

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

WEDNESDAY, JANUARY 5, 2022

6:00 P.M.

612 West Broad Street

CITY COUNCIL MEMBERS

Michael Serotko, Ward 1

John Baryak, Ward 2

Tesa Spletzer, Ward 3

Christopher Granchie, Ward 4

Julie Stimpert, At-Large

MAYOR

Kenneth A. Kline

CITY MANAGER

Interim Pamela Priddy

LAW DIRECTOR

Interim Alfred Schrader

CITY CLERK

Kathleen M. King

1. Call to Order

2. Pledge of Allegiance/Prayer

3. Roll Call

PUBLIC HEARING

A) Presentation of Charges

B) Defense of Charges

C) Other Relevant Testimony

D) Conclusion of Public Hearing

E) Executive Session if needed

F) Council Action

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

December 15, 2021 - Regular Meeting

8. Public Hearings:

1. Ord. 2021-22: An Ordinance requiring the registration of contractors operating within the City of Newton Falls.
2. Ord. 2021-30: An Ordinance approving the recodification, editing, and inclusion of certain ordinances as parts of the various component codes of the codified ordinances on Newton Falls, Ohio.
3. Ord. 2021-31: An Ordinance appointing Sean Housley as part-time Finance Director and authorizing pay and terms of employment.
4. Ord. 2021-32: An Ordinance approving a contract for Interim Law Director.

9. Unfinished Business:

1. Ord. 2021-19: An Ordinance Establishing an annual Cost of Living Adjustment for all Hourly City Employees. **(TABLED Until 1/5/2022)**
2. Ord. 2021-22: An Ordinance requiring the registration of contractors operating within the City of Newton Falls.
3. Ord. 2021-23: An Ordinance establishing sidewalk districts and assessment procedures within the City of Newton Falls. **(TABLED 1/5/2022)**
(stands on first reading)
4. Ord. 2021-30: An Ordinance approving the recodification, editing, and inclusion of certain ordinances as parts of the various component codes of the codified ordinances on Newton Falls, Ohio.
5. Ord. 2021-31: An Ordinance appointing Sean Housley as part-time Finance Director and authorizing pay and terms of employment.
6. Ord. 2021-32: An Ordinance approving a contract for Interim Law Director.

10. New Business:

1. Res. 01-2022: A now for then Resolution effective December 287, 2021, to accept the material terms of the OneOhio subdivision settlement pursuant to the OneOhio memorandum of understanding and consistent with the terms of the July 21, 2021 National Opioid settlement agreement.

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

Council may or may not take action following the executive session.

14. Adjourn:

Newton Falls City Council met in Regular session on Wednesday, December 15, 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:

Interim City Manager, Pam Priddy; Interim Law Director, Alfred Schrader; City Clerk, Kathleen King; Interim Finance Director, Sean Housley.

ROLL CALL:

Granchie, Stimpert, Serotko, Baryak, Spletzer

ABSENT: None

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

Connie Smith-Talcott – Heritage Accord

Ms. Talcott updated Council on the Newton Falls Community Center project. She also noted that they have been letting people into the building to tour the inside. The Heritage Accord has held several fundraising events and received three donations of \$10,000 each. In addition they have been networking with foundations in the area.

On January 15, 2022, it will be the 80th anniversary of the Center and they have an all-day celebration event planned.

Ms. Talcott also noted that they are in compliance with insurance requirement and up to date on all their bills.

PUBLIC COMMENTS:

Jim Luonuansuu, 10 East Liberty Street, said at the last meeting during closing comments some were aimed at him concerning a lawsuit filed by Mr. Lynch. He would not comment on that at this time but believed in Council's integrity and control of its own members.

Mr. Luonuansuu asked about number ten on the agenda, the Resolution to ask Mr. Axiotis to resign. He was surprised to see this back on the agenda since it failed to get a second at the last meeting.

In reference to number fourteen on the agenda on the smart meters he did some research. It has been stated that in order to set rates it has to be by ordinance. Mr. Lynch used the water rate ordinance to set his rate for the meters. Mr. Luonuansuu said he could not find an ordinance setting the current rates, the current amount was only done by motion. Resolution 25-2021 motioned by Spletzer seconded by Baryak was passed to cancel the smart meter program opt out and passed 4-1. Later Spletzer made a motion seconded by Baryak to approve the opt out numbers presented by Ms. Priddy and that passed. Spletzer had a conversation about the

resolution on sewer rates and Attorney Fritz clearly said if you want to enact rates it had to be by ordinance. Ms. King at the same meeting noted that you could not amend an ordinance by a resolution. As far as he could tell Council has never set the opt out program by ordinance, therefore nothing was in place.

Luounansuu stated in reference to number sixteen on the agenda if the City paid for one person to put a "dumb" meter on the house then the rest of them want paid for it also.

Mike Novotny, Wastewater Treatment Plant Superintendent, commented that Resolution 39-2021 was on the agenda again. If you look at the audience there are still a number of employees here tonight who are uneasy with some of the proposed changes. Initially employees expected some out-of-pocket costs to them. He asked Council to consider alternatives and tweak the proposed package like maybe adding some maximum out-of-pocket costs. We are not asking for a free ride; it is just the unknowns that has everyone on edge. Employees are all aware that changes are needed.

Catie Karl, 128 West Quarry Street, felt the agenda was questionable. The resolution in reference to Mr. Axiotis was brought back again and that is not supposed to happen. She also questioned the resolution on the insurance being brought back and under whose authority. She said no one publicized the emergency legislation tonight and questioned who authorized that.

The Law Director/Prosecutor position, by Charter, is to be one position. You cannot change that unless it is voted on by the citizens. In the past the Law Director was paid, and he hired a Prosecutor if needed who was paid by the Law Director. She felt the only legal position we had currently was the City Clerk.

Adam Zimmermann, 515 La Mae Avenue, commented that the health insurance third party administrator was WJL. He stated that was a huge conflict of interest and possibly an ethics violation. Mr. Zimmermann read from the Ohio Ethics Commission book the conflict-of-interest definition. Mayor Kline gaveled Mr. Zimmermann and said he had no proof that Ms. Priddy was connected with WJL, and he could not make allegations or suggest impropriety. Zimmermann said he was not suggesting, just reading the law.

