Clerk asked for a determination of the Ordinance. Our Law Director already gave his opinion on the determination of the Ordinance. According to the Board of Elections they have heard nothing into July. He stated this was a continuation an attempt by Mr. Lynch, Mr. Fritz and Ms. King to keep the people from voting. He said it was bad business to keep the people from voting. Are they going to have a referendum or not. They were made sufficient by our City Clerk when they were sent down. Their response was they are sufficient. It is bad business to keep people from voting. Very discouraging we can't vote.

Ms. Anna Musson stated she was appointed Finance Director since July 11, 2016. She felt that item number three on the agenda was incomplete, it was missing the bank reconciliation.

Ms. Musson also stated that the City is in violation of the 2022 tax budget. Per ORC every village in the State of Ohio is required to pass the 2022 Alternate Tax Budget. Additionally, the tax budget requires a public hearing to be published in the newspaper not less than ten days before the hearing. She completed the paperwork and brought 15 copies. Ms. Musson stated according to ORC 5705 this should have been passed on or before July 15<sup>th</sup> or the City was in jeopardy of losing the Local Government Funds. This document must be to the Tax Commission by tomorrow.

Ms. Musson stated that the General Fund balance of \$70,000 was extremely low and that the carryover should be at least one half million dollars. Our biweekly payroll is over \$90,000. She questioned how the City would pay for the firefighters' uniforms when the finances and fund balances keep draining. She encouraged Council to add this alternate tax budget to the agenda tonight and pass it.

Catie Karl, 128 West Quarry was concerned that we had an Acting Finance Director, and she did not know, nor did she want to know the status of the Finance Director who was on administrative leave. She expressed concern that there seems to be financial papers out of the office at a personnel residence. She stated this was very concerning and hoped the Administration or Law Director would get the documents returned.

Kropp called Point of Order and asked Ms. Karl to acknowledge what agenda item she was speaking on. Ms. Karl stated the Finance Report.

Ms. Karl also stated we love to talk to different Council members and reach out to anyone on council but not everyone is being given the opportunity because some have blocked people. Ms. Karl felt that giving Council members office space would be an expense to the taxpayers that was not needed. She suggested they could use the great room if they need to. Additionally, she suggested if there was extra money it could be used for kids' program or something that needs done in the City.

Mr. Placer 342 Oak Knoll stated that \$72,000 in the General Fund is worrisome and asked where did the money go.

He also stated all of Council should have a spot to go to review the agenda items and questioned who made the rule. Elected officials are entitled to an office.

Ms. Neihsel, 227 North Center felt it was a great idea for Council to have office space because of the security at the building. She felt it was unsafe for Council members to meet people without security outside of the building.

## **REPORTS :**

Zimmermann:

- Street paving is being done. He was approached by a resident who was very happy with the work done and her interactions with the contractor. This is what Council should be all about, getting things done in the City.
- A benefit dinner will be held on August 1<sup>st</sup> for a ten-year-old who needs a liver transplant.

Spletzer:

- Monday dialed into the Trumbull County Board of Elections Special meeting on the recall.
- Thursday met with State Representative Loychik and a Liaison from the Auditors Office and met at Mi Amigo's.
- Park & Recreation meeting will be held on Tuesday the 27<sup>th</sup> at 5:30 p.m.

Kropp:

- Toured Village Hall with Mr. Lynch. The space is coming along. There are vacant offices but no access for Council members. During the tour got to speak to members of the office staff.
- Attended a meeting with Pete Augusta Township Trustee, Teresa Bartlett and Mr. Lynch on the Scott Street Project to get up to speed.
- Was also brought up to speed on the Finance Director situation. Was presented a report and found it troubling how some information was gathered.
- Attended the Forward Ministries ribbon cutting. Thanked those in attendance and participated in the ribbon cutting. Thanked Rachel Rankin from the School who was there and gave a shout out to NF Commerce Association.
- On Monday, July 12<sup>th</sup> was at Village Hall and spoke to the Clerk who told him the Village Manager was attending meetings and would be out Monday and Tuesday till lunch but was not told what meetings or with who. The Clerk allowed him to use an office that he hoped in the future he could show everyone.
- Participated in the Board of Elections meeting as well on the recall. They voted 3-0 to have the recall. Attorney Fritz called in and spoke on his own accord.
- Went back to Village Hall around 3:30 p.m. on Monday and the Security Guard spoke to the Village Manager who essentially refused him access to the building. He was given a copy of the security protocol.
- Spoke with the Executive Director of OML, Kent Skerrit about the Lattes and Legislatures event that discussed the Ohio Turnpike. Mr. Kropp questioned why former Mayor Waddell was at the head table and introduced as a board member of OML. He was told by Mr. Skerritt that once you lose your seat as a public official you are no longer eligible to serve on the OML board. No one reached out to Mr. Skerritt and informed them that Mr. Waddell was no longer a public official.
- Attended the NF Commerce Association meeting on Tuesday, July 13<sup>th</sup>.
- Saturday, July 24<sup>th</sup> Christmas in July will be held at the park from 12:00 noon to 3:00 p.m. funds raised will commemorate the 1985 tornado.
- Attended with Mr. Lynch an economic development meeting. Spoke to Mr. Baryak a member of the economic development board who was not invited. It was a good meeting.
- Before the deadline on Wednesday submitted ten pieces of legislation and one after the deadline. Received an explanation from Joe Fritz, not one of the items was on the agenda.
- One item on the agenda he did not write and he asked who submitted or authorized the

- rewording. He stated Attorney Fritz did not communicate with him or return phone calls.
- Attended the meeting with State Representative Loychik and discussed the happenings in Newton Falls over the past two and a half three years and what has taken place. Spoke about the chronological order of what has happened.
  - Received multiple emails and calls over the past few weeks. Responded or directed the calls to the proper department. Most reached out because their council person did not respond or failed to follow through.

#### FINANCE DIRECTOR:

Acting Finance Director, Pamela Wolford had nothing to report in addition to the written report submitted.

Baryak asked if the information presented tonight by Anna Musson was true. Ms. Wolford stated it was true. Baryak asked if we missed a deadline. Ms. Wolford stated yes.

Kropp asked Ms. Wolford to introduce herself and her background which she did. Mr. Kropp asked if she held the qualifications for an interim finance director standpoint as far as licensing and bonding. Ms. Wolford stated yes, and she was working on getting the certifications.

Spletzer stated she also noticed this report was missing the expense report and bank statement reconciliation. She also stated that last month confidential information was released on businesses income tax information. Ms. Spletzer stated she instructed the City Manager to get that off the web. This information is still on the web site and needs removed. Mr. Kropp asked if that information was accurate, and the information was released. Ms. Wolford said that was her first time and she took full responsibility, and it would not happen again.

Spletzer asked on the statement of cash position and receipts and disbursements how we could spend more than we brought in this year and why the low general fund balance. Ms. Wolford stated the General Fund was low because she was contacted by multiple vendors who had invoiced the City and went unpaid from January, so she paid them.

Spletzer also asked about the road paving that was \$160,000 short over what was budgeted out of the general fund. With the general fund at \$72,000 how would that be paid and how would we pay for the fire uniforms. Ms. Wolford indicated the general fund rebounded in June. Baryak asked if this was a very high anticipated kick in the revenue coming in or was this normal or above average. Ms. Wolford stated it was normal a little above average.

#### LAW DIRECTOR:

Attorney Fritz stated there were eleven items that Mr. Kropp presented on Wednesday. Council got the list as to why they were not on the agenda. The fact that they were not on the agenda does not mean they can never be on once they are put in proper form. There are one or two items that violate the separation of powers and were administrative that council cannot legislate on.

Kropp states Mr. Fritz has not responded to his emails or phone calls or provided him with legal council to do his duties. He received an email attachment that came out a minute before the agenda came out. Mr. Kropp asked if the Law Director had the two documents in front of him to review. Attorney Fritz said he did not he does not bring his office here; the answer is if he had specific questions he would answer.

Kropp stated the first item submitted to the agenda was: Motion to require any/all legislation submitted by council/legislators to be submitted in writing (email, typed, or hand-written) to the clerk of council/village clerk (or designated alternative), and for any/all submitted legislation to include name of author, time, and date of original submission as well as a confirmation of receipt of said legislation from the Clerk of Council (or designated alternative), and all submitted legislative items will be placed on the agenda in order they are received, with the accompanying name of the original author of the item, Co-sponsors may be included as well, with the knowledge and approval of the named sponsor(s). Attorney Fritz responded in his email that this is not a single purpose motion. This change would modify Council Rules and violate the Charter therefore the motion is improper.

Kropp asked for an explanation so that it could be reworded and submitted tonight. Attorney Fritz stated there are multiple items in there they need to be split up. Mr. Kropp asked him to be specific. Attorney Fritz addressed the Mayor and noted this is a question-and-answer session not a work session.

Kropp called Point of Order said he asked specific questions and expects specific answers from the Law Director. Mayor Kline stated he would have to stop him about halfway through so others can ask questions.

