

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA
TUESDAY, SEPTEMBER 7, 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

1. Call to Order
2. Pledge of Allegiance/Prayer
3. Roll Call
4. Special presentations by staff members or invited consultants

Julie Lemon & Alayna Billock
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

August 2, 2021 - Regular Meeting
August 4, 2021 - Emergency Meeting
August 9, 2021 - Special Meeting
August 16, 2021 - Regular Meeting
August 30, 2021 - Special Meeting

8. Public Hearings:

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. 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. (TABLED Until 9-20-2021) **MUST BE APPROVED BY OCT. 1, 2021**
3. Res. 25-2021: A Resolution to cancel the smart meter form and rate previously set by the Village Manager. (TABLED Until 9-20-2021)
4. Motion to appoint Patti Kinel to the unexpired term on the NF Joint Fire District board commencing immediately and expiring 12-31-2023. (Tabled until 9-7-2021)

10. New Business:

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)
3. Ord. 2021-16: An Ordinance authorizing pay and expenses for the interim City Manager, Pamela S. Priddy and declaring an emergency. (Mayor Kline)
4. Ord. 2021-17: An Ordinance providing individual freedom of choice and prohibiting requirement of masks in public areas of the City Municipal Building. (Kropp)

5. Ord. 2021-18: An Ordinance prohibiting discrimination of individuals based upon vaccination status within public areas of the City Municipal Building. (Kropp)
6. Res. 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. (Mayor Kline)
7. Res. 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. (Mayor Kline)
8. Res. 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, and Declaring an Emergency. (Mayor Kline)
9. Motion to set Trick or Treat for Saturday, October 30, 2021 from 4:00 p.m to 6:00 p.m (Spletzer - Park & Rec.)
10. Motion to direct the interim City Manager to use profession search services to aid in the finding of a new full-time City Manager. (Zimmermann/Kropp)
11. Motion to amend and update Council Committees. (Baryak)

11. Public Comments:

12. Closing Remarks: Mayor, City Manager and Council

13. Motion to Recess into Executive Session (if necessary)

Move into executive session, by majority vote, for any of the following reasons with a motion and second.

- _____ 1. Personnel Matters: To consider one or more, as applicable, of the marked items:
 - _____ Appointment
 - _____ Employment
 - _____ Dismissal
 - _____ Discipline
 - _____ Promotion
 - _____ Demotion
 - _____ Compensation
 - _____ Investigation of charges/complaints (unless a public hearing is requested)
- _____ 2. Purchase or Sale of Property
- _____ 3. Pending or Imminent Court Action
- _____ 4. Collective Bargaining Matters
- _____ 5. Matters Required to be Kept Confidential – Contract Negotiations
- _____ 6. Security Matters (National Security)
- _____ 7. Hospital Trade Secrets
- _____ 8. Confidential Business Information of an Applicant for Economic Development Assistance
- _____ 9. Veterans Service Commission Applications

14. Adjourn:

Newton Falls City Council met in Regular session on Monday, August 2, 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.

ROLL CALL:

Spletzer, Zimmermann, Kropp, Baryak

ABSENT:

Breymaier

Zimmermann made a motion to excuse Ms. Breymaier due to illness. No second was made to the motion.

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

Rocco Adduci, Superintendent of Newton Falls Exempted Village Schools addressed Council on a proposed athletic facility. Mr. Adduci reviewed some things the school has done for the community at no cost to the taxpayers, upcoming programs and work that has been done at the school facilities.

Mr. Adduci also handed out and reviewed a budgetary estimate for various items related to construction of the newly proposed sports complex. He also discussed the financial aspects of the project and asked for support from the City.

PUBLIC COMMENTS:

Julie Lemon, 2750 East River Road was curious about agenda items 1, 2, 3, 4 and 5. She also was in favor of number 7 on the agenda.

Ms. Lemon spoke on item number 8 and for Ms. Musson. The city has been going for several months without a Finance Director and as presented the finances are not in great shape. She said she has never worked with Ms. Musson and does not know what kind of supervisor she is. But she has brought award winning finances to the City. Ms. Lemon said she needs to be brought back to work. She has seen comments on Facebook, but no one has come here to speak, there has been no hard evidence.

John Richards, 212 Albert Street – Ward 1 felt the items concerning sponsorship were overdue. This needs done so the public knows who to credit or criticize also so the agenda cannot be manipulated. We still do not know who originated the legislation on the meters.

Mr. Richards addressed the Finance Department with the resignation of the City Manager we should have no uncertainty in the Finances of the City. He stated he did not know either person in the department personally, but experience and qualifications matter. Mr. Richards gave a timeline of events around Ms. Musson and read her background that is posted on the City website. He stated with the City Manager leaving the public needs to have confidence that the City accounts are in order and Ms. Musson has the qualifications to understand and stabilize the Village finances.

Rick Kerlin, 611 North Canal Street today learned that the petitions on the referendums have been turned into the Board of Elections. So were letters addressing the board that they believe these were administrative not legislative voiding the ability to have a referendum.

Zimmermann called Point of Order – Where on the agenda is this subject. Mr. Kerlin stated the minutes. Zimmermann said that was not an agenda item. Mayor Kline told Mr. Kerlin to continue.

Mr. Kerlin commented on the letter to the Board and what authority the Clerk had to determine legislative and administrative. He also asked about the opinions from the Law Director. These have to be done in two days or they will not go on the ballot. He questioned the Law Director giving his opinions and if Council authorized this. Mr. Kerlin stated the people of this community deserve the right to vote.

Anna Musson, appointed Finance Director of Newton Falls addressed the 2022 Alternative Tax Budget. On July 19th she provided copies of the completed forms, tonight the attachments have the same numbers except for schedule two, which she felt had a significant error. This budget should have been in to the Trumbull County Tax Commission, and she acknowledged they waived the deadline and extended it until August 1st. Ms. Musson said she explained to the Tax Commission that this would not make the deadline. This needs passed with the amendment on schedule two. The city needs to create a new fund for the covid money because it is a major violation to comingle funds. She also stated she has taken training on this and has been in contact with the Ohio Office of Budget Management.

Ms. Musson said she loves Newton Falls and in 2014 the City was deemed not to be auditable. On Friday she received an email around 9:15 a.m. in reference to something critical happening in reference to a major delinquency. She would be willing to meet in executive session to explain to Council.

On May 5, 2021, she sent an email to the City Manager, Law Director and Clerk informing them that the Covid money required a separate revenue fund created and this was never done.

She said she was upfront and honest and follows the handbook and is ready to work to preserve the financial situation.

Charlotte Simmons, 365 Warren Road read a statement from Jaime Kline of 312 Ridge Road who took a job and was unable to attend tonight's meeting. In reference to Resolution 26-2021

she asked Council to please not vote for this. She felt it was a slap in the face to Ms. Musson and asked they consider bringing her back to work. She did not believe the rumors of abuse in the workplace.

Catie Karl, 128 West Quarry asked the Mayor how they could allow a non-working employee to come and give out finance information. This concerned her greatly that a suspended employee has financial information and asked why that was acceptable.

Ms. Karl asked about Ordinance 2021-11 and if that was now and retroactive also.

Ms. Karl asked if Ordinance 2021-12 was directed to anyone specific. She asked if that would negate contracts that were in place for years. She questioned what would happen if there was an emergency and we needed tree services, garbage pickup, or supplies. She did not think this was a good move.

She asked how you could cancel the smart meter program when you had contracts in place. The charter gives the City Manager the ability to approve contracts. If you don't like the fee amount, then work together to change it.

Ms. Carl asked who would be following through with programs in place with what the City Manager has started.

Bill George, Electric Superintendent asked Council to not pass the resolution on the smart meters. If everyone were to opt out, we have approximately Two Million Dollars in the meters and are ready to use. If they change or drop the fees this will hurt us, and the equipment will go to waste.

Originally, he said he was against this but with these meters everyone will see their usage. He said it is not true about spying on people and not true about cancer. Passage of this Resolution would be detrimental to the city. There is a line between administrative and legislative and he felt this was on the administrative side.

REPORTS :

LAW DIRECTOR:

Attorney Fritz stated in reference to the Finance Director the City's hands are tied by employee privacy issues and Ms. Musson has retained an attorney. The monthly books are kept the same as when Ms. Musson was here and closed in the same time frame.

Ms. Musson spoke on the tax issue at the last meeting and tonight and the tax commission waived the deadline this year and also last year. This is a non-existing issue. The City did not make a mistake.

At the last meeting Ms. Spletzer asked about two Ordinances 2020-19 and 2021-02 both referendums have been filed. He said he issued a full legal opinion to Council who received it

on April 30th on both issues. Attorney Fritz briefly explained what was not able to be voted on by referendum. He explained that the first contract the City entered into was the purchase of this building. We are required to complete our obligation to purchase, and the bond legislation would have saved the City money originally, now we are six or seven months into this. He said he was not saying the citizens, did not have the right to vote, they certainly do but not on all legislation.

In reference to the Electric Rate Reduction Act his opinion was also given to Council on April 30th. The original legislation was passed in the 2021 budget ordinance which directly authorized the City Manager to sell. If you wanted to stop this, you needed to do the referendum on or around thirty days after passage.

Attorney Fritz said his job is more than this. He is responsible for making sure legislation is properly passed and the administration has the ability to carry it out.

Attorney Fritz said he had a conversation with the Board of Elections today. He explained again why you cannot referendum these pieces of legislation. They make the decision.

Baryak said he was confused was this on the referendum for the transmission lines. Attorney Fritz stated yes. Baryak said there was very poor communication in his opinion, which would be cleared up very shortly. He asked Attorney Fritz if he was asked to give an opinion and was it legal to withdraw his opinion. Baryak said he would like a second opinion and if the Law Director was wrong again, he would like to know if he would flip flop.

Attorney Fritz said he has been Law Director for eleven years and he cannot withdraw the opinion he is obligated to file the opinion per the Charter.

Baryak said Council was not contacted on the opt out number that was pulled out of the air. He felt they should have negotiated the number. Attorney Fritz that was not necessarily a legal question and that the amount was in the budget last year. Baryak stated they got the budget a day late on the 16th. This is why we are going in a new direction.

Spletzer said at the last meeting she asked for proof that these were administrative. She was told she would have something before the next meeting and still has nothing. Attorney Fritz said he just explained it. There was a previous contract approved by Council.

Spletzer asked about Ordinance 2021-02. Attorney Fritz stated that was approved in the budget in ordinance 2020-39. He has sent over a more recent letter to the Board of Elections since April 30th. Spletzer said the deadline to get this submitted on the ballot is August 4th.

Attorney Fritz stated they are submitted.

Baryak said this is a pattern of behavior. Look how long they had to fight for the recall and how many thousands of dollars were paid out. There is a pattern of deflect and stall, but he was not pointing fingers. With the new City Manager hopefully the pattern will change.

CITY MANAGER:

- Agreed people had the right to vote and its somewhat sacrosanct. The right to vote on referendums are contained in the Ohio Constitution which identifies restrictions that we are bound by such as you cannot referendum legislation passed by emergency or administrative in nature. If City Council goes in a direction that is contrary to the Charter or Constitution, he has an obligation to take action.
- The opt out fee was chosen because the Ohio Public Utilities Commission held hearings and received evidence and testimony on appropriate costs. If you go to their website, you can see this amount is fair and not pulled out of the air.

Mayor Kline commented that he did not believe the citizens were properly informed and not listened to. Baryak questioned why Council was not given the opportunity to work on the fee.

Kropp said he has spoken several times with the City Manager and asked about the documents he requested. Mr. Lynch said he was preparing a list of projects and would have it done before the end of the week.

Spletzer suggested scheduling a meeting with the administration/finance/audit committee before his departure.

Zimmermann:

- Attended the Fire Board meeting on July 20th and reviewed the monthly report and statistics.
- Worked with Ms. Moran and the family of Jace Chickwook on the benefit. Jace is the child who is ten years old that needs a transplant. He thanked everyone for the successful event.

