

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA
MONDAY, NOVEMBER 1, 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
, 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

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

6. Reports

Mayor

Council Members

Finance Director -

Discussion on upcoming reappropriation and an advance from
general fund reserve (fund 101) to general fund (fund 100).

Law Director

City Manager

Changes to tonight's agenda

7. Approval of Previous Minutes

October 18, 2021 - Regular Meeting

8. Public Hearings:

1. Ord. 2021-21: An Ordinance amending Ordinance 2010-15, 2010-34 and 2017-13 establishing new rates for water and bulk water hauling on usage beginning January 1, 2022.
2. Ord. 2021-24: An Ordinance establishing rates of pay for superintendents appointed after passage of this legislation.

9. Unfinished Business:

1. Ord. 2021-21: An Ordinance amending Ordinance 2010-15, 2010-34 and 2017-13 establishing new rates for water and bulk water hauling on usage beginning January 1, 2022.
2. Ord. 2021-24: An Ordinance establishing rates of pay for superintendents appointed after passage of this legislation.
3. Ord. 2021-13: An Ordinance to Amend ordinance 2021-02 Newton Falls Electric Rate Reduction Act. (TABLED Until 11-15-2021)
4. Ord. 2021-22: An Ordinance requiring the registration of contractors operating within the City of Newton Falls. (TABLED Until 11-15-2021)
5. Ord. 2021-23: An Ordinance establishing sidewalk districts and assessment procedures within the City of Newton Falls. (TABLED Until 11-15-2021)
6. Motion to accept the opt out recommendations attached. (Baryak) (TABLED Until 11-15-2021)
7. Ord. 2021-19: An Ordinance Establishing an annual Cost of Living Adjustment for all Hourly City Employees. (TABLED Until 1st mgt 2022)

10. New Business:

1. Res. 35-2021: 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.
2. Motion to modify Council Rules:

(a) requiring a majority affirmative vote to remove any member of Council or Administration mid-meeting. The power to remove will still be enumerated to the Mayor or Vice-President of Council (when acting as Meeting Executive), but would require a simple majority Council to agree that the person should be removed.

(b) allowing for disciplinary measures to be added to the agenda at any time during a meeting, not only during the "Changes to the Agenda" section of the meeting. Discipline will still follow established Council Rules (oral, written, etc.) but can be enacted mid-meeting to be voted on. Discipline added mid-meeting would be added to the END of the agenda. (Granchie)

3. Motion to authorize the Interim Law Director to file for Declaratory Judgement Action to review and potentially invalidate illegal contracts awarded in 2020. (Granchie)

4. Motion to begin proceedings to appoint a Charter Review Board to make emergency changes to charter in 2022 election. (Granchie)

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, October 18, 2021, at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order followed by 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:

Baryak, Zimmermann, Spletzer, Granchie, (At-large Vacant)

ABSENT: None

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

None

PUBLIC COMMENTS:

Jim Luonuansuu, 10 East Liberty Street, spoke on the smart meters that were proposed by the previous City Manager. He reviewed what has taken place with the meter program to date. During this time a contract was signed. The department heads say that all the meters are worn out and he did not agree with that. It was stated that Ordinance 2010-15 gave the City Manager the right to set the opt out rates. Only 25 people opted out so far. Now the new opt out is \$5.00 a month and they have to pay for the meters at approximately \$300.00. The Gardiner contract recommended buying lights for buildings and some went into rooms at the old Municipal Building that are not in use. Luonuansuu stated we look like a bunch of idiots running around in circles. The proposed return on the meters is supposed to be 15 years although we spent millions to get the meters. Luonuansuu suggested they look at the Cuyahoga Falls lawsuit in reference to the meters.

He questioned what we get for ownership of our utilities. Over the past few years previous Council has annexed land into the City and that cost us the 40% upcharge. We agreed to sell to Venture Plastics our utilities and it will take four more years to get to the full 1% and we also lost the upcharge on our utilities and the County buys our water, and they pay less than us per gallon of water.

Mr. Luonuansuu asked that they put the brakes on this program and take a serious look at the program. He was concerned that we would be losing business if we continue. His recent utility bill for three people on one floor was ridiculous. He was not concerned with the older meters giving away a few gallons or electricity free, yet we charge outside of Newton Falls less than what we pay.

Rick Kerlin, 611 North Canal Street, received public records regarding some finance situations. He referred to when the committees were formed, Zimmermann was added to all the finance

situations along with Lynch, Fritz and past Council members. He discussed the difference between Boards and Committees. All committees are required to give a report to City Council. It is a little different for the TIB board. They are required by law to be a fiduciary and have that responsibility. Our board is in charge of all the money in the savings and general fund. They are to give reports to City Council as to what they are attempting to do. Fiduciary is very important. Under a fiduciary responsibility you are required to treat that money in the best way you can. Mr. Kerlin reviewed the Treasury Investment Board minutes and when money was taken from the funds. He asked if we ever paid any of the money back. They had a fiduciary responsibility to make appropriate decisions, this is not imaginary, that is what it says in our Charter and the law.

The most important meeting was May 5 where Mr. Lynch stated there was a payment due to AMI and that we needed to take out \$500,000. The reason given by Mr. Lynch was that coming in June we expect to have \$900,000 from ARPA funds. We did not get that amount our end was \$450,000; The other thing that happens is of that \$450,000, we only get half this year. How do we pay it back. Mr. Zimmermann and the Law Director voted yes, every time to transfer the money. Mistakes were made with other people's money. He felt they did not act as a fiduciary agent.

Julie Lemon, 2750 East River Road, discussed Ordinance 2021-22 and asked if someone could explain the exemptions' part A.

Also number six under new business to orally sanction Mr. Zimmermann. She stated it is no secret the city is at odds. She read some Facebook posts and commented on the video of supposed illegal meetings. She reminded Zimmermann that on April 19, 2021, he was removed from the meeting and others left. The only three left was the Mayor, Councilman Baryak, Councilwoman Spletzer. They tried to do the business for this town but there was no quorum. There were other meetings that could not be held for lack of quorum. She said not only did he hold up business, but spread falsification. He needed to do his ward justice and spread the truth and not disain it was an injustice to the community.