Mayor Kline moved on and suggested to Attorney Fritz it would have been a good idea when he received the information from Mr. Kropp to contact him, so we were not wasting the community's time. Attorney Fritz stated he is not here 40 hours a week. He is working weekends and nights for the City. He prosecutes Tuesdays and Thursdays. The paperwork from Mr. Kropp would have been brought to him for review for the first time on Wednesday. He had other City business he was taking care of Thursday he prosecuted all day, and Friday sat with staff to go over each item by Zoom in the morning. When Council presents these, he is just not sitting here waiting to take care of their motions. Attorney Fritz stated he has other City business to do which he did. He suggested he would sit with Mr. Kropp and go through them and put forward those that are possible. Mayor Kline stated that was not his problem because he has said for eighteen months that our communication is awful. It is disheartening to open the agenda and not see items on there. It would have been a lot better if it was beforehand.

Spletzer stated her submissions were also included in the reply letter. It stated the referendums violate a separation of powers and would be in violation of the Charter, she asked for an explanation. She found the Clerks job description in Article 3 under Council. All she needed to do was declare the sufficiency and validity of Referendums 2020-19 and 2021-02. She has not done her job. You sent a letter to the Board of Elections on your own accord trying to convince them that 2021-02 is part two of something. And gave no concrete proof to believe that



statement. She believed both referendums submitted to the Board of Elections needs to be declared valid and sufficient and let the people vote.

Attorney Fritz stated both of those have been delivered to the Board for validity and sufficiency. She did her job. When you read the Charter also read the ORC. This Council should not have the authority to direct her to do what is required of her job if it is not sufficient or valid. But she did deliver both of them to the Board of Elections.

Spletzer asked why she delivered them with a letter that he wrote trying to declare them administrative. Attorney Fritz stated because he believes them to be administrative. Spletzer asked for proof that they were administrative. Attorney Fritz said he would put something together before the next Council meeting.

Baryak asked if he submitted any documents or suggestions to Planning and Zoning since they talked in reference to eliminating the drug houses. Attorney Fritz said he did not submit it in writing, it was orally directed to them, and they were going to put it on their agenda. Planning and Zoning meets on a regular basis and in most cases, they do the initial review and contact other communities then will contact him when they get close to a final draft to have him review or attend a meeting to finalize. That is where it is at to his understanding.

Baryak stated the Law Director contract now has hospitalization and is now a full-time employee and extra six months on separation he was told he would be on normal business hours, or he would be readily available. Baryak said a lot of times when he called, he has had to talk to the secretary. Baryak stated we have no say over Mrs. King answering the phone. Attorney Fritz stated he was not saying that, he has constant communication with the City Manager, City Clerk and staff.

Attorney Fritz stated he is called on nights and weekends on a regular basis. Baryak said even if this Council passed a resolution that the office would be manned 8:00 – 4:00. Baryak said he had it on his cell phone and must have called 30 times and no one answered. Where was someone to take Mrs. Kings place. He asked if they had the right for her to follow our directions when they pass a resolution. Baryak stated a resolution was passed to have her answer the phone. He said he had two constituents call him about very serious problems he could not get ahold of anyone all day. He asked why they passed the legislation if they don't have the right to direct employees what they are supposed to do. Attorney Fritz said he was vaguely familiar with what was passed but since moving into this building we have a new phone system. The phones are generally manned, but he was asking an administrative question not legal question.

Zimmermann stated he believed the timeline when Mrs. King turned the referendums into the Board of Elections with a note that they were valid and asked them to tell us if they were valid or not. They then responded with an email saying if they were referendum able or not. That is when you provided the opinion saying this was an administrative act and that is what the Board is acting on. Attorney Fritz agreed and stated it was in response to the Board of Elections receiving the petitions.

Kropp asked Attorney Fritz to breakdown those so they could be put on the Agenda. Attorney Fritz suggested scheduling a meeting now so they could meet on these. Kropp stated this was a

quagmire and he felt it was intentional. He felt it was excuses when he received the reasoning from the Law Director but now says he is open to communication with all the member of Council staff. Kropp asked if he was able to do the job of legal counsel for the Village or did, he not have enough time or was he not available. Kropp asked if he was so busy, he could not respond to an email. Attorney Fritz stated he was. Kropp stated there have been attempts to change the submission time of legislation in the past. The reason to have legislation submitted early is so that Council staff and the Law Director have ample time to go through it. Attorney Fritz stated in the past what Council members have done is they normally present it to him and give him time to do the research and put it in form before it goes to staff. He would review it with the Council person so he can make sure what he drafted is what they brought to him and addresses the issue so there is no miscommunication there. If it is in the form they want then it is presented to be put on the agenda. Attorney Fritz stated he is not going to rush a piece of legislation. Attorney Fritz stated respectfully they don't know what all his work is and what he is doing. Attorney Fritz stated there are five council members and he works for all of them.

Mayor Kline stated he is busy too, but he would have sent a text to say he would not get through it all not just get the agenda and it's not there. Mayor Kline stated we have zero communication.

#### **CITY MANAGER:**

- Heritage Accord is moving forward with activities at the Community Center. He explained that one of their events will be a meal held on the Covered Bridge. They have raised money and he is optimistic that in reasonable short order the Community Center will be open again. Events planned for last year were stopped due to Covid. They have spent money removing all the mold.
- Thanked Mr. Kropp for his participation in the Scott Street meeting. We have more meetings planned and was optimistic that close to October he would have all the funding in place without turning to the taxpayers of Newton Falls.
- Also appreciated Mr. Kropp's attendance in the meeting with a potential developer.
- The County had a meeting reference to HB168. There were 50 or 60 representatives from around the valley.
- We have been in contact with CSX about some maintenance issues.

Spletzer asked if he had been in contact with Harold Young who represents the VerLay Condominiums. Mr. Lynch stated he has been and has met with him on several issues that he is currently reviewing to address. Spletzer asked if they discussed the road dedication. Mr. Lynch stated that is one of the things they are discussing.

Baryak asked the City Manager about the Economic Development meeting and that he was on the committee and asked why he was not invited. Mr. Lynch stated the stage of this is not at the stage that he wants further discussions. Baryak stated Mr. Kropp was there why was he not. Was Mr. Kropp more privileged than him. Mr. Lynch stated no.

Baryak asked what proof he had that the Scott Street project would be fully funded. How does Council know. Mr. Lynch stated if he was providing funding from another source, he did not have to go to Council.

Zimmermann asked Mr. Lynch to explain the meeting he had with Sandra O'Brien. Mr. Lynch said it was essentially to congratulate her and go over the details of the meeting with the Ohio Department of Development. She played an important role in the \$250,000 grant we received for the gas tank removal and remediation process on St. Rt. 5 & 534.

Kropp in reference to the meeting with the potential development was there was a timeframe on the proposal. Mr. Lynch stated the general timeframe he was working on a document and expected a preliminary draft this week. Kropp asked in the future to include other members of the economic development committee.

**MAYOR:**

- Attended the Commerce Association meeting and a lot was accomplished.
- Saturday is Christmas in July.
- Has done some door-to-door work and enjoys getting out and talking to fellow citizens.
- Spoke with the General Manager at the Nursing home.
- Sat in at the lunch at Mi Amigo's with the State Auditor and State Rep and two Council people.
- Had a dinner with Governor DeWine, his wife and the Mayors wife and went over concerns with Trumbull County.

CHANGES TO TONIGHT'S AGENDA:

**Baryak made a motion seconded by Spletzer to add a motion to terminate the contract of David M. Lynch, City Manager to take effect immediately.**

**ROLL CALL: Kropp aye, Baryak aye, Spletzer aye, Zimmermann nay.  
MOTION PASSED 3-1**

Baryak handed out a paper marked Exhibit A terms and conditions.

Spletzer asked if we should add the Alternative Tax Budget to the agenda, so it has time to get submitted.

Attorney Fritz said his understanding was if there was an administrative error it is a soft deadline and allows for it to be submitted at a later date. He would have to check on the time limit.

**Kropp made a motion seconded by Spletzer to add: Motion to require any/all legislation submitted by council/legislators to be submitted in writing (email, typed, or hand-written) to the clerk of council/village clerk (or designated alternative), and for any/all submitted legislation to include name of author, time, and date of original submission as well as a confirmation of receipt of said legislation from the Clerk of Council (or designated**

alternative), and all submitted legislative items will be placed on the agenda in order they are received, with the accompanying name of the original author of the item, Co-sponsors may be included as well, with the knowledge and approval of the named sponsor(s).

Kropp asked for a Parliamentary Inquiry and asked the Law Director for the proper procedure to add this to the agenda. Attorney Fritz indicated this should be a role call to add this to the agenda and then discussed under new business.