Baryak:

- Tomorrow will be attending his first economic development meeting.
- He would not be making any rash decisions with the new City Manager and this new Council would keep the public informed.

Spletzer:

- After the last meeting she spoke to Mr. Stimpert about some complaints that the old Shopko parking lot was becoming an impromptu truck stop. Mr. Stimpert was able to get some signs up and the trucks are gone.

Kropp:

- Over the past several weeks had some meetings with the Law Director working on legislation. This is a good start.
- Had a couple meetings with Mr. Lynch to discuss exit documents and transition so the next person can pick up and take off on what needs done to move forward.
- Participated in a zoom meeting with Mr. Lynch and Ms. Wolford. Also had the

opportunity to speak with Ms. Musson for the first time. Our financial health is crucial. We are a \$14 million operating budget and have an obligation to the Village for fiscal responsibility. He wanted to make good, informed decisions.

- Christmas in July hosted by the Commerce Association had a great turnout.
- Heritage Accord who is working on the Community Center renovations is holding a meeting on August 4th at 7:00 p.m. at the Community Center and is looking for volunteers.
- Commerce Association will be hosing music in the park on August 6th from 6:00 p.m. to 9:00 p.m. at the gazebo. They will be accepting donations for the tornado monument.
- Community wide garage sales will be August 20, 21 and 22. No permits are needed during this time.
- August 21st will be the Commerce Association Dicker days.

MAYOR:

- Thanked everyone involved in the Christmas in July event.
- Attended the Farmers Market.
- Thanked the Baseball Association for the movie in the park.
- Thanked Mr. Adduci, School Superintendent for setting a high bar for Newton Falls.
- Had the opportunity to talk to residents and received a lot of positive reinforcement.

CHANGES TO TONIGHT'S AGENDA:

Baryak made a motion seconded by Spletzer to add a motion to get a second opinion on the Law Directors ruling in reference to the transmission lines.

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

APPROVAL OF PREVIOUS MINUTES:

Kropp made a motion seconded by Spletzer to adopt the July 19, 2021; Regular Meeting minutes submitted by the Clerk.

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

Spletzer made a motion seconded by Kropp to adopt the July 29, 2021; Special Meeting minutes submitted by the Clerk.

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

PUBLIC HEARINGS:

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.

Mayor Kline opened the public hearing on this Resolution.

Catie Karl, 128 West Quarry noted that this is something done each year. She expressed concern that a non-working employee who is suspended had the information for this and was glad to see this was done by the acting finance director as was appropriate.

Anna Musson appointed Finance Director said this absolutely needs to pass but recommended they amend this, so they do not have funds that comingle monies. She also suggested they create fund 233 for the covid money.

UNFINISHED BUSINESS: None

NEW BUSINESS:

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.

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

Kropp said he is trying hard to create transparency and openness. The submissions will be done in writing. This is common sense and should have been done a long time ago.

Zimmermann asked if there was any reason that we would need to protect anonymity. Attorney Fritz did not think that was an issue but did speak to Mr. Kropp about unintended consequences. Attorney Fritz said he work on Ordinances 8, 9 & 10 with Mr. Kropp and he saw no legal impediments or liability.

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

Ordinance 2021-09: An ordinance to amend Administrative Code 121.03 to have legislative submissions time recorded and paced on the agenda chronologically.

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

Kropp noted this was one more piece to being open. When items are submitted, they will be time stamped and on the agenda in that order.

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

Ordinance 2021-10: An ordinance to amend Administrative Code 121.01 (b) to describe Council Chambers.

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

Kropp said he submitted this because of unexpected occurrences such as having the meeting at the stadium, here and by zoom. He felt declaring this Council Chambers was necessary. Any additional move must be approved by Council.

Zimmermann said he did not think this was a necessary ordinance. He questioned what would happen if something came up and we had to hold a meeting somewhere else or if something happened to this building. Kropp said he did not think there would be any occurrence we don't know about.

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

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 officials left office.

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

Kropp said he submitted this legislation and noted that this does not have language to be retroactive. Attorney Fritz stated it is only retroactive if it is specifically in the legislation.

Baryak stated the Charter has a conflict-of-interest section that no elected official can make one dime from the City, and this extends that time. He was in support of this ordinance.

Zimmermann stated we already have Ethics Laws and State guidelines why do we want to be more restrictive.

Kropp clarified that the reason this is important when you are an elected official a lot of things happen and could lead to a number of things. An elected official should not have interest in being appointed or hired by the Village. He heard a potential former Councilmember/elected official had jobs created for them. That is wrong in every shape and form. Zimmermann said he was not familiar with what he was referring to. Kropp noted that someone could be hired if approved by 2/3 vote.

Spletzer gave an example that the Economic Development position created on page 419 of the budget book. Everyone assumed that Lyle Waddell was getting hired. This legislation is to protect council and let them make the decision.

Baryak said why not hold us to a higher standard.

Zimmermann said he did not see the 2/3 approval vote. He also said let's call this for what it is the Waddell Ordinance.

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

MOTION PASSED 3-1

Ordinance 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.

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

Kropp stated similar to the previous legislation this is a change in how we do business. It should be up to Council to decide who to do business with. A member of Council behind the scenes could manipulate a situation to better themselves. Council could by a 2/3 vote authorize a use. This will help regain and rebuild trust with the community.

Baryak said during the pandemic the City purchased stuff from our own Council people. This will not happen unless voted by 2/3 vote.

Zimmermann said he had the same objection. We have very good local business owner who do business with the City. This legislation may stand in the way of a business owner running for a council seat. Zimmermann said again let's call this what it is the Alberini Ordinance.

Kropp said after discussion with the Law Director the 2/3 provision was added. This will limit the opportunity for potential abuse.

Baryak said when he came on Council according to the Charter and Ethics Classes, he knows he cannot do business with the City. He said he has not made a dime since he has been on Council. This will help with ethics and add an extra layer of transparency and accountability.

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

Kropp made a motion seconded by Baryak to take a short recess at 8:10 p.m.

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

Kropp made a motion seconded by Spletzer to reconvene at 8:22 p.m.

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

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.

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

Spletzer made a motion seconded by Baryak to table this until the August 16, 2021, meeting.

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

Resolution 25-2021: A resolution to cancel the smart meter form and rate previously set by the Village Manager.

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

Spletzer said she was most upset because the City Manger created the form and set the opt out rate. She said that specifically should have been set by council per Article 3, Section 9. Spletzer was also concerned about township residents that would opt out of Ohio Edison meters and pay their fee then but our water and opted out. They would have to pay two opt out fees and that was unfair.

It was suggested to suspend Council rules to allow Mr. George to speak and answer Council questions.

Zimmermann stated unfortunately we are in a world where everything has fees. These meters are coming, like it or not and they will provide better service. The fee is necessary because someone will have to come out and physically read the meter.

Kropp made a motion seconded by Spletzer to suspend Council Rules.

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

Bill George, Electric Superintendent stated AMI has finished training employees this week and the meters are expected to be installed mid-August. Post cards and flyers are ready to go out. The PUCO fee is \$29.00. Ours can be adjusted but we need to keep it in place. All the meters are here in the shop

Baryak said he was upset because they were circumvented on this and not given the chance to weigh in and negotiate a rate. Bill said he understood and sometimes things get pushed through too fast.

Mr. George also noted that with the current meters approximately 80% need replaced since they are approximately 25 years old. He explained the need for the replacement and why they must read accurately.

Spletzer also expressed concern for houses in the East River Garden area that were duplexes and now single-family houses that still have two meters. These houses would have to pay two opt out fees. Mr. George said it is up to the homeowner to combine them into one meter.

It was also noted that if there is an issue with a property once the new meters were installed Bill would get a notice that something was not right.

Kropp made a motion seconded by Spletzer to return back to regular rules.

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

Spletzer made a motion seconded by Kropp to table this Resolution until the August 16, 2021, meeting.

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

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.

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

Mayor asked if this was an administrative decision. Mr. Lynch said it is administrative however he wanted to give her some indication from Council which would give her a more positive feeling acting in this role.

Kropp made a motion seconded by Spletzer to table this until they came out of executive session.

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

Kropp made a motion seconded by Spletzer 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.

Spletzer suggested the representative of the finance/audit/administration committee serve on this ad hoc committee.

Kropp said they need to discuss details as far as access and other issues. There are a lot of moving parts.

Spletzer made a motion seconded by Kropp to amend the motion and add Spletzer to this ad hoc committee.

Vote on Motion to Amend

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

Vote On Motion as Amended:

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

Kropp made a motion to orally sanction Councilwoman Sandra Breymaier, as per 121.03 (h) of the City administrative code, for failing to attend City Council meeting of July 6, 2021. No second was made to the motion.

Attorney Fritz explained that the Ward 4 council seat is not vacant until the Board of Elections certifies the results which we assume will be at the August 12 meeting. Mayor Kline asked if we could start taking resumes. Attorney Fritz stated it is 99.9% sure it is vacant but advised against accepting resumes or advertising until the certification was complete. He noted there was always a possibility of a challenge to the recall that could be filed.

Kropp made a motion seconded by Spletzer 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 on August 20, 2021.

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

Spletzer made a motion seconded by Baryak to appoint Laura Neiheisel to the Park & Recreation Commission unexpired term commencing immediately and ending December 31, 2021.

Zimmermann said he did not know we had an opening on the board. If he did not know then the rest of the community does not know. Everyone talks of transparency he would like to see this advertised. Kropp asked the Clerk if this had been advertised. Clerk indicated it was advertised originally but not since the resignation. Spletzer explained that the recent appointed person took a job and was not able to attend the meetings.

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

Baryak made a motion seconded by Spletzer to get a second opinion on Mr. Fritz opinion on the referendums.

Baryak said he was told if three council members wanted the second opinion, we could get one. It was time for clarification.

Zimmermann stated the Law Director is paid to make decisions for the City. Why would we pay someone else.

Spletzer said the Law Director has not given a thorough opinion as to what page of the budget was the first part of the Amp Transmission contract passed.

Kropp said he did not think people were concerned if they spent money to get this clarified.

Zimmermann stated this was a dangerous path we were going down, to keep questioning the Law Directors opinions.

Mayor Kline asked how many votes would be needed for this. Attorney Fritz stated a super majority so all four would need to approve. Kropp asked for an explanation. Attorney Fritz stated because this was not on the agenda and there was no prior notice it requires a super majority. This is the very same issue Ms. Sopkovich agreed with him on in her written opinion.

Kropp made a motion seconded by Spletzer to table this motion in lieu of another meeting to address the issue.

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

PUBLIC COMMENTS:

Steve Simpson, 420 Ravenna Road Vice President of Heritage Accord the 5013c that holds the lease on the Community Center. Wednesday at 7:00 p.m. they will have a meeting at the Community Center for anyone willing to help. Currently there are only five people on the committee.

They have had the mold remediated and should receive the certification on Wednesday from the company that did the work.

Following the school alumni reunion those in attendance are invited to stop in at the Community Center.

They are working with Strollo Architect firm and DeSalvo they are the company that did the original assessment.

Mr. Simpson said he had a couple of concerns because they hold the lease on the building and people are going in the building without their knowledge. He knew that there was a moving company in the building taking out the conference table and they should have been notified. He also said there were tables and chairs missing from the Center. Mr. Simpson also said there are 4 1942 oak tables missing, and they do not now where they went. Mr. Simpson also questioned where all the plastic tables and chairs went.

Tom Colosimo, 4196 Carson Salt Springs Road, Newton Falls Commerce Association announce the following events: Music in the Park with Jim Gill, Dicker Days Saturday, August 21st, Second Annua Autumn in the Fall on Saturday, October 23rd and Saturday, November 22nd the Tree lighting with the Nutcracker Theme.

Catie Karl 128 West Quarry said a lot was done this evening but did not know if the consequences would be good.