Zimmermann commented on the proposed ordinance for the Law Director and Prosecutors. If you pay the Law Director \$165.00 an hour at eight hours a day a year and for the two Prosecutor \$145.00 an hour at eight hours a day for those positions it would be \$378,560.00 a year. You were paying Attorney Fritz \$65.00 an hour. You will be paying the interim attorney six times the amount you were paying Attorney Fritz.

The resolution for Mr. Axiotis was on the last meeting. Julie Lemon said you should hold the commission members to a higher standard, yet you have a councilwoman that swears and spits at our police.

Brian Axiotis, 315 Adams Street, told Council to do what they were going to do with the resolution on him.

He commented on the health insurance. You said you want transparency but don't seem to want to answer a lot of the questions nor does it seem like an open-door policy. One person who spoke was reprimanded. He asked if that was the kind of business you want. Cost is a concern and he suggested you get rid of the cost of live video for the basketball and football games, you got rid of the security guards already. The employees do a fantastic job for us, take care of our own. He said we can do better, all of us.

Tim Stinson, 253 Arlington Road, in reference to the smart meters he agreed with Mr. Luonuansuu. He also said the service charge was eye opening. He urged Council to vote against the City Manager's recommendations because it was not fair to the citizens.

In reference to the insurance, Mr. Axiotis was absolutely correct, and he agreed 100%. He said benefits are part of the package and part of the employee's salary.

Julie Lemon, 2750 East River Road, in reference to Resolution 41-2021, she felt the Interim Law Director has done a fantastic job.

Resolution 42-2021 in reference to Mr. Axiotis, she said she went to her first Planning and Zoning meeting. Four out of five members behaved with decorum and professionalism. The Chair argued with everybody and told them they were lying or a liar. She wished he would resign but thought he had too much pride. One of the members, Mr. King, was an upstanding fellow and an asset to the board and she hoped Council would reappoint him to the board.

On behalf of the Kline family she stated Aclara put the meters on all the buildings and trespassed on the property when no one was home. She encouraged Council to approve number sixteen on the agenda.

Brad Cope, 2780 East River Road, again on the agenda is an executive session for dismissal and again we don't know who it is about, but assume it is the Chief. There is nothing on the agenda or from Council as to why. You are paying him to stay home when money is tight and that makes no sense. He asked that Council let everyone know what this is about because a lot of people have something to say about the Chief.

Chelsea Harper, 128 West Quarry Street, said the insurance Resolution failed last week but was on the agenda again. She said the guys work their butts off and asked that comments to them be done face to face and not on Facebook.

She stated in reference to the meters if you're going to remove one you should remove them all.

Ms. Harper said she had no issues with Mr. Housley but if you're going to back date the contract, you should back date the pay.

Someone should post the City Manager's position before the Interim City Manager starts making life changing decisions for the City.

Sandra Turner, 231 South Center Street, stated the guys have not had much of a pay raise over the last fifteen years. They received 3% last year and paid less on their insurance. These are the people that respond at 3:00 a.m. or on a holiday. It is your job to take care of them.

REPORTS :

Serotko: Nothing at this time.

Baryak:

- Met with the City Manager & Finance Director to try and tweak the insurance policy.
- Also met with the Superintendents on Monday to review the insurance. There has been a lot of misinformation. The plan is good, and we are doing the best we can. He stated other parts of the community have to be thought of too. We are left with stuff to correct from the past administration.
- The new Smoke Shop will open on December 20th at 10:00 a.m.

Spletzer:

- Also attended the meeting with the City Manager & Finance Director on the insurance plan and again on Monday with the Superintendents.
- Spletzer gave a rundown on the amount of money the City pays. For a single employee the cost is \$14,695.00; employee with spouse is \$20,971.00; employee with a child is \$19,552; and an employee with a family the cost is \$27,298.00. Insurance is one form of compensation in addition to the rate per hour. Also the City pays into OPERS 14% for each employee and 18.1% for the Police employees.

Granchie: Nothing at this time.

Stimpert: Nothing at this time.

FINANCE DIRECTOR:

On November 12th he presented a draft of the proposed 2022 budget. At that time it was projected that the General Fund would have an \$85,000 deficit. After a lot of work the current end of the year projection for the General Fund is a balance of \$44,000, which is not enough when we are estimated to spend \$2 million. By the end of 2022 he estimates the General Fund will have a balance of \$83,000 which is still not enough in reserve.

Mr. Housley reviewed the health insurance proposals received and also noted that the proposed plan does not include any out of pocket for the employees and a maximum deductible of \$1,500 plus co-payments.

LAW DIRECTOR: Nothing at this time.

Baryak said a comment was made about paying two Prosecutor at the same time. He asked if we would only be paying one at a time. Attorney Schrader said that was correct. The two

Prosecutors alternate days. He also talked to the Finance Director and believes there are a lot of expenses they can cut.

Attorney Schrader said there is nothing in the contract about eight hours a day two days a week. Lately he has put in a lot of hours because there were a lot of problems. They are working their way through them, and the hours will be less as they go forward. The fact sheet of what the costs were last year showed a lot of payments to private law firms. That will not happen this year because they will handle the civil stuff themselves.

He spoke to the Chief Assistant to the Trumbull County Prosecutor about the payment for the Law Director going directly to the Village instead of to the Prosecutor, so they are working on that.

Spletzer asked about Ordinance 2021-32 and Resolution 41-2021. Both pieces of legislation have the same attachment. Attorney Schrader said he did that because they have been working since mid-October and have not sent a bill out. To hire, it should be by Ordinance and not by emergency. To do the Ordinance it will take us into January which is not good for the budget. So the Resolution is to allow him to send bills for the work already done knowing the Ordinance would not be finalized until January.

Baryak asked about the money spent on private law firms or money to defend our past administration against one of our own citizens. Mr. Baryak apologized to Mr. Luonuansuu if what he said at the last meeting came out wrong about the meters.

CITY MANAGER:

Ms. Priddy said she did not get out a City Manager's report; it has been hectic with two subpoenas this week in reference to employees from various state organizations on potential criminal charges. Information has been pulled and passed on to the Law Director for review.

Met with BCI in reference to the previous administration.

Met with Mr. Housley, members of Council and employees about the health insurance.