**ROLL CALL: Baryak aye, Spletzer aye, Zimmermann nay, Kropp aye.  
MOTION PASSED 3-1**

**Kropp made a motion seconded by Spletzer add: Motion to permit access to village hall for all elected/appointed Newton Falls Village Council members during normal operating hours – including but not limited to passcode issuance, key card access, office usage, secure internet access, hard wired phone access, and any other items deemed necessary by council to perform village business and sworn duties, such as research and preparation of legislation.**

**ROLL CALL: Spletzer aye, Zimmermann nay, Kropp aye, Baryak aye.  
MOTION PASSED 3-1**

**Kropp made a motion seconded by Spletzer to add: Motion to rescind any/all powers and/or authorities granted to the position of village manager via ordinance, resolution, and/or motion of council not expressly written in the Newton Falls Charter.**

**ROLL CALL: Zimmermann nay, Kropp aye, Baryak aye, Spletzer aye.  
MOTION PASSED 3-1**

**Kropp made a motion seconded by Baryak to add: Resolution declaring “Council Chambers” specifically as the chamber (formerly the Sanctuary) at 612 West Broad Street and that any meeting held in any other manner or at any other location (physically or virtually – ex: Zoom) must be approved by a majority vote of Council.**

**ROLL CALL: Kropp aye, Baryak aye, Spletzer aye, Zimmermann nay.  
MOTION PASSED 3-1**

Kropp stated he wrote a motion to verbally reprimand the Law Director for exiting a regularly scheduled council meeting while still underway and without being formally excused by Council. He asked if there was a proper way to word that to have it added to the agenda this evening. Attorney Fritz suggested Council seek outside counsel on how to proceed.

Kropp made a motion to add: Motion to orally reprimand Council woman Sandra Breymaier for failing to attend a regular village council meeting. No second to the motion.

Kropp made a motion to add: Motion requiring Village Manager Lynch requiring any/all Newton Falls public officials (including but not limited to Village Council, Mayor, etc.) and any/all

employees including but not limited to council staff (Village Manager, Law Director, Finance Director, Village Clerk/Clerk of Council, Chief of Police, Zoning Inspector, etc.) to use official email accounts (@newtonfallsoh.gov) issued by the village that are connected to village servers for all village business and communications so that they may be accessed by the public or by members of council, per their request for public records/documents.

Mr. Kropp stated he spoke to the Clerk about this. The Clerk, Mrs. King stated she spoke to the IT Company today and she was not sure any of those go through our server. She was told the oh.gov does not, it is a government site and goes to their cloud.

Mr. Kropp withdrew this motion.

**Kropp made a motion seconded by Spletzer to add: Motion requiring any/all official meetings of council (regular, special, emergency, caucus, townhall, etc.) are to be broadcast live, displayed, shared, embedded, and/or disseminated via all official platforms of the Village of Newton Falls, including but not limited to the official Village website (ci.newtonfalls.oh.us), official Village Facebook page, official Village YouTube channel, and any other official platforms council deems necessary and/or useful.**

**ROLL CALL: Baryak aye, Spletzer aye, Zimmermann nay, Kropp aye.  
MOTION PASSED 3-1**

**Kropp made a motion seconded by Spletzer to add: Motion to require any/all official meetings of council (regular, special, emergency) to be audio/video recorded and transcribed verbatim.**

**ROLL CALL: Spletzer aye, Zimmermann nay, Kropp aye, Baryak aye.  
MOTION PASSED 3-1**

**APPROVAL OF PREVIOUS MINUTES:**

**Kropp made a motion seconded by Spletzer to adopt the July 6, 2021; Regular Meeting minutes submitted by the Clerk.**

**ROLL CALL: Zimmermann aye, Kropp aye, Baryak aye, Spletzer aye.  
MOTION PASSED 4-0**

**PUBLIC HEARINGS:**

Ordinance 2021-06: An Ordinance authorizing funds to the Newton Falls Joint Fire District for fire uniforms.

Mayor Kline opened the public hearing on this Ordinance.

Catie Karl addressed Council and asked that they follow through with this and help the Fire District.

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

**UNFINISHED BUSINESS:** None

**Ordinance 2021-06: An Ordinance authorizing funds to the Newton Falls Joint Fire District for fire uniforms.**

**Zimmermann made a motion seconded by Kropp to adopt this Ordinance.**

**ROLL CALL: Kropp aye, Baryak aye, Spletzer aye, Zimmermann aye.  
MOTION PASSED 4-0**

**NEW BUSINESS:**

**Baryak made a motion seconded by Spletzer to Terminate the Contract of David M. Lynch, City Manager. This shall take effect immediately.**

**Exhibit A TERMS AND CONDITIONS**

- 1) Employee, David M. Lynch, shall have no contact with any employees, nor is he to have any conversations with past or present employees regarding anything related to the business of Newton Falls.
- 2) Employee, David M. Lynch, shall have no contact or conduct any conversations with any attorney now employed, or has been employed in the past by the Village of Newton Falls. No legal matters involving Newton Falls will be discussed.
- 3) Employee, David M. Lynch, shall not adversely communicate with any current or past contractors, nor with anyone else concerning any business for the Village of Newton Falls.
- 4) Employee, David M. Lynch, shall not interfere with the operations of Newton Falls.
- 5) Employee, David M. Lynch, shall return ALL Village/City property he has in his possession and/or knowledge of that was gained while acting as City Manager to include, but not limited to:
  - a) City car (must be returned with keys, no later than 12pm, Tuesday, July 20, 2021.)
  - b) ALL keys to any City buildings or any other vehicles owned by the Village of Newton Falls.
  - c) Pager, cell phones, tablets, computers, printers, badges, security codes and all passwords.
  - d) Any furniture purchased by the Village of Newton Falls.
  - e) ALL books, manuals, papers or notes concerning the Village of Newton Falls.
  - f) ALL of the above materials are to be returned immediately, or by a time designated by Mayor Kenneth A. Kline.

6) **Employee, David M. Lynch, shall not make duplicates of any items, to include, but not limited to the use of any materials owned by Newton Falls or developed while being employed by the City of Newton Falls.**

7) **Employee, David M. Lynch, may only contact Mayor, Kenneth A. Kline or any other person designated and approved by Mayor Kline.**

Attorney Fritz stated this is the first he has seen this and advised Council that he is a contractual employee, and that termination of his contract has various consequences that may come to this Council. He has not had an opportunity to advise one way or another. There is a payout on this matter and all type of discussion should be in executive session not on public floor because we are dealing with personnel issues with an employee. Since this was not on the agenda early on it needs a super majority to pass the matter. Mayor Kline stated that was not true. Attorney Fritz also stated that there were specific times in here that would not be protected.

Mayor Kline stated it needs a simple majority per administrative code 121.02.

Baryak asked if passed who would accompany the City Manager to start getting his stuff tonight. Mayor Kline stated the Chief of Police is here.

Attorney Fritz said unless you get four votes, he did not think you would get this passed tonight. Mayor Kline stated we do not need four votes; administrative code says it's a simple majority. Unless somebody else shows us otherwise that is what it said. Kropp asked Attorney Fritz to site where that comes from or where in the Charter or Administrative Code. Attorney Fritz stated it was in Roberts Rules. Kropp asked where it was in the Charter. Attorney Fritz said it was not specified in the Charter. Mayor Kline stated that Roberts Rules says the Charter, Bylaws, Administrative Code supersede that.

**ROLL CALL: Baryak aye, Spletzer aye, Zimmermann nay, Kropp aye.  
MOTION PASSED 3-1**

Mayor Kline declared the motion passed. He asked the Chief to come forward and do his duties. Mayor Kline informed Mr. Lynch he was now a citizen, and he could move into the seats. Mr. Lynch stated he did not think that passed so he did not recognize it as having been passed. He understood that the Mayor and Law Director have different opinions.

Mayor Kline asked to be showed where it did not pass. He had the Administrative Code 121.0 that says any addition to the prepared agenda governing the meetings shall be approved by a majority vote of Council. So a majority vote is three. It also says Roberts Rules of Order has the purpose to ensure a meeting is fair and efficient. But your own Bylaws, Charter, Administrative Code supersedes Roberts Rules of Order, so it passed.

Attorney Fritz stated the section read about adding to the agenda is that you need a majority to add to the agenda not to pass the motion. When you go to the Charter it is silent on how to handle things that were attached. Since there is no prior notice, it is designed so that members of

Council with a slight majority cannot take advantage of the ones that are the slight minority. So if it is silent in the Charter, there is nothing in the ORC, you go to Roberts Rules of Order.

Mayor Kline stated it passed. Mr. Lynch stated he did not recognize it as passed. In addition Mr. Lynch stated there is a termination section in his contract that they have not exercised. Mayor Kline stated it passed. Mr. Lynch noted in his contract, passed by Council, there is a termination section that requires certain things be in place before your permitted to terminate him and that contract is signed.

Spletzer stated Section 11 paragraph (a) says a majority of Council can terminate you. Mr. Lynch said he is talking about the contract. Mayor Kline asked that they keep in mind that this is a Council meeting, and he is the head of council this was voted on and a majority of council decision. Your position has been removed; it is what it is.

Kropp stated the contract Mr. Lynch is referring is a contract that was passed via emergency. In that contract it states very clearly in the section underneath where it was passed. In the Charter it states when something is passed via an emergency whether ordinance or anything else it has to state specifically what the act what the specific emergency item is. Mr. Lynch's contract, no where in his contract or in the ordinance passed states any reason whatsoever, any specific reason for the emergency. Therefore per our Charter, that is a violation of our Charter. So that contract is null, and void anyway based on simple Charter language. It states very clearly in our Charter that when an item is passed via emergency it has to state specifically in that ordinance what that item is why that item is passed by emergency. Kropp asked Mr. Lynch to pull out Ordinance 2020-37 and if he could show him what the specific emergency stated what the reason is for the passage of that as an emergency, he would like to see it and read it otherwise that contract is null and void per our Charter. He felt it was a Charter violation. Kropp asked Attorney Fritz if we write a contract that is in violation of our Charter is that a good contract or if it is in violation of our Charter, it is null and void correct.

