

# NEWTON FALLS CITY COUNCIL

## REGULAR MEETING AGENDA

MONDAY, OCTOBER 4, 2021

6:00 P.M.

612 West Broad Street

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### CITY COUNCIL MEMBERS

Adam Zimmermann, Ward 1

John Baryak, Ward 2

Tesa Spletzer, Ward 3

Christopher Granchie, Ward 4

Brian Kropp, At-Large

### MAYOR

Kenneth A. Kline

### CITY MANAGER

Pamela Priddy

### LAW DIRECTOR

A. Joseph Fritz

### CITY CLERK

Kathleen M. King

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#### 1. Call to Order

#### 2. Pledge of Allegiance/Prayer

#### 3. Roll Call

#### 4. Special presentations by staff members or invited consultants

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

#### 6. Reports

Mayor

Council Members

Finance Director

Law Director

City Manager

Changes to tonight's agenda

#### 7. Approval of Previous Minutes

September 20, 2021 - Regular Meeting

#### 8. Public Hearings:

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## 9. Unfinished Business:

1. Ordinance 2021-13: An Ordinance to Amend ordinance 2021-02 Newton Falls Electric Rate Reduction Act. (TABLED Until 11-15-2021)
2. Res. 25-2021: A Resolution to cancel the smart meter form and rate previously set by the Village Manager. (TABLED Until 10-4-2021)
3. Motion to discuss a donation to the school for the proposed sports complex.

## 10. New Business:

1. Ord. 2021-19: An Ordinance Establishing an annual Cost of Living Adjustment for all Hourly City Employees. (Granchie)
2. Ord. 2021-20: Repeal Sewer Rates (Spletzer)
3. Res. 32-2021: A Resolution authorizing the City of Newton Falls to dispose of unneeded equipment/property by sale to employees, public auction, on internet auction, or salvage pursuant to section 721.15 of the Revised Code. (Kropp)
4. Res. 33-2021: A Resolution submitting to the Electors a proposed amendment to the Newton Falls City Charter in reference to Article XI-Charter Review.(Granchie)
5. Motion to discuss and/or authorize costs associated with broadcasting of NFHS Basketball games. (Mayor Kline)
6. Motion to authorize the City Manager to accept RFQ's to hire a Consultant/Engineer for Dam Inspections. (Mayor Kline)
7. Motion to hold Mr. Kropp in Contempt of Council and orally sanction him for violation of Council Rule Section 7 (#10) for this first violation. (Mayor Kline)
8. Motion to appoint Terry Wentworth to the unexpired term on the Fire Board commencing immediately expiring 1-31-2023. (Zimmermann)
9. Motion to approve the opt out cost analysis for the water and electric meters as proposed. (if determined necessary after caucus)
10. Motion to approve the DORA (Designated Outdoor Refreshment Area (Kropp)

**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 in reference to the Finance Director & City Manager**; 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, September 20, 2021, at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance and prayer.

**ALSO PRESENT:**

Pam Priddy, Interim City Manager, Kathleen M. King, City Clerk; A. Joseph Fritz, Law Director.

**ROLL CALL:**

Granchie, Baryak, Kropp

**ABSENT:**

Zimmermann, Spletzer

Mayor Kline read the following statement from Ms. Spletzer:

Dear Mayor Kline, fellow members of Council, and citizens of Newton Falls:

I am so sorry for the events that took place on September 11, 2021. I am not going to make any excuses for my poor judgment that evening.

I am thankful for the professionalism of the NFPD officers that responded to this event. They were polite, courteous and patient with me.

The amount of remorse, personal shame and humiliation I am feeling is overwhelming. I will address this issue proactively. I respectfully request a temporary medical leave of absence so that I can seek treatment.

I humbly ask for your approval.

Sincerely, Tesa Spletzer  
Ward 3 Councilwoman

Clerk notified Council that Mr. Zimmermann sent an email that he would not be in attendance tonight due to illness.

**Kropp made a motion seconded by Baryak to excuse Spletzer and Zimmermann from tonight's meeting.**

**ROLL CALL:** Baryak aye, Kropp aye, Granchie aye.

**MOTION PASSED:** 3 - 0

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

## **PUBLIC COMMENTS:**

Catie Karl, 128 West Quarry commented on the motion to donate to the school. She expressed concern that they were discussing removing the opt out fee that the Electric Superintendent asked that this not be approved because we need the income, and a pay raise for employees. Now you are talking about giving money to the school, taxpayer money. She asked if they had a plan to replace the money they want to remove. Ms. Karl also asked if they would have a public meeting to discuss this to let the citizens know what is going on and to give input to Council.

Rick Kerlin, 611 North Canal Street felt it was a wonderful school system and they came to us with an economic development plan. He expressed that the proposed athletic complex was a very good thing. The school has done their homework and have achieved a lot financially already. The money they raise will not only be for the athletic complex but for other areas such as roofing. He felt it would do a lot of good for the community not only for economic development but also infrastructure.

He reminded everyone that in reference to the rate reduction ordinance, there is a referendum on the November ballot that will be voted on.

Anna Eby, 50 West Church Street agreed with Ms. Karl about the money. With the City not knowing where our finances stand, we should not promise anything until we know what the town has.

## **REPORTS :**

Granchie:

- Spoke to Mr. Shaver of the Street Department about issues/concerns he has heard.
- Also spoke to Mr. Stimpert about zoning issues.
- Fielded calls from various constituents on different things over the past few weeks.

Kropp:

- After the last meeting attended a meeting with the City Manager, Electric Superintendent and Water Distribution Superintendent to discuss issues with the meters and rates. We want to be able to ensure the City will not be losing funds and to be able to answer questions from the public. We are waiting on numbers from the utility department and hoped by the next meeting to have all the information for the public.