Had a wonderful event yesterday for the ten-year-old that needs a transplant. She thanked those that that helped including Mr. Zimmermann and Mrs. King. She also thanked the Mayor and wife who attended. It was a wonderful turnout.

She asked the legislative body to think of the consequences of what they want to achieve and what will happen. Your actions have consequences. She was glad the changes were done by ordinance so that gives people the chance to come out and talk during a public hearing.

Brenda Persino, 226 Oak Knoll was extremely upset with the Recent article in the Tribune about our City Council and their past criminal records. She said she stands here and is tired of the gossip. She felt the newspaper owed every member of Council an apology.

Julie Lemon, 2750 East River Road did not think the smart meters were safe and there has not been enough information out on them. In addition she did not like the additional \$29 on the bill for opting out. She also did not like the additional \$5 fee when paying your utility bill.

Also commented on not having our 2022 budget done which was critical for the community's future. We cannot run the city without someone paying the bills.

Anna Musson said she only gives facts and truth and can provide facts and figures. She has witnessed lies first hand. She received an email on July 30 from Amp that the monthly power bill payment was returned. That is a major concern and would never happen if she was working. The tax budget is always done in May now it is August that is an embarrassment.

Ms. Musson said she spoke to a representative from the State Auditors Office and our Law Director about concerns and was ignored. She has had malicious attacks on her innocent twelve-year-old son whose future is at risk and her mother because she stood up and was brave. She stated, "please stop the lies" and the attacks on her son and mother. This will be handled in court. Ms. Musson also stated that that actions taken at the last Council meeting and by previous administration went outside the scope of their duties to an outside court house to get information and consequences were coming.

Chelsea Harper 128 West Quarry thanked everyone for attending and helping at the benefit they gave the family over \$4,000 and the family was beyond grateful.

Mike Kren, 571 Ridge Road was proud of all who wanted to make things more transparent. We are finally getting answers from Council who should be held to a higher standard. There were many times he was not able to get answers and he commended each one who wanted to make a change.

Rick Kerlin, North Canal thanked the Law Director for discussing a few things with him. Also commented that it was said the first legislation should have been referendum, but the budget is not subject to referendum.

Mark Stimpert, Zoning Department wanted to let Council know he went through the third ward and marked sidewalks. Some of the sidewalks marked were the ones the Mayor used while in the wheelchair. Letters will be going out to the residents. He is working on marking sidewalks on Ridge Road where the fiber optic company did work. He marked 110 sidewalks today.

Mr. Stimpert also asked that homeowners take a look at their sidewalks. Not all of them need replaced or fixed but some need the grass removed and edged in order to make them more useable.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Zimmermann stated that Dallas Young has resigned from the Fire Board so there is an open position.

He was concerned with a suspended employee presenting information. He asked where the information was coming from and how was she able to get the information. This should be a red flag.

Zimmermann said a statement was made tonight that Council was going in a different direction. He felt that was foreshadowing.

Baryak gave kudos to the Christmas in July event everyone had a great time.

He hoped we could get on board and help the school.

He saw the article in the paper and never had anything to hide. He thought it sounded a lot like the Defender. He wanted to move forward with transparency.

Spletzer reminded everyone of the Park & Recreation meeting tomorrow at 5:30 p.m.

Kropp thanked Mr. Adduci, Amy Crowder and Julie Stimpert for the information in reference to the school and athletic facility. He agreed that we should ban together the kids are important.

The entire community supports the re-opening of the Community Center so he hoped people would show up to their meeting tomorrow to help.

He was glad people were here to share their feelings and thoughts. We can't get enough input.

Mayor thanked Ms. Persino for her concern.

Mayor agreed with Mr. Kren.

Thanked Mr. Stimpert for working on the sidewalks.

City Manager Lynch said he could not address everyone after tonight as City Manager, so he wanted to review the experience he has had here which include:

- Over the last three years paved the largest amount of streets in volume in the history of Newton Falls:
- More grant success in the last three years:
- Eagle Point Project;
- 534 intersections;
- Scott Street Project he has raised \$2.4 of the \$3.3 needed for the project at no cost to Newton Falls;
- Paddling Grant \$100,000, with no match from the City.
- Courtyard replacement at \$70,000 with no match from City.
- Video for the football, baseball, volleyball and soccer games and the advertising by the Booster Club that raised money for their organization.
- New Playground equipment;
- Senior Service Day;
- Special presentation for Senior Awards;
- Worked with the baseball league on improvements at the park in the amount of \$80,000.
- New ideas and proposals almost all positive for the community;
- More demolitions in the last three years than ever before;
- Veteran's Committee that participated in a Special Veteran's ceremony during covid.
- Special Presentation last Veteran's Day at the High School;
- Brought transparency to the council meetings by broadcasting not only live and on the cable station but also on YouTube and posted on the website;
- Posted all Ordinances and agendas on the website;
- Provided a multi-page newsletter to the City;
- Have the finest health care plan for our employees in the State of Ohio;
- Hold regular employee meetings;
- Raised wages in the Police Department;
- Updated snow removal by using brine;
- 2019 Christmas tree and downtown lighting with Jim Tressel and an estimated 3,000 people in attendance;
- Projections on the walls of several buildings;
- July 4 2019-2021 was the best we have had and the addition of the hot air balloons;
- Statue of Liberty;
- Lighting of the water tower;
- \$50,000 has been set aside for a fiber study;
- CSX took out all their railways except for the City;
- Economic development and jobs are being discussed for the property at 5/534;
- Financial accountability for 2019 and 2020 received our first ever CAFR and expect to receive our third for 2021;
- Council meetings did not have a prayer until he introduced it in 2018.

He stated this is a great community and some great things were done. If you look at the list and ask if things were made better the answer is yes.

MOTION TO RECESS INTO EXECUTIVE SESSION:

Kropp made a motion seconded by Baryak to adjourn into executive session to discuss personnel in reference to the Finance Department at 10:08 pm.

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

Kropp made a motion seconded by Spletzer to adjourn the executive session and reconvene the regular meeting.

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

Kropp made a motion seconded by Spletzer to remove Resolution 26-2021 from the table.

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

Kropp made a motion seconded by Spletzer to table Resolution 26-2021.

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

ADJOURN:

After no further comments or questions Zimmermann made a motion seconded by Spletzer to adjourn at 11:13 p.m.

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

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

Newton Falls City Council met in Emergency session on Wednesday, August 4, 2021, at 12:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance.

ALSO PRESENT:

Kathleen King, City Clerk

ROLL CALL:

Kropp, Baryak, Spletzer.

ABSENT: Breymaier, Zimmermann

UNFINISHED/NEW BUSINESS:

Spletzer made a motion seconded by Baryak to submit the referendums to the Board of Elections on Ordinance 2020-19 & 2021-02.

Clerk King informed Council that these referendums were already filed with the Board of Elections. She called them to confirm they were received, and the Board of Elections confirmed they were considered filed. Ms. Penrose from the Board of Elections told her she also spoke to Ms. Spletzer and informed her the same thing.

Spletzer said both legal opinions from Attorney Fritz were practically identical. She stated Ms. King has done her job and submitted them on July 29th. She has declared them valid and sufficient. She said the problem lies with our Law Director referring opinions to the Board of Elections without specifics.

Kropp asked if they could get Ms. Penrose to provide them information on both documents. He stated if the petitions have been submitted then is a moot motion.

Spletzer noted the Board would be meeting on August 12th to certify the recall and approve items for the November ballot. She was also told that the Board of Elections would render their own legal opinion. She was not happy that the Law Director offered an opinion without the authority of Council.

Kropp cautioned that the purpose of today's vote was the motion on the agenda. This discussion does not apply because the meeting is moot because the referendum petitions have been submitted. Council in the future can direct the City Manager to provide Council with an opinion when written. This meeting needs to adjourn or table the motion.

Spletzer stated the letter Ms. King sent was on July 29th one was done in 2020 one in 2021 why did she wait until July 29th. Today is the final day to get items submitted to the Board of Elections.

Baryak stated the Law Director was not here and we could not interfere with administration. Council as a whole need to encourage the Board of Elections to take a close look at these and allow the people to vote.

Kropp again noted that this is an emergency meeting and prior notice was sent in reference to submitting the petitions. Anything else on the agenda not noticed would need to pass by 2/3 and we don't have that in attendance today.

Spletzer suggested tabling this until the Special meeting on the 9th.

Kropp noted that we were not able to get that answer without the Law Directors here.

Mayor Kline agreed we could table this till the August 9th meeting, but it would not be a proper item because they have already been submitted.

Kropp stated the purpose of the meeting to day was if they had not been submitted anything moving this to another time period makes no sense.

Mayor Kline suggested a letter to the Board of Elections signed by council to have them look into the points made today.

Kropp noted again anything not on the agenda would not pass. This is moot and we should adjourn.

Spletzer concurred with Mr. Kropp and suggested the Mayor waive public comments.

Baryak said he was not aware that they were recorded and asked what took so long. They were not turned in until July 29 the records speak for themselves. He said he did not get the legal opinion or until it was late in the game. He felt it was stall, deflect and delay.

Kropp stated they can't interfere with the Village Manager in regard to his subordinates.

Baryak said not to point fingers, but it was delayed on submitting them to the Board of Elections and not explained why, what took so long from the Clerk or City Manager. Someone should be held accountable. We need to move forward even if we have to draft new legislation the best we can.

He stated he did not want to sell the transformer lines and never got an answer that is a serious breakdown in communications.

Kropp stated that Council for a long period of time has not taken advantage of the powers they have. We have full authority but have to ask and require actions. It is ultimately on us to utilize our powers and what we require moving forward.

Spletzer said she asked the Law Director at the July 19th meeting for specific information, and she still has nothing.

Kropp again stated they request the information from the Village Manager and his subordinates to give us what we need it is our responsibility to make sure we get the answers.

Baryak asked who had the authority to tell her what to do and why was it let go so long.

Clerk King stated that she sent multiple letters to the Board of Elections. The first letter was sent on August 17, 2020, and that is the same letter she has sent for 27 years. For some reason that letter was not sufficient. She then sent a letter on April 30, 2021, May 7, 2021, and July 29, 2021.

Kropp again stated the agenda item is moot.

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

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

MOTION TO RECESS INTO EXECUTIVE SESSION: None

ADJOURN:

Baryak made a motion seconded by Spletzer to adjourn at 13:30 p.m.

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

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

Newton Falls City Council met in Special session on Monday, August 9, 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:

A. Joseph Fritz, Law Director

ROLL CALL:

Zimmermann, Baryak, Spletzer, Kropp (via phone)

ABSENT:

Breymaier

PUBLIC COMMENTS:

Julie Lemon, 2750 East River Road addressed Ordinance 2021-13 and was 100% agreement on board with this ordinance. She felt Ordinance 2021-02 was ambiguous and something was being hidden. Applauded the efforts of Council for looking out for the City's assets.

In reference to personnel matters listed under executive session. Ordinance 2020-19 was brought to the floor by emergency and failed to receive the proper vote to pass as an emergency. She felt what should have happened was for it to be presented as a new ordinance, instead 2020-19 was passed as a regular ordinance. That means the voters had the right to referendum. The same applies to Ordinance 2021-02 also a regular ordinance in regard to the AMP deals. What did happen was the majority of council, Law Director, City Clerk and former City Manger all played their part to pass and basically shoved this piece of legislation down everyone's throat. So a referendum was filed in April. This referendum was met with resistance from the two staff members up for discipline. The City Clerk, Kathy King penned a letter to Ms. Penrose at the Board of Elections on April 30, 2021, in regard to Ordinance 2021-02. At no time or place in this ordinance does it say Council granted a specific time or place to authorize the former City Manager, therefore in plain site it is legislative not administrative. It is very much subject to referendum because it is a regular ordinance.