Mayor Kline stated either way this discussion is over. The vote is passed, it is a majority. If Mr. Lynch wants to come back after with an attorney or whatever but all the terms to Exhibit A have passed so his position here is terminated. He will have to get with the Chief who will get with him to figure out how all items will be exchanged by noon tomorrow.

Mr. Lynch asked to be recognized. Mayor Kline stated no. Zimmermann asked to be recognized. Mayor Kline asked what he wanted. Zimmermann stated to the Mayor "are you not considered a member of Council"? Mayor Kline stated "yes, why". Zimmermann said a majority members of council including the Mayor makes six people. Majority with six is four. Mayor Kline asked what happened on April 14<sup>th</sup> meeting you don't pick and choose. They are voting members, I vote whenever there is a tie, there was not a tie. Zimmermann stated there are differences. Mayor Kline said he did not have the floor, do not speak or there is the door. Mayor Kline asked the Chief to "get him out of here".

At this time 7:46 p.m. Mr. Lynch and Councilman Zimmerman left the meeting.



Mayor Kline asked the Chief if he would be collecting keys to the building. He wanted keys to the building tonight and a Police Officer, Brian Floor, or whoever on duty outside to make sure nobody comes in and out of the building tonight.

**Spletzer made a motion seconded by Kropp to appoint Brian Kropp as Vice President of Council.**

Mayor Kline stated that would not pass tonight because it needed a super majority and there is only three here.

**ROLL CALL: Spletzer aye, Kropp aye, Baryak aye.  
MOTION PASSED 3-0**

Mayor Kline asked how this works. Attorney Fritz suggested that Mr. Zimmermann has left, and they have a super majority of the members here. Mayor Kline declared it passed.

Kropp called for Parliamentary Inquiry and why it must pass by super majority and clarify where that was from and why. Attorney Fritz stated because it was already voted on and filled. So you're changing something that has already been passed by this session so you would need a super majority. It is not a notice issue it is a previously passed position. Kropp asked where it is that states that. Attorney Fritz indicated it was in Roberts Rules. Kropp stated it says in our Charter we have the right to elect a Vice President of Council.

Attorney Fritz cautioned all members of Council that the Charter is the ruling device, when it does not specify, we go to the ORC, if the ORC does not specify, then we go to Robert's Rules. That is how the steps are designed to proceed. So if it is not in the Charter and not in the ORC, we go to Roberts Rules. The Charter by itself does not work you need to have other things to supplement it to proceed and work properly. If the ORC does not provide then you go to Roberts Rules. Notice provisions are important, so all members of Council have fair notice of what is going to be on. So if it is added to the agenda, it would need a larger/super majority vote. If it has already been passed by Council, you're removing an act by Council in this session then it has to be by super majority.

**Baryak made a motion seconded by Spletzer to engage in discussion with Council regarding providing office space for occasional use by City Council members as needed.**

Kropp asked who placed this motion on the agenda. He did not write it and there was no sponsor. Attorney Fritz explained at the staff meeting regarding putting the agenda together on Friday, Mr. Lynch was making some sort of arrangements to provide office space. So this was put on to find out what the needs of Council might be to make arrangements for space to be available. He reminded Council that the administrative staff has the ability to put items on the agenda.

Kropp stated there is a separation of administrative and legislative. Council can't do things administratively but the administrators who are not elected officials and are hired employees can do legislative action. Attorney Fritz stated we can place it on the agenda we can not pass it.

Kropp stated administrative employees can write legislation so Mrs. King can write an ordinance and put it on the agenda. Attorney Fritz stated it can be placed on the agenda, but Council has to pass it otherwise it has no legal effect. Kropp asked if anyone that works for the Village can submit legislation. Attorney Fritz stated no it is the Finance Director, Law Director, City Clerk, City Manager, that is the administrative staff. Kropp asked what authorizes them to write legislation since they are administrators not legislators. What permits them to submit legislation not just prepare the agenda. The Charter specifically says help and assist Council and Mayor in preparation of the agenda. Which he has not had help getting items placed on the agenda instead we are having administrators without communication with legislators submit their own legislation that is not what the legislators are actually submitting. Kropp said as legislator they cannot control administrators' behaviors but administrators can submit pieces of legislation to the agenda is that accurate. Attorney Fritz said no. Attorney Fritz stated the Charter allows the City Manager to place things on the agenda. Kropp asked where in the Charter. Mayor Kline indicated his time was up and we needed to move on.

Baryak stated the ex-Mayor had a key to the building and could come and go whenever he wanted. Council should be allowed in at any time and have space.

**ROLL CALL: Kropp nay, Baryak nay, Spletzer nay.**  
**MOTION FAILED 0-3**

**Item number three on the agenda was a motion to acknowledge receipt of the Finance Department May monthly report, and attachments as presented. No motion made.**

**Baryak made a motion seconded by Kropp to have the City Manager request the Auditor of State to conduct a performance audit of the village and report back to the City Council within one week of obtaining this information as to the costs involved and other information pertinent to this request.**

Spletzer made a motion seconded by Baryak to amend this to say Audit Committee request not City Manager.

Vote on Motion to Amend:

**ROLL CALL: Baryak aye, Spletzer aye, Kropp aye.**  
**MOTION PASSED 3-0**

Baryak noted that there is a difference between a forensic audit and performance audit. A performance is to see if your tax dollars are being spent wisely or not. He felt we needed this.

Vote on Motion As Amended:

**ROLL CALL: Spletzer aye, Kropp aye, Baryak aye.**  
**MOTION PASSED 3-0**

**Kropp made a motion seconded by Spletzer to add: Motion to require any/all legislation submitted by council/legislators to be submitted in writing (email, typed, or hand-written) to the clerk of council/village clerk (or designated alternative), and for any/all submitted**

**legislation to include name of author, time, and date of original submission as well as a confirmation of receipt of said legislation from the Clerk of Council (or designated alternative), and all submitted legislative items will be placed on the agenda in order they are received, with the accompanying name of the original author of the item, Co-sponsors may be included as well, with the knowledge and approval of the named sponsor(s).**

Attorney Fritz stated this motion is to modify Council Rules and Council Rules have to be modified by Ordinance. This should be in ordinance form, have two reading unless an emergency. This is also changing two parts of the rules. He suggested getting together with Mr. Kropp this week to put into proper form. Kropp asked if he were get together with the Law Director and put this in proper form and placed on the agenda it would not need a super majority. Attorney Fritz agreed there would be no notice problem and a simple majority to pass Council Rules.

Kropp removed this motion from the agenda.

**Kropp made a motion seconded by Baryak add: Motion to permit access to village hall for all elected/appointed Newton Falls Village Council members during normal operating hours – including but not limited to passcode issuance, key card access, office usage, secure internet access, hard wired phone access, and any other items deemed necessary by council to perform village business and sworn duties, such as research and preparation of legislation.**

Attorney Fritz again noted this was modifying rules and suggested the methodology could be clearer on how to proceed to make sure we are complying with all laws of the State of Ohio. Mayor Kline noted we would have to look at certain things to make sure there are not three members of Council wanting to use the office at the same time. Attorney Fritz stated there may be criminal background checks necessary and there should be some specific rules in place that allows who's in there. He also wanted to make sure we had no violation of the Sunshine Law. There are other things that would need to be put in place regarding the safety of our employees and records.

Baryak said he highly doubted that there would be three in at a time because we all know Council rules. He took offense to someone saying he might be in here to steal something; he is an elected official. Mr. Waddell had an office and came as he pleased anytime he wanted. What about the safety of the court. He stated we had to start doing things fairly around here.

Kropp stated he wanted to make sure that these motions the way they are presented are correct and accurate which is why he reached out several times. If he could get assurance that they could get together and review the agenda items he would remove them and make sure they are placed on the agenda correctly, worded properly so they could last for the people in the future. Attorney Fritz stated he could make time to get together to go through these in order to get into form for the next meeting.

Spletzer asked for a meeting also.

Kropp asked to have the additional items he added to the agenda removed in lieu of sitting down with the Law Director and wording them properly and accurately.

**PUBLIC COMMENTS:**

Catie Karl 128 West Quarry stated the first rule in City Council Rules of Conduct and procedure, General Rules states your supposed to go by Roberts Rules of Order and your Council Rules are in our Charter. We have a wonderful community and great people who work together and want to help the businesses. But you would not be able to tell with what has been happening here, the lies, rumors, cut throat things that have been going on.

Baryak called for Point of Order she is making accusations.

Ms. Karl stated she was not making accusations on anybody up here. Baryak asked her to clarify that. Ms. Karl said it was really obvious. A Councilmember was thrown out tonight, an illegal vote was made. Mayor Kline stated he did not have the floor and it was not an illegal vote. Ms. Karl stated per your own Council Rules it was. Mayor Kline said you have to read it in its entirety. She stated it was a shame that you were not listening to your attorney. She asked that they try to work as a body of Council and work with the people we have.