Anna Eby, 50 West 9th Street, commented on Ordinance 2021-22 in reference to contractor registration. Ms. Eby was against this legislation and did not think it should be passed.

John Richards, 212 Albert Street, also commented on Ordinance 2021-22. Mr. Richards was in favor of contractor registration.

Mark Stimpert, 1023 Paige Court, Zoning Inspector, stated that the reason for the contractor registration was to stop the "fly by night" contractors that show up and you never see again. This will help us take care of our citizens and the elderly.

Tim Stintson, 253 Arlington Road, agreed with both sides expressed on contractor registration, but this definitely comes back on the homeowner. The ownership is on the owner to verify a contractor. He suggested maybe the City have an approved list without a fee.

On Ordinance 2021-19 he asked if anyone knew the actual cost right now that would be associated with this legislation. He was not against raises but would like this amended to be considered each year, not automatic. Who knows what will happen next year? We are not good with finances right now and we should make it worded to not give a guarantee.

In reference to 2021-21 on sidewalks, he understood the purpose but after reading this some of the wording is concerning. In the long term it might not be a good thing. He urged Council not to vote on something they did not understand.

In reference to the water charges he suggested people that buy our water be charged triple the percentage. Our problem is the rates are not high enough to recoup the costs. They have no other choice but to come to us.

REPORTS :

Zimmermann:

- Planning & Zoning meeting last week was cancelled.
- Fire Board meeting will be tomorrow.
- He has been invited to participate in a brain storming session on a proposed private dog park for town.

Baryak:

- Attended an Economic Development meeting pursuant to Dunkin Donuts. Negotiations are moving.

Spletzer:

- This past Saturday went to the Everett Greathouse park to check on the progress the Girl Scout Joslyn Showers was making. She is doing an outstanding job. She looked forward to writing a Resolution for her. At some point the Park & Recreation Commission will have some things to take care of as a follow up.
- Received a few phone calls, one about Spectrum channel 1023 not broadcasting our Council meetings. She found out tonight that there is something Mr. Gregory has to take care of to resolve.
- Someone called to discuss the smart meters.
- There were calls about the so called missing \$1.5 million dollars.
- One constituent wanted her to answer what we were doing about the contracts that were put in place when Mr. Waddell was sitting in her seat.
- Someone wants Oak Knoll paved by Huntington Bank.
- These are things that she needs to work on and will take some time. One thing she emphasized was since October 6th she has been going through a 140-page report called an expense audit trail and comparing it to our budget.
- Ms. Spletzer read the memo from Mr. Housley in reference to the finances.
- Gave Council minutes from the September 15th TIB meeting. On the minutes you will see some of her notes and a correction needed.

Granchie:

- Fielding calls over the past several weeks.
- Also was asked to attend the brainstorming session with Mr. Zimmerman and the Planning & Zoning Commission.
- Worked with the Heritage Accord on an upcoming event.

LAW DIRECTOR: Nothing

CITY MANAGER:

- A written report was provided to Council.

Baryak asked if needed if Mr. George could attend another meeting on the meters. Ms. Priddy agreed it was a good idea to have Mr. George come back to another meeting.

Zimmermann stated the finances are bad. Mr. Housley has been doing great work so far and asked how much he was getting paid. Ms. Priddy stated \$2,800.00 a week. Zimmermann commented on how much that was if he worked forty hours a week. Ms. Priddy stated he was not working that many hours. Zimmermann asked if she knew how much he was making in Silver Lake. Ms. Priddy stated it was comparable. Zimmerman said he is making \$1,667.60 per week. Ms. Priddy said she understood his concern but to find anyone to come here to handle the situation we were in, we were not getting anyone. In addition, we are not paying Anna Musson or herself. Ms. Priddy said for everything he has been dealing with he has been well worth the money.

MAYOR:

- Spent some time talking to individuals outside the community when attending an event for an individual running for Governor at Roby Lee's.
- Attended an event for John Barco who is running for Trumbull County Sheriff.
- Sat in on a meeting with two detectives from BCI.
- Discussed with community individuals' thoughts.
- He is thankful for the individual who came in and worked on our budget and finances.
- Ms. Priddy is working hard. She has a lot of common sense and wisdom. We will right this ship. As alarming as our finances, are we will get this fixed.

CHANGES TO TONIGHT'S AGENDA:

Baryak made a motion to ask Mr. Zimmermann to resign. No second was made to the motion.

APPROVAL OF PREVIOUS MINUTES:

Granchie made a motion seconded by Spletzer to adopt the October 4, 2021, Caucus minutes as submitted by the Clerk.

Spletzer made corrections to the minutes.

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

Granchie made a motion seconded by Spletzer to adopt the October 4, 2021, Regular meeting minutes as submitted by the Clerk.

Spletzer noted that there were quite a few mistakes that needed corrected, some that changed the meaning and did not clearly reflect what was stated. She pointed out the corrections needed, especially Zimmermann "I have nothing to report."

ROLL CALL: Spletzer nay, Granchie aye, Baryak nay, Zimmermann aye, Mayor aye.
MOTION PASSED: 3-2

Granchie made a motion seconded by Spletzer to adopt the October 11, 2021, Special Meeting minutes as submitted by the Clerk.

Spletzer made two corrections.

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

PUBLIC HEARINGS: None at this time.

UNFINISHED BUSINESS:

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

Ordinance 2021-19: An ordinance establishing an annual cost of living adjustment for all hourly city employees. (TABLED Until 1st meeting in 2022)

NEW BUSINESS:

Ordinance 2021-21: An Ordinance amending Ordinance 2010-15, 2010-34 and 2017-13 establishing new rates for water and bulk water hauling on usage beginning January 1, 2022.

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

Baryak reviewed the proposed rates and asked if Mr. Hawkins, Water Plant Superintendent, could address Council.

Baryak made a motion seconded by Spletzer to waive Council Rules.

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

MOTION PASSED: 4-0

Baryak asked if it was correct that there has been no rate increase since 2015. Mr. Hawkins said that was correct. Baryak asked if Mr. Hawkins felt this proposed rate was being equitable and not giving the store away. Mr. Hawkins said yes. A lot of work has gone into this to try to make it fair. The idea was as years go by to be solvent. We could ask for more money but felt we could operate with the proposed schedule.