Stimpert asked if Baryak and Spletzer attended the health care meeting and if all council members were asked to attend. Ms. Priddy said no, Spletzer is on the administration/finance committee along with Serotko. Since Serotko was unable to attend at the last minute Baryak was asked to the meeting.

MAYOR: Nothing at this time.

CHANGES TO TONIGHT'S AGENDA: None

APPROVAL OF PREVIOUS MINUTES:

Spletzer made a motion seconded by Granchie to pass the minutes submitted all in one motion.

**ROLL CALL: Stimpert abstain, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 4-0-1**

Granchie made a motion seconded by Baryak to adopt the November 15 caucus, November 15 regular meeting, December 2 special meeting, December 6 special meeting and December 6 regular meeting minutes as submitted by the Clerk.

**ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert abstain.
MOTION PASSED 4-0-1**

PUBLIC HEARINGS: No public hearings.

UNFINISHED BUSINESS:

Ordinance 2021-28: An amended ordinance amending to require the approval of Council for contract expenditures over \$25,000.

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

Stimpert asked if there was a procedure to follow if there was an emergency situation and a purchased was needed now. Attorney Schrader explained the “now for then” resolution where you authorize what happened before.

**ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.
MOTION PASSED 5-0**

NEW BUSINESS:

Ordinance 2021-32 An Ordinance approving a contract for Interim Law Director.

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

Granchie asked if Attorney Schrader had an estimate on the amount of time already spent working on City issues. Attorney Schrader said no because it was like peeling an onion, situations would crop up. He has worked on Saturdays and Sundays to get work done. The advantage was that he is not an employee, so the City is not paying PERS or health insurance. He can start watching his hours but there are a couple potential lawsuits that can't be controlled. We also need to update some ordinances and the charter.

Baryak said they were all told to try and contact the City Manager and let her work with the Law Director, so he was not inundated with calls. Attorney Schrader said he would not return calls to citizens, and he would make a list of employees that could call the Law Director. Otherwise, calls should go through the City Manager.

Attorney Schrader said he also received a call about filing a taxpayer lawsuit on the transmission lines. He explained that he would not file a suit and that the ordinance voted on did not say they had to sell the transmission lines.

Stimpert said to be transparent she received calls asking what research was done when we looked for law firms and how did we find Attorney Schrader and his firm.

Ms. Priddy said his firm was recommended to us and she has been looking at other firms to hire. If it is too costly then we would have to go another route and Attorney Schrader was agreeable with his contract that we could get out of it within thirty days.

Stimpert asked if his firm was recommended by anyone on Council or has anyone on Council had any contact with him previously. Ms. Priddy said no.

Stimpert asked if anyone has used his firm. Ms. Priddy said Spletzer had mentioned him. Ms. Priddy said she knew someone, an attorney friend that recommended him.

Stimpert asked if Attorney Schrader could review his background. Attorney Schrader said he spent twenty-nine and a half years in elected public office without getting indicted. Since then he represented a number of townships, villages, cities, county water districts, fire districts joint economic development districts and lots of local governments around the state for the last forty-four years. Attorney Schrader noted he has substantial background in local government law. In his firm he is chair of the local government section where they have five attorneys that do an awful lot of local government law, and he does have some pretty substantial background on all of that. He is also admitted not only to all local courts, but is a member of the bar, the Ohio U.S. Supreme Court and has filed briefs but never had the good fortune to be able to argue a case in Washington. He has argued repeatedly in the Ohio Supreme Court and the sixth federal circuit Court of Appeals.

Spletzer stated when she won the election in 2020, she picked up her certificate at the Board of Elections on November 18th and was sworn in on November 18th. On November 20th Lyle Waddell filed the lawsuit against her for winning the election saying that the election should not have taken place. Attorney Schrader was recommended to her, and he represented her during that initial law suit. When that didn't go Lyle's way he turned around and filed an election commission complaint against her and Attorney Schrader continued to represent her through that case. Since Mr. Schrader has come on board for the City of Newton Falls, we have signed off that he is no longer her attorney, and she is no longer his client, so they no longer have any affiliation as attorney client.

Attorney Schrader stated both Tesa and Pam have signed a waiver of the appearance of a conflict. Some people were saying if you represented the Councilwoman, you should not represent the Village. He no longer represents Tesa and had not for several months by the time Pam had called him to potentially work for the Village. Attorney Schrader said he does not represent individuals; he represents the Village. When he asked for the files from the private law firms that represented the Village, he isolated those files on Ms. Spletzer and was sending them back to them to hold onto.

Granchie had one of his constituents ask about the separation of the Law Director and Prosecutor. In the Charter he did not see anything that says explicitly that it has to be one person. Attorney Schrader said it does not have to be one person. In fact, the salaried Law Director was permitted to hire somebody else if he felt like it. It looked like your prior Law Director handled the prosecutions and not much else and when he was hired, he didn't have any experience in local government law.

**ROLL CALL: Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.
MOTION PASSED 5-0**

Ordinance 2021-33: An ordinance advancing the sum of \$116,000 from the General Fund (100) to the Permissive Auto Fund (203) and declaring an emergency.

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

Baryak noted this was the money to pay back half of the road paving program.

Spletzer said this legislation is the way the money should be transferred. We have separate funds. Money coming from one fund goes to another fund and this piece of legislation guarantees that the fund it is being sent to will be paid back no later than 2023.

**ROLL CALL: Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.
MOTION PASSED 5-0**

Ordinance 2021-33: Was read by title by the Clerk for its second reading.

Baryak made a motion seconded by Spletzer to adopt this Ordinance for its second reading.

**ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 5-0**

Ordinance 2021-34: An Ordinance advancing the sum of \$52,000 from the Sewer Reserve Fund (520) to the Sewer Fund (502) to provide the resources for repairs to a water Clarifier Unit and declaring an emergency.

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

**ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.
MOTION PASSED 5-0**

Spletzer made a motion seconded by Baryak to adopt Ordinance 2021-34 for its second reading.

ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.

MOTION PASSED 5-0

Ordinance 2021-35: An Ordinance transferring the sum of \$65,000 from the General Fund to the Street CMR Fund (201) totaling \$40,000 and Capital Improvement Fund (400) totaling \$25,000 and declaring an emergency.