Next is the recall of Councilwoman Breymaier. She has never in her life seen such resistance from staff members and both have gone outside their duties. Action must be taken. Council should hold these two accountable for their rebellious actions against Council and the people of this community.

She has heard Baryak state let the people vote and has heard Spletzer say she was denied information she requested. Kropp before he was on Council encouraged the community to educate themselves. Former Councilman Luonuansuu stood for the rights of the citizens and wanted to be transparent and accountable and heard Mayor Kline say we have a code of ethics that we stand by, and we follow that. She felt a line has been drawn and one side was Council

the other administration. The people of this town need a champion and need Council to stand up for the people. She asked Council to start removal of Mr. Fritz and Mrs. King and put the voters first over their contracts. She asked they remember that those on Council and administration are public servants and serve the good of the people must always be first.

Richard Kerlin, 611 North Canal expressed gratitude that City Council may have an Interim City Manager with experience that Pamela Priddy has. He stated her credentials are spotless. Her ability to get results is proven by her long-term relationship with companies. She has opened a store, worked for the City, she is the Chief of the Newton Falls Area Commerce Association.

He commented on the referendum in reference to Ordinance 2021-02 and the Law Director has not offered up evidence that this is the second piece of legislation on this issue. It is disappointing that Council and the public cant get what they asked for. He had the original 1966 Charter which he stated said this ordinance is legislative. This is 55 years old so there is no doubt. Council must take command of this situation.

UNFINISHED/NEW BUSINESS:

Baryak made a motion seconded by Kropp to appoint Pam Priddy of 3725 Hallock Sook Road as interim City Manager of Newton Falls for the period of Monday, August 9, 2021, until a permanent City Manager is hired.

Baryak said this Council has a desire for openness and hopefully we can start to work with our neighbors again and our fellow townships. People were asked and graciously refused. Ms. Priddy had high credentials. There will be a vetting committee. She can do the job with the help of our Superintendents from all the departments.

Zimmermann said we just relieved our City Manager of his duties. The big reason made for his removal was perceived fraudulent dealings with money. There has never been anything proven yet that anything was done wrong, yet we forced him out. We want to bring someone into the positions that has something like 25 different counts against them of embezzlement.

Spletzer called Point of Order – accusations. Mayor Kline stated there are no attacks on an individual that is unproven. Zimmermann said it is not an attack. It is based on public record of her inditements. Mayor Kline stated if there was something there, she would have been convicted. She has not been convicted of anything. Zimmermann said it was dismissed without prejudice and asked what that meant, it meant it could be reopened at any time.

With these hanging over her head and over our head do we want that for the city right now, based on what we forced somebody out as. Do we want to be under that scrutiny again.

Kropp said the previous City Manager was let go because it had a lot to do with communication and openness and willingness to work with Council members. He believed Ms. Priddy has shown the ability to work with others and to cooperate and communicate very well.

Zimmermann said we are dealing with a \$14 million dollar business here. He asked what experience she has running a \$14 million dollar business.

Baryak said he has no doubt that this Council will move forward with openness and Ms. Priddy will help them chart the way until we get a permanent City Manager. He felt nobody could do it better right now and shame on our Council that want to degrade anybody that steps up.

Spletzer said she felt Pam Priddy does contain the qualifications and she would be one of the ones to get this ship righted and would be one that helps start healing this community. She supports Pam Priddy.

Mayor Kline said as an Interim they are not looking for an individual that has been a City Manager for three or four years to look into the big project. Not that you lower your standards where you want to be because when it comes to Pam Priddy you definitely are not lowering your standards at all. We are looking for an individual to drive the ship to do the daily operations of the community to be that transition piece while we are vetting the next City Manager. When Pam applied to himself, and everyone has her application he was amazed by the individual we would be getting. As a solid individual that he would trust to do what she has to do. The financial background and management background that she has and the academic background and day to day people skills she has are her strengths. We definitely are not settling for somebody.

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

Kropp made a motion seconded by Spletzer to reconsider the motion.

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

Baryak believed our past City Managers made about \$1,900 a month. Mayor Kline said \$1,900 a week. Spletzer stated \$1,711.00 a week. Baryak said Ms. Priddy said she would do it for nothing. He felt she should have at least \$800 a week and that is more than fair.

Zimmermann said this deserves to be a paid position and would like Mr. Fritz involved in the conversation and financials in the conversation to see what an adequate number is instead of throwing out numbers.

Spletzer said the City Manger was making \$1,711.54 a week the other department heads are getting \$1,384.61 a week. She felt a fair number to start Ms. Priddy was \$1,500 a week. She did not want to pay her less than the department heads.

Kropp felt that was a fair amount and assessment. We could always revisit this number as we go.

Mayor Kline stated obviously she is not a seasoned manager, but that is not what we were looking for.

Baryak said he just threw a number out but he could go along with \$1,500. With the responsibility she should be compensated. She was stepping into a lot of unknown territory. Mayor Kline agreed there is not a City Manager, City Clerk, Finance Director or Zoning person in the building this week.

Spletzer made a motion seconded by Baryak to pay Ms. Priddy \$1,500 a week.

**ROLL CALL: Kropp aye, Zimmermann abstain, Baryak aye, Spletzer aye
MOTION PASSED 3-0 -1**

Vote on the Motion as amended

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

Baryak made a motion seconded by Spletzer to discuss Tom Gregory's proposal for video of meetings as well as local school sporting events.

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

Spletzer made a motion seconded by Kropp to waive the rules of council.

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

Tom Gregory addressed Council and said he met with the school system today and they would like to partner with the City so that each is paying 50%. Last year and the year before as well as this year's events will be the same price, \$8,000 for the entire football season. In previous years the City paid the entire amount.

Spletzer asked if the Township Trustees have been approached on any of this. She felt it should be a three-way street. Tom Gregory said to the best of his knowledge they have not been approached.

Mr. Gregory reviewed the games and what was included in his proposal. There are a couple of away games he would miss because his is out of town. He did have someone covering the Council meetings.

Baryak asked if the Interim City Manager would contact the Township to see if they would like to pony up some money too. Mayor Kline noted that we were on a short time frame because football starts in a week. Mr. Gregory said he would need to know by next Monday if we are doing this so he can get his preset information ready.

Mr. Gregory said last year the City paid the entire basketball season for the girls' and boys' games. If the City will partner half for basketball the school will split the cost and the school will fund every other sporting event. The City would not have to cover the cost for volleyball or soccer the school would pay for those.

Half of football is \$4,000 and half of basketball is \$9,000 because there are 23 games. Mr. Gregory also stated Council meetings are \$500 a meeting. He could go to \$400 for special meetings from now on because he could cover those with less cameras.

Kropp agreed that doing the Council meetings on a per meeting basis. He noted that we have time to discuss basketball but asked to focus on the football games at this time.

Baryak stated there has been very good service but asked if there was, anyway, he could sharpen his pencil. Mr. Gregory stated for tonight he has four cameras and almost \$18,000 in camera equipment plus almost \$20,000 in production equipment. This should cost you \$1,000 he was charging \$500 and could not go lower.

Attorney Fritz stated they have been running under a memorandum of understanding for probably a year now. If we isolate out just football tonight is that something he could work with then come back with the other items. Mr. Gregory stated the council meeting information was sent to them as information, he just wanted them to know what is going on.

Zimmermann asked about the letter sent to Mr. Lynch on July 27th and it specifies that the Mayor and three members of Council have discussed with him the possibility of having every meeting broadcast and produced as we do for the main meetings. Mr. Gregory acknowledged the letter. Zimmermann said he was not involved in these meetings. He asked who the three Councilmen were that he was having the meeting with. Mr. Gregory said it was not a meeting it was individual discussions. Zimmermann said it was discussing City business, so it is considered a round robin. Mayor Kline asked if were going to start playing games we are having a good meeting here and trying to do something for the community. Mayor Kline said if he talked to him at one point and thought it was a good idea to have some transparency and if Mr. Baryak, Mr. Kropp or whoever that we thought it was a good meeting there is no meeting in that. Zimmermann said meetings should be open to the public. Mayor Kline told him to quit playing gottcha. Mayor Kline stated he no longer has the floor.

Mayor Kline said he thought every other individual here except for Mr. Gottcha here kinda agreed to continue to invoice individual meetings is a good choice. Do we want to pay the \$4,0000 for football now? Then we can in early October rediscuss the basketball games. In the meantime maybe someone from the school could reach out to the Township to see if they want to pay for basketball.

Baryak thanked Mr. Gregory for the information and hoped Council would move forward without negativity, accusations and inuendo. If we have openness, he thought the accusations would fade away very quick. Mr. Gregory stated there was no intent to have a meeting.

Kropp made amotion seconded by Spletzer to reinstate Council rules.

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

Mayor suggested we continue to pay individuals meetings, pay the half of the football cost and discuss basketball at the first meeting in October.

Attorney Fritz clarified that they would be directing the Interim City Manager and future City Manager to enter into the contacts, and they are authorizing the money for the events.

Spletzer made a motion seconded by Baryak to pay for one half of the football fees as per the proposal from Mr. Gregory.

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

Ordinance 2021-13: An ordinance to increase the total amount of money/payment Newton Falls City shall require to sell transmission lines and equipment and to include properties and miscellaneous materials in Ordinance 2021-02, rate reduction act, the new minimum required payment acceptable to the \$10,000,000, To also include a 20% increase as a minimum payment for a service agreement, this to be negotiated with Amp T.

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

Mayor Kline noted as Mr. Lynch was leaving, he questioned if this was legal. He asked Attorney Fritz his opinion. Attorney Fritz stated there is the presumption that there is no contract signed. Assuming there is nothing signed or a preliminary agreement, he has never seen one, so assuming there is none out there, the potential argument is if they are at the eleventh hour and its not a legislative act but administrative and you are changing it partway through. But at this stage three votes should get you there today. Mayor Kline said he sees this as an amendment to the previous ordinance. Attorney Fritz noted that the Interim City Manager may know more about it since her meetings with Mr. Lynch.

Baryak said there is a meeting with the Board of Elections on the referendum and there is no contract signed. If we lose the referendum, we have nothing, the people never got to speak, and we are stuck with \$4.2 million. This way we put it on the floor, vote for it, two reading, should we lose the referendum \$10 million sound better to him than \$4.2. If we get to vote on the referendum, he would probably withdraw his support for this. Let the people vote.

Zimmermann stated the legislation says the greater mandatory minimum is fair value. The \$4.2 was not pulled out of a hat it was researched whereas \$10 million, is that us just stalling, is it us negotiating fairly? Mayor Kline said it is us saying we have the power lines and if you want them, you will give us what we want for them. We are not going to give them to you. We have the opportunity to referendum this so we can pull this. If not AMPT looks at the amended ordinance and say no, we keep our powerlines, or they really want them and will pay.

Kropp stated in reference to negotiations and the deals made we don't really know how these numbers were arrived at. There was no transparency, but it could actually bring them to the table and then we can make an informed decision.

Baryak said we don't know who is allowed to buy it, they can sell it, we can't stop them. He has never been involved in any negotiations or has never seen facts or figures how this was derived.

Zimmermann stated if we lose this deal the Village will have to pay for all the upgrades and repairs on our equipment, the repairs and upgrades on the substations and power lines and because of that our rates have to go up. He hoped everyone was prepared to say they went up because we have to pay for the repairs ourselves.

Kropp said as far as selling the lines and accountability he agrees with Zimmermann and if the sale did not take place and we had to rebuild our equipment he would look at the individuals who failed to maintenance these for decades prior to this Council taking the seat or this administration. We have to look at who failed to maintain them for decades. He suggested we discuss this with Mr. George and get his opinion.

Baryak said Mr. George said the stuff is in good shape. Nothing is deteriorating where it is in bad shape. Baryak said we need to protect the Village from unknown circumstances.

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

MOTION TO RECESS INTO EXECUTIVE SESSION:

Spletzer made a motion seconded by Baryak to adjourn into executive session for personnel matters in reference to the Law Director at 7:14 p.m.