Mr. Hawkins explained that the study was done using the American Water Works Standards. This would rule out the possibility of anyone going after us for price gouging.

After a brief discussion Baryak made a motion seconded by Spletzer to reinstate Council Rules.

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

Granchie stated it was important to note that this is a pay scale that will be fair. It is not equal, it is equitable. It is an equitable, well studied rate.

Zimmermann said this was off of AWW, American Water Works Standards and in line with those standards. The numbers are not just pulled out of the air.

Spletzer agreed with the chart the way it is laid out and very fair to the citizens of Newton Falls. She felt it is as fair as it could possibly be done.

Baryak said this is not to hurt the outside people. We pay for the plant, sewer plant and upgrades. We are trying to make it equitable.

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

Ordinance 2021-22: An Ordinance requiring the registration of contractors operating within the City of Newton Falls.

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

Spletzer questioned under the registration period the blank space and under the application and issuance section it talks about the City income tax department and asked if that meant RITA. Also, quite confusing was under exceptions it gives an exception to a homeowner, but in paragraph d it also gives exception to a handyman sole proprietor. Throughout it says no person, firm or corporation so why do we allow paragraph d. She also had issues with the penalty. She clarified to Mrs. Eby this would be a one-time fee good for an entire year.

Baryak explained he did not sponsor this legislation and there is nothing in it for him. He runs a business and pays this in other municipalities. He had someone in his ward have an issue with a

contractor and when we had the bad hail there were some bad roofs put on and no way to get them back in here. He wanted to protect the people.

Attorney Fritz explained that the exhibit has a blank in it because it has not been codified yet, there are no numbers in any sections. Upon passage by Council it will be presented to the codification company that puts it online and in order. It was stated there were some sections that were confusing. When you get these exhibits the purpose is for Council to deliberate and decide if they want everything in here. These are drafted not because they are perfect but because they are legal if passed. If there is an item you wish to amend, feel free to amend it. If the amendment puts us in conflict with the law, it would be addressed at that time.

Granchie asked if the \$100.00 was an arbitrary number or in line with other communities. Ms. Priddy stated it was in line with other communities and was a fair number for our size of community.

Zimmermann reviewed the history of this legislation. It was first enacted in 1985 after the tornado but revoked a year later. Then in 2019 this exact same legislation was proposed. It was tabled after a lengthy discussion then not removed from the table. It also went to Planning and Zoning in the past and failed. This is the same legislation that was not removed from the table in 2019.

Spletzer motioned to table this until November 15th then discuss it in caucus. Ms. Priddy asked if they would suspend Council rules and allow Mr. Stimpert to address this.

Granchie made a motion seconded by Baryak to suspend Council Rules.

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

MOTION PASSED: 4-0

Ms. Priddy asked if he could explain the differences in this legislation than what was presented in the past. Stimpert explained that all we were doing was registering each and every contractor. Then there will be a provided list of registered contractors. We will be listed as an insurance payee so if there is a lawsuit, we can provide that to the citizen.

Spletzer had some concerns with the wording in the proposed legislation and felt there were things that needed cleaned up. Mr. Stimpert felt it would do justice to modify the terms of the exhibit to say what they want it to say.

Baryak explained how this type of legislation worked in other places, and explained that he wanted to protect the citizens.

Attorney Fritz addressed Spletzer's concern on the wording "no person, firm or corporation". He stated we put person, firm or corporation to take care of all the people, all the categories of potential employers. That does not mean it is in conflict or violation of handyman. If you want to remove the exception of handyman in general you can, but it is not in conflict. This is a legal

term of art and means something entirely different. He did not feel that there was anything to change.

Granchie, while rules were suspended, asked with the sidewalk program would this happen during certain months of the year or was it ongoing anytime he saw a sidewalk in disrepair. Mr. Stimpert stated it was ongoing, however there are certain winter months that you cannot pour cement.

Spletzer asked under section 907.03 who would cover the cost of publishing for the notice. Mr. Stimpert stated it would be under his jurisdiction and his budget if passed.

Baryak made a motion seconded by Spletzer to return to normal Council rules.

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

MOTION PASSED: 4-0

Spletzer made a motion seconded by Baryak to table this legislation until the November 15, 2021, meeting.

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

MOTION PASSED: 3-1

Ordinance 2021-23: An Ordinance establishing sidewalk districts and assessment procedures within the City of Newton Falls.

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

Spletzer stated throughout the exhibit there were many things that need to be addressed. She had questions about the appeal process and felt there were loopholes throughout.

Baryak made a motion seconded by Spletzer to table this until the caucus.

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

MOTION PASSED: 4-0

Ordinance 2021-24: An Ordinance establishing rates of pay for superintendents appointed after passage of this legislation.

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

Baryak explained that right now we are stuck with the Superintendents making \$72,500. Until a man has the experience, we are trying to budget it in each year to get to that pay.

Spletzer reviewed the salary range and stated at \$30.00 per hour times 2080 hours the salary would be \$62,400. At the high end of \$34.85 per hour times 2080 hours the salary would be \$72,488. Depending on experience the City Manager can set the pay. She felt this was a fair

wage. Spletzer stated people went crazy when \$72,500 went to four specific people. But what they did not realize was that hidden in the budget by Mr. Lynch and Ms. Musson there was \$72,500 given to every Superintendent except for Mr. Stimpert in Zoning.

Granchie asked if we are in any position to talk about hiring anyone at any rate before we get this figured out. Ms. Priddy stated the Water Distribution Superintendent is retiring. Instead of giving the person taking that position the \$72,500, it was stated he would begin at the \$30.00 and work his way up to the higher salary.

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

Resolution 34-2021: A Resolution of appreciation to Charles E. Lane for his years of service to the City of Newton Falls.

Mayor Kline read the resolution.

Spletzer made a motion seconded by Granchie to adopt this resolution.

All members of Council and the Mayor congratulated Mr. Lane and thanked him for his service to the City.

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

Spletzer made a motion seconded by Baryak to orally sanction Mr. Zimmermann for violating Council Rule 121.03 (f)(6).

Prior to the meeting Spletzer placed before Council the draft minutes from the September 15th meeting. She stated that they were both absent during the September 20th council meeting. She stated he had every opportunity to report that he attended the September 15th TIB meeting. When he came to the meeting on October 4th, and he did not.