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

ROLL CALL: Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.
MOTION PASSED 5-0

Granchie made a motion seconded Spletzer to adopt Ordinance 2021-25 for its second reading.

ROLL CALL: Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.
MOTION PASSED 5-0

Ordinance 2021-36: An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio for the fiscal year ending December 31, 2021, and authorizing the Finance Director to amend and file a certificate of resources to the County Auditor and declaring an emergency.

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

ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 5-0

Spletzer made a motion seconded by Baryak to adopt Ordinance 2021-36 for its second reading.

ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.
MOTION PASSED 5-0

Ordinance 2021-37: An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022, and authorizing the Finance Director to amend and file a certificate of resources to the County Auditor and declaring an emergency.

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

ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.
MOTION PASSED 5-0

Spletzer made a motion seconded by Serotko to adopt Ordinance 2021-37 for its second reading.

**ROLL CALL: Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.
MOTION PASSED 5-0**

Resolution 39-2021: A Resolution authorizing the City Manager to enter into and execute various contracts with Pan American for employee health care benefit needs.

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

Granchie stated this was similar to what he has at work. He asked if discounts were given before there is a co-pay. Priddy said yes and noted that the employees were provided some listing, but it was better if they searched on the website because we do not know who all of their providers are. Priddy noted that the network was Cigna. She said she has been affiliated with the insurance industry for 42 years and is still a licensed insurance agent. Which means she has an affiliation with Medical Mutual, Anthem, United Healthcare and a number of different administrators. She also has affiliations with stop loss carriers, Pan American, and Companion. She knows all these companies and that is the extent of an affiliation.

Attorney Schrader asked if she got any money out of any of these. Ms. Priddy stated no. Attorney Schrader stated the person that she has as a friend according to Facebook is not someone that lives with her or if she benefits anyway. Ms. Priddy stated no. Attorney Schrader said he wanted to make that clear because the implication that Ms. Priddy had some interest in this, and she just told you she doesn't.

Baryak said the supervisors were told that we would try to get together with them in August to see if there is any way we could squeeze more out. He said he ran on two things; the employees had not had a raise or seven years; and he said he would get them some decent insurance. He was trying to keep his promises.

Spletzer noted that the employees were going to have a meeting with the insurance carrier on the 28th of December and the employees will have their benefit cards before January 1.

Stimpert stated for transparency she appreciated Ms. Priddy giving the clarification of her affiliation and having those connections. Stimpert asked Ms. Priddy if she was ever in charge of managing Pan American before it was incorporated. Ms. Priddy said no.

Baryak read a letter from the City of Girard and Quality Switch from Newton Falls in reference to the health care plan and that they were very satisfied.

Mayor Kline discussed deductibles and if there was any way that someone could open an account and have it paid to the insurance company for their deductible. Ms. Priddy noted that the City was working on a health savings account for employees.

Stimpert asked Ms. Priddy for transparency she has no affiliation, no connection with WJL. Ms. Priddy said no.

ROLL CALL: Granchie aye, Stimpert abstain, Serotko aye, Baryak aye, Spletzer aye.

MOTION PASSED 4-0-1

Resolution 40-2021: A Resolution authorizing the City Manager to enter into an agreement for purchase and installation of a W24P Drive Unit Replacement for 50" Dia. BSC-D Clarifier for the Wastewater Treatment Plant.

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

**ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 5-0**

Resolution 41-2021: A Resolution approving a contract for Interim Law Director.

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

Mayor Kline asked if they were approving the contract as interim is that to pay back pay. Attorney Schrader stated they have not billed for the last quarter of 2021, so they do not bill for 2021 in 2022.

Mr. Housley stated that he has not seen an estimated cost therefore he cannot guarantee that there is enough money appropriated to pay a bill he might get prior to the end of this year.

**ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.
MOTION PASSED 5-0**

Resolution 42-2021: A Resolution requesting Brian Axiotis to resign from the Planning & Zoning Commission.

Granchie stated he had a good working relationship with going into being a Councilmember with Mr. Axiotis. Since then he has betrayed his trust with the devil strip situations. He told him about all signs in the devil strip would need to go after the November meeting. Then he told the residents that would not happen, so he either lied to him or the residents. Granchie stated the rules of the zoning prohibit retroactive action being taken. He publicly stated no other variances would be granted, which is showing favoritism. He also said Mr. Axiotis lied about comments made on Facebook that he saw. Granchie said we have received many written and even more verbal complaints about unprofessional conduct. Granchie stated he was very disappointed with the way everything has gone.

Baryak stated when we take an oath whether we like somebody or don't like somebody that is not to be part of the equation. Everybody is to be given respect, no foul language, no calling names. You are here as a representative of the City and your conduct reflects on all the citizens.

**ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.
MOTION PASSED 5-0**

Resolution 43-2021: A Resolution authorizing the Finance Director to change the name of specific City funds.

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

Mr. Housley stated he was changing names simply because they made more sense.

**ROLL CALL: Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.
MOTION PASSED 5-0**

Spletzer made a motion seconded by Serotko to establish Council Committees through December 31, 2022.

Spletzer submitted a proposed committee list for review.

Serotko made a motion seconded by Granchie to waive Council Rules.

**ROLL CALL: Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.
MOTION PASSED 5-0**

Spletzer said she did talk to a couple of council members to see if they had any preferences. She took the current committee list and retyped it and submitted it to the Clerk.

Stimpert noted that Serotko did not have as many committees as the rest and suggested he be the main representative on the Civil Service Commission with Granchie the alternate to balance out the numbers.

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

**ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 5-0**

PLANNING & ZONING
(Meets the 1st Tuesday of each month at 6:00 p.m.)

Granchie/Alt. Serotko

CIVIL SERVICE
(Meets on an as needed basis)

Serotko/Alt. Granchie

PARK & RECREATION
Meets the 4th Tuesday of each month at 6:00 p.m.)

Spletzer/Alt. Serotko

TREASURY INVESTMENT BOARD
(Meets Quarterly)

Spletzer/Serotko
(Set By Charter Article VI, Section 4)

FIRE DISTRICT BOARD

Stimpert/Alt. Serotko

Council Standing Committees – Pick two representatives for each committee:

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

Council Representatives to Community Commissions & Boards:

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

Vote on Motion to adopt as discussed

ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.

