

Newton Falls City Council met in Regular session on Monday, June 21, 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.

**ROLL CALL:**

Zimmermann, Breymaier, Baryak, Spletzer (At-large vacant)

**ABSENT:** None

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

Mayor Kline added Patti Hanzes to the agenda for a presentation on public records requests. Ms. Hanzes stated she asked for records and the response from the City Clerk was no records available. Then after another request records were received that showed an invoice should have been made available for the first request. She asked if the Law Director approved the original response that no records were available. She felt this was a violation of the Public Records Act.

**PUBLIC COMMENTS:**

Mayor Kline granted Mr. Kerlin 10 minutes.

Richard Kerlin, 611 North Canal Street commented on the smart meters and opt out rates. He stated no municipal code or ordinance set the rate. Mr. Kerlin read out of the original Charter from 1966 on Council powers and also the current Charter, Section 9, number 8 and noted the wording has not changed.

Mr. Kerlin said also on the agenda was a motion to set the recall date. He suggested those supporting Ms. Breymaier go door to door and talk to residents instead of finding ways to stop the recall. Mr. Kerlin also discussed the Trumbull County Board of Elections ruling in the Baryak recall. He stated no recall was held at a General election under the old recall section of the Charter.

Catie Karl, 128 West Quarry commented on the motions on the agenda tonight to nullify the automated meter program. Ms. Karl stated she did not believe it was legal to do this as a motion because the program was approved by Ordinance. To make changes you would have to do it by Ordinance. She also expressed concern that the project has been started. The contracts gave the City Manager certain abilities to take care of administrative duties. City Manager duties are administrative not legislative.

Ms. Karl said someone was complaining about the City legal costs. Ms. Karl felt that City Council was going to cost the City more money by continuing to interfere with the daily business of the administration. She said the City Council was not listening to the City Manager and Law Director on proper procedures. Not listening to them could create possible legal action by going against their advice and that was just stupid. This would cost the City taxpayers and she felt it was a breach of the Council Oath.

John Richards, 212 Olive Street also spoke on the motion to nullify the smart meter opt out and meter program. He said he opted out as a precaution. There was a referendum signed by over 350 citizens to stop the program. He stated that the citizens needed to trust that the opt out program was correct. Citizens did not trust the Council or administration because of past practice.

Brian Kropp, 247 Elizabeth commented on the Finance Department report and that our Finance Director is not here. He asked why she was not here and if someone could clarify what she mentioned at the last meeting, what is going on with our audits and our money. He thought that there were a lot of people here that were concerned that people's hand are being put in people's pockets and we don't know where the money is going. The money coming into the Village is being handled by a certain few individuals and he is not seeing most of the information. He said he does not trust most of the people in charge. The track record was awful as far as trust was concerned.

Tom Colosimo, 4196 Carson Salt Springs Road asked why Anna Musson was at the previous meeting and sitting in the audience and why she was not sitting with Council. He asked where the doctor's excuse was because Anna said she was not on sick leave. She mentioned that something in the 2020 audit was troubling her. Mr. Colosimo also said he heard Ms. Musson was on six months leave without pay and asked if that was correct.

Anna Eby, 50 West 9<sup>th</sup> Street commented on the soccer fields and asked if we pay for the baseball fields and take care of them.

Ms. Eby also asked about the fire department uniforms and asked if they were part of the equipment and if so, they should be purchased out of the levy not fall on the City to pay for them.

Ms. Eby said that the Law Director took it upon himself to go to court and to go against the court ruling of July 7<sup>th</sup> to let the people vote on the recall. She suggested he take it upon himself to pay for the legal fees.

Tracy Hurst, 613 Ophelia Street commented on some emails between her and the City Manager in reference to the opt out rates. Mr. Lynch refused to speak to her unless she met with him in person. Ms. Hurst said she has asked for specific sections of the ordinance that allow the City Manager to set the opt out rate.

Ms. Hurst asked who put on the motion to set the recall date in November.

She agreed that there was a trust issue and agreed with Ms. Hanzas and was ashamed of the lack of response to her request, there was no excuse. She stated “You guys need to get this trust issue resolved. Nobody trusts you in town.”