Spletzer read Council Rule 121.03 (f)(6) Any committee of Council shall be limited in its powers and authority to acting as an arm of Council by overseeing or studying a particular issue, area of responsibility, or topic and by then reporting its findings and/or recommendations back to Council.

Spletzer read Charter, Article VI, Section 4: The Treasury Investment Board shall hold a quarterly meeting and submit a written report. Which is what they got today from her to City Council following each meeting of the Board.

She asked if Mr. Zimmermann had anything to say for himself.

Mr. Zimmermann asked her to read Council Rule 1231.03 (f)(7) she refused, so he read it, "No committee report may be forwarded to Council unless the committee has first met and authorized said report."

Spletzer asked if he was saying this overrides what the Charter says. Zimmermann said she provided a copy of minutes with handwriting on them. Spletzer said they were the draft minutes that Mrs. King drew up with notes she, Ms. Spletzer, made on it for herself. When she gave the oral report to Council and the public he specifically said, "I have nothing to report" at the October 4th meeting.

Zimmermann said that they were three weeks removed from the meeting, he was sick prior to that. It was his first meeting after the missed meeting and apologized for the oversight.

Attorney Fritz said he was confused. The rules listed here are for Council Committees, committee of the whole. It does not identify who reports, what timeframe they are supposed to report back or how they are supposed to report. Same thing with Treasury Investment Board. They are required to keep minutes. It does not say if they have to report them upon the draft being approved, again does not specify a time, location. If someone missed a meeting, they would not be making a report. In the past we would have hundreds of people sanctioned for not making a report. Section cited (f)(6) lists Committee of Council; it does not say each member of the committee must, it says committee of council. The committee makes a report when they have a recommendation or finding, it has nothing to do if they make a report on the floor at the next council meeting.

Attorney Fritz said he was not sure what they were sanctioning him for. Spletzer said she just read why she felt he needed to be sanctioned. If this is the problem we have with the Charter, then it needs to be cleaned up. It is not her fault and she read what the Charter says. Attorney Fritz stated it was not the Charter the section she was reading is based on the sanction was under committee rule, Council rules. Spletzer stated the Charter, Article VI, Section 4 was read. Attorney Fritz agreed that was on the Treasury Investment Board and it does not say when, how or who makes the reports. He was not sure how that made it the responsibility of one individual Council member. Spletzer stated this is the first offense for an oral sanction. Attorney Fritz stated it does not matter the level of sanction. He was indicating that you're sanctioning someone because council gets to police themselves. If you sanction someone because of a dress code violation, he felt they were going to run into problems down the road with sanctions.

Baryak stated the point is the community and citizens should know that they pulled out a million dollars.

Zimmermann called for point of order as it has nothing to do with the reprimand as stated. Mayor Kline said to let him continue.

Baryak said his problem was that everything was kept hush, hush. You would not let him on finance. Mr. Alberini and Mr. Waddell said they wanted to stay on it from the day they got here till the day they left. We knew nothing and you were right in there.

Zimmermann called point of order and asked what that had to do with the reprimand.

Baryak said it has to do with him not coming forward. Zimmermann stated it has nothing to do with the reprimand. Zimmermann called point of order it has nothing to do with the reprimand he is talking about himself. Baryak said he is talking about standing up and telling the people, you were in on it. Zimmermann said he had nothing to do with whether Baryak was put on the board or not.

Mayor Kline stated he does have the ability like it says in rule number six that they are limited in their powers. He did not remember anybody telling them they could move hundreds of thousands of dollars on their own between a couple of you. Now we are in a hole and wondering why we have to have a special finance person to pay for to dig us out of this hole. Zimmermann stated he did not move the money, people that voted did not move the money. Mayor Kline stated he did not have the floor. Zimmermann said they made the recommendation but did not move the money. Mayor Kline stated Mr. Zimmermann did not have the floor. Zimmermann said there was a big difference. Mayor Kline said he did not have the floor but made the recommendation to move the money, it did not move itself. Zimmermann said he did not move it. Silence is worth a million words. Mayor Kline told Zimmermann "Keep running your mouth and you can keep walking". You don't have the floor. Don't sit there and look at me. Zimmermann stated there was nothing wrong with that. Mayor Kline told him to turn his eyes. Mayor Kline said to get him out of here. Zimmermann asked for what. Mayor Kline said because he won't shut his mouth. Zimmermann asked the Mayor to please explain why they were removing him and asked what did he do wrong. Mayor Kline stated because we have two addresses, and he has had about seven just now.

Granchie said last meeting he voted to reprimand a friend of his before, during and after serving on Council together. Mr. Zimmermann admitted he made a mistake. Right is right, wrong is wrong.

Baryak stated last week he said the members were going to try to be as transparent as they can. Just like with the annexations and other things we are all kept in the dark. He had no knowledge of this, that is why he was upset. Now this community is in bad shape, and we have to try to fix it. What was done in the dark will come to light.

Zimmermann left at 8:11 p.m.

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

Spletzer made a motion seconded by Granchie to appoint Mr. Baryak Vice President of Council.

Spletzer stated that with the resignation of Mr. Kropp who held the Vice President position someone needs to be named. Mr. Baryak has been here the longest.

Granchie also stated Mr. Baryak was the most tenured person here.

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

Granchie made a motion seconded by Baryak to accept the resignation of Brian Kropp from the At-Large Council position per his statement at the October 4, 2021, Council meeting.

Granchie asked if this had to be written or could we accept the verbal resignation. Attorney Fritz said this was really just housekeeping. Verbal was acceptable there were things that internally needed to be put in place with the resignation.

Spletzer asked where it said in Council Rules or the Charter that Council has to officially accept the resignation. Attorney Fritz said it is not in Council Rules or the Charter, again it was housekeeping procedures.

Spletzer asked where his concern was in November of 2020 when Mr. Waddell was sitting in her seat. Attorney Fritz said he was concerned very much and asked the court for clarification.

Granchie thanked Mr. Kropp for his time and wished him well.

Baryak stated after Mrs. Spletzer was sworn in, he was told that they would have to wait 15 days in case someone filed an appeal. Attorney Fritz said the decision last year was based on potential legalities and the court made the decision.

