

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

MONDAY, SEPTEMBER 20, 2021

6:00 P.M.

612 West Broad Street

CITY COUNCIL MEMBERS

Adam Zimmermann, Ward 1

John Baryak, Ward 2

Tesa Spletzer, Ward 3

Christopher Granchie, Ward 4

Brian Kropp, At-Large

MAYOR

Kenneth A. Kline

CITY MANAGER

Pamela Priddy

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

Mayor

Council Members

Finance Director

Law Director

City Manager

Changes to tonight's agenda

7. Approval of Previous Minutes

September 7, 2021 - Regular Meeting

8. Public Hearings:

1. Ord. 2021-14: An Ordinance accepting the petition for the annexation of 0.2619 acres, more or less, in Newton Township, Trumbull County, Ohio to the City of Newton Falls, Ohio. (Mayor Kline)
2. Ord. 2021-15: An Ordinance Amending Ordinance 2014-09 An ordinance

establishing pay rates, and positions for Employees of the City of Newton Falls.
(Mayor Kline)

9. Unfinished Business:

1. Ordinance 2021-13: An Ordinance to Amend ordinance 2021-02 Newton Falls Electric Rate Reduction Act. (TABLED Until 11-15-2021)
2. Res. 25-2021: A Resolution to cancel the smart meter form and rate previously set by the Village Manager. (TABLED Until 9-20-2021)
3. Ord. 2021-14: An Ordinance accepting the petition for the annexation of 0.2619 acres, more or less, in Newton Township, Trumbull County, Ohio to the City of Newton Falls, Ohio. (Mayor Kline)
4. Ord. 2021-15: An Ordinance Amending Ordinance 2014-09 An ordinance establishing pay rates, and positions for Employees of the City of Newton Falls. (Mayor Kline)

10. New Business:

1. Motion to discuss a donation to the school for the proposed sports complex.

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.

☒ X

1. Personnel Matters: To consider one or more, as applicable, of the marked items:

☐ Appointment

☐ Employment

☐ Dismissal

☐ Discipline

☐ Promotion

☐ Demotion

☐ Compensation

☐ Investigation of charges/complaints (unless a public hearing is requested)

☐ 2. Purchase or Sale of Property

☐ 3. Pending or Imminent Court Action

☐ 4. Collective Bargaining Matters

☐ 5. Matters Required to be Kept Confidential – Contract Negotiations

☐ 6. Security Matters (National Security)

☐ 7. Hospital Trade Secrets

☐ 8. Confidential Business Information of an Applicant for Economic Development Assistance

☐ 9. Veterans Service Commission Applications

14. Adjourn:

Newton Falls City Council met in Regular session on Tuesday, September 7, 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:

Pam Priddy, Interim City Manager, Kathleen M. King, City Clerk.

ROLL CALL:

Baryak, Kropp, Zimmermann, Spletzer, Granchie

ABSENT:

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

Julie Lemon and Alayna Billock presented a poem Alayna wrote in remembrance of the 20th anniversary of the 911 events.

PUBLIC COMMENTS:

Rick Kerlin – 10 minutes granted by the Mayor – Stated it was wonderful to have a full council. He questioned the motion to hire a “head hunter” to help in hiring a new City Manager and asked why this was needed. There are several professional organizations we could use to advertise the position. He suggested a vetting committee of eight to ten people who could provide City Council with a number of people they recommend then Council could make the decision. Right now the Interim Manager is working for no pay, and we are saving money. It is feasible that things could change in November on Council as a result of the election. He hoped they would hire someone who had some “skin in the game” and was qualified from the area. He hoped that the Interim Manager asked to stay on full-time.

In reference to the ordinance on masks and vaccines he asked what would happen if the state or health department ordered something different. This legislation does not seem to have any teeth.

Julie Lemon – 10 minutes granted by the Mayor – 2750 East River Road discussed Resolution 24-2021, 29-2021 and 30-2021 which had all the same support documents with minor changes.

Resolution 31-2021 - She was at a loss why we would bring in an Interim Finance Director when you have a more than capable Finance Director in Ms. Musson who turned the finance department around. Per the Charter Article 3, Section 12 and Article 4, Section 2 (b) & (i) reference the duties of the City Manager and Finance Director. She felt the Charter contradicts itself in those sections that were amended on November 5, 2013. She stated you have to honor all contracts and ordinances and she believed Ms. Musson’s contract passed by Council per emergency. She requested they return Ms. Musson to her full duties and let her do her job. She had nothing against the person from Silver Lake.

John Richards, 212 Albert Street discussed Ordinance 2021-16 and that he had no problem with the body of the ordinance. He had great respect and trust for Ms. Priddy he did not like that the ordinance was proposed as an emergency. This council has said they were not for emergencies unless it was a true emergency and not just for convenience. This new Council has a lot of responsibilities and part of that is gaining trust.

He also questioned the motion on hiring a professional search service. If this was passed he would like to see it amended to include qualified local people to apply and be considered. He would prefer someone local if qualified.

