

# NEWTON FALLS CITY COUNCIL

## REGULAR MEETING AGENDA

WEDNESDAY, JANUARY 19, 2022

6:00 P.M.

612 West Broad Street

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### 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

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#### 1. Call to Order

#### 2. Pledge of Allegiance/Prayer

#### 3. Roll Call

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

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

#### 6. Reports

Mayor  
Council Members  
Finance Director  
Law Director  
City Manager

Changes to tonight's agenda

#### 7. Approval of Previous Minutes

January 5, 2022 - Regular Meeting

8. Public Hearings: None

9. Unfinished Business:

1. Ord. 2021-19: An Ordinance Establishing an annual Cost of Living Adjustment for all Hourly City Employees. **(TABLED Until 1/19/2022)**
2. Ord. 2021-31: An Ordinance appointing Sean Housley as part-time Finance Director and authorizing pay and terms of employment. **(TABLED Until 2/4/2022)**

10. New Business:

1. Ord. 2022-01: An Ordinance Approving the Creation of a Designated Outdoor Refreshment Area for the Consumption of Alcohol in Specified Public Areas of Downtown Newton Falls and Enacting Regulation Therefore.
2. Ord. 2022-02: An Ordinance Setting Electric and Water Meter Costs Associated with the Installation of the Smart Meters.
3. Ord. 2022-03: A Now for Then Ordinance Amending Ordinance Establishing Sewer Rates for Newton Falls Utility Customers.
4. Res.02-2022: A Resolution Approving the Newton Falls Wastewater Rate Study Invoice for Services Performed for the Utility Department by MU Flow Monitor Rentals, LLC.
5. Motion to direct the City Clerk to advertise for the position of City Manager until Wednesday, February 16, 2022. **(Mayor Kline/Granchie/Stimpert)**
6. Motion to a direct the City Clerk to advertise for the position of Police Chief until Wednesday, February 16, 2022. **(Mayor Kline/Granchie/Stimpert)**
7. Motion to direct the City Clerk to advertise for the position of Law Director. **(Granchie/Stimpert)**
8. Motion to direct the City Clerk to advertise for the position of Finance Director. **(Granchie/Stimpert)**

**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, January 5, 2022, 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.

**ROLL CALL:**

Granchie, Stimpert, Serotko, Baryak, Spletzer

**ABSENT:** None

**PUBLIC HEARING:**

A disciplinary hearing for Chief of Police, Gene Fixler was held. Attorney Kristopher Immel, Roderick Linton Belfance LLP, represented the City and Attorney Daniel Leffler, OPBA represented Chief Fixler. A court reporter was present for this portion of the meeting.

Attorney Schrader explained that this disciplinary hearing was against Chief Fixler, and this portion of the meeting did not follow traditional rules of Council. This is considered quasi-judicial, what is important here tonight are facts and evidence, not opinion. Attorney Schrader said he would serve in an advisory role to Counsel in case there were objections by either side. Council members sit as judges.

Attorney Schrader also explained that Councilwoman Tesa Spletzer has decided to recuse herself from tonight's hearing. She is in City hall but not in this room. She will join us once the hearing and executive session are over. She will not be attending the executive session either.

**Following the Public Hearing Baryak made a motion seconded by Granchie to adjourn into executive session at 9:24 p.m.**

Attorney Leffler called Point of Order under 121.22 (G)(1) with regard to this matter the accused has requested an open meeting which means Council may not enter into executive session and there is case law supporting the fact, it is prohibited.

Attorney Leffler reiterated he still maintained that the proper code under the removal of the Chief would be 737.171 of the Ohio Revised Code.

Attorney Schrader stated he believed the defense has the right to an open hearing as opposed to a closed-door hearing, but it seemed to him that Council could adjourn to be able to make a determination in executive session and discuss this, much as with you would a jury. All trials are public, but juries go to a jury room to deliberate. It was his opinion that Council would do that.



Mayor Kline noted we have a first and second to go into executive session to discuss and make no decision. The decision would be made on Council floor.

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

**Granchie made a motion seconded by Serotko to adjourn executive session and reconvene at 10:45 p.m.**

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

Mayor Kline stated there were five different motions to consider.