Granchie called Point of Order this discussion has nothing to do with the motion. Mayor Kline called for the role.

**ROLL CALL: Baryak aye, Spletzer abstained, Granchie aye.
Mayor Kline declared the MOTION FAILED: 2 ayes – 1 abstention.**

Baryak made a motion seconded by Spletzer to table the motion to accept the opt out recommendations attached.

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

PUBLIC COMMENTS:

Anna Eby, 50 West 9th Street, commented on the contractor registration and felt the contractor would pass the cost onto her.

Her sewer bill went up last month with no notice from the City. She asked when the water bill goes up that something is put on the bill to let customers know.

Julie Lemmon, 2750 East River Road, was appalled at what she heard tonight in reference to the state of the City finances. She suggested they remove Mr. Zimmermann from the finance board. She also did not remember hearing anything from Mr. Fritz. The \$500,000 is a lot of money for a community this size. Charter Article 3, Section 12 prohibited Council from suggesting any removal from office of any person but suggested Ms. Priddy consider placing Attorney Fritz on administrative leave without pay pending investigation.

Ms. Lemmon also commented on Mr. Lynch using Been Verified and people in town can verify if they were looked up by him. She would email information to the City Manager.

Mark Stimpert, 1023 Paige Court, addressed Council about litter. Specifically the flyers that are tossed out of cars throughout town. He asked that something be done about these flyers.

He also commented on Spectrum channel 1023. He was told by Spectrum that we would have to reboot our system every four to six hours to keep it running. We are trying to get the equipment moved to this location. Some of the equipment is outdated but the new equipment will need a chip that is part of the problem.

Laura Neiheisel, 227 North Center Street, commented in regard to the Treasury Investment Board assumed that moving the money was never approved so that was a violation of section 121. The recommendation back to Council was never done.

Chelsea Harper 128 West Quarry, for the committees to bring back reports to Council felt that bringing back a bunch of drafted notes or minutes was not appropriate because they have not been approved yet. She felt Mr. Zimmermann was technically right. He did not bring it to the meeting he was supposed to because he was dying in a hospital.

If we are going to start reprimanding people for breaking Council rules, there are quite a few that need to be gone over. Article 3, Section 4 (c) while in office they have been convicted of a felony or crime involving moral turpitude. She read the definition of moral turpitude. Meaning that there are more people up there that should be reprimanded.

If you look at the Charter and Council Rules including Treasury Investment Board, you are picking out pieces that fit what you are trying to do and who you are trying to attack. You are not reading the whole law that is in there.

She watched people railroad two people here tonight. One of which has been here a very long time and had done her job to the tenth degree. You want to railroad her over some grammatical mistakes. Maybe she was writing it how it sounded when it came out.

People getting thrown out of here. She was taught to look at people speaking to you because it was respectful. So she was confused on that.

Ms. Harper read from the Charter the duties of the City Clerk. Last she checked it didn't say she had to spell everything the right way. If you want to spell it for her, go ahead and do it.

Council rules 121.03 (g) (1) (3)(6) (7) and (10) you're going to want to write those down and sanction everyone else. Also Chapter 5, 102.03 also part of the ORC section (e) and (f) should be carefully read.

Marilyn Lee 5156 North Center Street, reminded everyone of Autumn in the Falls this Saturday.

Catie Karl, 128 West Quarry, did not see the whole meeting but what she did see there was a lot of inconsistency, threats, lot of not following the rules and a lot of back and forth that should not have happened. If you want to bring the community forward, be transparent then start following your own rules. Not throwing people out, not threatening.

Treasury Investment Board - nobody understands it obviously. The only person who can transfer the money legally is the Finance Director. Nobody else can put that money in their pocket. Look it up, learn, educate yourself.

To make accusations against your Law Director and to threaten is wrong and happened at the last meeting. Sanctions should have been given for that, but they were not, you're picking and choosing.

Things need to change if you want our community to come together and quit being a laughing stock., It starts with you. It is evident it is not happening.

Jim Luonuansuu, 10 East Liberty Street, was in shock that we are \$500,000 in debt but should not be with all the shenanigans going on. He asked for an immediate stop of the installation of meters until we find out what is going on with them. We may want to consider selling the meters to help cover the debt we incurred for that program so far.

He got the final paperwork from his attorney today and the cases are all closed. He was found not guilty on all the charges brought by Mr. Lynch.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Baryak felt the people of Newton Falls want this Council transparent and they want accountability and we have not had that. Let the cards play where they may. He was not giving up on the good town he represents. He wanted good honest government, so they know what is going on.

Spletzer thanked the people that come out and speak to Council.

Also mentioned the Pluck a Duck that will be held on November 7th.

Granchie touched on Autumn in the Falls that will be held on Saturday.

As far as this meeting he was disappointed, the way it went towards the end. Personality clashes happen. We can't conduct meetings like this. We can't throw people out because they are looking at someone. He understood talking out of turn, we sanction someone for that. This is

how we end up on the news looking like fools. We need to clean up our act if we expect the community to get better. It starts with us, and we have to do this.

Ms. Priddy said herself and Mr. Housley both walked into a big mess. She has the utmost confidence in Sean. To walk into what he did, the money he is making is not nearly enough. He is trying to turn this community around and figure out what we can do going forward. She is happy he came on board. We have him for approximately another four weeks. She felt confident in his abilities and what he is doing for this community.

Mayor Kline thanked the citizens and people who continue to come out and ask questions and give input.

Ms. Harper asked about Mr. Zimmermann being tossed out. He can look at him all he wants, but he has Council Rules that he follows. Council rule number two says you must be recognized to speak. He is fair and does not hold grudges.

Ms. Karl says we are the laughing stock, we are because \$1.5 million dollars was spent behind our backs. We were not told about it and did not vote on it. Now we are struggling how to pay it back. Council voted at one time not to pave roads. But someone decided on their own they were going to do it anyways. That is something to get upset about. We are not going to make excuses for this. We are going to continue to move forward. We are going to slow down and do things right.

Granchie reminded everyone of Trick-or-Treat Saturday, October 30th from 4:00 p.m. to 6:00 p.m.