REPORTS :

Zimmermann:

- On the 24th attended the Heritage Accord meeting at the Community Center.
- On the 21st attended the Cars & Coffee event. The organizer would like to hold more of these events.
- On the 22nd attended the Browns game with the July 4th Committee to raise money.
- On the 17th attended the Fire Board meeting. He reviewed statistics and events from the Fire Board report. Year to date the department is 205 runs above this time last year. The department applied for a \$43,000 Firehouse Subs grant and Received a \$3,700 EMS grant. The next Fire Board meeting will be September 21st at 6:00 p.m.
- Received a call from a resident thanking the city for cutting the trees by the Covered Bridge. This caller also complained about all the signs in the devil strips around town.

Baryak:

- Attended an economic development meeting and they are negotiating with a potential business moving to town. When he could tell the people more he would do so.
- Had a meeting with the Police Chief and discussed possible changes going forward. They also would be looking at the budget for ways to purchase new cruisers.
- Attended the Heritage Accord event at the Community Center. Also in attendance were Senator O'Brien, Commissioner Frenchko, Council members and Ms. Priddy.
- Took the required Sunshine Law training this weekend which was very informative.

Spletzer:

- Also attended the August 24th event with the Heritage Accord group at the Community Center.
- Attended the Park & Recreation meeting on the 24th where they had a special presentation from Joselyn Showers who is a Girl Scout that would like to do a project at the Everett Greathouse Memorial Park. They also discussed replacing the benches around town. The next Park & Rec. meeting will be September 28th at 5:30 p.m.
- Attended an audit/finance/administration committee meeting with Kropp, the Mayor and City Manager.
- On September 1st met with VerLay representatives on a road dedication project.
- Took the Ohio Sunshine Law training and received the certificate of completion.
- Heritage Accord will be holding a Pluck-a-Duck event on November 7th from Noon to 3:00 p.m.

Granchie:

- Attended the ribbon cutting on Saturday at the new business Eagle Creek Tactical.
- Walked the business district and introduced himself. Would be meeting with Mr. Stimpert on some issues that were discussed. Received concerns about speeding on Broad Street and more use of the street sweeper. Overall he received positive comments from the people he spoke to.
- Has been working with Tom Colosimo on the Newton Falls Area Commerce Association building to get it ready for business.

Kropp:

- Attended a lot of the events previously mentioned as well as several of the meetings discussed.
- Also spoke to constituents and received ideas and suggestions. One was that we might bid out the sidewalk repairs to get a bid collectively for the work that needs done.
- Have a meeting set up with our electric and water departments to discuss ideas on the rates and opt out fee.

LAW DIRECTOR: Nothing

CITY MANAGER:

- Ms. Priddy provided a written report if anyone has questions about what was on the report.
- On August 13th received a letter in reference to Julie Smeiles who would be providing administrative support. Zimmermann asked her title, duties, pay and if she had a contract. Ms. Priddy stated Ms. Smeiles was not an employee she was a 1099 vendor. She has not been paid yet but would probably be needed for a few more weeks. She has been working on the computer systems getting them updated and will be helping with the transition to the paychecks program. She has initiated a calendar for Superintendents to mark their days off until this can all be integrated in to one place. No contract with Ms. Smeiles has been signed. Zimmermann expressed concern that she was cleared for the IT work and what her specific duties were and if she passed a background check. Kropp asked if anyone has reached out to her about this prior to now. Ms. Priddy said no one questioned what her duties were. Mayor Kline stated the City Manager takes care of the day-to-day issues and he was glad she was here and has gone above and beyond for our community.

Baryak stated that there was a lot going on including investigations, audits and at there is a tremendous amount of work that Ms. Priddy is handling most admirably. He felt there were a lot of things the City Manager should be doing that were farmed out.

Granchie commended Ms. Priddy, Ms. King and Ms. Smeiles for preparing documents for him the day after he was appointed.

- Received a news release on Kaylyn Donley who received the National Society Scholarship which is a great accomplishment for one of our students.

MAYOR:

- Attended the ribbon cutting on Saturday at Eagle Creek Tactical.
- Attended a meet and greet with Senator O'Brien at Roby Lees.
- Also attended the Heritage Accord events.
- Attended the Economic Development meeting where they discussed having a business coming to our community. He was excited the direction our community was heading

CHANGES TO TONIGHT'S AGENDA:

APPROVAL OF PREVIOUS MINUTES:

Spletzer made a motion seconded by Kropp to adopt the August 2, Regular Meeting; August 4, Emergency Meeting; August 9, Special Meeting; August 16, Regular Meeting; and August 30, Special Meeting minutes as submitted by the Clerk.

ROLL CALL: Kropp aye, Zimmermann aye, Spletzer aye, Granchie Abstain, Baryak aye.
MOTION PASSED: 4 ayes 1 abstention

PUBLIC HEARINGS: None at this time

UNFINISHED BUSINESS:

Ordinance 2021-31: tabled until 11-15-2021.

Resolution 24-2021: A resolution accepting the amounts and rates determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Spletzer made a motion seconded by Kropp to remove this from the table.

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

Spletzer noted that this was signed by Ms. Wolford and the other documents in the packet were almost verbatim to this resolution. She stated this resolution needs to go away so they could deal with them properly.