## **REPORTS :**

Zimmermann:

- Attended the recent Fire Board meeting and reviewed the monthly run report. They are working on a turnpike agreement to provide EMS service on the turnpike and not go to an outside service. Also the department is in need of new computers and Mr. Nemet of, Iron Eagle recycling donated half the cost of computers to the department.
- Baseball tournaments will be happening at the City Park this weekend. The members of the board have been putting in a lot of hours on the fields to make sure they are in shape for the tournaments. Mr. Ruscoe has put in 42 hours himself on the fields.

Baryak:

- Received a call from a resident on Washington Street about a plugged drain. The City sent someone right out. He asked residents to contact the City if they have problems, the City will respond.

Spletzer:

- Dealt with some neighborhood issues: a leaning telephone pole with low wires and an apparent abandoned house.
- Noted that Mr. Stimpert delivered a package marked confidential attorney/client privilege and asked who the client was and who the attorney was. Mr. Lynch clarified that the City was the client and Attorney Fritz was the attorney. Mr. Lynch said he authored it in preparation for a lawsuit.

## **FINANCE DIRECTOR:**

Acting Finance Director Pamela Wolford reported in addition to the written reports submitted; Income Tax revenue collections from March to April 2021 was over a 50% increase in revenue collected. Income Tax collections in April 2021 compared to April 2020 are up 55%. In June 2021 the city received the electric BAN price coupon of 1% with the yield of .20, this is the lowest price seen to date. All of the funds are doing very well. The Auditors have started the City of Newton Falls annual audit today and will be on site all week.

Spletzer said they were to receive the April and May reports but received April and March again. She asked why they were missing information and when they would receive the May report. Ms. Wolford said she was in the process of closing May and should have that by the end of the week or beginning of next week.

Spletzer asked if they were provided bank reconciliations, she did not see any. Ms. Wolford said she would get that information to Council.

Spletzer had questions from the audit trail reports, on page 8 zoning had a lease agreement for \$167.95 and asked for an explanation for a desk in the amount of \$1867.67. Ms. Wolford explained that the \$167.95 was a lease agreement for a printer, she would have to get back to her on the desk.

Spletzer stated on page 11 the City Manager's expense account report had research in Cleveland at approximately \$200 to \$300 a month and asked why the City Manager was doing research in Cleveland. Ms. Wolford stated she is not the City Manager he would have to answer that question.

Baryak asked about Senior Service Day expenses of \$4304.07 and asked what else had to come in. He asked about a DJ. Ms. Wolford said there was a DJ. Baryak noted we were waiting on that invoice. Ms. Wolford stated there is no invoice for the DJ and no payment. Baryak asked if it was free? Baryak asked if we ever got the invoice for the tee shirts provided. Ms. Wolford said she believed it came in late and would provide it as soon as it was processed.

Spletzer noted on page 34 on the expense audit trail report the City has spent \$932,387 on the AMI metering project. She asked exactly what was spent and would like City Council to see all the invoices. Also on the report the City has spent over \$148,798.24 without formal bidding and advertising. She said this is a lot of money without checks and balances and believed it was time the City Council and mayor request financial responsibility. It seems over the top when it was stated publicly that this building was move in ready. She asked Council receive copies of the checks and invoices for the work being done on this building.

Spletzer stated just recently President Biden signed the Juneteenth federal holiday then Friday Governor DeWine said that State employees would be given Juneteenth as a paid holiday. She asked if the City is going to also pay the employees that did work on Juneteenth Holiday Pay?

#### LAW DIRECTOR:

Attorney Fritz said he recently was asked from a member of Council to look into "Sober Houses" and how to limit them in the City. It starts with the Fair Housing Act which makes it so you can't have restrictions or discrimination against certain people. The Americans with Disabilities Act considers substance abuse as a protected class. So you can't just say you can't have Sober Houses, it becomes more complicated. This has been handled by communities in several ways. Two methods, one larger city uses is they hire a certified building inspector. Another method is to have landlord rental restrictions. He suggested Council refer this to Planning and Zoning to get more input from people to figure out which way they want to go. This will give us guidance on how to prepare the legislation. Attorney Fritz said if Council wants to go forward to stop the proliferation of these group homes to be proactive from this point forward either start at Planning & Zoning to discuss these matters or have a public meeting and get guidance to us on what sort of legislation we should draft.