MOTION TO RECESS INTO EXECUTIVE SESSION:

Spletzer made a motion seconded by Baryak to adjourn into executive session at 8:51 p.m. for the purpose of personnel matters in reference to the Law Director possible discipline.

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

Granchie made a motion seconded by Spletzer to adjourn the executive session and reconvene at 9:11 p.m.

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

ADJOURN:

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

ROLL CALL: Granchie aye, Baryak aye, Spletzer

MOTION PASSED 3-0

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

DRAFT

SPONSOR: BARYAK

ORDINANCE 2021-21

**AN ORDINANCE AMENDING ORDINANCE 2010-15, 2010-34 AND 2017-13
ESTABLISHING NEW RATES FOR WATER AND BULK WATER HAULING ON
USAGE BEGINNING JANUARY 1, 2022.**

WHEREAS, Newton Falls City Council established rates and percentage increases for water and bulk water through 2015; and

WHEREAS, A water rate study and a cost of service analysis was completed in December 2020; and

WHEREAS, An increase in the current rates is necessary in order to meet annual operating expenses, maintenance costs and prepare for necessary capital improvements; and

WHEREAS, City Council has reviewed the water rate study and cost of service analysis and has determined that an increase is necessary to meet future budgetary needs of the City.

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

SECTION I: Newton Falls City Council hereby adopts "Exhibit A" attached hereto as if fully rewritten herein.

SECTION II: Newton Falls City Council hereby establishes January 1, 2022 as the effective date said percentage increase begins as outlined in "Exhibit A".

SECTION III: Newton Falls City Council shall review the water rates annually to determine if any additional rate adjustments are needed.

SECTION IV: 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: _____
Clerk of Council/City Clerk, Kathleen M. King

TIER	EXISTING RATES	FY 2022 RATES	% INCREASE
INSIDE THE CITY			
0-8,000 GAL	\$5.01	\$5.20	3.70%
NEXT 9,000 GAL	\$4.44	\$5.18	16.50%
17,000 GAL	\$4.33	\$5.14	18.70%
OUTSIDE THE CITY			
0-8,000 GAL	\$7.02	\$7.28	3.70%
NEXT 9,000 GAL	\$6.21	\$7.24	16.50%
17,000 GAL	\$6.05	\$7.19	18.70%
WATER HAULER			
50,000 GAL	\$7.48	\$10.00	33.70%
ALL OVER 50,000 GAL	\$6.40	\$8.56	33.80%

SPONSOR: Baryak

ORDINANCE 2021-24

AN ORDINANCE ESTABLISHING RATES OF PAY FOR SUPERINTENDENTS APPOINTED AFTER PASSAGE OF THIS LEGISLATION.

WHEREAS, Newton Falls City Council recognizes that a salary range is needed for employees who will be appointed to a Superintendents position;

WHEREAS, Current employees in the Superintendents positions receive a set salary; and

WHEREAS, Upon retirement and/or change of Superintendent a salary range is needed dependent on experience in the department; and

WHEREAS, Council authorizes the City Manager to establish pay for each newly appointed Superintendent, dependent upon qualifications, within the approved pay scale.

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

SECTION I: All employees hired and/or promoted to the position of Superintendent shall receive a salary between \$30.00 to \$34.85 per hour x 2080 hours yearly. This salary includes overtime, longevity, CDL and any/all licenses required or obtained while in the position during their employment.

SECTION II: City Manager shall establish pay for newly appointed Superintendents, dependent upon qualifications, within the approved pay scale.

SECTION III: Current salaried employees are not affected by this Ordinance.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2021.

Mayor, Kenneth A. Kline

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

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

SPONSOR: Mayor Kline

ORDINANCE 2021- 22

**AN ORDINANCE REQUIRING THE REGISTRATION OF CONTRACTORS
OPERATING WITHIN THE CITY OF NEWTON FALLS.**

WHEREAS, Numerous persons and groups of persons provide services, labor, services and material and/or labor and materials as contractors within the City of Newton Falls; and

WHEREAS, City Council desires to regulate such contractors for the protection of the residents of the City, and both public and private property within the City.

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

SECTION 1: Newton Falls City Council hereby adopts the following requirements for contractors working within the City of Newton Falls as attached as "Exhibit A."

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 Kline

ATTEST: _____
Clerk of Council/City Clerk

EXHIBIT A
Ordinance 2021-22

CONTRACTOR REGISTRATION

DEFINITIONS.

For the purposes of this chapter, certain words are defined as follows:

- (a) "Contractor" means any person, firm, or corporation contracting to supply and perform work or labor for another person, firm or corporation for a stipulated sum of money.
- (b) "Sub-contractor" means any person, firm, or corporation assuming by secondary contract some or all of the obligations of an original contractor.
- (c) "City" means the City of Newton Falls, Ohio.
- (d) "Building Inspector" means the Zoning Compliance Officer of the City.

LICENSE REQUIRED.

No person, firm or corporation, either as contractor or sub-contractor, shall construct, alter, remove, demolish, or commence the construction, alteration, removal or demolition of any building or structure or shall install any equipment for the operation of a building or structure without first filing with the Building Inspector, an application in writing and obtaining a formal license in conformity with this chapter. An exception to this license requirement shall be a homeowner and/or a landlord performing their own labor on property owned and/or occupied by said owner.

EXCEPTIONS

Exceptions from registration shall be as follows:

- (a) Home Owners. No provision of this chapter shall be construed to require that a fee simple owner of a parcel(s) of real estate be registered, who personally will perform work or assist in the performance of work upon the real estate. Real estate owners shall be required to obtain all necessary permits. Such work shall be performed in accordance with the Building Code and according to plans and specifications filed with the application for a permit.

(b) Government Agencies, Public Utilities, Private Organizations. Provisions of registration shall not apply to Federal, State, County or Municipal governmental agencies, public utilities furnishing services to the City under Municipal-utility franchise agreements or to industrial, commercial or institutional organizations. A maintenance department, doing work within the provisions of the Building Code, is provided for except that should work covered by the Building Code be contracted to outside concerns, then such contractors shall be registered with the City as provided herein.

(c) Minors. No provision of this chapter shall be construed to require a minor to be registered.

(d) Handyman type sole proprietor, having zero employees.

REGISTRATION PERIOD.

(a) Term. All registration certificates shall expire one year from the date on which the certificate was issued.