Motion to Adopt:

ROLL CALL: Spletzer nay, Granchie nay, Baryak nay, Kropp abstained, Zimmermann aye.
MOTION FAILED: 1 aye - 3 nays - 1 abstention

Motion to appoint Patti Kinel to the unexpired term on the NF Joint Fire District board commencing immediately and expiring 12-31-2023.

Spletzer made a motion seconded by Baryak to amend this motion to schedule interviews for all applicants.

Zimmermann noted that we have not interviewed for any of the other board positions why do it now

Baryak withdrew his motion.

Mayor Kline stated the motion is on the floor to appoint Patti Kinel to the Fire Board.

Zimmermann stated the reason it was tabled was because it was said that this was not posted but he said it was posted on the city web site the day after the announcement. He suggested they go forward with appointing Ms. Kinel.

Kropp stated when it was tabled only one applicant the time following that we have had multiple people show interest.

Vote on Motion to appoint Patti Kinel

ROLL CALL: Granchie abstained, Baryak nay, Kropp abstained, Zimmermann aye, Spletzer nay.

MOTION FAILED: 1 aye – 2 nays - 2 abstention

Baryak made a motion seconded by Kropp to amend the agenda to add a motion to appoint Terry Coons to the Fire Board.

Zimmermann stated we already moved past changes to the agenda. Mayor Kline stated he did not have the floor. Zimmermann said it was clear his position was not to follow the agenda.

ROLL CALL: Baryak aye, Kropp aye, Zimmermann nay, Spletzer aye, Granchie abstained.

MOTION PASSED: 3 aye – 1 nay - 1 abstention

NEW BUSINESS:

Ordinance 2021-14: An ordinance accepting the petition for the annexation of 0.216 acres, more or less, in Newton Township, Trumbull County, Ohio to the City of Newton Falls, Ohio.

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

Baryak asked who paid for the cost of this annexation. Ms. Priddy stated the city did. Baryak asked why the city paid for a private annexation. Ms. Priddy noted this was prior to her being here she could not answer that.

Spletzer noted this was in Ward 3 on property previously owned by Lyle Waddell. This tidies up the property for the new homeowner Mr. Crosby by putting all the property together.

Baryak stated in the past the city picked up the cost of annexation because they were to the Cities benefit. Why did Mr. Waddell not pick up the cost? He felt this was not spending the City money property.

Zimmermann stated he thought Mr. Waddell paid for the annexation himself.

ROLL CALL: Kropp aye, Zimmermann aye, Spletzer aye, Granchie aye, Baryak aye
MOTION PASSED: 5-0

Ordinance 2021-15: An Ordinance amending ordinance 2014-09 an ordinance establishing pay rates, and positions for the employees of the City of Newton Falls.

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

Spletzer expressed concerns that this ordinance did not amend Ordinance 2020-39.

Ms. Priddy explained that this ordinance covers what was originally called D pay. Currently there is no pay for an employee who takes over in a department when the supervisor is off. This cleans up the issue. The Superintendents discussed this and agreed the \$3.00 was an acceptable amount. Previously the D pay was 50% difference from the employee to superintendents pay.

Kropp noted that Section II of the legislation addresses the conflict Ms. Spletzer was concerned about.

Ms. Priddy also noted that we have had conversations about cleaning up the pay ordinance, so everything was all inclusive. She hoped to have that done and brought to Council shortly.

ROLL CALL: Zimmermann aye, Spletzer aye, Granchie aye, Baryak aye, Kropp aye
MOTION PASSED: 5-0

Ordinance 2021-16: An Ordinance authorizing pay and expenses for the Interim City Manager, Pamela S. Priddy and declaring an emergency.

Kropp made a motion seconded by Spletzer to adopt this Ordinance.

Spletzer understood Mr. Richards' concerns on emergency legislation. When Ms. Priddy was hired on August 9th a salary was discussed. Now payroll is due, and finance needs to have this information. Before the pay was going to be \$1,500 a week but the employee wants no pay

Mayor Kline stated this legislation would authorize reimbursement expenses for expenses before the payroll is completed. He stated emergency legislation is important to have the purpose declared. This Ordinance is to satisfy payroll and the charter and is very specific on the emergency.

Zimmermann noted that to pass something as an emergency is different than declaring an emergency. Passing as an emergency is to get it done quickly.

Baryak stated since being on Council for the past five and a half years he has watched stuff not emergency go through, but he believed this was important and should go through.

Kropp noted that this would eliminate the two readings and thirty days wait so that it would go into effect immediately.

Zimmermann said he believed the City Manager needed to be a paid employee, documented and held responsible.

ROLL CALL: Spletzer aye, Granchie aye, Baryak aye, Kropp aye, Zimmermann nay.
MOTION PASSED: 4-1

Baryak made a motion seconded by Spletzer to adopt Ordinance 2021-16 for its second reading.

ROLL CALL: Granchie aye, Baryak aye, Kropp aye, Zimmermann nay, Spletzer aye.
MOTION PASSED: 4-1

Ordinance 2021-17: An Ordinance providing individual freedom of choice and prohibiting requirement of masks in public areas of the City Municipal building.