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

Spletzer made a motion Seconded by Zimmermann to adjourn the executive session at 7:56 p.m.

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

Spletzer made a motion seconded by Baryak to table the executive session issue until September 20th.

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

PUBLIC COMMENTS:

None

ADJOURN:

After no further comments or questions Spletzer made a motion seconded by Baryak adjourn at 7:58 p.m.

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

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

DRAFT

Newton Falls City Council met in Regular session on Monday, August 16, 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:

A. Joseph Fritz, Law Director

ROLL CALL:

Spletzer, Zimmermann, Kropp (via phone), Baryak, (Ward 4 seat vacant)

ABSENT:

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

PUBLIC COMMENTS:

Bud Fetterolf 321 Ridge Road discussed the smart meters and answers he does not have. He asked if we already bought the smart meters and if so, how were they paid for. You also have to have an IT person to keep it upgraded and he expressed concern about hackers. He asked who would watch the meters and how will they get trained, who keeps the system updated and is it compatible with other systems. He expressed concern that the meter itself would shut off your electric and water. How much does it cost to send someone to the house versus the smart meters. If we already bought them the contract for them to be installed was not put out to bid. Do we have to keep them. It is something we don't know the exact cost of what we are getting into. He asked what it would cost to repair our existing meters.

Catie Karl, 128 West Quarry discussed number 5 under new business in reference to disciplinary action against a member. She did not understand that because if there was going to be any action it should be across the board with anyone who has had issues with everything that has been happening. For everyone on Council the rules apply to everybody. The contract for the meters was already worked out, in the contract, and was discussed. Some of us already have appointments what are they supposed to do as citizens. If you change the amount how much more will that cost us and that is not transparency. That is not being good stewards for us as a community. If you change the AMP T agreement from \$5 million to \$10 million what will that do for us as citizens. Will it cause us to pay more for electric.

Julie Lemon 2750 East River Road stated for number 5 under new business is because an accusation was made, and the Charter has rules about that.

When it comes to the deal for AMI, electric supposed to make \$6 million this year and it was sold for \$4 million obviously \$10 million sounds like a better number.

Nobody is here for finance, and we have a Finance Director here ready to come back and she urged Council to bring her back.

John Richards, 212 Albert Street the questions Mr. Fetterolf had if we had had open meetings and allowed follow up questions, most would have been answered.

Tonight to amend the agenda items to have sponsorship and several of those ordinances are made to rebuild trust. To this day no one has stood up and said the smart meters were their idea. If they were on the agenda with a sponsor, we could ask them why. He urged Council to pass the ordinances to help to rebuild trust.

Rick Kerlin, 611 North Canal addressed the smart meters and thought that was well said. The ruling with the Amp T with transmission lines and was settled by the Board of Elections and have a referendum so the people will have the chance to decide if they want them sold. The smart meters have been decided he felt there was still an option as far as the rates go and up to City Council.

Bill George, Electric Superintendent stated AMI is for the smart meters AMPT is for the transmission. He has been against the AMPT all along but certain people would stop him from speaking.

In reference to 25-2021 he again urged them to not pass this. If you drop this rate to low everybody will opt out. The money spent on the meters will be wasted. They are already here and paid for. They started deploying water meters this week. People in the Township that have opted out for First Energy and have Newton Falls water maybe something could be done with that so they don't have to opt out twice.

REPORTS :

Zimmermann:

- Attended the Park & Rec meeting.
- Tomorrow will attend the Fire Board meeting.
- On the 24th there will be a reception at the Community Center.

Baryak:

- Work seems to be finished on Washington Street. He has not had any calls since the work has been completed.

Spletzer:

- Attended the park & Rec meeting and the next one will be the last Tuesday in August.

Kropp:

- Attempted to attend the Planning & Zoning meeting but the Park & Rec meeting was moved so he sat in on that meeting. Had the information on the Paddling Grant sent to all of the members.
- Attended the August 4th emergency meeting on the referendums. No vote was taken because the Clerk submitted them to the Board of Elections without issue.

- On August 6th they attempted to announce a proposal with Mr. Steward White to address potential development. This was postponed.
- On Sunday, August 8th was former Manager Mr. Lynch's last day. Everything was turned in and it was a smooth transition. He spent several days working with Ms. Priddy to get her up to speed.
- On Monday, August 9th a Special meeting was held to appoint Ms. Priddy as the Interim Village Manager.
- Received an email from Rachael Rankin Assistant Vice Principal that included a newsletter that detailed a lot of things going on at the school. He recommended people look at the newsletter.
- On August 11th received an email from Tom Colosimo, Vice President of NFACA and owner operator of Fieldview Acres with exciting ideas, one was sent to the Planning & Zoning Inspector to forward to the Planning Commission.
- Citywide garage sale will be August 20, 21, and 22.
- Saturday the 21st will be the Commerce Association Dicker Days.
- Cars and Coffee will be held on August 21st from 9:00 a.m. to Noon at City Hall.
- Another music in the park will be held on August 28th from 6:00 p.m. to 9:00 p.m.
- August 28th will be the Farmers Market at the City park.
- Also on the 28th is the duck pluck at the community center.
- September will have another music in the park.
- On August 12 was a Board of Elections meeting. They certified results for the recall. Also referendum items were discussed the bond issue for the Village Hall was deemed administrative by the Board of Elections. The other referendum on the transmission lines was deemed legislative so that will be on the November ballot.
- Friday, August 13th he received an invitation from Heritage Accord for an event at the Community Center.
- Senator O'Brien will hold a meet and greet on August 27th at Roby Lee's.
- Also met with several residents and discussed their concerns.

LAW DIRECTOR:

Nothing to report.

Baryak asked if we have done anything with Planning and Zoning on the drug rehabilitation houses. Attorney Fritz said he is not sure if Planning & Zoning has done anything but he expects to give them some paperwork in the next week or so to present to them so they can start their discussion.

CITY MANAGER:

- Ms. Priddy had nothing to report but at the next meeting will have a list of items to go over with Council and the public.

Baryak said it has only been a few days but gave a kudo to Ms. Priddy she has taken on a tremendous load to get acclimated. We will be open and right the ship for the community and

the public. Mayor Kline agreed and she has had her share of challenges and has done a real nice job.

MAYOR:

- Lot of responses from people in the community and in the room for different ideas they have, and he appreciates it.
- Attended the 90th birthday celebration for Genevieve Station.
- Listened to the Board of Elections meeting.
- Attended the Heritage Accord Meeting at the Community Center. Falls Family care donated \$1,000.
- Met with State Senator Sandra O'Brien and discussed various local topics as well as many in our community.
- Meeting scheduled for Wednesday to meet with the School Superintendent to discuss the school plans for the athletic complex.
- You have through this Friday for anyone who is interested in the Ward 4 position. A letter of interest to the City Clerk and himself.

Kropp asked the Law Director to send the information to Council as well when he sends it to the Planning & Zoning Commission.

CHANGES TO TONIGHT'S AGENDA:

Baryak made a motion seconded by Spletzer to add Ordinance 2021-13 to the agenda.

Spletzer stated it should be added to Public Hearings and Old Business.

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

APPROVAL OF PREVIOUS MINUTES:

No minutes were attached this would be addressed at a later date when the Clerk returned.

PUBLIC HEARINGS:

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.

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

Ordinance 2021-09: An ordinance to amend Administrative Code 121.02 to have legislative submissions time recorded and paced on the agenda chronologically.

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

Ordinance 2021-10: An ordinance to amend Administrative Code 121.01 (b) to describe Council Chambers.

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

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 officials left office.

Mayor Kline opened the public hearing on this ordinance.

Catie Karl, 128 West Quarry thought they were doing a disservice to the city and themselves when you do this. You're not being fair.

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

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.

Mayor Kline opened the public hearing on this ordinance.

Catie Karl asked if there are current contracts with the City do those still stand, does it negate any current contracts. She asked for this to be answered before the vote. That means no bids can be made on tree service, garbage, or under the table so you're cutting you own throats.

Dave Hanson, 4365 Warren Road a lot of things can change in two years. Where are we going to go with economic development here. Who has the qualifications to run the show.

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

Ordinance 2021-13: An ordinance to increase the total amount of money/payment Newton Falls City shall require to sell transmission lines and equipment and to include properties and miscellaneous materials in Ordinance 2021-02, rate reduction act, the new minimum required payment acceptable to the \$10,000,000, To also include a 20% increase as a minimum payment for a service agreement, this to be negotiated with Amp T.

Catie Karl stated she did not know this was going to be a public hearing. This was all worked out. She disagreed with Mr. George all this was worked out with the contracts so it would be in the best interest of the City. The transmission lines is something that would be for the betterment

of us but not for more money. That will come back on us because if we charge them more it will come back and bite us. If we, do it this way, we will not have to put the money back into the equipment. Our guys will have their jobs. She did not understand why no one understood that and why the contract was not read thoroughly.

Bill George, Electric Superintendent didn't think this ordinance was necessary the way explained to him there is no contract because nothing was signed. Raising the price right now it's dead in the water.

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

UNFINISHED BUSINESS:

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.

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

Kropp felt these were crucial to regaining public trust and this is one of the steps to get us closer to that.

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

Ordinance 2021-09: An ordinance to amend Administrative Code 121.03 to have legislative submissions time recorded and paced on the agenda chronologically.

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

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

Ordinance 2021-10: An ordinance to amend Administrative Code 121.01 (b) to describe Council Chambers.

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

Zimmermann said it already states "All meetings of the Council shall be held in the Council Chambers unless otherwise ordered by Council". He questioned why we needed to make a change other than what was written.

Kropp addressed this question and explained why he felt this legislation was needed. (the audio went out at this time).

Spletzer agreed with Mr. Kropp. In 2020 the meetings were at the old building in the court house, then we went to the football field, then we went to this building. All minutes said they were held in Council Chambers. So having more descriptive and accurate description would help.

Zimmermann stated he did not know why that was important because we switched three times this year, we may not have been able to hold a meeting until Council voted on it. We may not have had a meeting open to the public in that time period and would have had to cancel meetings because we could not hold them in chambers. That would not be open to the public or transparent.

Audio went out at this time.

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

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 officials left office.

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

Kropp noted that Council still has the ability to approve hiring someone to do business with the City by 4/5 vote. The idea is to not have legislative official to work in the Village without Council approval. Ms. Karl asked about retroactive, and he spoke to Mr. Fritz, and this is not retroactive.

Baryak said there was a remark that this was particularly made because of two people. He did not believe that, he believed it was made to better the City not to single anyone out. These are the type of remarks we have to quit making if we are going to work together. He would not vote for something that would be prejudicial. It is for the betterment of the community.

Zimmermann stated his objects again. This is the Waddell ordinance. Pretty much no matter what anyone says we have good people who could contribute to the City after they leave office, before they leave office, while they are in office. This will handcuff and may put a limit on what is available to the City on short notice.

Spletzer read Section 1 "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". So there is a way to hire if Council feel they are needed.

Kropp addressed comments made by Mr. Zimmermann that this was directed to a former member of council. He stated that is not true. There is actually another individual who when our former Village Manager was hired by a group of people. Then one of our members stepped down

and took a job created by the Village Manager that did not exist prior to his hire. That is what he would like to try to stop. He felt that was unethical. If council so chooses to hire someone, they still have the option to hire by 2/3.

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

Ordinance 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.

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

Zimmermann called this the Alberini Ordinance. We have ethics guidelines in place already on what we could buy who we could buy from and if it was illegal, it would not happen.

Baryak said he did not know what Mr. Zimmerman was talking about. If he was making accusation again tell him exactly so he could respond.

Kropp again noted that Council has the ability to do business with a former official by a 2/3 vote. His concern was that we have members of council or former members of Council that spend years doing business with the City then they leave office, and it seems they potentially benefit from the relationships they build. This is just another line of defense for the public.