(b) Initial Application. Initial application for registration may be made at any time during regular business hours by applying with the City Building Official and providing such information as required by Section _____.

APPLICATION AND ISSUANCE; FEE; CERTIFICATION.

No person, firm or corporation, either as a contractor or sub-contractor shall perform any of the services set forth in Section 2 above without first obtaining a license from the Building Inspector to perform such work within the City.

No license shall be issued by the Building Inspector until the contractor or sub-contractor has first submitted the following requirements:

(a) Payment of a fee in the amount of one hundred dollars (\$100.00) the first year, which year shall commence on the day the license is issued, then renewed upon payment of fee in the amount of fifty dollars (\$50.00) for subsequent years

(b) Certification from the City Income Tax Department that such person, firm or corporation, either as contractor or sub-contractor, is registered with such department, including its partners, employees, agents or servants of such contractor or subcontractor performing work or labor within the City;

(c) Proof of liability insurance by certificate of insurance in an amount not less than one hundred thousand and no/100 dollars (\$100,000) per occurrence. In the event the insurance policy expires prior to the expiration date of the license, the contractor or sub-contractor, must guarantee and acknowledge in writing that he

will maintain said liability insurance coverage for the full term of the license (i.e. one year). Any lapse in liability insurance coverage will result in an automatic revocation of license.

(d) Upon the request of the issuance of a license, it is required that proof of Worker's Compensation for the applicant's employees be provided before the issuance of the license

SUSPENSION OF REVOCATION OF REGISTRATION.

(a) Registration may be suspended by the Building Inspector or his designee(s) for any of the following reasons:

(1) Violation of any provision of this chapter or any part of the Building Code;

(2) Misrepresentation of material fact in order to become registered, or in the removal of registration;

(3) Failure to secure permits, inspections and approvals required by the Building Code;

(4) Use of registration to obtain a permit for another;

(5) Failure or refusal to correct a violation of the Building Code within a prescribed period of time or to correct incompetent work as ordered by the City Building Inspector or their designee(s);

(6) For any other reason that is determined to be adverse to the health, safety and welfare of the residents of the City;

(7) Repeated and continued violations of the Building Code; or

(8) Failure to maintain coverage under the Ohio Worker's Compensation Laws.

(9) Failure to comply with the City of Newton Falls Income Tax Laws.

(10) Failure to maintain the Liability Insurance as herein required.

(b) Notice of suspension shall be by written notice to the contractor and shall state the grounds upon which the findings are based. The notice shall specify a reasonable period of time within which to remedy the findings. If the contractor fails to remedy the findings, the Building Inspector or their designee(s) shall proceed with a stop work order and revocation of the Registration subject to the appeal procedure set forth by the Board of Zoning Appeals in §1159.04 of the City of Newton Falls, Ohio Zoning Regulations, as upon an Administrative Appeal.

PENALTY.

(a) Failure to Register. Failure to register with the City Building Official as set forth in this chapter shall result in termination of all work on the project or projects under violation and/or an assessment amounting to double the cost of the registration fee for each offense. A separate offense shall be deemed committed on

each day during or on which a violation occurs or continues until such registration is completed.

(b) Failure to Maintain Minimum Requirements. Failure to maintain the minimum registration requirements of this chapter shall result in termination of all work on the project or projects under violation and/or a fine of fifty dollars (\$50.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues until proof of such requirements are presented.

SPONSOR: Baryak

ORDINANCE 2021- 23

**AN ORDINANCE ESTABLISHING SIDEWALK DISTRICTS AND ASSESSMENT
PROCEDURE WITHIN THE CITY OF NEWTON FALLS.**

WHEREAS, City Council desires sidewalks within the entire City for public use; and

WHEREAS, City Council acknowledges that safe sidewalks provide for the health, safety and welfare of the entire community; and

WHEREAS, City Council wants to provide an opportunity to decrease the expense of sidewalk costs to property owners by creating sidewalk districts and seeking lower costs through one or more construction provider; and

WHEREAS, City Council wants to create an assessment method to assure property owner payment of cost of sidewalk creation or repairs.

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

SECTION 1: Newton Falls City Council hereby adopts the following requirements to create Sidewalk District(s) and Assessments methods within the City of Newton Falls as attached as "Exhibit A."

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 Kline

ATTEST: _____
Clerk of Council/City Clerk

EXHIBIT A
Ordinance 2021-23

907.01 DISTRICTS ESTABLISHED; COST ASSESSMENT.

When, in the opinion of City Council, the repair or replacement of sidewalks on any streets, lanes or public roadways, or parts thereof, will be of general benefit within the City, Council may, by resolution, declare such street, lane or public roadway, or the territory including such street, lane or public roadway, or part thereof, or intersecting or connecting streets, lanes or public roadways, or parts thereof, or all such streets, lanes or public roadways within the City, a district or districts within which sidewalk abutting on such streets, lanes or public roadways or part thereof shall be repaired or replaced within a period named in the resolution not to exceed one year. Such portion of the cost thereof as is deemed just by City Council shall be assessed by the abutting foot on the property abutting the street, lanes or public roadways so improved in such district and the remainder of such cost shall be paid by the City.

907.02 PROPERTY OWNERS' PETITION.

Upon written petition signed by the owners of a majority of the abutting feet of property on a street, lane or public roadway, or part thereof, or of connecting or intersecting streets, lanes or public roadways, or parts thereof, presented to Council praying that sidewalks be repaired or replaced on the streets, lanes or public roadways within the territory described, and for the assessment of the whole or any designated portion of the cost thereof on the property abutting such streets, lanes or public roadways, City Council may, by resolution, declare such territory a district within which sidewalk shall be repaired or replaced abutting on such streets, lanes or public roadways within the period named in the petition, not to exceed one year, and the cost thereof shall be assessed by the abutting foot upon the property abutting the streets, lanes or public roadways so improved.

907.03 NOTICE OF ASSESSMENT OF PROPERTY.

When a portion of the cost of the repair or replacement of sidewalks abutting on streets, lanes or public roadways under Section 907.01 or Section 907.02 is to be assessed against private property, notice to the owners thereof shall be given by publishing, once each week for two weeks in a newspaper published and of general circulation in the Village, the resolution establishing a sidewalk repair or replacement district and setting forth the portion of the cost to be assessed.