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

Kropp stated the purpose of this is because he is firm believer in rights to freedom of expression. He trusts the people to make decisions for themselves. He did not believe it was the government's position it is between you and your doctor.

Spletzer suggested that this ordinance be amended to clarify the title because the building with the court in it is called the administration building. Clerk suggested adding the address to Section I for clarification.

Baryak questioned why fix something that's not broken. If an order came from the federal government, state or health department we can't override that.

Granchie asked who if not council would make a mask mandate. He said he was not in the business to legislate what ifs. He could not support this.

Zimmermann said we do not have a crystal ball to know what will happen down the road. He viewed the City Manager as the business manger with the right to protect the people in the building as they see fit.

Kropp said he personally dealt with this and lost the ability to participate in his own government. Council had no say in the decision or process to mandate masks. This is ultimately about your own personal choice.

After further discussion Kropp withdrew Ordinance 2021-17 and Ordinance 2021-18 from tonight's agenda.

Resolution 29-2021: A Resolution adopting the budget of the City of Newton Falls, Ohio, for the fiscal year beginning January 1, 2022, and submitting the same to the County Auditor.

Kropp made a motion seconded by Spletzer to adopt this Resolution.

Ms. Priddy stated the original document was attached to the wrong resolution. So to clean this up a new resolution was drafted with the correct attachment and the signature issue will be taken care of also. These are estimated numbers for the upcoming year.

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

Resolution 30-2021: 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.

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

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

Resolution 31-2021: A Resolution approving the Treasurer of the Village of Silver Lake to aid the City of Newton Falls, Ohio, by assuming the duties of Interim Finance Director for the City on a part time basis under the conditions herein.

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

Mayor Kline asked to have the first whereas amended to remove the words "while the City searches for a replacement in such position."

Baryak made a motion seconded by Granchie to amend the first Whereas to remove the words "while the city searches for a replacement in the position."

Vote on Motion to Amend:

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

Baryak asked about pay for this position. Ms. Priddy stated the final pay has not been negotiated but would be once this Resolution was in place. We would also need to see what was available in the budget.

Vote on Motion to Adopt as Amended

ROLL CALL: Spletzer aye, Granchie aye, Baryak aye, Kropp aye, Zimmermann abstain.

MOTION PASSED: 4 ayes - 0 nays - abstention

Spletzer made a motion seconded by Baryak to set Trick or Treat for Saturday, October 30, 2021, from 4:00 p.m. to 6:00 p.m.

Spletzer said Park & Rec set the time for 5:00 p.m. to 7:00 p.m. Ms. Priddy said she contacted Park and Rec and they agreed to the 4:00 time frame because the Kiwanis Club Cake Walk was starting at 2:00 p.m. This way it can be contiguous.

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

MOTION PASSED: 5 - 0

Zimmermann made a motion seconded by Kropp to direct the Interim City Manager to use professional search services to aid in the finding of a new full-time City Manager.

Mayor Kline said in his opinion this was not a good idea. We would spend a large amount of money that was not necessary. We could go through Ohio Means Jobs and set up a profile of our needs. This service is free of charge. We could also create our own committee from town residents and business owners to look through the applications.

Baryak stated there are City Manager magazines we could advertise in like the last time. Last time we got around 25 applicants. He felt it was this Council as elected officials to go through the resumes.

Granchie asked if there was a price figure associated with this service.

Zimmermann said no price was obtained yet. It depends on the level of service you wanted from the firm. The point is to get an unbiased filter of applicants to provide to Council. Council was responsible for bringing in the last two City Managers.

Baryak called Point of Order. Was he saying he was biased.

Granchie said he was not necessarily against this but would not pass it without someone in charge of our finances to know what the cost would be.

Spletzer suggested this go to the finance/audit/administration committee.

Kropp said the language does not specify which service we would use. It could encompass many services. The past several years we have not had a strong track record. No one is claiming someone is biased or unbiased, there has not been a long-term success picking executives. Ultimately it is a council decision. We owe it to our Village to utilize all our resources for the long-term health of the Village.

Baryak said last time they weeded out the candidates and narrowed it to four choices. He said he felt he was very capable to make the decision for this little town of 4400 people. He was not opposed to someone homegrown who knows and cares about the community. We pay YSU \$30,000 a year to get grants. We need someone to maintain the City on a daily basis with a background in finance and economic development.

Kropp reiterated this is an important executive level position so \$100,000 a year is normal. We can't afford to swing and miss. We owe it to the community to find the right person for all positions. There has been no stability for a long time in the community. We need to do our due diligence.

Granchie said he was against legislature that had not price tag attached.

Zimmermann stated this is a crucial position for a \$14 million dollar corporation. Lynch has been out for three weeks have we started searching for a City Manager.

ROLL CALL: Baryak nay, Kropp aye, Zimmermann aye, Spletzer nay, Granchie nay.
MOTION FAILED: 2 ayes – 3 nays

Kropp made a motion seconded by Baryak to amend and update Council Committees.

Spletzer stated for simplicity we should replace Breymaier with Granchie on the committees.