Julie Lemon 2750 East River Road did not expect to see Mr. Lynch get fired but it has been a long time coming. Along with others she has been a victim of Mr. Lynch's harassment. She would sleep better knowing he is gone. The damage he has done to the City, it's time for peace of mind. She agreed we have a wonderful community, and she looks forward to seeing it move forward. She would like to see Ms. Musson put back to her position of Finance Director. This community needs her award-winning skills, she is highly qualified and capable.

Tracy Hurst, 613 Ophelia Street had a concern and addressed Ms. Wolford who admitted she missed a deadline which could have major consequences that could affect the entire Village. She asked why she did not know or were aware of the deadline and asked what other deadlines may have been missed. She asked how we know future deadlines will not be missed. Ms. Hurst asked if there was a procedure to follow or had a calendar. She felt it was a huge concern and needed addressed. There was not a confidence level that the financial duties will be done appropriately and correctly.

Ms. Hurst noted Mr. Lynch discussed a HIPPA violation. She stated there is also a PI violation, that is personal information. Basically you cannot disclose personal information which was done. She stated she would not trust our finances with this lady, and it is just a huge of violation as with HIPPA.

Chelsea Harper, 128 West Quarry thanked Ms. Wolford for stepping up in to the position because it obviously is not very easy. Obviously, things were left a mess and she was sorry people were attacking her for doing so. Totally not her fault because she was sure nothing was left outlining what deadlines were needed and when things were due.

Ms. Harper addressed Mr. Baryak about the drug houses and noted you get money for those people who go there to get better, Not all are terrible and most are pretty amazing. They spend their 30 to 60 days here and then go home. They go home clean with a better piece of mind and better mentality.

To Ms. Spletzer she stated it seems she is reading off notes. She is watching them take the Charter, put their words to it but if someone else says this is what it states, but because it goes against what you state it is wrong. Mr. Zimmermann was trying to help these votes tonight, because no matter what he did tonight everything was going to pass. You keep talking about new faces but keep hiring the same ones. You keep talking about new movements but keep stepping backwards. If you want new then get new, act new. Don't fall into old behaviors and patterns which is exactly what is happening. It is the cycle of insanity.

August 1<sup>st</sup> is the benefit for Jace if anyone decides to come.

Anna Musson been a municipal Finance Director for over 20 years never in her life has she not witnessed a tax budget not passing. She did not want our community to lose money and we were about to do so per ORC 5705.37, 5705.31 and 5705.34. She explained the associations that Finance Directors have and that she has her certifications and qualifications. She explained her knowledge of the job. Ms. Musson read about the county budget commission and the tax budget is to be passed on or before July 15<sup>th</sup> it is now July 19<sup>th</sup>. Then said it must be submitted to the County Auditor on or before July 20<sup>th</sup>. If you don't pass it other townships and cities will get the money. She stated they need to do the right thing, there are no errors in the budget she presented tonight. If you don't pass it tonight you will have to do an emergency meeting tomorrow. Ms. Musson reviewed the Alternate Tax Budget she prepared.

Mr. Kerlin, 611 North Canal, commented on a 2018 council meeting with four members present and three voted where it was ruled that was a 2/3 majority because they did not count the empty chair. The only time the Mayor is counted is when the committees are named. Other than that we have five people on City Council. We had four people today three were present that was enough for a quorum 2/3 vote of 4 is 3. We do this all the time with the administration putting off something that is going to happen. Mr. Lynch is going to lose his job whether you call for an emergency or special meeting he is going to lose his job. He thought what they did tonight is proper according to our Charter. Contracts are a different matter. There is no such thing as a super majority. Only two times in our Charter is a 4/5 needed. He asked how many new ordinances we have had with the new Council, none. Before that there were some every meeting, that is change.

Tom Colosimo 4196 Carson Salt Springs on behalf of the Commerce Association asked Council to give businesses the electric discount that they were promised last year and set money aside for interest free or low interest loans for businesses that are struggling. He also asked for money to be set aside for beautification of our downtown. He would also like to see a motion to add two City employees for maintenance beautification for neglected areas in town. He and Ms. Priddy would be happy to discuss this with them.

Patti Hanzas 3890 East River Road reminded everyone of the Christmas in July party on Saturday. Jack Kucek will be the master of ceremonies. She reviewed some of the events and stated it was free and sponsored by the Commerce Association.

Andrew Fritz 2464 Brandywine, Warren Ohio stated at the last meeting he had a family emergency at the time Council was going through their final comments. He hears wonderful things about the City, and he agrees there are a lot of things that are wonderful. But as he was walking out the door, as he was running to a family emergency, his wife is in trauma dealing with something not here in town, people are saying "look he is getting out the door", "Look don't even come back". That is part of the City too. When asked where he was a member of this Council was told I was at a family emergency, and he laughed. Another member of this Council decided that even not hearing what the issue was that it's not very classy and professional not to get permission to leave. That is the City you live in. He wanted to make sure they all understood that too.

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

Baryak did not want it to get confused that he was against rehabilitation. He wanted to help all he could. His position was we need to limit them. Every time he turns around there is another property bought and felt it was an issue on property values. He thought there needed to be a limit on them.

Baryak also announced the Christmas in July on Saturday.

Baryak said he would not throw stones but felt this Council was trying to take a new direction which was open and transparent government. And make people accountable for what they do. He would appreciate being asked to go to meetings.

Baryak said if we need to have an emergency meeting tomorrow and to appoint an interim City Manager and the pay and to pass the Alternative Tax Budget, he would be for an emergency meeting. Mayor Kline said he was going to discuss a Special Meeting for Friday so we could discuss several items. Baryak stated to the employees he was told he was not allowed to talk to anybody, we have nothing to hide. They are honest and tell the truth, what is wrong.

Spletzer also dealt with several calls on the drug houses because Ward 3 seems to be where the majority of them are located. She spoke with Mr. Stimpert and asked if Planning and Zoning could put on their radar and see what other communities have done.

Park & Rec has a meeting on July 27<sup>th</sup> and that is also the date of the recall election.

Kropp addressed Attorney Fritz in reference to the family emergency. He hoped he did not take it as a personal attack. He understood and had empathy and sympathy for a personal situation. Family comes first. In all situations of Council, professional courtesy he felt was very important. As your leaving a simple "Mayor may I be excused I have an emergency", he did not think anyone up here was that calloused or cold to not understand, we all have personal situations and family we love.

He thought change in the community is something the people have wanted for a long time. How we carry ourselves moving forward professionally, with courtesy, having dialog, working together is all he hopes for as a Council person. For the betterment of the community as a whole. The plan is to work with everybody, it is not about the people its the position and what our duties are. We need to be setting a standard for the community to see.

Mayor Kline as head of council apologized to Attorney Fritz, he felt there was some confusion, and everyone agrees family comes first. He stated it was not handled right and apologized.

Changes and transition in our community are important. This is a great community, and he would rather bring his kids up nowhere else. There are some things that need tweaked, changed, reworked, but for every citizen, business owner and worker needs to feel cared for and respected.

In the situation we are in now he would be asking for a lot of advice outside of here to make sure we do things properly. If anyone needs information, they can contact him until we get an interim person in . He knew we would be getting together a citizens group of different individuals to vet City Manager candidates that way the community is involved on who is brought in and we do things correctly.

He would be here in the morning to make sure that building is open, and everyone is alright until we get back to business. Mayor Kline stated we had 75% vote just like earlier when Mr. Kropp was appointed Vice by three, we did have a super majority. We can all leave here united.

He would send an email out in the morning for us to appoint on Friday an interim City Manager and the Tax Budget.

To be super transparent here he asked if they wanted to go into executive session to talk about the finance position. Attorney Fritz said he would be willing to go into executive session. He would not be available on Friday, but he could not go into executive session if Ms. Musson is included. Mayor Kline stated she did not have to be, he needed direction on where we stood. Ms. Spletzer did not feel we could do that tonight because it was not on the agenda that was published. Attorney Fritz stated Council has the right to add to the agenda. Mayor Kline suggested appointing an interim tonight. Kropp stated he would be out of town following tonight and not available. Mayor Kline asked if it was proper to add to the agenda tonight to name a City Manager. Attorney Fritz stated it depends on who they were naming how they were paying. Mayor Kline said it would be a stipend to his present salary. Attorney Fritz asked if it would be an employee, we already have. Mayor Kline stated yes. Clerk King noted that there is an ordinance that gives an additional stipend for an Acting City Manager. Attorney Fritz stated he believed we could survive if they appoint an employee having an interim and do it in open session and again does that person know and have, they accepted the position. Mayor Kline stated somehow, he heard.

**Spletzer made a motion seconded by Kropp to bring in William George as Interim City Manager until a permanent one is brought in.**

**ROLL CALL: Kropp aye, Baryak aye, Spletzer aye.  
MOTION PASSED 0-3**

The Alternate Tax Budget was briefly discussed. The Law Director said he could not answer the legalities whether the proper forms are prepared and ready to go and again there is no notice to the public on this. When you talk about executive session there is not action on that. Attorney Fritz said he has not seen it. Mayor Kline said he would send out for a meeting on Friday. Spletzer preferred voting on this tonight. Baryak wanted Zimmermann to be involved so he could not say he was left out.