907.04 APPEALS.

If an owner objects to an assessment, he shall file his objections in writing with the Clerk of Council within ten days after the last publication of the resolution as provided in Section

907.03. Thereupon, City Council shall consider such objections and if they are found to be well taken, may remit such portion of the assessment against the property of the objecting owner as deemed just or may determine by resolution that a portion or portions of the work described in the resolution adopted pursuant to Section 907.01 or 907.02 shall not be done. Any deficiency arising from such remitter may be made up from any fund of the City available for the public improvement of streets or by contributions from the owners desiring that the work be done.

907.05 PROCEEDING WITH REPAIR OR REPLACEMENT.

After the expiration of the time within which objections may be filed under Section 907.04 and the disposition of objections, the City may proceed with the work described in Sections 907.01 or 907.02, or if proceeding by contract, the legislative authority shall authorize the City Clerk to advertise and take bids for the awarding of the necessary contracts, subject to any determination by City Council that a portion of such work shall not be done pursuant to Section 907.04.

907.06 COLLECTION OF ASSESSMENTS.

When any portion of the cost of work done under this chapter is to be assessed, City Council shall, after the completion of such work, adopt an ordinance levying an assessment by the abutting foot on the property abutting the streets, lanes and public roadways so improved in the district to pay such portion of the cost as was determined in the resolution of necessity. The assessment for the cost thereof may be payable in full within thirty days from the levy thereof in the office of the Director of Finance. All assessments remaining unpaid at the expiration of such thirty days shall be certified by the Director of Finance to the County Fiscal Officer, to be placed upon the tax duplicate and collected in the number of annual installments established by City Council in the assessment ordinance, not exceeding ten.

907.07 CERTIFICATION OF RESOLUTION.

A copy of the resolution shall be certified to the County Auditor by the Clerk of Council within twenty days of its passage.

907.08 PUBLIC SIDEWALK REPAIR, REPLACEMENT AND CONSTRUCTION.

(a) Upon the enactment of this section, periodically thereafter, or when conditions warrant immediate action, the City may require the owner of any property to repair and/or replace existing public sidewalks which meet or qualify under the following, and City Council from time to time may provide for a program of assessment in accord with the following:

- (1) Any block which has multiple cracks; or any block which has any single crack which is irregular, has raveled edges or is wider than ½ inch (indicating movement), or has opened up so that part of the block has settled.
- (2) Adjoining sections of block, or portion thereof, whose edges differ vertically by 5/8 inch or more.
- (3) Blocks having depressions that impound water to a depth of ½ inch or more.

- (4) Any block with disintegrated, deteriorated, shattered or severely spalled areas or missing pieces or missing particles of aggregate.
- (5) Blocks pushed up due to tree roots that cause an abrupt change in the longitudinal grade of the sidewalk.
- (6) Any foreign material such as asphalt concrete covering that changes the contour of the existing sidewalk to be in need of replacement or repair as deemed necessary by the Code Enforcement Officer.
- (7) Trees, bushes or shrubs that overhang the sidewalk. Tree limbs should be trimmed to at least ten feet above the sidewalk. Bushes or shrubs should be trimmed so as not to overhang the sidewalk even after a rain.
- (8) Any block which the Code Enforcement Officer determines to be in need of replacement or repair regardless of whether it has any of the characteristics set forth in subparagraphs (1) through (7).
- (9) The above specifications are determined to be that point from which public sidewalks should remain in sufficiently good repair over a period of years, before the next repair or replacement is initiated, given usual deterioration over time. Such specifications are not an expression of standards for the determination of a public nuisance, and are not an expression of any assumed duty by the City of Newton Falls.

(b) The following specifications shall apply to both existing sidewalks under subsection (a) above and new construction:

- (1) All sidewalks within the City shall be laid on a grade rising $\frac{1}{2}$ inch to the foot from the established curb grade line to the street line, unless an exception is granted by the Code Enforcement Officer.
- (2) The minimum width of all sidewalks constructed within the City shall be four feet. The Code Enforcement Officer may increase the minimum width of sidewalk construction at his discretion.
- (3) All sidewalks shall be constructed or repaired with Portland cement concrete, unless an exception is granted by the Code Enforcement Officer.
- (4) The above specifications are determined to be that point from which public sidewalks should remain in sufficiently good repair over a period of years, before the next repair or replacement is initiated, given usual deterioration over time. Such specifications are not an expression of standards for the determination of a public nuisance, and are not an expression of any assumed duty by the City of Newton Falls.

(c) In the event any owner fails, within a reasonable time, to repair or replace the sidewalk as ordered by the Code Enforcement Officer, then the City may undertake the repair or replacement of the sidewalk and subsequently file a lien against the property for the cost thereof with the County Recorder.

907.09 SIDEWALK REMOVAL.

(a) The owner of a premises upon which a public sidewalk is situated may petition the City Council for removal of such sidewalk. City Council may approve such removal based upon the following:

- (1) The existing sidewalk is not contiguous to any other existing sidewalk.

- (2) The existing sidewalk is not on a through street.
- (3) The existing sidewalk is not incorporated in a City plan for the location of present and future sidewalks adopted by City Council.

(b) If approved by Council, all costs associated with removal and restoration shall be the responsibility of the owner of the premises. Such owner shall obtain a right-of-way permit from the Code Enforcement Officer before such work commences.

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: MAYOR KLINE

RESOLUTION 35-2021

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 1st DAY OF NOVEMBER 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

RESOLUTION 35-2021 -EXHIBIT A

Approximately 2,600 Water Meters

6 - 37.5 KVA Padmount Transformers

4 - 50 KVA Padmount Transformers

10/29/2021

KATHY,

WE HAVE 10 PADMOUNT TRANSFORMERS
WE WANT TO GET RID OF.

LIST

6 - 37.5 KVA PADMOUNT TRANSFORMERS

4 - 50 KVA PADMOUNT TRANSFORMERS

THEY WERE BOUGHT IN 2006 AND
HAVE NOT BEEN NEEDED TO USE NOW
THEY WOULD NEED TO BE TESTED BY AN
OUTSIDE CONTRACTOR.

THANKS

Bill George