ROLL CALL: Kropp aye, Zimmermann aye, Spletzer aye, Granchie aye, Baryak aye.
MOTION FAILED: 5 – 0

Baryak made a motion seconded by Spletzer to appoint Terry Coons to the Fire Board.

Baryak said Mr. Coons knows about the Fire Board, has served the community and is well liked by everybody.

ROLL CALL: Zimmermann abstain, Spletzer aye, Granchie abstain, Baryak aye, Kropp aye.
MOTION FAILED: 3 ayes – 2 abstentions

PUBLIC COMMENTS:

Tom Colosimo 4196 Carson Salt Springs Road representing the Newton Falls Area Commerce Association announced music in the park on Saturday, September 11th from 6:00 p.m. to 9:00 p.m. Speed Limit Band will be playing.

They have been working on the building at 17 East Broad Street which should be open soon. He thanked Granchie for helping with the move.

Rick Kerlin commented he was glad Council could resolve matter intelligently and listen to each other.

Santa will be at the VFW Dart League Auction on November 7th. Also coming up on December 4th is a special breakfast with Santa and Mrs. Clause at the VFW.

Anna Eby 50 West 9th Street understood council wanted to do what was best for the city, but they could spend millions and get someone crappy.

Julie Lemon 2750 East River Road thanked the NF Joint Fire District employees who responded when she was stung by a bee. She thanked them for their professionalism and commitment to the city.

Ms. Lemon asked that the Clerk be put on administrative leave from an incident that started in February, and she was harassed by the City Manager. She learned that Mrs. King retrieved the phone number that was seven-year-old from the electric account. She suggested Council look at ORC 2913.42 Tampering with Records. She stated that any changes to the account should show on the audit trail, but her name change was not showing on the audit trail. She also said she received documents that had her social security number on them and this needs to stop.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Zimmermann congratulated Mr. Granchie and looked forward to working with him.

Was surprised when he received the agenda and saw a co-sponsor listed on a motion he sponsored. In the future he said he would appreciate notification when someone asked to co-sponsor something. He felt this courtesy should be extended to everyone.

Baryak felt it was a good idea to try to get one contractor to fix the sidewalks. He hoped that would help us get a better rate.

Noted that we need to pick someone for the Fire District board and felt the motion he put on was for the most qualified individual.

Spletzer noted the next Park & Recreation meeting would be September 28th at 5:30 p.m.

The Heritage Accord Pluck-a-Duck event will be held on November 7th from 12:00 noon to 3:00 p.m.

Granchie thanked everyone who came to the swearing in ceremony today. He appreciated the good debate tonight and was glad to see the direction Council was going.

Kropp thanked Alayna Billock for the poem she wrote and read tonight.

He was glad the whole body of Council was here tonight. The ability to do work for the community and express how they feel is Council's job, so the people understand their positions and how they vote the way they do. That was also the purpose of sponsors on legislation, to see who supports what.

Planning & Zoning meeting is tomorrow at 6:00 p.m.

Mayor Kline thanked Alayna Billock for the poem and noted that this is an example of the solid students coming from our community

Thanked Council, Ms. Priddy, Ms. King for getting through a lot of legislation tonight in a decent amount of time. We had good discussions, talked through it and nothing was rammed through.

MOTION TO RECESS INTO EXECUTIVE SESSION:

ADJOURN:

After no further comments or questions Kropp made a motion seconded by Spletzer to adjourn at 8:14 p.m.

ROLL CALL: Spletzer aye, Granchie aye, Baryak aye, Kropp aye, Zimmermann aye.
MOTION PASSED 5 ayes – 0 nays

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

ORDINANCE 2021- 13

**AN ORDINANCE TO AMEND ORDINANCE 2021 - 02 NEWTON FALLS ELECTRIC
RATE REDUCTION ACT**

WHEREAS, City Council passed Ordinance 2021 - 02 titled Newton Falls Electric Rate Reduction act,

WHEREAS, No final contract has been executed,

WHEREAS, No service agreement has been finalized,

WHEREAS, City Council believes the negotiations have stalled and not been negotiated in a timely manner,

WHEREAS, City Council believes at this later date a greater mandatory minimum is fair value of the property offered for sale, and

WHEREAS, City Council sets the mandatory minimum for the sales of the listed property as ten million dollars (\$10,000,000.00)

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

SECTION I: No property as described in Ordinance 2021 -02 shall be sold for any amount less than ten million dollars.

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

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

ORDINANCE 2021-14

**AN ORDINANCE ACCEPTING THE PETITION FOR THE
ANNEXATION OF 0.2619 ACRES, MORE OR LESS, IN
NEWTON TOWNSHIP, TRUMBULL COUNTY, OHIO TO THE
CITY OF NEWTON FALLS, OHIO.**

WHEREAS, on December 2, 2020 by Resolution No. 20-12-04 and on December 7, 2020 by Ordinance No. 37-2020, Newton Township and the City of Newton Falls, Ohio, respectively, authorized and entered an Annexation Agreement relating to the annexation of a 0.2619 acre territory from Newton Township to the City of Newton Falls owned by Zachary A. Crosby; and