Kropp said he knew this needed passed but the idea of trying to push this through it was time sensitive. But the person acting now has not reviewed it so for comfort level he would like to have her review. Mayor Kline said in the morning he would send out for a meeting on Friday.

**MOTION TO RECESS INTO EXECUTIVE SESSION: None**

**ADJOURN:**

**After no further comments or questions Baryak made a motion seconded by Spletzer to adjourn at 8:51 p.m.**

**ROLL CALL: Baryak aye, Spletzer aye, Kropp aye.  
MOTION PASSED 3 ayes – 0 nays**

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

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



Newton Falls City Council met in Special session on Thursday, July 29, 2021, at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance and opening prayer.

**ALSO PRESENT:**

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

**ROLL CALL:**

Spletzer, Zimmermann, Kropp, Breymaier, Baryak

**ABSENT:** None

**PUBLIC COMMENTS:**

**Mayor Kline pulled any action with the Chief of Police off the agenda at this time.**

Catie Karl, 128 West Quarry questioned the Chair and body of Council about the City motto that says we are Working for a Better Tomorrow. She asked what they were working on for our community and to better our community. She asked what it would cost our community if we don't follow through the contracts for various employees. How much it would cost the taxpayers of our community. She stated there were hundreds of thousands of dollars in their ability not to have that happen. She encouraged them to work together as a community instead. Ms. Karl asked what the end goal was to help our community instead of constant negativity and nastiness.

Frank Tomaino, Hillcrest Drive, Lake Milton, Ohio stated he is not a City resident but is an employee. His grandparents lived here till 1985 and his parents were married in the Community Center. He has been in public safety, is the former Chief of Newton Township and has been employed here since 2013. He stated he was glad they took the Chief off the list.

Baryak called Point of Order – this is not on the agenda

Tomaino stated in reference to Mr. Lynch he would like them to know as an outsider coming here to work, he enjoyed his job a lot and receives compliments from people outside the community on how awesome it is here. A lot of people comment on the improvements and uniqueness of Newton Falls, including the Statue of Liberty, water tower lights, and improvements done in the City thanks to Dave Lynch. Improvements include park playgrounds, paving, infrastructure projects & appreciation to the employees. He stated it was the first time in 47 years that he received anything for employee appreciation.

He asked that they put feelings aside, anger and differences and make the best decisions for the people and future of Newton Falls.

Brenda Persino – Made it very clear she supported the Mayor and all members of Council, Mr. Fritz, Mr. Lynch, Kathy King, and the Finance Director regardless of the rumors and chatter on Facebook. She stated we can agree and disagree and still like each other. You made promises to her and everyone that you would make our community stronger and move forward. Some people like changes some do not.

At the last meeting a motion was made to fire the City Manager with little to no explanation as to why. She asked what happened. Mr. Kropp just got appointed, what happened. She questioned the financial cost to the City and our community as a whole. She asked if they don't want good hard-working people. Council and the community members made a promise to work for the betterment of our community. She asked has he not done that.

Ms. Persino asked to cease the petty squabbles, gossip, and hearsay and make our community what we envision.

Tammy Gillespie Blandine shared that her father brought his family to Newton Falls 60 years ago and was an advocate for the City. He was a member of the Jaycees and wanted to bring positive outcomes for our community. He voted yes on every levy on the ballot for the betterment of our town and served on City Council. Out of respect for her father she could no longer be silent. She did not want to pass judgment or berate anyone but to show unwavering support at this crucial time for this city. She is tired of watching for the last 25 years the bickering and tearing apart of our city on social media. She supported Mr. Lynch and Chief Fixler.

Ms. Blandine said for the past few years she has been amazed at what has happened in this community. Change brings positive outcome. Look at all the new things because of a tragedy – tornado. Mr. Lynch has done many positive things for the community with his vision and perseverance to move forward but process and prosperity do not happen overnight. Cooperation is clearly lacking in this community and on Council. She commented on areas such as Columbiana and Streetsboro that have changed.

Kropp called Point of Order – her three minutes were up. An audience member asked if he could give her his three minutes. Mayor Kline informed him that was not allowed.

Julie Lemon, 2750 East River Road was also born and raised in this community. Her parents moved out and then back into the community and when she became a mother she moved back in also. Over the last ten years she has seen a lot of arguing and bickering among our leaders. She was insulted with the signs Mr. Lynch hung in the community in reference to masks. She felt it was insulting to people in the community.

Ms. Lemon stated it is the volunteers that make our community. She did not believe Mr. Lynch was a good fit. There was a lot of harassment by simply asking the Village Manager to address situations. She has seen the community rally around her and her husband when her daughter was in an accident. That is what makes a community, not an employee, but the people.

Heidi Zimmermann 509 LaMae stated Councilman Zimmermann received an email from Christine Leon who could not be here tonight and asked that it be read. Ms. Leon was the daughter of Mary Ann Johnson who was well known throughout the community. Her mother also served on City Council. She and her brother grew up in Newton Falls and are successful law enforcement officers. They grew up with hometown values, dignity, ethics, integrity, love, respect and spirituality. Sadly she felt that was missing in her hometown. Newton Falls is in the newspapers for the wrong reasons. Constant bickering, allegations, lawsuits have to stop. She encouraged a way to come together again and work towards something for the citizens. She asked what business or family would like to relocate to an area with so much negativity. People she has spoken to are disheartened by such utter chaos. Ms. Leon stated terminating employees without "progressive discipline" is wrong. She wrote you cannot fire someone whom you choose to get even with, that is retaliatory. She asked if we have become this spiteful and hate filled within our hearts. This is not the Newton Falls that she knows and loves. She asked Council and Mayor reconsider their actions.

Ms. Zimmermann said she agreed wholeheartedly that the division was tearing apart our town. Mr. Lynch is a good man and puts his heart into and cares about the community. He has a different way of doing things and that is not what some are used to to make our community better. She stated Mr. Fritz and Mrs. King all are wonderful for our community and she hoped they would retain them all.

Mr. Kerlin 611 North Canal Street commented on the recent recall and that it cost the City \$60,000 to \$70,000 under this administration. The recall was inevitable. The City also stopped four referendums from being voted on by the people.

Zimmermann called Point of Order—referendums are not on the agenda. Mayor Kline told him to continue.

Kerlin stated the referendums were all stopped by outlandish attorney bills.

He stated Mr. Lynch has done amazing things like the sign on Rt. 5, but the businesses got nothing they were promised like the electric discount and Mr. Lynch has not attended the Commerce Association meeting for months. This building cost \$250,000 but now it is \$500,000. The City Manager filed a lawsuit against a private citizen. There is a lawsuit against Mr. Lynch for a comment he made. That's a lot of lawsuits and money spent on attorneys defending the City Manager and administration. Four referendums were done this year where are they. A City Councilwoman was kept out of her seat that cost money. On the other side Mr. Lynch accomplished his morning shows.

Marylin Lee, 515 North Canal Street reminded people of some of the money spent by Mr. Lynch including a laser light show during the pandemic, Statue of Liberty, hot air balloons, ice sculpture, mask and goose signs, lawsuits, bridge plans and lunch. She asked why this money was not used to save the Community Center.

Laura Neiheisel, 227 North Centers street commented on the four contracts passed that the employees could not be terminated unless they are convicted of a felony. The Utility Director

reports to Mr. Lynch and is under suspension but can't be terminated. She stated there has to be a check and balance with the money spent. Now there is only \$70,000 in the General Fund. The balloons brought money to our town, but two people got to go for rides, that is money spent by the city. This is your money and taxes.

**UNFINISHED/NEW BUSINESS:**

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

**Kropp made a motion seconded by Baryak to adjourn in to executive session at 6:37 p.m. for the purpose personnel matters in reference to the City Manager for employment and/or dismissal.**

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

**Baryak made a motion seconded by Spletzer to adjourn the executive session and reconvene at 8:20 p.m.**

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

**Zimmermann made a motion seconded by Baryak to accept the City Manager's resignation based on the proposed revised agreement.**

Baryak stated Council wants to do what is best for the City of Newton Falls in order to move forward. By accepting this resignation we can start to move forward.

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

Mayor stated that the resignation is accepted according to the terms.

**PUBLIC COMMENTS:**

Catie Karl, 128 West Quarry said she did not know the terms and conditions agreed to, but she was very sorry the resignation was given and accepted. He has done a lot for our community. She hoped Council had a plan in place as a body of Council to work for a better tomorrow because that is not happening now.

Dave Hanson 4365 Warren Road said that one of the greatest things to happen here was to televise these meetings because Council needs to adhere and not make things up as they go along. Records stand. You have to abide by what you do. Social media makes you responsible for what you say about people, and it will all eventually come to lite. He said he has immersed himself into social media and has interest from a Columbia graduate who wants to do a

documentary about the City Manager who has done more here in three years than what has been done in the last forty years.