MOTION PASSED 5-0

Spletzer made a motion seconded by Serotko to appoint John Baryak as Vice-President of Council for 2022.

ROLL CALL: Baryak abstain, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.

MOTION PASSED 4-0-1

Spletzer made a motion seconded by Baryak to accept the City Manager's recommendations for the smart meters.

Spletzer stated she believed Mr. Luonuansuu was correct. Council approved the opt out cost analysis but did not approve the rest of the recommendations. The costs were not established by ordinance for the opt outs. She suggested they pass this by motion then work it into an ordinance for the next meeting.

ROLL CALL: Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.

MOTION PASSED 5-0

Granchie made a motion seconded by Spletzer to appoint the following beginning January 1, 2022: Paul King to Planning & Zoning for a 5-year term and; Laura Neiheisel to Park & Recreation for a 3-year term.

**ROLL CALL: Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.
MOTION PASSED 5-0**

Spletzer made a motion seconded by Baryak to authorize the Electric Department to remove the smart meter from the house located at 312 Ridge Road and pay the \$205.00 cost for the replacement.

Spletzer clarified that this was a one and only time the City would do this, because this was a unique situation. The homeowner would be paying the \$205.00, not the City.

Council members expressed concern about setting a precedent if they allowed this motion. They also were uncomfortable getting into the middle of the situation and felt it should be between the electric department and resident.

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

**ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 5-0**

Bill George, Electric Superintendent stated if the meter was booted it was turned off for one reason or another. They do not pull the meter off the building. He could not say if the buildings were booted.

Council had a brief discussion on electric department procedures when putting a boot on a meter.

Granchie made a motion seconded by Spletzer to return to Council Rules.

**ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.
MOTION PASSED 5-0**

Baryak made a motion seconded by Spletzer to amend and clarify that the homeowner will pay the \$205.00 cost.

Motion to authorize the Electric Department to remove the smart meter from the house located at 312 Ridge Road and have the homeowner pay the \$205.00 cost for the replacement.

Vote on Motion to Amend

**ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.
MOTION PASSED 5-0**

Stimpert asked if the resident did the paperwork to opt out. Spletzer stated no.

Vote on Motion to Adopt as Amended:

Spletzer aye, Granchie nay, Stimpert nay, Serotko aye, Baryak aye.

MOTION PASSED 3-2

PUBLIC COMMENTS:

Brenda Perino, 226 Oak Knoll, asked Council to take her remarks into consideration before making a decision following executive session tonight because she did not know who it was about.

She stated leadership was a privilege. We hope that those in authority will use that role to better those they lead and to the lives of their community. Think about what leadership roles mean to you tonight. She felt Chief Fixler has demonstrated that role time and time again in service to our City. He has mentored to future and current leaders. A true leader would never use their authority on personal vendettas or vengeance against a fellow community leader or others in the community. She hoped Chief Fixler's long outstanding career in the law community outshined any preconceived ideas of breaches of trust they may already have.

Zimmermann, 515 LaMae Avenue, read from page ten of the Ohio Ethics Code in reference to Conflict of Interest.

Mayor Kline gaveled Mr. Zimmermann and told him to stop and to go sit down. He instructed Mr. Zimmermann to walk out of his meeting and asked the Police to get him out of here. Mayor Kline said he has every right to talk on non-agenda items but does not have the right to make allegations on anyone here.

Julie Lemon, 2750 East River Road, stated on behalf of the Jamie Kline family they thanked Council for their vote today on the meter issue.

Chelsea Harper, 128 West Quarry Street, stated that Mr. Zimmermann was not the only person to ever make an accusation especially from this end or that end.

She stated the fun part about psychology and the law is they go hand in hand. So when you talk in circles it ends up being bs no matter which way you spin it to get to a final resolution. She was not sure any legal arguments tonight made any sense.

Ms. Harper asked how much each councilperson makes a week at their legal jobs and how much they pay a week in insurance. She would love that information and what they do for the City. She commented Matt Evans is an amazing person he is always working around this City and answers phone calls no matter what time. Just like the other employees who have saved the City many times and you stomp on them.

Mr. Harper had a quote told to her earlier: When you're driving drunk down a road; a) should you have been driving, probably not; b) should you have been drinking, probably not. But when

you get pulled over, you're going to end up getting a charge. When you get charged and go to court you can pay an attorney as much money as you want, and they can get you off. That means that case is dismissed. You still made the mistake, and you still chose to jeopardize everyone.

Mike Novotny, Wastewater Superintendent addressed a comment made earlier in reference to the benefits. Mr. Novotny explained that the money the City pays into OPERS is not part of the benefit package. The 14% that the City pays is required to be paid. It is the same as in the private sector the employer has to pay Social Security. The City does not pay Social Security. If the City paid the employees portion, then it could be considered part of the benefits package.

Brad Cope, 2780 East River Road, made a couple of observations. He has been watching the Newton Falls politics for about two seasons. At the end of last season he realized that the people he thought were doing things right, may not have been doing things quite so right. The he saw these guys taking over in season two and they were screwing it up even worse than the guys in season one.

Baryak called point of order said he was making accusations.

Mr. Cope stated it was his opinion. Mr. Cope said two council people got his appreciation because they were discussing something that, in his opinion, should not have been on Council floor and one council person actually pointed that out. You are talking about little, one person, meter issues. Two of you thought about it and made the right decision.

Mr. Cope stated there is so much hypocrisy and so much on social media. You need to somehow start working things out and get along. You fired a City Manager and paid him a lot of money to go away. Your supposed to be replacing him, you are not. He felt the Interim City Manager made a really bad decision firing an employee and even put on why she did it. He stated he Googled things and looked up WJL and saw the same name through it, it is the appearance. Whether it is true or not he did not know but it appears to be that way. When you're dealing with government the appearance of impropriety needs to be looked at. You should look at it a little just to clear it up 100%. if she is associated with that

Baryak called point of order and asked if he had any proof of that. Mr. Cope asked if he had any proof she was not associated. Baryak said they do; there are letters.

Mike Harnichar, Street Department, stated the letter Mr. Baryak read from the City of Girard was to Council. It did not mention the employees once. We are the ones who are going to take the hit. Nothing against our supervision because of their raise it affects them less. He stated his supervisor hasn't told them anything about this and they are in the dark. He felt if we do this it would be a mistake and all of them would get calls from employees who have problems.