WHEREAS, thereafter, on March 10, 2021, a petition for the annexation of a 0.2619 acre territory in Newton Township with the consent of all parties, was duly filed by agent for the petitioners, utilizing the special annexation procedure of Ohio Revised Code Section 709.022, *et seq.* commonly referred to as an "Expedited Type-1" annexation; and

WHEREAS, on March 24, 2021, the Board of County Commissioners of Trumbull County, Ohio reviewed and, by Commissioners' Resolution, approved the annexation of the territory described in Exhibit A and shown on the map or plat in Exhibit B attached hereto to the City of Newton Falls, Ohio; and

WHEREAS, the Clerk of the Board of County Commissioners of Trumbull County certified the record of the proceedings in connection with the annexation including Commissioners' Resolution granting the annexation along with the petition and the accompanying map or plat required in connection therewith to the Clerk of Council on April 26, 2021; and

WHEREAS, more than sixty (60) days from the date of delivery of the record of the annexation proceedings to the City has elapsed in accordance with provisions of Section 709.04 of the Ohio Revised Code and the City clerk has now laid the resolution of the Trumbull County Commissioners granting the annexation and the annexation papers before Council at its next regular session.

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

SECTION I: That the petition for the annexation of 0.2619 acres from Newton Township to the City of Newton Falls with the consent of all parties, including 100% of the owners of real estate in the territory sought to be annexed, Newton Township and the City of Newton Falls, utilizing the special annexation procedure of Ohio Revised Code Section 709.022, *et seq.* (Expedited "Type-1" Annexation) of the territory described in Exhibit A and shown on the map or plat attached as Exhibit

B to the City of Newton Falls, Ohio that was approved by the Board of County Commissioners of Trumbull County by Resolution on March 24, 2021, be and the same is hereby accepted.

SECTION II: That the Clerk of Council be and is hereby authorized and directed to make four (4) copies of this Ordinance including its attached legal description and map along with a copy of the resolution and transcript of the proceedings of the Board of County Commissioners of Trumbull County relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then promptly deliver one copy to the Trumbull County Auditor, one copy to the Trumbull County Recorder along with any recording fee required, one copy to the Ohio Secretary of the State with the appropriate filing fee, and one copy with the Trumbull County Board of Elections within thirty (30) days after this Ordinance becomes effective and do all other things required by law.

SECTION III: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS ____ DAY OF _____, 2021.

Mayor Kenneth A. Kline

ATTEST: _____
Clerk of Council

PEARSON SURVEYING, LLC

(330) 296-9200 OFFICE OFFICE@PEARSONSURVEYING.COM

ANNEXATION PARCEL
PROPERTY DESCRIPTION
0.2619 ACRE TRACT

Situated in the Township of Newton, County of Trumbull, and the State of Ohio, being part of Lot 9 in said Township, and being part of the tract of land transferred to Lyle A. & Marilyn F. Waddell as recorded in Inst. #202011230023342, and further described as follows to wit:

Beginning at a pk nail set at the southeast corner of Lot 8 in the McCullagh's Riverview Plat (Plat Book 12, Page 88), which is on the centerline of State Route 534 – Milton Blvd – r/w varies, thence South $26^{\circ}40'45''$ East, along the centerline of St. Rt 534, a distance of 182.09 feet to an angle point, thence South $24^{\circ}10'39''$ East, along the centerline of St. Rt 534, a distance of 321.27 feet to an angle point, thence South $10^{\circ}25'45''$ East, along the centerline of St. Rt 534, a distance of 512.53 feet to a point, thence South $79^{\circ}22'37''$ West, across to west right of way line of St. Rt. 534, a distance of 40.10 feet to a capped rebar set, thence South $10^{\circ}25'45''$ East, along the west right of way line of St. Rt 534, a distance of 150.01 feet to a capped rebar set, thence South $79^{\circ}20'21''$ West, along the north line of a tract of land now or formerly owned by Lyle A. & Marilyn F. Waddell (Inst. #202011230023343), a distance of 469.55 feet to a capped rebar set, which is the True Place of Beginning for the property herein described;

1. Thence South $00^{\circ}51'14''$ East, along the west line of the aforesaid Waddell tract, a distance of 26.31 feet to a capped rebar set;
2. Thence South $89^{\circ}14'42''$ West, along the north line of the City of Newton Falls and the north line of a tract of land now or formerly owned Joseph & Cynthia Chick (Inst. #200906290012801), (and passing over a capped rebar set at a distance of 291.97 feet), a total distance of 361.97 feet to a point in the center of the Mahoning River;
3. Thence North $27^{\circ}42'47''$ East, along the center of the Mahoning River, a distance of 20.00 feet to a point;
4. Thence North $84^{\circ}31'25''$ East, along the south line of a tract of land now or formerly owned by Janet E. Stewart (Inst. #202011230023344, (and passing over a capped rebar set at a distance of 70.00 feet), a total distance of 353.56 feet to a capped rebar set;
5. Thence South $00^{\circ}51'14''$ East, along a west line of the aforesaid Stewart tract, a distance of 20.38 feet to the True Place of Beginning of the herein described parcel.

Containing 0.2619 acres of land, based on a field survey by Beth A. Pearson, P.S. #8430 in September of 2020.