Secondly, because of what has happened recently at these meetings he is in a total no win situation. If he answers questions to people, he is being superior and argumentative or he is being condescending, if he does not answer he is totally stupid. Many people come to the

microphone and talk, unfortunately many of the things they say are not true. Attorney Fritz addressed some recent comments. First, he has been chastised for prosecuting Ms. Spletzer. He explained that the case happened in April. The information came to his desk and within seven days he sent an email to the Niles prosecutor asking for a review of the conflict. Attorney Fritz said when he had a conflict of interest this is standard procedure. He said there is an unwritten agreement that if there was a conflict, they would transfer the cases to one another and have done this for over ten years. Attorney Fritz said the statement that he is prosecuting this case is not true. There has been discussion that there are thousands of false alarms and never once been a case prosecuted. Attorney Fritz said he has prosecuted these cases before under abuse of 911 and false information.

Next, the Board of Elections in 2019 heard a case filed by Mr. Baryak which is what he based his president on. This decision was by a Charter revision that was certified in November the year before. The hearing at the Board of Elections had was after that change.

Attorney Fritz said he is being told he is beyond his authority with things that he does. The Ohio State Municipal Lawyers has a definition of what the City Law Director duties are, which he read. He stated that is his job and he does it every day. He has been yelled at about hiring legal counsel. Attorney Fritz said he only initiated one lawsuit. The lawsuits you see were initiated by outside parties. He initiated one and we retained outside counsel because he was the main witness. There was a direct conflict between him and the Mayor. On the other matters he has been named as a defendant. If he is named as a defendant, he can't represent the City anymore, his hands are tied. He wanted to make that clear because week after week people are coming to the podium telling him he is not doing his job, saying things that are not true. Those things go on and on and it is frustrating. We also have personal attacks coming from the stand to him, but we have rules, and they say no personal attacks. It happens at every meeting. It should not be happening.

Baryak said when he went through the recall, he was under the old Charter provision where only 25 signatures were needed. When it got down to the Board of Elections, he was also running for re-election. There is nothing that says Ms. Breymaier has to be in the November election.

Baryak said he wants the public to know we have to put a limit on the sober houses. He asked why we were not told by the City Manager or Zoning about the property changes to all these sober houses going in so we could have done something quicker. Baryak asked if it was true the more these sober houses come in the property value of houses goes down. Attorney Fritz said he is not a real estate agent and could not answer that.

Baryak said the Law Director changed his opinion more than once to this Council so how does he know what is going on what to believe. Attorney Fritz said he has dealt with the one change he had and made it repeatedly in writing how and why. If you go back past the last five or six meetings stuff has happened wrong, but he can't go back and fix it all. In five years from now when someone asks why he let that happen he would say because he cannot control a nuthouse.

**CITY MANAGER:**

- In reference to the smart meters Ordinance 2002-23 language is found on page 9, Section E also for purposes of the water it is Municipal Code section 953.05 C-1 and 953.12 C & D on the opt out language.
- Ms. Wolford will provide Council with the invoices for the AMI project.
- Ms. Wolford will also provide the invoices for the building.
- As far as the DJ is concerned, there was a DJ and paid for by a private donor and not paid for by the City.
- Mr. Kerlin said he should be knocking on doors, unfortunately his contract says he can talk to the community on any subject but if it is knocking on doors for or against a candidate he is prohibited.
- At the last meeting Mr. Kerlin said that in November the Charter change was voted on and took effect on January 1, 2019. He was exactly right. The signatures were turned in in February of 2019 and the Board of Elections held their hearing in February 2019. They are prohibited from applying the old Charter because as Mr. Kerlin pointed out the new Charter took effect January of 2019.
- The other item brought up tonight was the fire uniforms. The Fire Department got a donation. There were two items that they indicated their budget did not cover. One was a special patient transport piece of equipment. They did not have the money for that, so the Township put in the money for that at approximately \$15,000. They need additional turn out uniforms that were not in the budget. They came to the City and asked if we would consider making a like contribution as the Township for these additional uniforms.
- In reference to Juneteenth, because of the late signatures by the President and Governor we did not feel that we had adequate notice and will certainly honor that next year.
- We have been experiencing vandalism at the City Park and asked people to be our eyes and ears. He reviewed the upgrades that have been done to the park and ballfields and hoped to be able to accommodate the soccer teams as well.
- We have seen significant increase in terms of income tax. The Acting Finance Director over the past couple of weeks negotiated the rate for the BAN – Bond Anticipation Note for our Electric Department. This is for various electrical improvements put into our system several years ago. This renewal is done on a yearly basis with a different rate each year.