Mr. Hanson said with Mr. Lynch gone they would now go after the Chief of Police then Attorney Fritz and Kathy King. It was in their playbook from before and the drive by shootings.

He asked that they show what they have for economic development. Mr. Hanson said he signed an \$10 million dollar deal with a nondisclosure on November 19<sup>th</sup>, but we all suffered from the pandemic.

Brenda Persino, Ward 3 was sorry to hear this she thought we could all work together and compromise. She knows and has seen Mr. Lynch's heart when he stood beside her. She was sorry to see him go. They have had arguments, but he always answered her emails and or phone calls. He stood beside her on an event when many others did not. When she was angry, he calmed her down and told me they have good hearts and are there for her. He did not do that for the media. This was the Walk-a-thon for the National MS Society. He was the first person to email her, and they had big plans for next year's walk.

She said she stands here today and started out not liking him because of the "birds chirping" and apologized.

Brian Kropp addressed from the podium, 247 Elizabeth Street spent time with Mr. Lynch and could say he is the reason he is sitting on Council. He is elegant in his speech and polish and that is what drew him in. They met many times to discuss visions for the community. Unfortunately his experience is different than Ms. Persino's, it actually went the other way. The way Council is set up and designed to work it is supposed to be a collaborative, collective effort. People working together for the betterment of the community as a whole. Not one person dictating or controlling the ability of the other people to do the duties of what their elected or appointed to do. We have dealt with that for months and months now. He personally dealt with that and knew other people in the community have dealt with that as well. When someone becomes a hurdle or obstacle to other people trying to do their job so that they can be the one to stand out and shine

Attorney Fritz asked for the floor and noted the agreement has discussion in it regarding Council members making disparaging comments a matter of public record. He did not want a law suit before this was done.

Mayor Kline cautioned Mr. Kropp to be very careful.

Kropp said he would like the public, people and chair that moving forward he hoped the public would be patient with them. We will work together as a collective as a council, of the Mayor and Council members. Council staff so we have access to each other; we will work together to put legislation on to make change to the community and to change things for the betterment of the community as a whole. They will listen to the community and work in unison. That is what has been lacking in our community for quite some time. He felt everyone would agree that there has not been a collective collaborative to work together. That is going to change. He felt this was the start and beginning of that. He hoped we could all make a clean break. Hoped the

public would accept that and understand that we are going to work hard together to make this community amazing. It starts with the foundation from the bottom up it does not start from the top down.

Julie Lemon 2750 East River Road she would not cheer that he resigned but suggested that the next City Manager be someone from this community or the township. Someone who was vested and raise their children here.

Sandy Riehl, West River Road asked if we needed a City Manager since we have a Mayor and Council. Mayor Kline stated that is how our Charter set up the form of government.

Zimmermann said he wanted to be the first to say thank you to Mr. Lynch for what he has done.

**ADJOURN:**

**After no further comments or questions Baryak made a motion seconded by Spletzer adjourn at 8:36 p.m.**

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

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

ATTEST:

\_\_\_\_\_  
City Clerk/Clerk of Council

**ORDINANCE 2021-08**

**AN ORDINANCE TO AMEND ADMINISTRATIVE CODE 121.03 (f) TO HAVE COUNCIL MEMBER LEGISLATIVE SUBMISSIONS TO BE NAMED SPONSOR AND ALLOW CO-SPONSOR ADDITIONS**

WHEREAS, the Administrative Code Section 121.03 (f) of the City describes the sponsoring of legislation;

WHEREAS, such legislations takes the form of Ordinances, Resolutions and Motions;

WHEREAS, there has been continued confusion of sponsors of legislation;

WHEREAS, the party placing legislation of the agenda should automatically be named as sponsor of the piece of legislation; and

WHEREAS, the naming of sponsor on legislation should not restrict the naming of co-sponsors at any time before passage.

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

SECTION I: All Ordinances, Resolutions and Motions proposed by the City Council shall be in written form.

SECTION II: All written submissions shall name the presenting party as "Sponsor" of the legislation and shall be so identified by the Clerk of Council on the agenda.

SECTION III. The naming of a Sponsor does not restrict the addition of Co-Sponsors at any time before passage of the legislation.

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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

AJF

**ORDINANCE 2021-09**

**AN ORDINANCE TO AMEND ADMINISTRATIVE CODE 121.02 TO HAVE  
LEGISLATIVE SUBMISSIONS TIME RECORDED AND PLACED ON AGENDA  
CHRONOLOGICALLY**

WHEREAS, the Administrative Code Section 121.02 of the City describes the method of submission of legislation;

WHEREAS, such legislations takes the form of Ordinances, Resolutions and Motions;

WHEREAS, there has been recent issues regarding the order of presentation of such legislation at Regular and Special Council meetings;

WHEREAS, the time recording of submissions would document the time received and remove any confusion; and

WHEREAS, the placing of the legislation in the order submitted would be fair and equitable to all members of Council.

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

SECTION I: All Ordinances, Resolutions and Motions proposed by the City Council shall be in written form.

SECTION II: All written submissions without inherent time documentation shall be marked with time of submission by the Clerk of Council .

SECTION III. All submitted legislation shall be placed on the agenda in the chronological order received.

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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

AJF



**ORDINANCE 2021-10**

**AN ORDINANCE TO AMEND ADMINISTRATIVE CODE 121.01 (b) TO DESCRIBE  
COUNCIL CHAMBERS**

WHEREAS, the Administrative Code Section 121.03 (b) of the City requires Council Chambers are the location of all meetings unless otherwise ordered;

WHEREAS, the Administrative Code does not define Council Chambers;

WHEREAS, the City has purchased a new municipal building formerly utilized as a church located at 612 W. Broad Street and has moved Council meetings to the large chamber (formally the Sanctuary); and

WHEREAS, the large chamber in the new municipal building should be designated "Council Chambers."

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

SECTION I: The large chamber in the Newton Falls Municipal Building shall be the "Council Chambers."

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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

AJF

**ORDINANCE 2021-11**

**AN ORDINANCE TO AMEND ADMINISTRATIVE CODE 121.02 TO HAVE NO CURRENT AND/OR FORMER ELECTED/APPOINTED LEGISLATIVE OFFICIALS HIRED FOR A PERIOD OF AT LEAST 2 YEARS FROM THE TIME THE OFFICIAL LEFT OFFICE**

WHEREAS, the Administrative Code Section 121.02 of the City describes the officers and staff; and

WHEREAS, City Council wished to add Section (c) to restrict the hiring of former elected/appointed legislative officials for a period of at least two years from the time the official left office.

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

SECTION I: No current and/or former elected/appointed legislative official shall be permitted to be hired, employed, and/or monetarily compensated by the village of Newton Falls in any way for a period of at least two calendar years from the time the official has left office for any reason (term limit, resignation, removal, etc.) unless approved by a 2/3 majority of City Council.

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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

AJF

**ORDINANCE 2021-12**

**AN ORDINANCE TO AMEND ADMINISTRATIVE CODE 121.02 TO INCLUDE NO CURRENT AND/OR FORMER ELECTED/APPOINTED LEGISLATIVE OFFICIALS SHALL BE PERMITTED TO DO BUSINESS WITH THE VILLAGE FOR AT LEAST TWO CALENDAR YEARS FROM THE TIME THE OFFICIAL HAS LEFT OFFICE.**

WHEREAS, the Administrative Code Section 121.02 of the City describes the officers and staff; and

WHEREAS, City Council wished to add Section (d) to prohibit hiring former elected/appointed legislative officials doing business with the Village for a period of two calendar years from the time the official left office.

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

SECTION I: No current and/or former elected/appointed legislative official shall be permitted to do business with the Village of Newton Falls in any way for a period of at least two calendar years from the time the official has left office for any reason (term limit, resignation, removal, etc.) unless approved by a 2/3 majority of City Council.

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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

AJF

**RESOLUTION 24-2021**

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

( Sponsored by: City Manager)

WHEREAS, The Council of the City of Newton Falls in accordance with the provisions of Section 5705.281 R.C., previously provided the Alternative Tax Budget Information for the succeeding fiscal year commencing January 1, 2022; and

WHEREAS, In accordance with the Ohio Revised Code Section 5705.281, the Trumbull County Budget Commission has waived the requirement of the cities in Trumbull County to adopt a tax budget under Section 5705.28 of the Ohio Revised Code for the 2022 calendar year.

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

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

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

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

PASSED IN COUNCIL THIS 2<sup>nd</sup> DAY OF JULY 2021.