LAW DIRECTOR: Nothing

CITY MANAGER:

- Ms. Priddy provided a written report if anyone has questions about what was on the report.

- Asked for direction on the bell tower in the courtyard. The school would like to have the bell. Our original estimate to remove it was \$10,000 since then we have contacted the County Engineer who has an approximate cost of \$3,700. Kropp asked if the school was willing to pay any of the expenses. Ms. Priddy said she has not reached out to them as of yet. Kropp noted that the cost would be incurred by the City regardless if the bell was removed.
- The Finance Department is working diligently to put together financial statements for Council. We have the books closed through June and at the end of May the balance was \$78,000 at the end of June our balance was \$190,000. They hope to be caught up by the next meeting and have reports for Council. Kropp asked if the information could be posted so people could know where we are at financially.

MAYOR:

- Attended several meetings with citizens of the community and listened to their concerns and suggestions.
- Met with the school Superintendent and staff on the athletic facility.

CHANGES TO TONIGHT'S AGENDA:

**Baryak made a motion seconded by Kropp to add a motion to give the City Manager direction on the bell tower.**

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

APPROVAL OF PREVIOUS MINUTES:

**Kropp made a motion seconded by Granchie to adopt the September 7, Regular Meeting minutes as submitted by the Clerk.**

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

PUBLIC HEARINGS:

**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.

Mayor Kline opened the public hearing on this Ordinance.

Catie Karl requested the correct information be given by Mayor Kline and the City Manager if it has not already been done so the record could be corrected since there was misinformation given at the last meeting. Mr. & Mrs. Waddell did pay for the annexation. The only cost to the City was legal fees in relation to the legislation. She asked that they correct the record and pass this for its final reading.

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

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

Catie Karl noted that employees have rules, and handbooks about security clearance for certain positions, some have to be bonded. It was just noted that we do not have the financials completed, talked about donating money to the school, this is all taxpayer money. When will this stop. She agreed everyone needs raises and asked if we were clearing people for jobs with background checks.

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

**UNFINISHED BUSINESS:**

**Ordinance 2021-13:** An Ordinance to Amend Ordinance 2021-02 Newton Falls Electric Rate Reduction Act. (TABLED Until 11-15-2021)

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

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

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

**Kropp made a motion seconded by Baryak to table Resolution 25-2021 until the next regular meeting.**

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

**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.

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

Baryak said he made a statement about paying for a private annexation. He did not know the numbers but does know that the City paid around \$400. So to say the City paid nothing is false.

Mayor Kline stated it was splitting hairs. Nobody hurt anybody or was trying to be mean.

Kropp said he asked questions which is his duty to do in any situation.

**ROLL CALL:** Granchie aye, Baryak aye, Kropp aye.

**MOTION PASSED:** 3-0

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

**Granchie made a motion seconded by Baryak to adopt this Ordinance.**

Baryak noted that this is a \$3.00 an hour raises for an employee who steps into the Superintendents position if the Superintendent is off. Ms. Priddy agreed. Granchie noted that previously it was a 50% raise, so this would be a cost savings for the City. Ms. Priddy explained that previously with the union if an employee took over during the Superintendents absence that employee was paid half the difference between their pay and the Superintendents pay.

**ROLL CALL:** Baryak aye, Kropp aye, Granchie aye.

**MOTION PASSED:** 3-0

**NEW BUSINESS:**

**Kropp made a motion seconded by Baryak to discuss a donation to the school for the proposed sports complex.**

Mayor Kline noted the School Superintendent was here a couple of weeks ago and presented all the figures and information for the sports complex. Mayor expressed that if you have the facility they will come here and pay to use the facility. This is a win-win situation, and he is 100% for it. Kropp asked if the Superintendent would be willing to sit and have a discussion about a possible negotiation from the City and hash out details. Mayor Kline felt that the Superintendent would be willing to do what needed to be done with Council.

Baryak said he supported the school but wanted to make sure all the other spending was reined in, and needless spending ceased. We all want the children to get the best.

Granchie suggested before there is an ordinance in place for a donation, we should work with the Finance Director to see what is feasible and not go into this blindly.

Ms. Priddy stated the school would like to know something by the end of this month or beginning of October. She has asked the Finance Director to look in to variations of numbers once they get caught up with the month end closings.

Mayor Kline said the school originally asked for \$50,000 a year for ten years.

Kropp noted that being responsible with City funds does not mean you will never spend money. We need to invest in our school and community.

Mayor Kline asked that this discussion be put on the next agenda for further discussion.



**Granchie made a motion seconded by Kropp to direct the City Manager to donate the bell tower to the school.**

Kropp said he had no issue donating this to the school but asked to see if the school would share the cost. Granchie noted that the City would have this cost no matter where the bell went.

**ROLL CALL:** Kropp aye, Granchie aye, Baryak aye.

**MOTION PASSED:** 3-0

**PUBLIC COMMENTS:**

Matt Evans, City employee in the Electric Department presented the City of Newton Falls employee manual that we get when hired. He noted that Mr. Kropp made a couple comments about being transparent and asking questions. In the manual is the drug policy and before we can be employed by the City, we have to follow the drug policy. The policy was created 1-13-2017 and 5-15-2017 council made a motion to amend Council Rules of Conduct that City Council shall be under the same random drug testing as City employees. Under public records requests there is only one council member that has not taken a drug test yet. Mr. Evans read from the handbook: "Refusal to comply with the testing requirements, failure to provide the required valid specimen(s), adulteration, or substitution of a specimen will be considered a refusal to test. Any such refusal shall be subject to immediate termination of employment or the cancellation of an offer of employment."