Mayor Kline stated Law Director commented on the nuthouse. He said a lot of that has to do as stated earlier with a lack of trust in individuals in this room due to inconsistencies.

Mayor Kline read out of the Charter the recall section. He said that section was clear that the Council shall set the date. It did not say set it to the next general election it had nothing specific. Mr. Lynch understood and stated Mr. Toth, in the opinion he was sending to his supervisor Mr. Danzo, said specifically in the email that the clause you read is open to two interpretations. The Law Director indicated how he interpretes it and the county prosecutor's office indicated it is open to two interpretations. In the February 2019 hearing the Board of Elections was required to use the language you just read. The Board of Elections said the election had to happen in the general election the same election the Law Director has in his opinion. Mayor Kline stated what we are debating over is 90 days to set the election or 90 days to vote. But it does not say general election here. Mr. Lynch stated that the part they are referring to is when you have something subject to interpretation. Mayor Kline stated that was irrelevant. Mr. Lynch said our Charter

requires that when there is more than one interpretation you must rely on the Revised Code. The Revised Code clearly says it has to be at the next general or primary election.

Mayor Kline said he had a question to the City Manager. Someone said they witnessed him taking boatloads of office files from his vehicle, from here into his home. Mayor Kline asked if that was true and what that would be. Mr. Lynch said no that was not true. Mayor Kline said they showed him pictures of him doing it. Mr. Lynch said he would be glad to look at them.

Mayor Kline said he was told, but has not been able to go into the Community Center, but that the City Manager's law office equipment is being stored in there and was told that was a no no. They said private versus public. Mr. Lynch said none of his law office equipment was stored in the Community Center. A large table and chairs he donated to the City for the purposes of opening up the conference room was in there and it has since been moved over here.

Baryak said he was told the Charter supersedes any ORC. He asked if we put cameras at the park a couple of years back. Mr. Lynch said the charter does supersede the ORC unless sections of our Charter require us to rely on the ORC. As far as the cameras are concerned the City has used many since before, he got here. Some of the cameras are still in operation.

Baryak asked he had heard we were going to move the old playground equipment up to the new playground area. Mr. Lynch said there has been some discussion of that. Baryak asked if that was moved would it be big enough to have soccer there. Mr. Lynch said possibly, there might be a parking issue.

Zimmermann stated we keep saying the City gave \$80,000 to the baseball league for the fencing. It is also true that the baseball league put up \$60,000 of their own money for the fencing. Mr. Lynch said absolutely and probably more than that in labor.

Spletzer asked the City Manager about the \$5 million dollar railroad he would like to buy. Mr. Lynch stated that CSX abandoned the railway and we have been talking to them and the Columbus railroad commission. We would like to have more industrial access for the railway. CSX has said they would like \$5 million dollars for it obviously that is ridiculous and not appropriate. He was hoping there was a way we could pull it off without paying \$5 million. CSX did agree while having discussions not to rip out the line. This is not necessarily for the City to own the railroad. We have some industries who could benefit from the rail line.

Baryak asked how much money was made off the income tax from Venture Plastics since 2013. Mr. Lynch said the income tax is done on a graded basis. Venture Plastic was not located in Newton Falls when we made the deal so our income tax from Venture Plastic would be zero. We asked them to annex, and they agreed if we agreed to a slow increase in the income tax.

#### **MAYOR:**

- Met with the Commerce Association. They discussed having volunteers who get wore out. Our Street Department has a couple guys that wear a lot of hats. The discussion as maybe getting two people added to the street department as edification or beautification

people to keep up the parks and grass cutting and different things. Mr. Lynch said Mr. Stimpert was at that meeting also and was going to formulate a written plan on the beautification.

- Mayor Kline said he continued his door-to-door visits and thanked those businesses who talked to him.
- Attended the Father's Day baseball tournament and had a nice time noting how well run the tournament was.

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

**APPROVAL OF PREVIOUS MINUTES:**

**Zimmermann made a motion seconded by Breymaier to adopt the June 7, 2021; Regular Meeting minutes as submitted by the Clerk.**

Spletzer noted that a name in the minutes was misspelled three times and there were numerous errors. Attorney Fritz stated that the corrections could be sent to the clerk but would not stop Council from approving the minutes.