Spletzer emphasized that this is allowed if authorized by 2/3 majority of Council. What each of these does is take it out of the City Manager's responsibility completely that way the City Manager must come to Council to move forward.

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

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.

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

Ms. Priddy said she knows something about this and there is a problem with the signature. She suggested this be tabled until at least the second meeting in September.

Spletzer said something else that needs clarified is there is a difference between accepting amounts and rates and then an alternative tax budget. What were included was the alternative which is completely different than accepting the amounts and rates. She had one of each and neither looks like the other, so it definitely needs tabled.

Zimmermann asked what the signature issue was. Mayor Kline said there is question of who signed for it who wanted it passed on the budget itself. The individual does not work here anymore so we would have to figure it out.

Kropp made a motion seconded by Baryak to table this until September 20, 2021.

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

Resolution 25-2021: A resolution to cancel the smart meter form and rate previously set by the Village Manager.

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

Spletzer said Council needed to get working on this as soon as possible. It is something that should be addressed by the administration/audit/finance committee or if Mr. Fritz would recommend an ad hoc committee to deal with it. It needs to be delt by Council.

Zimmermann noted that Mr. George urged us not to pass this because of what we already have in the City. Everything has fees if we eliminate the fees everyone will opt out and leave the City hanging. Unfortunately nobody likes to pay fees, but they are there.

Kropp said he would like to look if this rate is comparable to the other power companies in the area. He would like more information and liked the idea of putting it into committee and having discussions. To get some deep understanding.

Baryak said from what he understands we used Ohio Edison's rate. His whole argument is this was shot gunned and stealthed in on the public and that is not open and transparent in any way. It usurped the authority of this Council.

Mayor Kline wondered if with this being almost a co-op situation is there a number of residents that need to be a set rate where we can meet. We have the meters but if the rate is lower to help individuals but not lose money.

Spletzer said this is something she sponsored specifically as the Ward 3 representative she has the East River Gardens in her area. A lot of them used to be duplexes and since then a lot of those have become one home. However the home owners have never combined all the utilities into one water and one electric service. They still get two separate bills so the fee would apply to each side of utilities. Her other concern is the township residents that have Ohio Edison for electric but the City for water if they are going to pay close to \$30.00 a month to opt out of Ohio Edison, she did not think it was fair for them to opt out of the meter from the city and pay another \$30.00. Council was never consulted or involved the former City Manager said here is the rate and form and ignored the Charter, Charter in Article 3, Section 9 Council sets the rates.

Kropp suggested holding off on this until the next meeting so he and Spletzer maybe Zimmermann and Mr. George could get together and discuss this and address the issues about

the rates and the issue about someone paying two opt out fees. Then eventually bring this resolution back to the floor in an amended version to try to reach a compromise.

Spletzer made a motion seconded by Kropp to table this Resolution until September 20th.

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

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.

Zimmermann made a motion. No second to the motion.

Motion to get a second opinion on Mr. Fritz opinion on the referendum was pulled by Baryak the sponsor.

Ordinance 2021-13: An ordinance to increase the total amount of money/payment Newton Falls City shall require to sell transmission lines and equipment and to include properties and miscellaneous materials in Ordinance 2021-02, rate reduction act, the new minimum required payment acceptable to the \$10,000,000, To also include a 20% increase as a minimum payment for a service agreement, this to be negotiated with Amp T.

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

Baryak said the public is going to get a chance to speak. He wanted a motion to table till November 15th, let the people speak and we can revisit it at that time.

Baryak made a motion seconded by Spletzer to table this until November 15th.

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

NEW BUSINESS:

Resolution 27-2021: A resolution establishing a local fiscal recovery fund.

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

Mayor Kline stated this is to set up a fund for the deposit of the Covid funds.

Kropp noted the language of the resolution and that this is not an emergency even though the wording is the same, it is a resolution.

Attorney Fritz stated this is to make sure we can isolate the covid funds to make sure they are spent in the proper location upon use of the City.

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

Resolution 28-2021: A resolution authorizing the City to participate in the proposed Opioid Litigation Settlement Plan of Claims against distributors of the suits against Amerisource Bergen, Cardinal Health, and McKesson.

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

Baryak asked if this would help our Police Department to get money to help fight overdoses.

Attorney Fritz explained that there is a class action lawsuit that was set up by the Ohio Attorney General's Office and the Governor's Office in May of 2020. They want to make sure that the people settling on behalf of the Opioid Plaintiffs are settling as many of the complaints as possible. The time limit of which the city and any subdivision can join has been extended repeatedly. At this point they are close to having the necessary number to having the class action lawsuit certified. So the Ohio Municipal League has asked everyone to have this approved by last Friday. On behalf of the City he signed saying that we are wishing to participate in this class action lawsuit and indicated that it would not have formal action by this board until this evening. We think we are looking at approximately \$50,000. It is supposed to be earmarked toward opioid abatement. In most cases it will go to law enforcement but there are other methods that cities can use if for. When the full class action lawsuit come in, we will have the full restrictions and know how we may apply the money. It is important that it is passed by Resolution tonight in order that we comply with the statutory limits to be part of the class action lawsuit.

Kropp asked if Council would have the opportunity to earmark how the money is used or would it just be earmarked for law enforcement. Attorney Fritz said his understanding is it would be similar to what we have with our covid fund. It would be placed in a separate line item and then Council could budget as necessary or give authority to the City Manager or Police Chief to use as necessary.

Zimmermann stated that the Tribune had an article on this, and it listed the top cities who could receive funds. Newton Falls is listed as number five on the list with a 55% base of \$51,473. It also says incentive payments at 43% at \$73,533.65 to be provided over an eighteen-year period if conditions are met. Zimmermann asked if our base is the \$51,000 then over eighteen years we get an additional \$73,000.

Attorney Fritz said that is a good question, but it is rather unclear. The class action settlement was somewhere near seventy-five pages and will involve a couple of things. The number of defendants remaining involved and the number of people applying for the funds. He believed we are looking at two separate payments, one to be used immediately and one paid over a period of time.

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

Baryak made a motion seconded by Spletzer to set Tuesday, September 7th at 6:00 p.m. for the first meeting in September due to the Labor Day holiday.

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

Zimmermann made a motion seconded by Kropp to appoint Patti Kinel to the unexpired term on the NF Joint Fire District board commencing immediately and expiring 12-31-2023.

Spletzer said she did not know when we opened advertisement for this position on the board and felt it would be a wise decision to table it until the first meeting in September to get anyone else in the community that would be interested in applying.

Zimmermann said he mentioned this at the last meeting that this was open, and we need to fill this immediately. Ms. Kinel was quick about getting the application in and he recommended getting her on the board to help us out as soon as possible.

Kropp said he missed the comments at the end of the last meeting. He was curious if this was advertised and shared on our social media. He would also like to table this to let the community know of the position.

Baryak said all he knows is that Dallas Young resigned, and he did not know if we were using old or new applications. He too would like to see this tabled, give someone else a chance.

Baryak made a motion seconded by Spletzer to table this until the September 7th meeting.

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

Baryak made a motion seconded by Spletzer to reprimand Ward 1 Councilman Adam Zimmermann for comments made at the August 9th special meeting.

Baryak stated in the spirit of healing and working together he was willing to apologize if Zimmermann would issue an apology to Mrs. Priddy. The remarks made were inappropriate and untrue. There have been a lot of stuff thrown around that should not have if we are going to work together.

Zimmermann asked what grounds the reprimand is on in the first place. He stated he did not accuse anyone of anything he just read what was public record. How is that a reprimand.

Baryak said he made accusation. Zimmermann asked what accusation he made. He just asked if the City needed this put on us at this time. He said he did not accuse her of anything and did not say she was guilty of anything.

Baryak said he would like to see up here is just give the public a feeling that we are going to try to work together. Everything can't be negative, and he said, she said, they said. We are not dealing with elected officials who have to have tough skin we are dealing with a private citizen. Some stuff can raise to liable he did not want to see the City sued. He wanted to move forward with openness and try to get along. He asked if he would issue an apology and he would withdraw the motion.

Mayor Kline guessed Mr. Zimmermann would regret any attacks on a person's nature. We look at certain things that walk the line. We have had too much poison in our community for a long time and asked the Tribune and individuals in our community to stop spreading poison. If Mr. Baryak wanted to pull that from the table that is a good starting point. He suggested letting the apology be between Zimmermann and Ms. Priddy.

Kropp stated in reference to reprimands and rules as far as Council is concerned, we do have specific rules and we need to follow them. He would like to use this meeting of how we perform business. We are at an hour and forty minutes and have gone through a lot of business. As far as personal attached he felt Ms. Priddy would address it if she felt that was what happened. When rules are broken, we need to address a specific rule a specific violation.

Zimmermann said these questions were brought to him by people in his ward. He would ask questions when he gets asked them himself. He did not know he had to be sorry for what he said when he was telling the truth. If Mr. Baryak wanted to reprimand him for telling the truth go right ahead.

Kropp suggested we move past this and do the work for the Village and move on.

Spletzer stated without the minutes from the August 2nd or August 9th meeting she did not know what Mr. Zimmermann said she did not know what to believe. She did not see how any of them could make a decision unless going from memory.

Baryak said he is the last one that wants to be vindictive. There have been a lot of accusations made at these meetings either printed "Defenders" or whatever else so they can be slopped around in their integrity and good names drug in the mud. He withdrew on the premise that we can start doing away with the personal attacks.

Baryak withdrew the motion.

PUBLIC COMMENTS:

Anna Eby 50 West 9th Street asked to please hurry on the smart meter issue. Because they got a postcard, and she does not need a new water meter. The new one would cost her new money and that is a fact. Secondly, she texted the Mayor and wanted to know what was going on about putting in concrete and fixing sidewalks. It is very expensive years ago it was \$250 dollars a block. She suggested getting on contractor to do it all and they may give a discount.

John Richards 212 Albert Street during the meeting several items came up on the finances and the uncertainty of things. We have a finance director highly qualified, and he believed she should be put back in her position and put to work.

Tom Colosimo Acting President of the Commerce Association. The Association will now have a building at 17 East Broad Street. He thanked Dr. Verbanic for allowing them to lease the building. They hope to work closer with the City to promote economic development and events. The Association is working with the City to bring DOrA to the City of Newton Falls as Designated Outdoor Refreshment Area from Center Street to Ridge Road. This weekend is the Community Garage Sale and Saturday is Dicker Days downtown. August 28th will have Music in the Park by Jim Gill.

Bud Fetterolf 321 Ridge Road suggested removing the gate at the end of the parking lot to provide an exit from this parking lot.

He also said it has bugged him for a long time when the City found it necessary to put armed guards to check citizens entering their own building. He understood the Court protection and security he did not think we needed guards to protect our current council from armed citizens storming City Hall. He did not think we had that much cash money in the utility department.

Marilyn Lee 515 North Canal Street thanked the community. This Friday will be her sons first night at the football game playing in the band. Her son is fourteen and has Downs Syndrome and his dream will come true. She thanked everyone in the community for the kids they are raising and thank them for seeing her child and treating him like he is a regular kid. She thanked the community for opening their hearts and the band director for helping make his dreams come true.

Rick Kerlin announced in regard to August 28th. There will be a Pluck-a-Duck at the Community Center and the Farmer's Market. A charity group 44444The People is going to be participating at the Farmer's Market and have a surprise for everyone. You have to come out and see it.

Julie Lemon 2750 East River Road the Community Center and Heritage Accord is having a clean up day Wednesday the 18th from 6:00 to 8:00 p.m. Asked for volunteers to help.

Bill George Electric Superintendent in reference to the AMI smart meters hoped they would give permission for people to reach out to him to answer their questions. No one has reached out to him personally.

AMP T, he urged someone from Council to contact Lisa McAllister at Amp to make sure the contract was not signed. A week before the previous City Manger left office it still was not signed.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Zimmermann repeated the Coffee and Cars event scheduled for Saturday the 21st from 9:00 a.m. to 12:00 p.m. organized by Nate McMurry and urged everyone to come out and support the event.