**"Post-Offer, Pre-Employment or New Hire DFSP Testing** Effective immediately, upon implementation of this Policy, all applicants are subject to post-offer, pre-employment or new hire drug and alcohol testing conducted by a contractor selected by the Company. The Company will require a result of this testing prior to the employee performing any services for the Company." Mr. Evans stated this includes himself, all departments, all offices, city council, Mr. Fritz, City Manager, Kathy King, Mr. Granchie, should be Mr. Kropp, everybody else.

He went on to read: "The Company will decline to extend an offer of regular employment to any applicant with a verified positive test result(s) to any tested substance, or any refusal to test and this applicant may not reapply for employment with the Company for a period of six months.

Mr. Evans asked how are you allowed to sit up there and do your job. Because if he refused to take a drug test he is terminated immediately and if he didn't take a drug test, he would not be in the position he is in right now. Mr. Evans said he worked over four years in wastewater and before he could transfer to the electric department, he had to take another drug test. But yet you're making multimillion dollar decisions for the City, and you didn't take one.

Catie Karl, 128 West Quarry thanked Council for tabling the resolution until all the information was available on the smart meters.

She stated she was all for supporting the school but until the finances were taken care of, she did not think it was in the best interest of the community. Let's be transparent, committed to the city and responsible and not spend this money until all the funds are in hand.

She stated there are too many negatives going on in the City and we need to be more positive and proactive.

Rick Kerlin, 611 North Canal thanked Council for considering helping the school out. He suggested they consider the economic development fund not delved into yet. He stated for each student in the system the school gets \$7,000 so he did not know why you would not want to do this. He also stated that the school was willing to give the City something in return.

Julie Lemon, 2750 East River Road would like to see the Township and City help the school. She also commented on the housing available in Newton Falls and stated they need to stop the shenanigans and work on economic development. There is a housing shortage and people still want to live in this community.

Chelsea Harper, 128 West Quarry Street not long ago there was talk about getting rid of the softball team and certain teams because the school could not afford it. Yet now we are talking about a multimillion dollar complex that long term would cost the City more than anyone else. From a business standpoint you will not get any money back from that for at least five years and will probably be seven. That is a general business standpoint.

She stated on the housing aspect no one around here is renting for less than \$700 to \$800 a month. If you look at what the businesses around here, make or give their employees it is ridiculous. It is sad compared to everyone else. She agreed with paying the City workers a lot more money. Some of them put up with a heck of a lot more than they should ever have to.

Ms. Harper stated obviously she has a past, and she is pretty proud of her past. There are things that she regrets in it, but an apology letter is not something she sent to anyone, and she is still working on a certain step in those twelve steps. That stuff will take forever, but an apology letter is not something that should erase what happened.

The fields were done by volunteers. We are not going to get a multimillion-dollar complex with volunteers. And the Community Center she can remember begging in Council chambers to fix the Community Center because she has kids that she wanted to raise here. Then her daughter got diagnosed and there is no school for her here, she had to take her to LaBrae because there are no special needs integrated program here. She commented on the one on one that the kids were not getting here and that was why people were leaving.

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

Baryak gave a shout out to Matt Maszaros who is refurbishing the parks at his own cost.

He said he knows a little about addiction and it takes a lot of guts to admit it, but what you do is up to you. An apology is a start. Rather than knock someone down he would like to bend over and pick you up.

Granchie thanked everyone who came out to the music in the park sponsored by the Commerce Association. There will be another music in the park event on Saturday.

Mayor Kline stated transparency was a word used a lot, but it did not mean no. He wanted to be a community that said yes. We will look at the school and Community Center and see what we can do. We have to be good stewards of the money and not push through or pass things by emergency. They are doing the best they can to be a nice community.

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

**Kropp made a motion seconded by Baryak to adjourn into executive session at 7:11 p.m. to consider items in the Finance Department as well as City Council.**

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

**Baryak made a motion seconded by Granchie to adjourn the executive session and reconvene the meeting at 7:58 p.m.**

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

**ADJOURN:**

**After no further comments or questions Kropp made a motion seconded by Granchie to adjourn at 7:58 p.m.**

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

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

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

**ORDINANCE 2021- 13**

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

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

WHEREAS, No final contract has been executed,

WHEREAS, No service agreement has been finalized,

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

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

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

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

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

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

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

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

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

AJF

**RESOLUTION 25-2021**

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

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

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

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

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

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

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

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

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

**SPONSOR: GRANCHIE**

**ORDINANCE: 2021-19**

**AN ORDINANCE ESTABLISHING AN ANNUAL COST OF LIVING ADJUSTMENT FOR ALL HOURLY CITY EMPLOYEES.**

WHEREAS, Newton Falls City Council acknowledges that there is an annual recommended cost of living adjustment; and

WHEREAS, The cost for all goods and services, including vital ones such as food, shelter, and medical care, continues to rise. Earnings used to pay for the necessities of life need to also rise, otherwise many people could not afford the cost of living; and

WHEREAS, City Council wishes to make sure all hourly employees receive the recommended cost of living adjustment to their wages.

COUNCIL FOR THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY ORDAINS:  
SECTION I: Newton Falls City Council hereby authorizes an annual cost of living adjustment to all hourly employees' wages as determined by the Consumer Price Index in October of each year.

SECTION II: The cost-of-living adjustment shall be applied to all hourly employee's wages on the first full pay starting January following the October determination.