Catie Karl, 128 West Quarry Street, felt a lot was done tonight and misinformation was given tonight. There is an executive session on tonight and we don't know who it is about. She hoped it was not about the Chief and felt he has shown a lot of leadership and given a lot to our community. There is no reason why he should be under suspension and the way it was done and that the school knew about it days before is wrong, and that starts at the top. She stated they

needed to get a secure person in the position of City Manager and get it done as soon as possible. To many things are not going in the direction that we need them to go.

Jim Luonuansuu, 10 East Liberty Street, addressed Ms. Stimpert and Mr. Granchie and felt they made a valid point when they expressed concerns about setting a precedent with the opt out. He said Mrs. Spletzer told a lot of people, and they told a lot of people what she said, "don't do anything with the opt out until Council straightens this out". Mr. Luonuansuu said it has never been straightened out. Tonight they made an exception for one person. He asked what they were going to do with all the people she told don't do anything. He suggested maybe they consider bringing that back up because many people were told not to do anything. In the beginning he talked about trust and decency in this Council, and he was ashamed of what he saw tonight and was disappointed.

Mr. Luonuansuu said to Mr. Baryak the money he was talking about was money Mr. Baryak gave to the PAC organization when he was backing them up for the referendums against the City. Mr. Luonuansuu said he did not get a dollar from Mr. Baryak for his defense. Mr. Luonuansuu said it cost him thousands of dollars in legal bills and his health.

Charlotte Simmons, 365 Warren Road, also said that Mrs. Spletzer told her to do nothing with the opt outs. Ms. Simmons said she received a call from a resident and asked what she should do. Ms. Simmons said she told the caller that Ms. Spletzer said do nothing. Ms. Simmons said she regrets the decision Council made tonight. Ms. Simmons said that their decision will make a big impact on the City.

Tom Gregory informed everyone that he had some technical issues tonight. We could not live stream the first five minutes; however, we were on YouTube and cable after that. He also stated before the next meeting he was going to rewire, and everyone would have their own individual microphones. He would donate the microphones to the City.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Baryak stated he has owned his business for 42 years and he pays 12% social security on himself and his employees he pays 7%.

He stated working together we had 5-0 votes on almost everything and felt this Council was trying. There comes a time we can't give everything. We did not create this mess and they were in a position now that they had to make tough choices. He values the employees as much as everyone else. He understood there was a little cost but there was nothing they could do right now. He would like to do better, and they will for the employees, but just can't right now.

Spletzer showed appreciation to Mr. Harnichar and thanked him for coming up and speaking to them. At the Supervisors meeting they asked the superintendents to do a little research and find out what similar positions are paying in communities that are similar to us.

Mayor Kline said last year he was asked to give the Key to the City to someone from the Turnpike that he did not know who he was. If it was up to him, he would give that key to the workers. Mayor Kline appreciated them and everyone for coming out.

A lot of legislation was discussed tonight, we got information passed a lot and disagreed with the individual that spoke about moving forward. He stated he thought we were moving forward and heading in the right direction.

MOTION TO RECESS INTO EXECUTIVE SESSION:

Granchie made a motion seconded by Baryak to adjourn into executive session at 8:52 p.m. for the purpose of personnel, appointment, employment, dismissal, discipline, and compensation.

**ROLL CALL: Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.
MOTION PASSED 5-0**

Baryak made a motion seconded by Spletzer to adjourn the executive session and reconvene at 9:53 p.m.

**ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.
MOTION PASSED 5-0**

Baryak made a motion seconded by Granchie to instruct the City Manager to file charges against Mr. Fixler in accordance with the report to Newton Falls City Council regarding Gene Fixler dated 12-20-2021.

**ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.
MOTION PASSED 5-0**

ADJOURN:

After no further comments or questions Granchie made a motion seconded by Stimpert to adjourn at 9:56 p.m.

**ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.
MOTION PASSED 5-0**

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

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 _____ 2022.

Mayor, Kenneth A. Kline

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

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 2. That any ordinances or resolutions of the City of the Village of Newton Falls in conflict herewith are hereby repealed, and that any and all ordinances and resolutions consistent herewith ratified and confirmed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL _____ DAY OF _____.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

APPROVED AS TO FORM:

Alfred E. Schrader - Interim Law Director

ATTEST:

Newton Falls, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Kathy King, Clerk of Council

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. Exceptions to this license requirement are as follows:

1. A homeowner and/or a landlord performing their own labor on property owned and/or occupied by said owner.

2. A handyman type sole proprietor, having zero employees other than his or herself.

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.

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 titled APPLICATION AND ISSUANCE; FEE; CERTIFICATION.

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) Provide a surety bond in the amount of twenty thousand dollars (\$20,000).
- (e) 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 OR 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 Two Hundred Fifty Dollars (\$250.00) for each offense. A separate offense shall be deemed committed on each jobsite 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 _____.

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: Mayor Kline

ORDINANCE NO. 2021-30

**AN ORDINANCE APPROVING THE
RECODIFICATION, EDITING AND INCLUSION OF
CERTAIN ORDINANCES AS PARTS OF THE VARIOUS
COMPONENT CODES OF THE CODIFIED ORDINANCES OF
NEWTON FALLS, OHIO**

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Newton Falls, Ohio;

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

SECTION 1: That the editing, arrangement and numbering of those ordinances and resolutions enacted by Council from November 3, 2020 to November 5, 2021, are hereby approved and adopted as printed in the November 2021 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A copy of such replacement pages are attached to this ordinance and incorporated as a part hereof.