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

**PUBLIC HEARINGS:**

**Ordinance 2021-05: An Ordinance Repealing Ordinance 2018-16 Adopting the International Property Maintenance Code and Adopting Ordinance 2021-05.**

Mayor Kline opened the public hearing on this Ordinance. No one addressed Council at this time. Mayor Kline declared the public hearing closed.

**UNFINISHED BUSINESS:**

**Ordinance 2021-05: An Ordinance Repealing Ordinance 2018-16 Adopting the International Property Maintenance Code and Adopting Ordinance 2021-05.**

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

Spletzer asked why this crossed out the definition of historic buildings.

**Baryak made a motion seconded by Zimmermann to suspend Council Rules.**

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

Code Enforcement Officer Mark Stimpert stated that portion of the code was never adopted. We only adopt the first three sections of the code.



Spletzer asked about the appeals process. Attorney Fritz explained how the appeals process works. He also noted that if someone is not satisfied with the appeals process, they could file in the Court of Appeals.

**Baryak made a motion seconded by Spletzer to return to Council Rules.**

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

**Vote on Motion to Adopt:**

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

**NEW BUSINESS:**

**RESOLUTION 21-2021: A RESOLUTION AUTHORIZING THE CITY TO PROVIDE FOR RESTORATION AND MAINTENANCE OF SOCCER FIELDS.**

**Zimmermann made a motion seconded by Breymaier to adopt this Resolution.**

Spletzer stated a Resolution can't contain money this has to be done by Ordinance. Attorney Fritz explained that you have to increase a department or budget by ordinance. He noted that if we have a budget in place with available funds a resolution was proper.

Baryak felt this was just a band aid and not solving the problem. He would like to see this tabled or voted down in order to have the soccer league get a bid on a mower and trailer so they could take care of the fields themselves. He would vote to give them \$20,000 to make the purchase.

Zimmermann expressed concern that the league was looking at moving soccer out of Newton Falls and joining the Lordstown league.

Mr. Lynch suggested amending this to reflect a one-time expense for this year then meet with the soccer league on how they want to approach this in the future. Mr. Lynch also noted the league is to start in nine days.

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

**RESOLUTION 22-2021 : A RESOLUTION AUTHORIZING FUNDS TO THE NF JOINT FIRE DISTRICT FOR FIRE UNIFORMS.**

**Zimmermann made a motion seconded by Breymaier to adopt this Resolution.**

Spletzer stated this was the same situation, you cannot spend \$15,000 of city funds. It must be in the budget or approved by Ordinance. Attorney Fritz explained how the money currently

budgeted can be used. Mayor Kline suggested moving forward it be done by Ordinance. He felt spending was being done too quickly.

A discussion on the bids was held. Mr. Lynch noted that the Fire Chief was getting the bids and he trusted the process the Chief went through.

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

**RESOLUTION 23-2021: A RESOLUTION AUTHORIZING THE SCHEDULE TO MASTER SERVICES AGREEMENT FOR PARTICIPATION IN SAFETY/OSHA COMPLIANCE PROGRAM.**

**Zimmermann made a motion seconded by Breymaier to adopt this Resolution.**

Mr. Lynch explained that we receive our electric through AMP and are required to comply with OSHA Regulations. We work hand in hand with AMP on our OSHA compliance. AMP comes in and trains our Electric and other employees. We do this on an annual basis.

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

**Zimmermann made a motion seconded by Breymaier to appoint Jon Ruscoe to the Park & Recreation Commission to fill an unexpired term ending 12/31/2023.**

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

**Baryak made a motion seconded by Spletzer to appoint Tonya Kline to the Park & Recreation Commission to fill an unexpired term ending 12/31/2021.**

**Baryak made a motion seconded by Spletzer to amend the motion to appoint Jaime Kline not Tonya Kline.**

Vote on Motion to Amend

**ROLL CALL: Baryak aye, Spletzer aye, Zimmermann aye, Breymaier abstain.  
MOTION PASSED 3 aye – 0 nays – 1 abstention**

**Spletzer made a motion seconded by Baryak to nullify the Automated Meter Reading Opt-Out Application.**

Spletzer stated in the past six months the City Manager never came to Council with the opt out plan or fee for approval. Attorney Fritz state he understood the political argument, but previous ordinances passed by previous council gave authorization to the City Manager.

**Baryak made a motion seconded by Spletzer to table this motion until they receive more information on the City Manager's powers and other information provided to Council for the next meeting.**

Vote on Motion to Table.