SECTION III: Any ordinances or parts of ordinances in conflict with 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: SPLETZER**

**ORDINANCE 2021-20**

**AN ORDINANCE AMENDING ORDINANCE 2021-39 REPEALING THE SEWER RATES ENACTED IN THE 2021 BUDGET APPROPRIATIONS.**

WHEREAS, Ordinance 2021-39 was adopted by Council on November 23, 2020; and

WHEREAS, Ordinance 2021-39 included on page 379 adopted sewer rate increases for the years 2021 through 2025; and

WHEREAS, City Council wishes to rescind the rates adopted and return to the 2020 rates.

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

SECTION I: Newton Falls City Council hereby repeals page 379 of Ordinance 2021-39 in reference to the sewer rate increases for the years 2021 through 2025.

SECTION II: Said rate adjustment shall go into effect on the first billing cycle following passage of this legislation and allowable time by law.

SECTION III: Any ordinance or parts of ordinance in conflict with the context of this ordinance are hereby repealed. The remainder of Ordinance 2021-39 shall remain intact.

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

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

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

**City of Newton Falls, Ohio**  
**History of Revenue and Estimate Revenue 2021**

**Revenue Sources:**

**Fund 502: Sewer Revenue Fund**

	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ESTIMATE
	2016	2017	2018	2019	AS OF	2021
					9/30/2020	APPROPRIATION
Charges for Services						
502-0000-41590 Charges for Services	\$ 1,385,890.26	\$ 1,353,852.90	\$ 1,392,405.79	\$ 1,379,519.22	\$ 954,963.47	\$ 1,489,800.00
<b>Total Charges for Services</b>	<b>\$ 1,385,890.26</b>	<b>\$ 1,353,852.90</b>	<b>\$ 1,392,405.79</b>	<b>\$ 1,379,519.22</b>	<b>\$ 954,963.47</b>	<b>\$ 1,489,800.00</b>

**Adopted Rates per 1000 Gallons of Metered Water for Metered Customers**

2021	2022		2023		2024		2025	
	City	Township	City	Township	City	Township	City	Township
14.46	15.47	17.97	16.40	19.05	17.38	20.19	18.25	21.20

**Adopted Rates per Person per Month for Unmetered Customers**

2021	2022		2023		2024		2025	
	City	Township	City	Township	City	Township	City	Township
27.46	29.38	36.72	31.14	38.92	33.01	41.25	34.66	43.31



SPONSOR: KROPP

RESOLUTION 32-2021

**A RESOLUTION AUTHORIZING THE CITY OF NEWTON FALLS TO DISPOSE OF UNNEEDED EQUIPMENT/PROPERTY BY SALE TO EMPLOYEES, PUBLIC AUCTION, ON INTERNET AUCTION, OR SALVAGE PURSUANT TO SECTION 721.15 OF THE REVISED CODE.**

WHEREAS, The City of Newton Falls has accumulated various pieces of equipment and/or property that are no longer needed for municipal purposes; and

WHEREAS, Section 721.15 of the Revised Code requires that property valued in excess of One Thousand (\$1,000.00) Dollars be sold to the highest and best bidder; and

WHEREAS, The City of Newton Falls desires to dispose of the unneeded equipment/property and also desires to advertise the sale of the property on Internet Auction.

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

SECTION I: City Council authorizes the City Manager to inventory all unneeded equipment and/or property to identify those items to be auctioned by the City. Items to be sold are listed on the attached Exhibit "A".

SECTION II: City Council authorizes the City Manager to advertise the date and time of the auction once per week for at least two consecutive weeks, in accordance with Revised Code 721.15, and authorizes the City to conduct an auction to dispose of the unneeded equipment and/or property. The City Manager shall also advertise the availability of items for bid on Internet Auction for at least two consecutive weeks and on the City Access Channel.

SECTION III: City Council authorizes the City Manager to determine that equipment and/or property is not needed for public use or is obsolete or unfit for the use for which it was acquired, and that the property has no value, may discard or salvage that property.

PASSED IN COUNCIL THIS 4<sup>th</sup> DAY OF OCTOBER 2021.

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

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

**RESOLUTION 32-2021**  
**EXHIBIT A**

2003 Ford F150 - VIN: 49HAADB23DK98869 (street)

4 69kv Breakers (electric)

200 Street lights (electric)

4160kv switchgear (electric)

SPONSOR: GRANCHIE

RESOLUTION 33-2021

**A RESOLUTION SUBMITTING TO THE ELECTORS A PROPOSED AMENDMENT TO THE NEWTON FALLS CITY CHARTER IN REFERENCE TO ARTICLE XI – CHARTER REVIEW.**

WHEREAS, Article X of the City Charter allows for submission to the electors of an amendment of the City Charter after a 4/5 affirmative vote of Council; and

WHEREAS, Article XI – Charter Review provides for a review by the appointed Charter Review committee every five years; and

WHEREAS, Newton Falls City Council feels that the City Charter should be reviewed more often than every five years; and

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

SECTION I: Newton Falls City Council submits to the electors of the City of Newton Falls the below proposed Charter Amendment in reference to the Charter Review Commission

ARTICLE XI  
CHARTER REVIEW

At the first regular Council meeting in February 1998-2023, and similarly each five- two years thereafter, Council shall appoint a commission of seven qualified electors, who shall hold no other office or appointment in the City at the time of their appointment, to serve as a Charter Review Commission. (the remainder of Article XI Charter Review is unchanged)

SECTION II: Said proposed amendment shall be forwarded forthwith to the Trumbull County Board of Elections for inclusion on the ballot in the 2022 primary election within the City of Newton Falls.