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

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

# ALTERNATIVE TAX BUDGET INFORMATION

## TRUMBULL COUNTY

Name of City

Village of Newton Falls

For the Fiscal Year Commencing January 1, 2020

Fiscal Officer Signature

*Parulay W. Ford*  
Acting Finance Director

Date

7/30/2021

**STATEMENT OF FUND ACTIVITY**

( Funds with Revenue Other Than Local Taxes)

Add Additional Funds as Necessary  
 Reproduce this Schedule as Necessary

FUND NAME	Beginning Estimated Unencumbered Fund Balance	2022 Total Estimated Receipts	Total Resources Available For Expenditure	Total Estimated Expenditures and Encumbrances
Street Constr., Maint. & Repair	\$ -	\$ 483,000.00	\$ 483,000.00	\$ 483,000.00
State Highway Improvement Fund	\$ 5,000.00	\$ 45,000.00	\$ 50,000.00	\$ 50,000.00
Permissive Auto	\$ 5,000.00	\$ 80,000.00	\$ 85,000.00	\$ 85,000.00
Park & Recreation	\$ 20,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00
Drug Law Enforcement	\$ 6,000.00	\$ 750.00	\$ 6,750.00	\$ 6,750.00
Senior Citizen Van	\$ 1,107.00	\$ -	\$ 1,107.00	\$ -
Indigent Drivers	\$ 28,000.00	\$ 1,000.00	\$ 29,000.00	\$ 10,000.00
Economic Development	\$ 255.00	\$ -	\$ 255.00	\$ -
Home Improvement Loan	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 10,000.00
Law Library	\$ -	\$ 16,000.00	\$ 16,000.00	\$ 16,000.00
Enforcement/Education	\$ 10,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00
Income Tax	\$ -	\$ 765,000.00	\$ 765,000.00	\$ 765,000.00
Court Computerization	\$ 450,000.00	\$ 50,000.00	\$ 500,000.00	\$ 150,000.00
Court Special General Projects	\$ 800,000.00	\$ 75,000.00	\$ 875,000.00	\$ 250,000.00
Court Security	\$ 10,000.00	\$ 2,000.00	\$ 12,000.00	\$ 2,000.00
ID Alcohol Treatment	\$ 150,000.00	\$ 10,000.00	\$ 160,000.00	\$ 115,000.00
Probation Improvement	\$ -	\$ -	\$ -	\$ -
Probation Incentive	\$ -	\$ -	\$ -	\$ -
Justice Reinvestment Grant	\$ -	\$ -	\$ -	\$ -
Drug Diversion Halo Project	\$ -	\$ -	\$ -	\$ -
Justice Reinvestment Gran 20/21	\$ -	\$ -	\$ -	\$ -
COVID-19 Cares ACT	\$ 468,342.00	\$ -	\$ 468,342.00	\$ 468,342.00
Court COVID-19 Tech Grant	\$ -	\$ -	\$ -	\$ -
Capital Improvement	\$ -	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
Road Building & Equipment	\$ -	\$ -	\$ -	\$ -
Future Buildings	\$ -	\$ -	\$ -	\$ -
City Hall Broad Street Const.	\$ -	\$ -	\$ -	\$ -
Park Fence Capital Fund	\$ -	\$ -	\$ -	\$ -
AMI Metering Project	\$ -	\$ -	\$ -	\$ -
Water Revenue	\$ 1,000,000.00	\$ 1,550,000.00	\$ 2,550,000.00	\$ 2,500,000.00
Sewer Revenue	\$ 75,000.00	\$ 1,485,000.00	\$ 1,560,000.00	\$ 1,560,000.00
Electric Revenue	\$ 1,000,000.00	\$ 5,000,000.00	\$ 6,000,000.00	\$ 6,000,000.00
Stormwater Utility	\$ 200,000.00	\$ 70,000.00	\$ 270,000.00	\$ 100,000.00
Water OPWC Issue 1	\$ -	\$ -	\$ -	\$ -
Sewer OPWC Issue 1	\$ -	\$ -	\$ -	\$ -

<b>Electric Replacement/Improvement</b>	\$ 40,000.00	\$ -	\$ -	\$ 49,000.00
<b>Guarantee Trust</b>	\$ 210,000.00	\$ 30,000.00	\$ 240,000.00	\$ 30,000.00
<b>Refuse</b>	\$ 25,000.00	\$ 327,000.00	\$ 352,000.00	\$ 352,000.00
<b>Utility Administration</b>	\$ -	\$ -	\$ -	\$ -
<b>Sewer Debt</b>	\$ 20,000.00	\$ 396,000.00	\$ 416,000.00	\$ 396,000.00
<b>Electric Debt</b>	\$ 200,000.00	\$ 600,000.00	\$ 800,000.00	\$ 600,000.00
<b>Electric Construction</b>	\$ -	\$ -	\$ -	\$ -
<b>Water Debt OWDA Plant Loan</b>	\$ 50,000.00	\$ 226,300.00	\$ 276,300.00	\$ 226,300.00
<b>WWTP Debt Reserve</b>	\$ 400,000.00	\$ 38,300.00	\$ 438,300.00	\$ -
<b>Debt Retirement 2020 Bonds</b>	\$ -	\$ 13,251.00	\$ 13,251.00	\$ 13,251.00
<b>Utility Office</b>	\$ 90,000.00	\$ 265,000.00	\$ 355,000.00	\$ 300,000.00
<b>Employee Benefits</b>	\$ 500,000.00	\$ 1,000,000.00	\$ 1,500,000.00	\$ 1,000,000.00
<b>Trumbull County Cap</b>	\$ 2,000.00	\$ 50,000.00	\$ 7,000.00	\$ 5,000.00
<b>Unclaimed Monies</b>	\$ 19,000.00	\$ -	\$ 19,000.00	\$ -
<b>Fire Claims</b>	\$ 3,400.00	\$ -	\$ 3,400.00	\$ -
<b>Summer Concerts</b>	\$ 3,250.00	\$ -	\$ 3,250.00	\$ -
<b>City Beautification/Flower Fund</b>	\$ 500.00	\$ 6,000.00	\$ 6,500.00	\$ 6,500.00
<b>Basketball Hoop</b>	\$ 475.00	\$ -	\$ 475.00	\$ -
<b>Fire/Township Fuel</b>	\$ 5,000.00	\$ 11,000.00	\$ 16,000.00	\$ 12,000.00
<b>TOTAL</b>	\$ 5,897,329.00	\$ 12,640,601.00	\$ 17,969,930.00	\$ 15,636,143.00





Village of Newton Falls

Schedule 1

**STATEMENT OF FUND ACTIVITY**

(Complete only for General Fund, Bond Retirement Fund  
and any other funds requesting general property tax revenue)

**FUND: GENERAL FUND AND GENERAL RESERVE FUND**

DESCRIPTION	Actual Jan 1-Dec. 31 2020	Budgeted FY Jan 1-Dec 31 2021 Estimate	Budgeted FY Jan 1-Dec. 31 2022 Estimate
Beginning Unencumbered Fund Balance	\$ 664,700.47	\$ 692,494.44	\$ 502,537.44
Revenues:			
Health Department			
Property Taxes	\$ 115,453.47	\$ 130,500.00	\$ 131,000.00
Local Government	\$ 53,199.91	\$ 50,000.00	\$ 56,000.00
All Other Receipts	\$ 2,930,229.64	\$ 1,805,328.00	\$ 1,805,000.00
Total Resources	\$ 3,098,883.02	\$ 3,146,664.44	\$ 2,082,195.44
Total Expenditures & Encumbrances	\$ 2,406,388.58	\$ 2,644,127.00	\$ 2,082,195.44
Ending Unencumbered Fund Balance	\$ 692,494.44	\$ 502,537.44	\$ -

**FUND: SPECIAL LEVY POLICE PENSION**

DESCRIPTION	Actual Jan. 1-Dec. 31 2020	Budgeted FY Jan 1-Dec. 31 2021 Estimate	Budgeted FY July 1-Dec. 31 2022 Estimate
Beginning Unencumbered Fund Balance	\$ 180.74	\$ -	\$ -
Revenues:			
Property Taxes	\$ 18,119.39	\$ 18,362.54	\$ 18,365.00
All Other Receipts	\$ -	\$ -	
Total Resources	\$ 18,300.13	\$ 18,362.54	\$ 18,365.00
Total Expenditures & Encumbrances	\$ 18,300.13	\$ 18,362.54	\$ 18,365.00
Ending Unencumbered Fund Balance	\$ -	\$ -	\$ -

**RESOLUTION 25-2021**

**A RESOLUTION TO CANCEL THE SMART METER FORM AND RATE  
PREVIOUSLY SET BY THE VILLAGE MANAGER.**

WHEREAS, The Village Manager has created a form and set the rate in reference to the smart meters; and

WHEREAS, There have been concerns expressed on the form and rate set; and

WHEREAS, City Council deems it necessary to cancel both the form and rate.

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

SECTION I: The smart meter form and rate previously set by the Village Manager is hereby cancelled.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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

**RESOLUTION 26-2021**

**A RESOLUTION ASKING PAMELA WOLFORD TO CONTINUE SERVING IN THE  
ROLE OF ACTING FINANCE DIRECTOR ON A SHORT-TERM BASIS, PENDING  
FUTURE DECISIONS BY COUNCIL**

WHEREAS, The Village of Newton Falls needs continuity in the Finance Department;  
and

WHEREAS, Pamela Wolford since the beginning of May 2021 has calmly and  
professionally served as Acting Finance Director.

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

SECTION I: This Council does agree that Pamela Wolford shall continue to serve as Acting  
Finance Director in a short term, earning the same pay as the current Finance Director's contract  
directs, until further notice, making herself available to all of Council on a direct phone call  
basis.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

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

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