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

**MOTION FAILED 2 aye – 1 nay – 1 abstention**

**Vote on Motion to adopt**

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

**MOTION FAILED 2 aye – 1 nay – 1 abstention**

**Baryak made a motion seconded by Spletzer to nullify the Smart Meter Opt-Out Program.**

Spletzer stated this is the same problem, the City Manager does not have the authority to set the opt out rates. That is a power of Council. Mayor Kline stated he could not wait till July to appoint his daughter to the vacant Council seat.

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

**MOTION FAILED 2 aye – 1 nay – 1 abstention**

**Zimmermann made a motion seconded by Breymaier to appoint Terry Wentworth to the vacant At-Large Council term expiring 12-31-2021.**

Baryak said he was a good man but would not vote for him at this time.

Zimmermann stated he is a very good man, and he would fill in well. All of Council seemed to enjoy talking to him and he would be impartial.

**ROLL CALL: Zimmermann aye, Breymaier aye, Baryak nay, Spletzer nay, Kline nay.**

**MOTION FAILED 2 aye – 3 nays**

**Zimmermann made a motion seconded by Breymaier to set the recall election for the 4<sup>th</sup> Ward for Tuesday, November 2, 2021.**

**ROLL CALL: Baryak nay, Spletzer nay, Zimmermann aye, Breymaier aye, Kline nay.**

**MOTION FAILED 2 aye – 3 nays**

Mayor Kline felt that Ms. Breymaier making the motion and voting was an ethic violation and expected the Law Director to file ethics charges.

**Zimmermann made a motion seconded by Breymaier to acknowledge receipt of the Finance Department March and April monthly reports, and attachments as presented.**

Mayor Kline stated he would like to see these printed out for each member of Council.

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

**PUBLIC COMMENTS:**

Brian Kropp commented on remarks made by the Law Director and body language. He commended the way he responded to Ms. Spletzer and noted that is what they expect.

Thanked Ms. Breymaier for the ethics violation. Stated he was disappointed if the Law Director gave her advice to vote.

Mr. Kropp thanked the Mayor for running the meetings the way he does and said change is coming.

Richard Eby, 50 West 9<sup>th</sup> Street felt that purchasing the CSX railroad was a losing proposition.

Richard Kerlin, commented on the previous recall election concerning Mr. Baryak and stated that the recall was turned in before the new recall procedure was passed.

Thanked Police Officer Harvey for recently helping his family.

Tracy Hurst 613 Ophelia Street, Read 2002-23 twice and did not see where it gave the City Manager the right to set rates.

Stated on an email she received from the City Manager and said she was advised not to meet with him.

Expressed her discontent with Ms. Breymaier and felt she was not properly serving her ward. Ms. Hurst also felt Ms. Breymaier committed an ethics violation.

Linda Neiheisel, 227 North Center Street commented on the recall election and the previous discussion held by Council. She stated this would get reviewed and the election would be held before November.

Marilyn Lee, 515 North Canal asked that when there is a meeting with CSX, we talk to them about maintaining their properties. She has been mowing CSX property for 20 years. She also stated that there are trees falling and the underpass is not taken care of.

Tom Colosimo, 4196 Carson Salt Springs Road asked where Ms. Musson was. He heard she was now on suspension without pay. He asked if someone would let the public know what was going on.

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

Baryak commented on city money and that it was not his money it was the citizens money. He asked how much was spent on lawyers to keep the people from voting.

Mr. Lynch commented on CSX noting they set the price but that does not mean we have to agree to that price. The railroad does not have to be run by CSX. A smaller railroad may have an interest in operating it.

Mayor Kline congratulated Jon Ruscoe and Jaime Kline for their appointment to the Park & Recreation Commission.

He wished there had been an ordinance not a resolution so that they could have done something with the soccer fields and fire department.

Stated he expected to have charges dropped off at his house against a member of Council.

There have been a lot of things that have not been accomplished. He would be glad when the 4<sup>th</sup> of July comes around because now that his wife was not appointed to Park & Recreation, he could consider her along with his daughter for the vacant Council position.

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

**ADJOURN:**

**After no further comments or questions Spletzer made a motion seconded by Baryak to adjourn at 9:12 p.m.**

**ROLL CALL: Zimmermann aye, Breymaier aye, Baryak aye, Spletzer aye.  
MOTION PASSED 4 ayes – 0 nays**

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

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