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

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

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

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

# GREGORYFILMS INC.

330-261-2109

59 N Hazelwood Ave., Youngstown, Ohio 44509 [www.gregoryfilms.net](http://www.gregoryfilms.net) [gregoryfilms@outlook.com](mailto:gregoryfilms@outlook.com)

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Newton Falls, Ohio

Mayor Ken Kilne and Council members:

Regarding Newton Falls High School basketball broadcasting

There are 22 home games for the NFHS basketball teams, boys and girls teams have 11 home games each. The scheduled games run from November 22 to February 7<sup>th</sup>. The school system is funding half of the total cost of the game schedule. The full season broadcasting cost is \$18,000, and the school system is funding \$9000 of that cost. The school system is asking the city to fund the other half.

Last season, the city paid \$15,000, so this season's cost would be \$5000 less than last year's fee to the city.

Thomas E. Gregory  
Gregoryfilms Inc.

**CITY OF NEWTON FALLS**  
**COMMISSION/BOARD APPLICATION**

DATE: 9/29/2021

Application for membership on Newton Falls Joint Fire District  
(Name of Commission or Board)

Name:   \_TERRY WENTWORTH

Address:   621 COLUMBIA AVE  
  NEWTON FALLS, OHIO 44444

Phone Number: 330-872-5999 Home

                                  330-2400-6929 Cell

Email Address: terrywentworth@hotmail.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) Utilities revie board

**\*\*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 Democrat

# OPT OUT COST ANALYSIS

## ELECTRIC METER

AMI Meter \$165.00  
 Digital Meter \$ 30.00  
 Related Meter Reading Costs \$ 10.00  
**TOTAL ONE TIME COST \$205.00**

## WATER METER

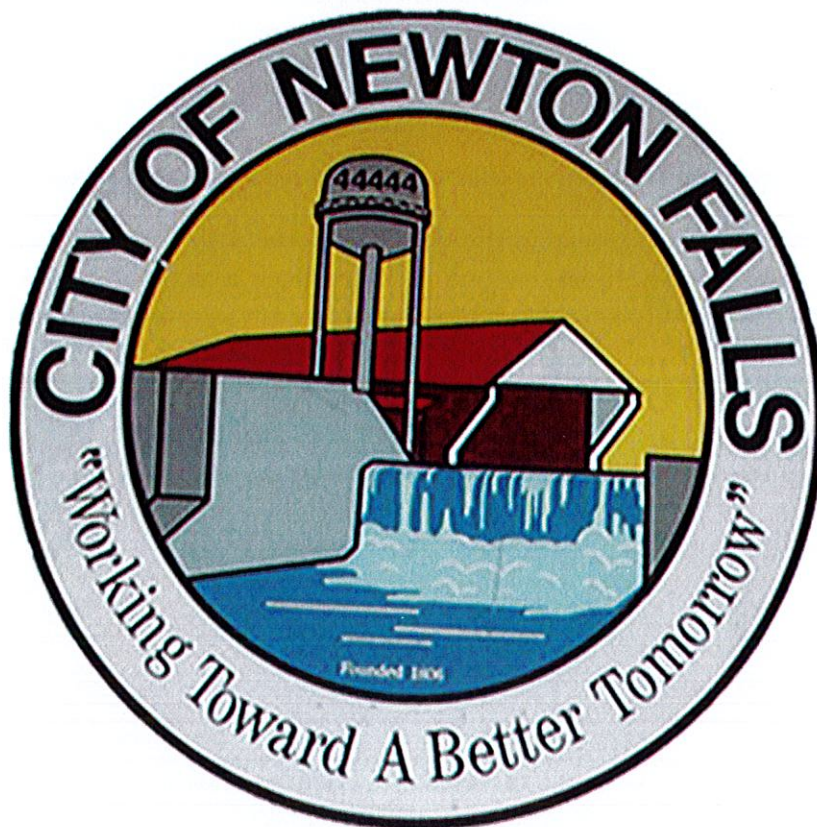
Cost of MTU \$140.00  
 Related Meter Reading Costs \$ 10.00  
**TOTAL ONE TIME COST \$150.00**

A single flat rate fee of \$5.50 per month will be charged to each household that opts out of the smart meter program.

## NOTES & SUGGESTIONS

1. OPT out notifications to be resent with new timeline
2. Time table for opt out payments  3 mos.  6 mos.  12 mos.
3. Should landlords pay if renters do not?
4. OPT out- Do separately or combined?
5. Do we allow households that have already had meters installed the opportunity to opt out?
6. Installation of electric meters is slated to begin in July of 2022, should the opt out period begin in January?
7. Can we offer a discount if households pay all the opt out fees up front?
8. Changes/amendments will have to go through the Law Director for review

**APPLICATION TO THE CITY OF NEWTON  
FALLS COUNCIL  
DOWNTOWN NEWTON FALLS  
DESIGNATED OUTDOOR REFRESHMENT AREA  
ORC 4301.82**



The City Manager and the Chief of Police of the City of Newton Falls, Ohio respectfully submit the following application to City Council of Newton Falls to approve and enact a Designated Outdoor Refreshment Area in Downtown City of Newton Falls in accordance with Ohio Revised Code section 4301.82.

Submitted this \_\_\_\_ day of \_\_\_\_\_, 2021

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The City Manager and the Chief of Police of the City of Newton Falls, Ohio respectfully submit the following application to Village Council of Newton Falls, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") 4301.82. The proposed application meets all the state requirements.