**Baryak made a motion seconded by Stimpert to convict on charge number one regarding the double fatal accident.**

**ROLL CALL: Baryak nay, Granchie nay, Stimpert nay, Serotko nay.**  
**MOTION FAILED 0-4**

**Baryak made a motion seconded by Granchie to convict on charge number two regarding the application process.**

**ROLL CALL: Granchie nay, Stimpert nay, Serotko aye, Baryak aye, Mayor aye.**  
**MOTION PASSED 3-2**

**Granchie made a motion seconded by Baryak to convict on charge number three regarding the budget.**

**ROLL CALL: Stimpert nay, Serotko nay, Baryak nay, Granchie nay**  
**MOTION FAILED 0-4**

**Granchie made a motion seconded by Baryak to convict on charge number four regarding the department deficiency.**

**ROLL CALL: Serotko aye, Baryak aye, Granchie aye, Stimpert nay**  
**MOTION PASSED 3-1**

**Baryak made a motion seconded by Granchie to terminate Eugene Fixler as the Newton Falls Police Chief .**

**ROLL CALL: Baryak aye, Granchie nay, Stimpert nay, Serotko aye, Mayor aye.**  
**MOTION PASSED 3-2**

Attorney Schrader stated that concluded the hearing. For the lawyers involved they would issue a findings of fact and determination of law and get that by the next meeting.

Attorney Leffler renewed his objection under the Revised Code 737.171 and even the code section that was cited by the Village in regard to charges 737.19, both of those statute requirements require a 2/3 majority of Council to uphold charges. You did not obtain 2/3 majority or more than 66%; therefore, each of the allegations is rejected and must be dismissed.

Council person Tesa Spletzer joined the meeting at this time.

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

#### **PUBLIC COMMENTS:**

Julie Lemon, Ridge Road, asked in reference to Ordinance 2021-19 if the City had the funds to meet the cost-of-living adjustment. She fully supported Ordinance 2021-31 and 2021-32 both gentlemen have done a fine job for our community. However, her concern again is can the City financially afford it. Ms. Lemon also supported Resolution 1-2022.

Ms. Lemon addressed the situation with Gene Fixler. Ms. Lemon conveyed her own personal experience that she had with Mr. Fixler. She felt she had been intimidated by the security guard in this building and how she was treated by the Chief so she withdrew her complaint.

Ms. Lemon spoke for her friends Alex and Nicole Brewer regarding the incident at the Police Department. She felt there was a pattern of intimidation with Mr. Brewer which showed a pattern. Ms. Lemon stated the Chief made a false complaint to the Health Department to have them shut down.

Ms. Lemon stated the actions of the Chief are reprehensible and nothing more than retaliation against good upstanding citizens. It was time he be held accountable for the pain and damage he has caused to this community. It was time he was held accountable on the infringements on the rights of the citizens of this community. For her, the Brewers, and anyone else that has had to deal with his subpar behavior and actions, there is no better time than the present. She thanked Council for their vote tonight.

#### **REPORTS:**

Serotko: Nothing at this time.

Baryak:

- Attended the insurance meeting for the employees. A good, detailed explanation was given by representatives of the company. It is a very good policy for our employees.

Spletzer:

- On December 16<sup>th</sup> attended the Treasury Investment Board meeting. They met with Eileen Stanic, Senior Public Funds Advisor Director of Advisory Services for the Meeder Investment Management Company. The Treasury Investment Board authorized changing the investment firms based on the recommendation of the Finance Director. The annual fee



now will be \$6,600 a year. For the year 2020 we paid over \$23,000 in fees. The Treasury Investment Policy was first passed February 1, 2010, with members, Pat Layshock as Mayor, and Tracy Reimbold was the Finance Director. This policy was also updated in December 2016 with Lyle Waddell as Mayor and Anna Musson as Finance Director. The primary objectives are, in order; safety, liquidity and return on investment.

- December 28<sup>th</sup> attended the employee benefits meeting.
- The following Monday attended the opening of the new business West View
- This past weekend dealt with issues with Ohio Valley Waste. Some residents in the East River Gardens did not get recycling picked up. Also emphasized that residents need to make sure they are only putting what is allowed in the recycling containers.

Granchie:

- Attended the ribbon cutting ceremony for the new business.
- Attended the Planning & Zoning meeting on January 4<sup>th</sup>. They are working on a new ordinance in reference to dog parks.
- The 80<sup>th</sup> celebration at the Community Center has been cancelled due to Covid concerns.

Stimpert:

- Attended the Drug Free Workplace training with the Superintendents.
- Attended the Insurance meeting with employees.
- Attended the ribbon cutting ceremony.
- Contacted the Superintendents of the departments to meet with them to see their departments and introduce herself.
- Attended the Fire Board meeting. The Fire Chief has resigned, and the board is looking for a new Fire Chief. Don Byrd will be serving as Interim Chief until a new Chief is hired.

FINANCE DIRECTOR:

Written report submitted and read into the record by Spletzer.