The motion to table Ordinance 2021-13 till November hoped we still had something to vote on at that point.

He was amazed that everyone up here was against putting someone on the Fire Board saying it was not advertised. These same council people voted for putting someone on the Park and Rec board at the last meeting without it advertised at all. No resumes no applications being accepted just took someone that turned in an application before and said they were on it. Last time he said he would like to see it opened up now everyone wants to see this brought up for the same reasons he brought up.

Baryak would not start an argument about applications but felt this Council was trying to move forward by giving everyone in the community some dignity and respect. He does not feel that was done in the past. Our Acting City Manager is administrative about what we do with the Finance Director. He was sure things would move forward and he was sure it would be brought back to Council.

Saturday is the All-Class reunion.

Thanked Mr. Fritz for doing something to help the zoning board.

Spletzer explained that AMI is the smart meters, and the AMP T is the sale of the transmission lines. Some get that confused. At this point she is only aware of people receiving the cards for the water meters and she did call the number on the card and spoke to Sabrina in Texas who said she would send her information so she could do her own research. How long does she wait till the info gets to her.

The next Park and Rec meeting is August 24th at 5:30 p.m.

Kropp responded to Mr. George and noted that Mr. George's contact information is listed on the web site. He said he would like to reach out and get the information so that he could be as informed as he could be to make a proper decision.

This is the type of meeting he would much prefer to have for the board to move forward and conduct Village business. He hoped we could continue to move forward. He was anxious to start the process to break in a new City Manager and the vetting process.

Ms. Priddy stated the two rooms behind them have been opened up to make rooms for council members. So they can have constituents there to meet with them. She has instructed security that the red conference room will hold executive sessions. There is also a room prior to that and will be set up for Council to meet with department heads. She instructed security to open that up so it can be done.

To Mr. Zimmerman she extended an olive branch to work with him and would love the opportunity to sit down and speak with him her door is open.

Mayor Kline stated it was a good positive meeting tonight and good discussion. We didn't spend a lot of gotta time and insult time. We can expect that going further. It isn't always what you do but how you do it that is important. We have a transition period going on. Ms. Priddy has a lot going on right now as she gets some foundation laid and we can have a bright future for our community.

The concrete that Ms. Ebby brought up he knew Mr. Stimpert was trying to do things as inexpensive as possible. Not everything needs replaced. She is right one contractor may be cheaper and makes sense. Number one thing is to make a safe place for sidewalks, wheelchairs, strollers, canes and walkers.

When he pastored here, he was told the gate was closed to cut down on the small neighborhood traffic. It can be looked into when the City Manager returns.

Security brought up he didn't think it was a good idea at the time but was told it was because of the money in the utility office. Ms. Priddy and Council can discuss that and see what needs to be done.

Lastly, he could not wait to go out and watch Mr. Lee on Friday.

MOTION TO RECESS INTO EXECUTIVE SESSION:

ADJOURN:

After no further comments or questions Spletzer made a motion seconded by Kropp to adjourn at 8:16 p.m.

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

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

Newton Falls City Council met in Special session on Monday, August 30, 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:

Pamela S. Priddy, City Manager; A. Joseph Fritz, Law Director; Kathleen M. King, City Clerk

ROLL CALL:

Zimmermann, Kropp, Baryak, Spletzer (Ward 4 vacant)

ABSENT:

PUBLIC COMMENTS: None at this time

MOTION TO RECESS INTO EXECUTIVE SESSION:

Spletzer made a motion seconded by Baryak to adjourn into executive session for personnel matters at 6:01 p.m.

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

Baryak made a motion seconded by Spletzer to adjourn the executive session at 6:50 p.m.

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

UNFINISHED/NEW BUSINESS:

Baryak made a motion seconded by Spletzer to appoint Christopher Granchie to the ward 4 Council seat.

Baryak thanked those who applied to serve the community. We can try to move forward now.

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

PUBLIC COMMENTS:

Catie Karl thanked council for the opportunity and congratulated Mr. Granchie. She stated it was obvious the decision was already made and was sorry everyone had to come to the meeting tonight.

ADJOURN:

After no further comments or questions Kropp made a motion seconded by Spletzer adjourn at 6:53 p.m.

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

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

DRAFT

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 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.**

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 _____ DAY OF _____ 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 *Parulata W. [Signature]* Date 7/30/2021
Acting Finance Director

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	\$ -	\$ -	\$ -	\$ -

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

CITY OF NEWTON FALLS
COMMISSION/BOARD APPLICATION

DATE: Aug. 3, 2021

Application for membership on Fire Board
(Name of Commission or Board)

Name: Patricia Kinel

Address: 1001 Paige Court
Newton Falls, Ohio

Phone Number: _____ Home

330-980-8560 Cell

330-744-2644 Work

Email Address: JJKinel@aol.com

Are you a qualified elector of the City of Newton Falls yes _____ no.

* **Civil Service, Planning & Zoning applicants.** Per the Newton Falls City Charter no member shall hold any other office, employment or position with the City.

Do you hold any other office, employment or position with the City of Newton Falls.

_____ yes (if so please explain) _____

_____ no

****Civil Service applicants only:** Article VI, Commissions and Boards, Section I. Civil Service Commission, Paragraph 2; "No member of the Civil Service Commission shall hold any other office or employment with the City and not more than two such members shall be members of the same political party".

Please indicate political party _____

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°40'45" East**, along the centerline of St. Rt 534, a distance of **182.09** feet to an angle point, thence **South 24°10'39" East**, along the centerline of St. Rt 534, a distance of **321.27** feet to an angle point, thence **South 10°25'45" East**, along the centerline of St. Rt 534, a distance of **512.53** feet to a point, thence **South 79°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°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°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°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°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°42'47" East**, along the center of the Mahoning River, a distance of **20.00** feet to a point;
4. Thence **North 84°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°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

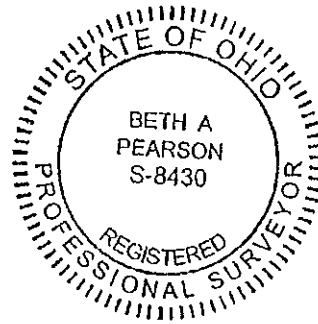
The basis of bearing is Grid North, Ohio State Plane Coordinate System, North Zone, NAD83.

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

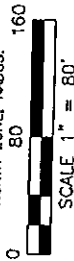
C:\2020\1P200126 - Annexation Parcel



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
- ⊙ 1/2" IRON PIPE FOUND
- 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. ACKIBBEK SURVEY - NOV. 1931
STATE OF OHIO - CENTERLINE PLAT
TRU-534-(0.76-3.87) 1967

CONTIGUITY NOTE

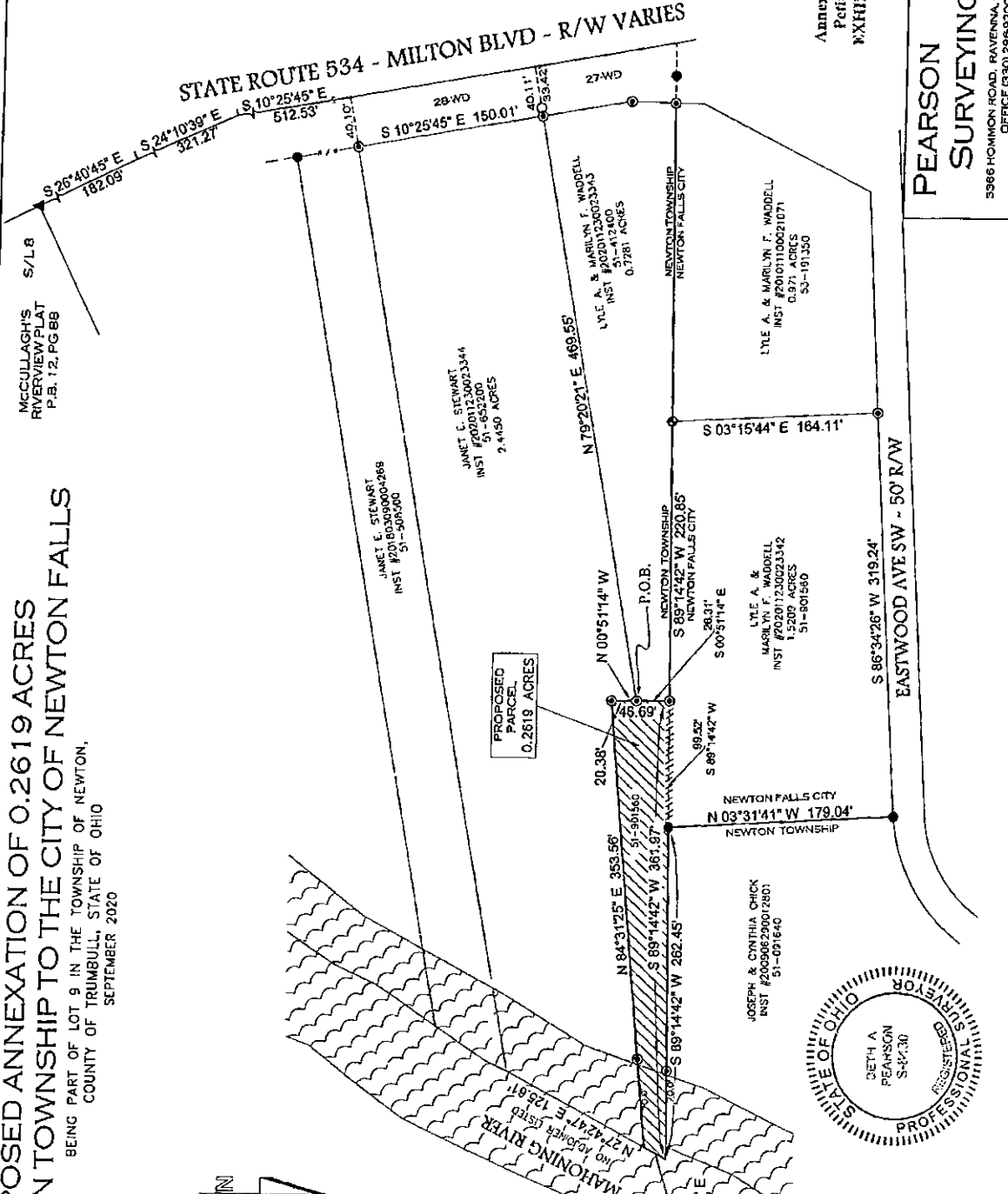
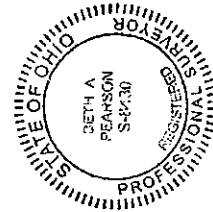
TOTAL PERIMETER OF THE ANNEXATION
TERRITORY IS 782.22 FEET.

THE CONTIGUOUS BOUNDARY WITH NEWTON FALLS
IS 99.52 FEET GIVING 12.72 % CONTIGUITY.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THIS DRAWING TO BE A CORRECT
DELINATION 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
DATE
BETH A. PEARSON P.S. #R430



Annexation
Petition
EXHIBIT B

PEARSON

SURVEYING, LLC

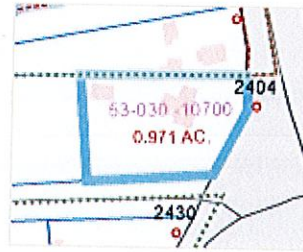
5366 HOMMON ROAD, RAVENNA, OHIO 44266
OFFICE (330) 296-9200
OFFICE@PEARSONSURVEYING.COM

P200126

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 2&17 .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.

SPONSOR: Mayor Kline

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

SPONSOR: Mayor Kline

ORDINANCE 2021-16

AN ORDINANCE AUTHORIZING PAY AND EXPENSES FOR THE INTERIM CITY MANAGER, PAMELA S. PRIDDY AND DECLARING AN EMERGENCY.