Effective \_\_\_\_\_ Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or "DORA". A DORA is an area, hereto the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. In order to consider the creation of a DORA, the Executive Officer of the municipality must file an application with Village Council which meets certain statutory requirements outlined below. Within forty-five days after the date the application is filed with the legislative authority of the City, the legislative authority shall publish public notice of the application in one newspaper of general circulation in the municipal corporation. The legislative authority shall ensure that the notice states that the application is on file in the office of the Clerk of the municipal corporation and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the legislative authority. Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable.

Background: The City of Newton Falls, Ohio Chamber of Commerce Tom Colosimo addressed the City of Newton Falls Council, and the Planning and Zoning Committee on October 4, 2021, proposing the creation of a DORA in Downtown City of Newton Falls, Ohio. The creation of a DORA will provide additional economic enhancement for attracting patrons to Downtown City of Newton Falls, Ohio and highlight the area as a destination for dining and entertainment. The City of Newton Falls, Ohio surveyed other DORA communities across the State of Ohio to obtain feedback on their experiences with a DORA. The survey results and community engagement expressed general support for the concept to pursue the creation of DORA.

The purpose of this application is to request that the Village Council create and approve a Designated Outdoor Refreshment Area (DORA) in the City of Newton Falls, Ohio. The application includes the following sections:

SECTION II.	BOUNDARY MAP OF THE PROPOSED DORA
SECTION III.	NATURE AND TYPES OF ESTABLISHMENTS
SECTION IV.	QUALIFIED PERMIT HOLDERS
SECTION V.	LAND USE AND ZONING
SECTION VI.	SAFETY PLAN
SECTION VII.	PUBLIC HEALTH & SANITATION PLAN
SECTION VIII.	SIGNAGE PLAN
SECTION IX.	DORA RULES OF OPERATION



## II. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted in the map provided in Exhibit A. The map includes a list of the establishments that have the required Class A and D liquor permits within the area. Currently, four (4) establishments have been identified that qualify to be included in the DORA. The proposed DORA boundary encompasses 3.50 acres which is below the requirements of the area being 150 acres or less. The following is the list of the street addresses of the real property included within the specific boundaries of the DORA.

<b>Street Name</b>	<b>Address Range</b>	<b>Odd/Even</b>
West Broad St	8 – 44	Even
West Broad St	7 – 115	Odd
North Canal St	20	Even
South Canal St	25	Odd

## III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in the retail, restaurant, entertainment, and service sectors. Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mix of office space and residential units.

Examples of the retail, restaurant, service, and institutional establishments located in the DORA:

### **BUSINESS**

Brian Jewelers  
Domino's Pizza  
Church Mouse Thrift Shop  
Mi Amigos Mexican Restaurant  
Joseph's Discount Gifts  
Faces Lounge  
Broad Street Vintage  
The Covered Bridge Inn  
Benson's BS & Collectibles  
B Squared Coffee  
Fieldview Acres Mercantile  
AMVETS 112  
Healthy Treasures  
Pizza Hut  
Handel Vision Center  
McDonald's  
Rite Aid

### **RETAIL, FOOD and DRINK LOCATION**

14 W Broad St  
8 W Broad St  
26 ½ W Broad St  
11 W Broad St  
29 W Broad St  
13 W Broad St  
32 W Broad St  
22 W Broad St  
34 W Broad St  
31 W Broad St  
36 W Broad St  
37 W Broad St  
40 W Broad St  
115 W Broad St  
115 W Broad St  
20 W Canal St  
325 W Broad St

**BUSINESS****SERVICES/FINANCIAL LOCATION**

Mayflower Wollam Insurance Group	7 W Broad St
Platinum Dance Company	10 W Broad St
University Hospital	41 W Broad St
Masonic Lodge #462	12 W Broad St
University Hospital	43 W Broad St
Chic	23 ½ W Broad St
ASECU	25 S Canal St
Ed's Barber Shop	28 W Broad St
Pins & Needles	44 W Broad St

**Residential housing within the DORA is limited and consists primarily of apartments over commercial establishments within the Central Business District. There are a limited number of single - family residential units along the periphery or adjacent to the DORA.**

**IV QUALIFIED PERMIT HOLDERS**

In accordance with ORC 4301.82(8)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC § 43 01. 82 (A). The City of Newton Falls has identified 4 qualified permit holders that will likely be included in the DORA, which are identified as follows:

<b>Permit No.</b>	<b>Permit Holder</b>	<b>DBA</b>	<b>Address</b>	<b>Permit Class</b>
7036355	Maricela Posadas	Mi Amigo Mexican Restaurant	11 W. Broad	D1, D2, D3, D6
276785	NHOA INC	Covered Bridge Inn	22 W. Broad	D1, D2
018025301122	AMVETS POST0122	AMVETS	35-37 W. Broad	D4, D6
2610938-0005	FACES LOUNGE INC	FACES	11-13 W. Broad	D5, D6

**V. LAND USE AND ZONING**

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned Central Business District (CBD) is in accordance with The City of Newton Falls Comprehensive Plan as provided for in **Exhibit B**.

The City of Newton Falls, Ohio Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown City of Newton Falls, Ohio. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains an urban, pedestrian focused environment through building and streetscape.

The 2014 City of Newton Falls, Ohio plan identifies key initiatives to maintain and enhance the special character of City of Newton Falls, Ohio downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and recreational district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within the Central Business District which exemplifies the mixed-use development pattern within Downtown City of Newton Falls, Ohio.

The creation of a DORA in downtown City of Newton Falls, Ohio aligns with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City of Newton Falls. The DORA is focused on or around the Central Business District, wherein restaurants, bars, taverns, brew, pubs, and microbreweries are permitted uses and may operate under the current regulations.