SECTION 2: That the following sections of the Traffic, General Offenses, and Building Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

	<u>Traffic Code</u>
301.183	Low-Speed Micromobility Device. (Added)
301.22	Pedestrian. (Amended)
301.51	Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
333.03	Maximum Speed Limits. (Amended)
335.02	Permitting Operation Without Valid License; One License Permitted. (Amended)
335.021	Ohio Driver's License Required for In State Residents. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
371.13	Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
371.14	Low-Speed Micromobility Devices. (Added)
373.10	Motorized Bicycle Operation. (Amended)
373.21	Electric Bicycles. (Amended)

General Offenses Code

501.99	Penalties for Misdemeanors. (Amended)
505.071	Cruelty to Companion Animals. (Amended)
509.07	Making False Alarms. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
521.08	Littering and Deposit of Garbage, Rubbish, Junk, Etc. (Amended)
525.13	Interfering with Civil Rights. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
533.09	Soliciting. (Amended)
533.091	Loitering to Engage in Solicitation. (Amended)
533.10	Prostitution. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
541.04	Criminal Mischief. (Amended)
541.05	Criminal Trespass. (Amended)
541.051	Aggravated Trespass. (Amended)
545.03	Property Exceptions as Felony Offense. (Amended)
545.09	Passing Bad Checks. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.06	Unlawful Transactions in Weapons. (Amended)
553.04	Railroad Vandalism. (Amended)

PASSED IN COUNCIL THIS ____ DAY OF JANUARY 2022.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

APPROVED AS TO FORM:

Alfred E. Schrader - Interim Law Director

ATTEST:

Newton Falls, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Kathy King, Clerk of Council

SPONSOR: MAYOR KLINE/BARYAK**THE CITY OF THE VILLAGE OF NEWTON FALLS****AN ORDINANCE APPOINTING SEAN HOUSLEY AS PART-TIME FINANCE DIRECTOR AND AUTHORIZING PAY AND TERMS OF EMPLOYMENT.**

WHEREAS, The Newton Falls City Charter authorizes the position of Finance Director;
and

WHEREAS, Sean Housley has served as Interim Finance Director since September 7, 2021; and

WHEREAS, Newton Falls City Council acknowledges the need to keep continuity in the Finance Department in order to meet the financial obligations of the City.

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

Section 1. Newton Falls City Council hereby appoints Sean Housley as part-time Finance Director for the City of Newton Falls with the following terms:

- Pay shall be \$1,500 per week;
- Work will be from home the majority of the time;
- Office hours will be two times per week;
- Will be available for phone calls;
- Will attend Wednesday City Council meetings
- Will be a part-time employee of the City *without* benefits. By law, a part-time employee is entitled to PERS and the Finance Director's salary will be subject to Public Employees Retirement withholding and Employer contributions.

Section 2. That any ordinances or resolutions of the City of the Village of Newton Falls in conflict herewith are hereby repealed, and that any and all ordinances and resolutions consistent herewith ratified and confirmed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL THIS ____ DAY OF JANUARY 2022.

Kenneth A. Kline, Mayor

APPROVED AS TO FORM:

Alfred E. Schrader - Interim Law Director

ATTEST:

Newton Falls, Ohio _____

I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Kathleen M. King, Clerk of Council

SPONSOR: Mayor Kline

ORDINANCE NO. 2021-32

AN ORDINANCE APPROVING A CONTRACT FOR INTERIM LAW DIRECTOR.

WHEREAS, Article V, Section 1 of the Newton Falls City Charter provides there shall be a Department of Law, the head of which shall be the Director of Law; and

WHEREAS, there is a need for an Interim Law Director to be appointed to carry out the Law Director's duties in the absence of the Law Director.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE VILLAGE OF NEWTON FALLS, STATE OF OHIO, HEREBY ORDAINS that:

SECTION I. City Council hereby authorizes the Interim City Manager to enter into an agreement with Attorney Alfred E. Schrader and the law firm of Roderick Linton Belfance, LLP as Interim Law Director setting forth the terms and conditions of the independent contractor agreement between the City of the Village of Newton Falls and Interim Law Director. Attached hereto is a copy of said agreement, marked as Exhibit "A" and incorporated herein by reference.

SECTION II. That the Retention Agreement shall be deemed effective October 18, 2021.

PASSED IN COUNCIL THIS 15th DAY OF JANUARY 2022.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

APPROVED AS TO FORM:

Alfred E. Schrader - Interim Law Director

ATTEST:

Newton Falls, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Kathy King, Clerk of Council

Exhibit A - Ordinance 2021-32

INDEPENDENT CONTRACTOR AGREEMENT

Interim Law Director

CITY OF THE VILLAGE OF NEWTON FALLS, OHIO

This Independent Contractor Agreement is made and entered into this ____ day of _____, 2021 by and between the City of the Village of Newton Falls, State of Ohio, a Municipal Corporation organized and existing under the laws of the State of Ohio, hereinafter referred as "City" and Attorney Alfred E. Schrader and the law firm of Roderick Linton Belfance, LLP, 50 South Main Street, 10th Floor, Akron, Ohio 44308-1849, hereinafter referred to as "Interim Law Director".

WITNESSETH:

WHEREAS, Attorney Alfred E. Schrader has practiced law in the State of Ohio in excess of 42 years, and 5 years as required by the Charter of the City of the Village of Newton Falls, Ohio; and

WHEREAS, the City desires to engage the services of Attorney Alfred E. Schrader and Roderick Linton Belfance, LLP to perform legal services as its Interim Law Director and to carry out those duties as may be required under Article V, Section 1 of the City's Charter.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties agree as follows:

Section 1: Duties:

(a) Interim Law Director Alfred E. Schrader and Roderick Linton Belfance, LLP shall perform those services outlined in Article V, Section 1 of the Newton Falls City Charter.

1. Interim City Prosecutors

The Interim Law Director shall at his discretion may retain the services of Interim Assistant Law Directors, specifically Attorney Kristopher B. Immel and Attorney David A. Randolph to act as Interim City Law Directors/Interim Assistant City Prosecutors. Attorney Immel and Attorney Randolph shall perform the duties of Interim Prosecutors for the Newton Falls Municipal Court.

Duties of the Interim City Law Directors/ Interim Assistant City Prosecutors for the Newton Falls Municipal Court, within the scope of this Contract for the compensation designated in Section 3 herein, shall be for working two (2) days per week at the court. Duties will include consulting with law enforcement officers, assisting in the preparation and filing of search warrants, charges and criminal complaints, prosecuting, adjudicating and disposing of criminal complaints through Rule 11 agreements or trial to the court or jury. For prosecution by jury trial scheduled by the Court in excess of the two (2) days per week described above, said Interim City Law Directors/ Interim Assistant City Prosecutors shall be paid an additional sum at the same hourly rate as provided in Section 3, herein.