0.2619 acre parcel – page 2

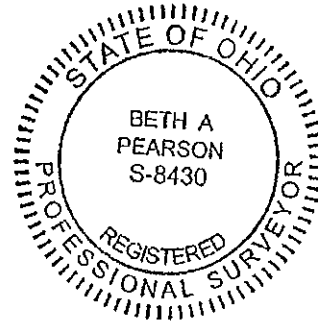
The basis of bearing is Grid North, Ohio State Plane Coordinate System, North Zone, NAD83.

Subject to all legal highways and any easements or restrictions of record.

Capped rebars set are 5/8" x 30" with "Pearson PS-8430.

Beth A. Pearson 09/18/2020
Beth A. Pearson, PS
Registered Surveyor #8430

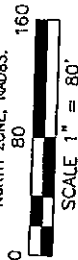
C:\2020\IP200126 - Annexation Parcel



PROPOSED ANNEXATION OF 0.2619 ACRES FROM NEWTON TOWNSHIP TO THE CITY OF NEWTON FALLS

BEING PART OF LOT 9 IN THE TOWNSHIP OF NEWTON,
COUNTY OF TRUMBULL, STATE OF OHIO
SEPTEMBER 2020

THE BASIS OF BEARING IS GRID NORTH,
OHIO STATE PLANE COORDINATE SYSTEM,
NORTH ZONE, NAD83.



LEGEND

These standard symbols will
be found in the drawing.

⊗ 5/8" x 30" CAPPED REBAR SET

○ 1" IRON PIPE FOUND

● 5/8" IRON ROD FOUND

◆ 1/2" IRON ROD FOUND

▲ PK NAIL SET

▤ CONTIGUOUS BORDER
WITH CITY OF NEWTON FALLS

▨ PROPOSED TERRITORY TO BE ANNEXED

REFERENCES

DEEDS AND PLATS AS NOTED
H.S. McKEEEN SURVEY - NOV. 1931
STATE OF OHIO - CENTERLINE PLAT
TRU-534-(0.76-3.87) 1967

CONTIGUITY NOTE

TOTAL PERIMETER OF THE ANNEXATION
TERRITORY IS 782.22 FEET.
THE CONTIGUOUS BOUNDARY WITH NEWTON FALLS
IS 98.52 FEET GIVING 12.72 % CONTIGUITY.

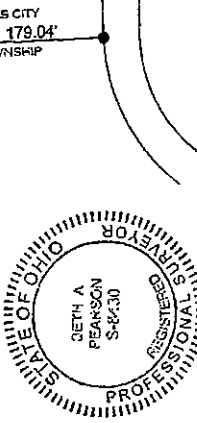
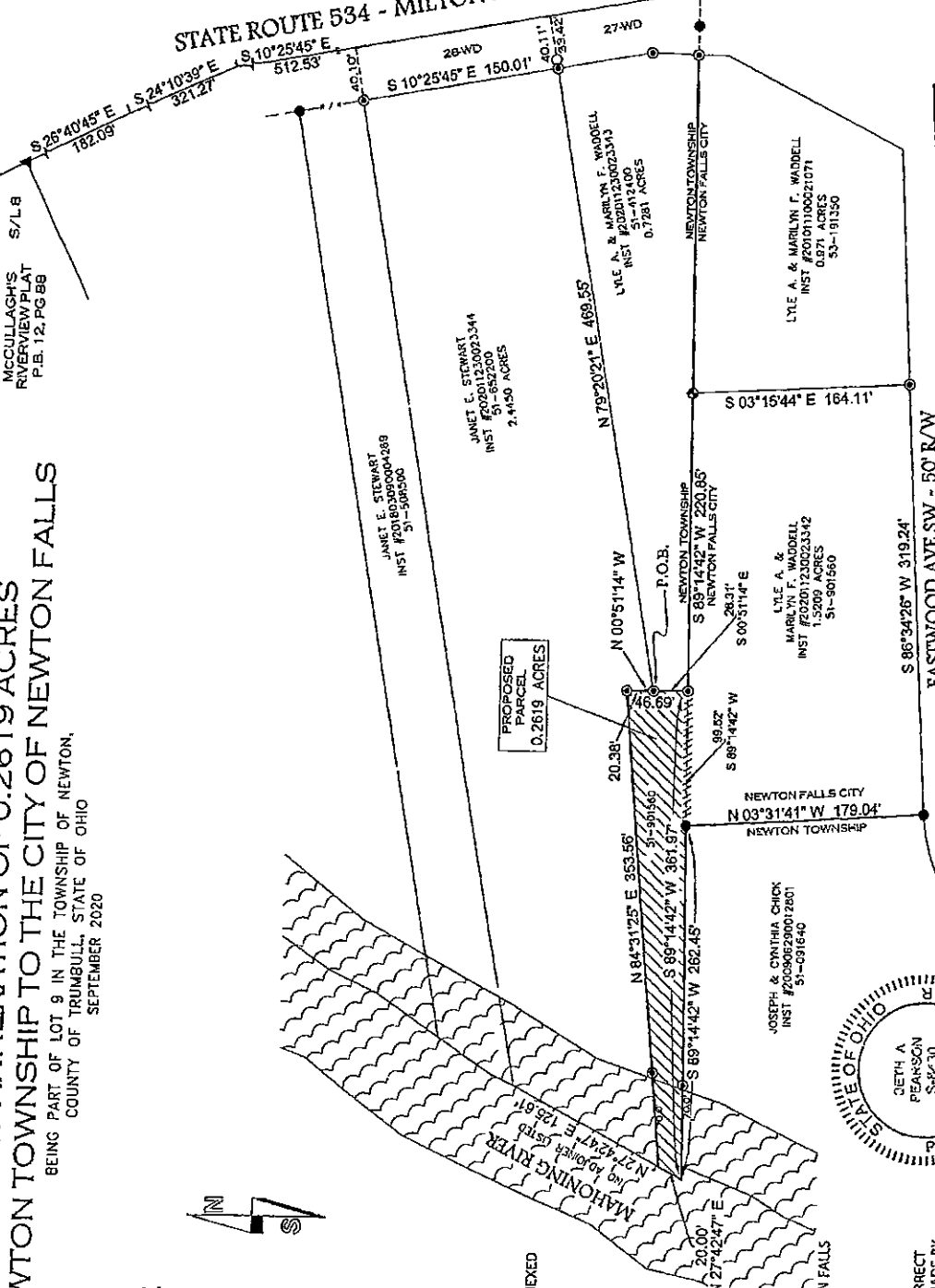
SURVEYORS CERTIFICATE