#### **VI. SAFETY PLAN**

In accordance with ORC § 430 I. 82(B)(5) and (F)(l)(d), a Safety Plan has been developed to ensure public safety in the DORA, a copy of which is attached hereto as Exhibit C. The Safety Plan, and enforcement of downtown parking regulations, can be executed with existing staff per Exhibit C.

#### **VII. PUBLIC HEALTH & SANITATION PLAN**

In accordance with ORC § 4301.8 2 (8)(5), (F)(l)(e), and (F)(l)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit E**. The Sanitation Plan can be executed with existing staff.

#### **VI. SIGNAGE PLAN**

In accordance with the ORC § 4301.82 (F)(l)(b), a minimum of twenty-two (22) (eleven (11) entering and eleven (11) exiting the DORA) signs will be displayed throughout the boundary of the DORA as depicted on attached **Exhibit D**. Boundary signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit E**.

Each establishment that is not a qualified permit holder will display a green or red sign that either accepts or prohibits DORA drinks. The signs are depicted on attached **Exhibit D**.

## **VII. RULES OF OPERATION**

### **a. Hours of Operation**

In accordance with ORC § 4301.82(F)(1)(c), the hours of operation for the DORA will be Friday and Saturday from 12:00 p.m. (noon) to 2:00 a.m. and Sunday through Thursday from 12:00 p.m. (noon) to 11:00 p.m.

The applicant requests that City Council reserve the right to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA. ie. Fourth of July.

### **b. Official DORA Cup**

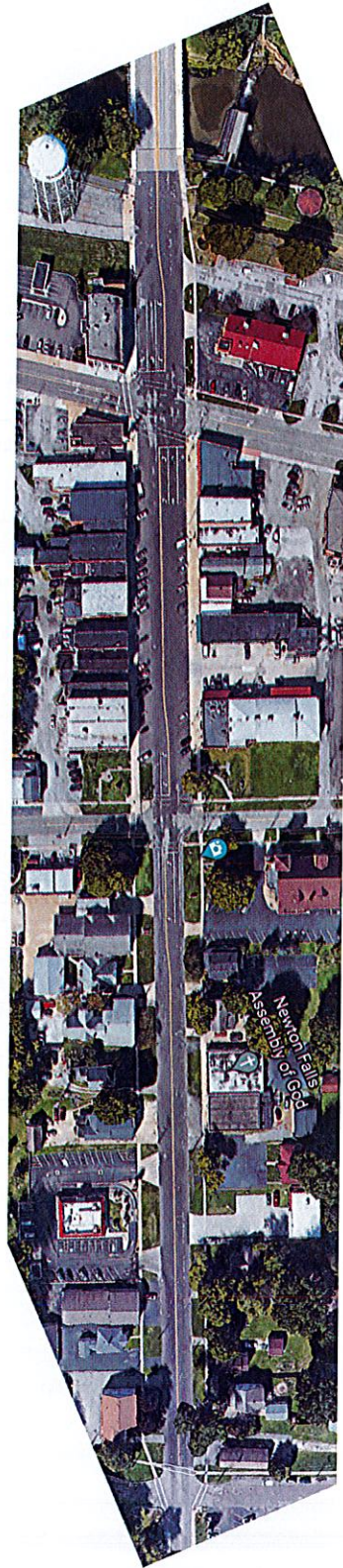
In accordance with ORC § 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in the specifically designated plastic cup approved by the City (the "Official Cup"). The Official Cup will be clear plastic and distinctly marked, as on attached **Exhibit D**. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

### **C. Additional Requirements**

In accordance with ORC § 4301.82(B)(5), and in conjunction with other rules, standards and requirements set forth in this application, as well as additional rules and requirements for the purposes of ensuring public safety and health within the DORA are as follows:

# DORA Boundary Map



# EXHIBIT B: OFFICIAL ZONING MAP OF DORA



## Zoning Ordinance 2019-23

-  RESIDENTIAL R-1
-  RESIDENTIAL R-2
-  RESIDENTIAL MULTI-FAMILY RMF
-  COMMERCIAL C
-  CENTRAL BUSINESS DISTRICT CBD
-  INDUSTRIAL 1
-  INSTITUTIONAL
-  MIXED USE

# EXHIBIT B NEWTON FALLS PLAN DOWNTOWN LAND USE



## Zoning Ordinance 2019-23

- RESIDENTIAL R-1
- RESIDENTIAL R-2
- RESIDENTIAL MULTI-FAMILY RMF
- COMMERCIAL C
- CENTRAL BUSINESS DISTRICT CBD
- INDUSTRIAL 1
- INSTITUTIONAL
- MIXED USE

I. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which following applies:

The permit holder's premise is located within the DORA; and

The permit held by the permit holder has an outdoor refreshment area designation; and

The open container consists of an official DORA cup.

No person shall do any of the following:

- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
- b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.



## **EXHIBIT C**

In accordance with ORC 4301.8 2(B)(5), the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

### **PUBLIC SAFETY PLAN**

The Newton Falls Police Department, Newton Falls Joint Fire District and EMS District will be responsible for providing public safety within the DORA through law enforcement and Fire/EMS services.

### **Law Enforcement Responsibilities**

The Newton Falls Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located just outside the DORA boundary on Canal Street. Patrol officers will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed.

In the event that an above-average number of people are in the DORA, the Police Chief may assign additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol, patrol will be considered as an alternate method of patrolling in the DORA.

For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA.

### **Fire/EMS Responsibilities**

The Newton Falls Joint Fire/EMS District will be responsible for providing Fire, Rescue, and EMS within the DORA. The Fire and EMS facilities are currently located within the DORA boundary. Estimated response time would be at max between two and three minutes to any area within the DORA.