2. Interim Law Director

In the capacity of Interim Law Director, the Attorney shall perform the following duties:

- A. The Attorney shall attend all regular meetings of Council and the Treasury Investment Board, unless excused.
- B. The Attorney shall attend special meetings when requested to do so by the Council.
- C. Assist the Council Clerk in preparing and reviewing ordinances and resolutions, review contracts and other legal documents necessary to the functioning of the City government.
- D. Provide legal advice to officials as requested, relating to City business and provide written legal opinions, as may from time to time be requested by the Mayor, City Council or the Interim City Manager.
- E. Be reasonably available by telephone for consultation with the Interim City Manager, Mayor or Council members, during normal business hours, Monday through Friday.
- F. To supervise all City litigation and to cooperate and assist in the defense of all litigation with the Attorney(s) for the City's Liability Insurance Carrier.
- G. Attend all hearings for appeals before the Newton Falls City Board of Zoning Appeals, to advise said Board in their proceedings, as requested from time to time by the Board of Zoning Appeals.

H. Be available to consult with the Interim City Manager seven days per week, within reason.

(b) During the term of this Contract the Interim City Law Director and Interim City Law Directors/ Interim Assistant City Prosecutors shall comply with all Rules and Regulations of Superintendency for Governance of the Bar, including all continuing legal education requirements and certifications, and shall be a member in good standing of the Bar of the State of Ohio.

Section 2: Term:

The term of this agreement shall be for that time period that an Interim Law Director is necessary as determined by the Interim City Manager.

Either party may terminate this Contract upon 30-days written notice. The Interim Law Director and Interim City Manager agree that no severance payments shall be made, so that both the Interim Law Director and the Interim City Manager have the ability to terminate this Contract upon 30-days written notice without penalty.

Section 3: Compensation:

The Interim Law Director shall be compensated as follows: The Interim Law Director shall be paid \$165.00 per hour. The Interim City Law Directors/Interim Assistant City Prosecutors shall be paid \$145.00 per hour. The Parties agree that there will be no fringe benefits nor salary as this position is that of Independent Contractor.

(A) **Secretarial/Clerical Assistance**

The Interim Law Director and Interim City Manager agree that the law firm of Roderick Linton Belfance, LLP has sufficient administrative assistants, therefore, the City does not need to provide secretarial/clerical assistance.

(B) **Payment of Compensation**

The Interim Law Director and Interim City Law Directors/Interim Assistant City Prosecutors shall bill monthly for their services.

Section 4: Expenses:

- (A) The City shall reimburse the Interim Law Director and the Interim City Law Directors/ Interim Assistant City Prosecutors for any and all out-of-pocket extraordinary expenses incurred in providing services to the City as prescribed above, such as extraordinary postage, copies, court filing fees and costs, court reporter and transcript services.
- (B) For the remainder of calendar year 2021 the City need not pay the Interim Law Director or the Interim City Law Directors'/ Interim Assistant City Prosecutors' membership dues to the Ohio Municipal League for the Association for Municipal Lawyers or similar professional organizations for Municipal Lawyers. If this Contract is extended into calendar year 2022, then the City shall pay those membership dues.
- (C) Should this Contract extend into calendar year 2022, then upon advanced request and approval by the Interim City Manager when deemed beneficial to the City, the City will reimburse the Interim Law Director and/or Interim City Law Directors/ Interim Assistant City Prosecutors for the costs of attending educational seminars in Municipal Law and Criminal Law, including registration fees, travel, food, and lodging. Given the extensive experience of both the Interim Law Director and Interim City Law Directors/ Interim Assistant City Prosecutors, no such reimbursements will be due in calendar year 2021.

Section 5: Modification:

This Contract may be modified by mutual agreement of the Parties hereto, provided, however, that any such modification shall be reduced in writing.

Section 6: Indemnification:

The City shall provide professional liability insurance for the Interim Law Director and the Interim City Law Directors/ Interim Assistant City Prosecutors in their capacity of Interim Law Director and Interim City Law Directors/Interim Assistant City Prosecutors for the City, and shall be designated as a named-insured thereon all City liability insurance policies obtained and maintained therefore. City shall indemnify and hold the Interim Law Director and Interim City Law Directors/Interim Assistant City Prosecutors harmless as to any claims, damages and liability arising out of the exercise of their authority within the scope of their duties and services provided herein.

The City is fully aware of past matters handled by the Interim Law Director and the Interim City Law Directors/Interim Assistant City Prosecutors and have voluntarily and knowingly executed a waiver of potential conflicts.

IN WITNESS WHEREOF, the City has caused this Contract to be executed by its Interim City Manager and duly attested by its Clerk, and the Interim Law Director has also executed this Contract on this date.

Pamela S. Priddy – Interim City Manager (date)

Alfred E. Schrader – Partner (date)
Roderick Linton Belfance, LLP
Interim City Law Director

ATTEST:

Kathleen M. King – City Council Clerk (date)

RESOLUTION 01-2022

A NOW FOR THEN RESOLUTION EFFECTIVE DECEMBER 27, 2021, TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT.

WHEREAS, the Newton Falls City Council hereby authorizes the City of Newton Falls to execute the Participation Agreement for the OneOhio Subdivision Settlement with Janssen/Johnson & Johnson pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the City of the Village of Newton Falls, Trumbull County, Ohio (herein “the City”) is a city formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio , through its Attorney General, and certain Local Governments, through their elected representatives and council, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and they City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, City Council understands that an additional purpose of the MOU is to create an affective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and the Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by Janssen/Johnson & Johnson to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU consistent with the material terms of the July 21, 2021, proposed settlement Agreement; and

WHEREAS, the Newton Falls City Council wishes to agree to the material terms of the proposed National Settlement Agreement with the Proposed Settlement.

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

SECTION I: That the Newton Falls City Manager is authorized to accept the Proposed Settlement on behalf of the City of the Village of Newton Falls, Trumbull County, Ohio, pursuant to the terms of the OneOhio MOU.

SECTION II: That it is found and determined that all formal actions of the City Council relating to the adoption of this resolution were adopted in an open meeting of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal action, were in meetings to the public, in compliance with all legal requirements.

PASSED IN COUNCIL THIS _____ DAY OF JANUARY 2022.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council, Kathleen M. King

APPROVED AS TO FORM:

Alfred E. Schrader - Interim Law Director