I HEREBY CERTIFY THIS DRAWING TO BE A CORRECT
DELINEATION OF AN ACTUAL FIELD SURVEY MADE BY
ME ACCORDING TO CHAPTER 4733-37 OF THE OHIO
ADMINISTRATIVE CODE, AND ALL MONUMENTATION
HAS BEEN FOUND OR SET AS SHOWN HEREON.

Beth A. Pearson 09/18/2020
BETH A. PEARSON P.S. #8430 DATE

MCCULLAGH'S
RIVERVIEW PLAT
P.B. 12, PG. 88

STATE ROUTE 534 - MILTON BLVD - R/W VARIES



Annexation
Petition
EXHIBIT B

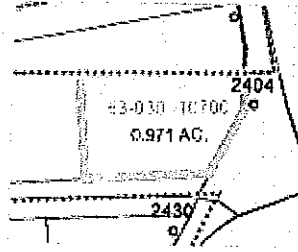
**PEARSON
SURVEYING, LLC**
3366 HOMER ROAD, RAVENNA, OHIO 44266
OFFICE (330) 298-9200
OFFICE@PEARSONSURVEYING.COM

P200128

Data For Parcel 53-191350

Base Data

Parcel: 53-191350
Owner: ZACHARY A COSBY
Address: 2404 MILTON BV
Dist/Map/Route: 53030 10700



Tax Mailing Address

Tax Mailing Name: ZACHARY A COSBY
Address: 2404 E RIVER RD
City State Zip: NEWTON FALLS OH 44444

Owner Address

Owner Name: ZACHARY A COSBY
Address:
City State Zip:

Geographic

City: UNINCORPORATED
Township: NEWTON TOWNSHIP
School District: NEWTON FALLS EVSD
Tax District: 53 - NEWTON TWP - NEWTON FLS CITY - EVSD

Legal

Legal Acres:	0.97	Homestead Reduction:	NO
Legal Description:	9 2817 .971A PT ST RT 534	2.5% Reduction	YES
Land Use:	518 - 1-FAMILY - ON COMMERCIAL	Foreclosure:	NO
Neighborhood:	47100	Board of Revision:	NO
Number Of Cards:	1	New Construction:	NO
Annual Tax (Does not include delinquencies.):	\$2,028.54	Divided Property:	NO
Map Number:	030 10700	Routing Number:	030 10700

Photos



53-191350 04/07/2015

[+] Click to enlarge.

Notes

Notes:

DEED NUMBER:

GIS parcel shapefile last updated 8/27/2021 5:16:14 AM.

The CAMA data presented on this website is current as of 8/27/2021 3:06:19 AM.

ORDINANCE 2021-15

**AN ORDINANCE AMENDING ORDINANCE 2014-09 AN ORDINANCE
ESTABLISHING PAY RATES, AND POSITIONS FOR THE EMPLOYEES OF THE
CITY OF NEWTON FALLS.**

WHEREAS, Newton Falls City Council approved Ordinance 2014-09 in 2014;
establishing pay rates, and positions for the employees of the City of Newton Falls, Ohio; and

WHEREAS, City Council acknowledges employees who take on the supervisor's
responsibilities when the supervisor is absent for a period of one or more full work days; and

WHEREAS, City Council wishes to authorize pay for employees who assume all of the
supervisor's responsibilities for one or more full work days; and

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

SECTION I: Newton Falls City Council hereby establishes a rate of pay of \$3.00 per hour for
the senior employee who assumes all of the supervisor's responsibilities in the absence of the
employee's supervisor for a period of one or more full work days and an overtime rate of pay of
\$3.00 at time and a half.

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk, Clerk of Council Kathleen M. King