WHEREAS, Newton Falls City Council appointed Pamela S. Priddy as interim City Manager on Monday, August 9, 2021; and

WHEREAS, Council acknowledges that in lieu salary, for the Interim City Manager would like to make sure all out of pocket expenses and costs associated with the position of City Manager are reimbursed by the City of Newton Falls.

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

SECTION I: Newton Falls City Council hereby acknowledges the work and commitment by Interim City Manager, Pamela S. Priddy and authorize all out-of-pocket expenses associated with the position are hereby reimbursed by the City of Newton Falls.

SECTION II: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of the City of Newton Falls the reason for the emergency the Interim City Manager has worked since August 9, 2021, and payroll is due.

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

PASSED IN COUNCIL THIS ____ DAY OF SEPTEMBER 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Katheen M. King

SPONSOR: Mr. Kropp

ORDINANCE 2021-17

AN ORDINANCE PROVIDING INDIVIDUAL FREEDOM OF CHOICE AND PROHIBITING REQUIREMENT OF MASKS IN PUBLIC AREAS OF THE CITY MUNICIPAL BUILDING.

WHEREAS, Newton Falls City Council holds meetings in the City Municipal building from time to time; and

WHEREAS, City Council wishes to provide attendees at its meetings with freedom of choice regarding the wearing of protective masks and face coverings; and

WHEREAS, City Council wishes to provide individuals the freedom of choice regarding the wearing of protective masks and face coverings.

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

SECTION I: Newton Falls City shall not require the wearing of protective masks or face coverings with the public areas of the City Municipal Building.

SECTION II: Newton Falls City shall allow all individuals to choose to wear a facemask or covering in the public areas of the City Municipal Building, but will not be required to do so.

SECTION III: 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

SPONSOR: Mr. Kropp

ORDINANCE 2021-18

AN ORDINANCE PROHIBITNG DISCRIMINATION OF INDIVIDUALS BASED UPON VACCINATION STATUS WITHIN PUBLIC AREAS OF THE CITY MUNICIPAL BUILDING.

WHEREAS, Newton Falls City Council does not want discrimination against individuals based upon vaccination status; and

WHEREAS, Newton Falls City Council acknowledges the decision to receive a vaccination is a personal decision; and

WHEREAS, City Council does not want government to supersede the individual's decision on vaccination.

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

SECTION I: To be in the public areas of the City Municipal Building, no adult individual shall be required for any reason to be vaccinated for any reason unless the individual chooses to be vaccinated.

SECTION II: Newton Falls City shall not require an individual to show proof of vaccination or provide the individual's vaccination history or status.

SECTION III: 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

SPONSOR: Mayor Kline

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.

WHEREAS, The tentative budget for the City of Newton Falls has been prepared for the fiscal year beginning January 1, 2022, showing estimates for all balances that will be available at the beginning of the year 2022, for the propose of such year, and all special taxes, costs, percentages, penalties, allowances, prerequisites, and all other types or classes or revenues; also estimates all expenditures of charges on or for the purpose of such fiscal year to be paid or met from the said revenues or balances; and otherwise confirming with the requirements for the law; and

WHEREAS, The Trumbull County Budget Commission has waived the requirement of the cities for Trumbull County to adopt the ta budget under Section 5705.28 of the Revised Code for the 2022 calendar year.

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

SECTION I: That the tentative budget of the City of Newton Falls for the fiscal year beginning January 1, 2022, heretofore prepared and submitted to Council, and marked as "Exhibit A" attached hereto as if fully rewritten herein, copies of which have been and are on file in the office of the Director of Finance, be and is hereby adopted as the official tentative budget of the City of Newton Falls, Ohio, for the fiscal year beginning January 1, 2022.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2021.

Mayor, Kenneth A. Kline

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

ALTERNATIVE TAX BUDGET INFORMATION
TRUMBULL COUNTY

Name of City Village of Newton Falls

For the Fiscal Year Commencing January 1, 2020

Fiscal Officer Signature _____ Date _____

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	\$ -	\$ -	\$ -	\$ -
Court COVID-19 Tech Grant	\$ -	\$ -	\$ -	\$ -
ARPA - American Rescue Plan Act	\$ 234,171.00	\$ 234,171.00	\$ 468,342.00	\$ 468,342.00
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	\$ -	\$ -	\$ -	\$ -
Electric Replacement/Improvement	\$ 40,000.00	\$ -	\$ -	\$ 49,000.00
Guarantee Trust	\$ 210,000.00	\$ 30,000.00	\$ 240,000.00	\$ 30,000.00
Refuse	\$ 25,000.00	\$ 327,000.00	\$ 352,000.00	\$ 352,000.00
Utility Administration	\$ -	\$ -	\$ -	\$ -
Sewer Debt	\$ 20,000.00	\$ 396,000.00	\$ 416,000.00	\$ 396,000.00
Electric Debt	\$ 200,000.00	\$ 600,000.00	\$ 800,000.00	\$ 600,000.00
Electric Construction	\$ -	\$ -	\$ -	\$ -
Water Debt OWDA Plant Loan	\$ 50,000.00	\$ 226,300.00	\$ 276,300.00	\$ 226,300.00
WWTP Debt Reserve	\$ 400,000.00	\$ 38,300.00	\$ 438,300.00	\$ -
Debt Retirement 2020 Bonds	\$ -	\$ 13,251.00	\$ 13,251.00	\$ 13,251.00
Utility Office	\$ 90,000.00	\$ 265,000.00	\$ 355,000.00	\$ 300,000.00
Employee Benefits	\$ 500,000.00	\$ 1,000,000.00	\$ 1,500,000.00	\$ 1,000,000.00
Trumbull County Cap	\$ 2,000.00	\$ 50,000.00	\$ 7,000.00	\$ 5,000.00
Unclaimed Monies	\$ 19,000.00	\$ -	\$ 19,000.00	\$ -
Fire Claims	\$ 3,400.00	\$ -	\$ 3,400.00	\$ -
Summer Concerts	\$ 3,250.00	\$ -	\$ 3,250.00	\$ -
City Beautification/Flower Fund	\$ 500.00	\$ 6,000.00	\$ 6,500.00	\$ 6,500.00
Basketball Hoop	\$ 475.00	\$ -	\$ 475.00	\$ -
Fire/Township Fuel	\$ 5,000.00	\$ 11,000.00	\$ 16,000.00	\$ 12,000.00
TOTAL	\$ 5,663,158.00	\$ 12,874,772.00	\$ 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	\$ -	\$ -	\$ -

SPONSOR: Mayor Kline

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.**

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, The Budget Commission of Trumbull County, Ohio has certified its action thereon to the Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten-mill limitation.

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 _____ DAY OF _____ 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

**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**

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

The Council of the City of NEWTON FALLS, TRUMBULL
County, Ohio, met in _____ session on the _____ day of _____,
20____, at the office of _____ with the following members
present:

_____ moved the adoption of the following Resolution:

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

WHEREAS, The Budget Commission of TRUMBULL County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Auditor of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part
within the ten mill limitation; therefore, be it

RESOLVED, By the Council of the City of NEWTON FALLS, TRUMBULL
County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and
the same are hereby accepted; and be it further

RESOLVED, 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 follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10M. Limit
	Column I	Column II	Column III	Column IV
General Fund (includes County Health)	136,698 59		2.05* 0.15	
Road and Bridge Fund				
Cemetary Fund				
Lighting Fund				
Police Pension Fund	18,789		0.30	
Fire District Fund				
Road District Fund				
Park Levy Fund				
Miscellaneous Funds (Fire Equipment)				
Amb. & Emergengy Medical Services Fund				
General (Note) Bond Retirement Fund				
Twp. Motor Vehicle License Fund				
Special Levy Fund				
Capital Equipment Fund				
Permanent Improvement Fund				
Total	155,546	0	2.50	0.00

Tangible Reimbursement from State
 Total 0
155,546

TOTAL MILLAGE 2.50

July 2021

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to be levied	County Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
General Fund:		
Current Expense Levy authorized by voters on not to exceed 5 years		
Special Levy Funds:		
Levy authorized by voters on		

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of Said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

_____ ,

Adopted the _____ day of _____, 20_____.

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, TRUMBULL County, ss.

I, _____, Clerk of the Council of the City of
NEWTON FALLS, within and for said County, and in whose custody the Files
and Records of said Council are required by the laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original of _____

now on file, that the foregoing has been compared by me with said original document, and that the same is a
true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20_____.

Clerk of Council

NEWTON FALLS, City.

1. A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R.C. or at such later date as may be approved by the Board of Tax Appeals.

No.	COUNCIL OF THE CITY OF <u>NEWTON FALLS</u> <u>TRUMBULL</u> , County, Ohio	RESOLUTION	ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.	(City Council)	Adopted _____, 20____	_____ Clerk of Council	Filed _____, 20____	_____ County Auditor	By _____ Deputy

RESOLUTION 31-2021

AN 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.

WHEREAS, the City of Newton Falls has requested that the Village Silver Lake permit its Treasurer to assume the role of Interim Finance Director while the City searches for a replacement in such position, and

WHEREAS, the Village is willing to aid the City in this critical time period under the limitations herein expressed.

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

Section 1. That the Village Treasurer of Silver Lake may assume the duties of Interim Finance Director at the City of Newton Falls, Ohio, for a period of four weeks following the effective date of this resolution, provided:

- a) That such new duties do not lessen the ability of the Treasurer to perform his duties at the Village of Silver Lake nor reduce the hours of his established work schedule with the Village, but permitting a limited amount of vacation time to reduce the scheduled hours of work time.
- b) Should the Treasurer inadequately perform his duties with the Village of Silver Lake during such four-week period, the Village reserves the right to terminate the arrangement with the City. If the Treasurer can perform his duties effectively with the Village during such arrangement with the City, the City may request, and the Village may consider, an extension of the arrangement with the City for another four weeks, but no more.
- c) That the City of Newton Falls pay half of the current medical, dental and vision benefits of the Treasurer, and half the cost of any training programs which he needs to complete during the subject arrangement with the City.
- d) That the City of Newton Falls, concurrently with the passage of this resolution, enact a resolution with the same terms, expressed herein, such that the subject arrangement shall become effective as a joint resolution and therefore binding upon both municipalities.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED ON THIS _____ DAY OF SEPTEMBER, 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

EXHIBIT A

7/5/2021

Council Representatives to Commissions & Boards:

PLANNING & ZONING (Meets the 1 st Tuesday of each month at 6:00 p.m.)	Kropp/Alt. Zimmermann
CIVIL SERVICE (Meets on an as needed basis)	Baryak/Alt. Breymaier
PARK & RECREATION Meets the 4 th Tuesday of each month at 6:00 p.m.)	Spletzer/Kropp
TREASURY INVESTMENT BOARD (Meets Quarterly)	Spletzer/Zimmermann <i>(Set By Charter Article VI, Section 4)</i>
FIRE DISTRICT BOARD	Zimmermann/Alt. Spletzer

Council Standing Committees – Pick two representatives for each committee:

FINANCE/ADMINISTRATION/AUDIT <i>(Chairman must be on TIB by Charter Article VI, Section 4)</i>	Spletzer/Kropp
UTILITIES/PUBLIC WORKS	Breymaier/Baryak
PUBLIC SAFETY	Breymaier/Baryak

Council Representatives to Community Commissions & Boards:

EASTGATE, Regional Council of Governments <i>(Per Eastgate Mayor is designated Representative)</i>	Kline/Zimmermann
TAX REVIEW BOARD & ENTERPRISE ZONE	Kropp/Alt. Spletzer
UTILITY APPEALS BOARD	<i>Finance Director</i> Baryak/Alternate _____ <i>Community Mem: Wentworth</i>
LOCAL BOARD OF TAX REVIEW	Kropp/Zimmerman
ECONOMIC DEVELOPMENT	City Manager, Mayor, Finance Dir., Kropp - Baryak