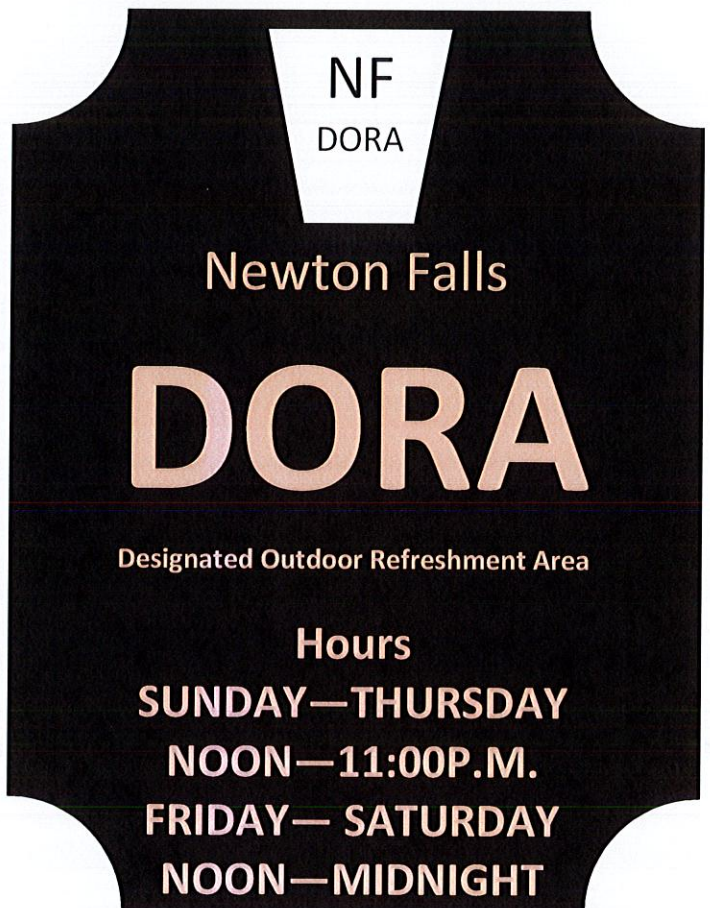
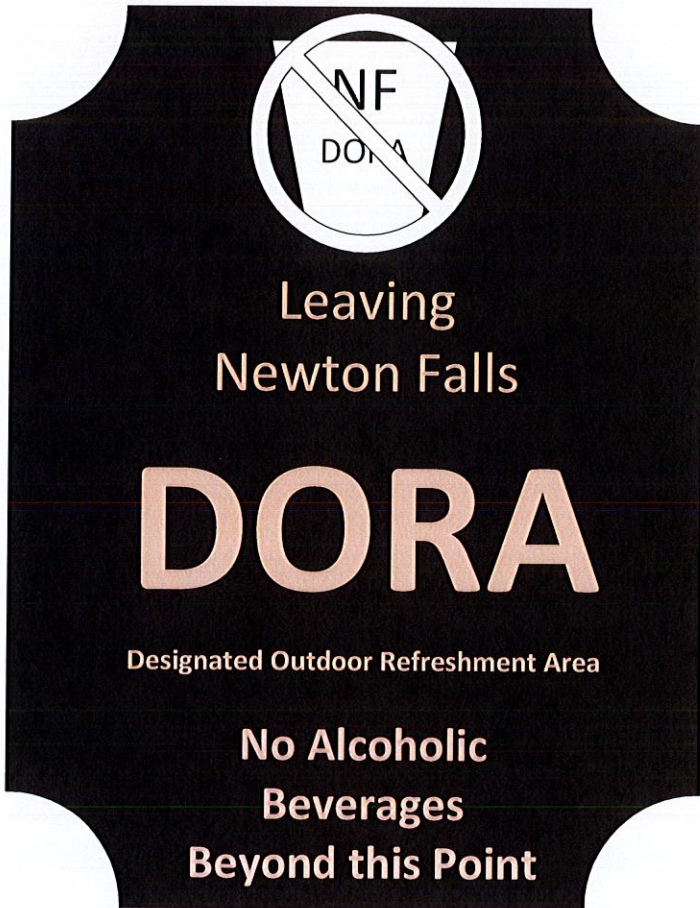
For planned events in the DORA that may draw larger than normal attendance, the Fire/EMS Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

EXHIBIT D

Downtown Merchant Door Signs



Proposed Boundary Signage



# Downtown Public Parking Map



## EXHIBIT E

In accordance with ORC 4301.82(8)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:

### SIGNAGE & SANITATION PLAN

Village of Newton Falls Street Department personnel will be responsible for maintaining the appearance and public health within the DORA through street sweeping, routine maintenance and signage placement.

**Exhibit E** shows that there are currently seven (7) permanent trash receptacles DORA signage in the locations (shown in brown) placed throughout and along the DORA boundary serviced once per week. The City is proposing the installation of an additional six (6) trash receptacles with DORA signage in the locations indicated in Newton Falls and increasing servicing of the receptacles to twice per week (Mondays and Fridays). There will not be an increased service, trash receptacles will be provided by Ohio Valley Services.

The city is proposing the installation of eighteen signs on the eleven proposed trash receptacles (shown in green) along the perimeter of the DORA to mark the boundaries (shown in red). The Street Department, coordinate the installation of additional signage if needed.

#### Existing and Proposed Trash Receptacles and Relation to DORA Boundary

- ▼ Trash cans with proposed signage (11)
- ▼ Trash cans without Signage (7)

**DORA Boundaries (4.80 Acres)**