Council,

We are currently on schedule and working diligently towards closing the month of December 2021. Approximately 90% of December's activity is posted and the General Fund (100) current unexpended cash is \$360,000. I expect this to improve to approximately \$430,000 as we have not posted our cost allocations for December which reimburse the general fund for interdepartmental costs it advances.

The General Fund experienced two major windfalls during 2021 which have greatly contributed towards its current cash position. The first being the 2021 ARPA grant of \$234,000 (fund 233) which we used to supplant police wages. The second being a \$146,000 reclassification of beginning cash in the General Fund resulting from the Ohio Office of Budget and Management review of the 2020 COVID-19 Fed CARES act. These two windfalls have boosted the general funds ending cash by \$380,000.



We have also won the disputed 2020 audit finding for adjustment requiring the General Fund to repay the Electric Fund the \$462,000 transfer it received thereby eliminating a material liability of the General Fund.

It is important for me to disclose that while these items are good news (for liquidity reasons), the 2020 audit is not finalized and has not been released. Additionally, the OBM review that resulted in fund balance reclassifications is still subject to audit and could potentially change.

As we close 2021, I would like you to know that we are currently reconciled through the end of November, there are no significant unpaid bills and vendors are being paid timely. A trend that I expect to continue.

Sean M. Housley, CPA  
Interim Finance Director  
City of Newton Falls

LAW DIRECTOR: Nothing at this time.

Corrected a comment made at a prior meeting in reference to Ordinance 2021-31 Finance Director, Sean Housley. He stated it was for an independent contractor, he was wrong. We are hiring a part-time employee and wanted to correct the record.

Baryak asked if we would be working on the drug rehabilitation centers to limit them. Attorney Schrader said he would look into this for him.

CITY MANAGER:

Priddy stated a lot of employees have been getting tested for Covid. With the new strand of Covid we have updated the policy to reflect the CDC recommendations.

All employees are now on the new Paychex payroll system. We are working out some glitches. Pam Wolford is doing an excellent job working with Paychex and the employees. The Superintendents have the ability to go into the program and make corrections on their employees time.

The City never had any FMLA documents. With the Paychex system we have that now and are able to do those documents and have them for the employees.

Treasury Investment Board was authorized to change investment firms based on the recommendation of Sean Housely.

We have also added a health care flexible spending account for the employees, in effect January 1.

Received information for the Commerce Park canoe launch. The plans were reviewed and sent to Park & Recreation.

The Rt. 5 property test results came back still contaminated. Bjaam has asked for an additional grant of \$250,000.

You received an email from Tom Gregory about internet access at the ballfields. At the next meeting you will need to decide what you want to do here.

Baryak stated Mr. Lynch bought \$40,000 in test kits. He asked if we knew where they were. Priddy stated some were given to the school and they have expired.

MAYOR:

- Also attended the employee benefits meeting.
- Attended the Drug Free Workplace meeting which was pretty interesting.
- Attended the ribbon cutting ceremony

CHANGES TO TONIGHT'S AGENDA: None

APPROVAL OF PREVIOUS MINUTES:

**Spletzer made a motion seconded by Baryak to adopt the December 15, 2021, regular meeting minutes as submitted by the Clerk.**

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

PUBLIC HEARINGS:

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

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

Ordinance 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.

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

Ordinance 2021-31: An Ordinance appointing Sean Housley as part-time Finance Director and authorizing pay and terms of employment.

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



Ordinance 2021-32: An Ordinance approving a contract for Interim Law Director.  
Mayor Kline opened the public hearing on this ordinance. No one addressed Council at this time. Mayor Kline closed the public hearing.

**UNFINISHED BUSINESS:**

**Ordinance 2021-19: An Ordinance Establishing an annual Cost of living Adjustment for all hourly city employees.**

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

Spletzer conferred with Mr. Housley about whether or not this Cost-of-Living Adjustment was added to the 2022 budget. It was not. She did not see where we have the comfort to say this is something we can live with. She would vote no on this tonight based on the recommendation of the Finance Director.

Granchie stated the Cost of Living is something that is generally afforded to government employees. The entire premise of the Cost-of-Living adjustment is inherently self-sustaining. As costs go up, the amount of revenue generated by taxation goes up. The tax rates do not go up. These adjustments can be frozen if we are in dire strait, it is not something we have to guarantee every year. Further, this would not take effect until they do another adjustment. This year the adjustment was 1.3% or 1.4% it would cost the City approximately \$23,000 total for all employees for the entire year. It would be a very minimal impact. He felt it was a small gesture we could give to our employees.

Baryak agreed with the Finance Director, there was nothing put in for the Cost of Living. The employees just got a 3% raise last year. He could not support it until we come out of these troubled times, there is no money in the budget for it.

Serotko asked if this could be tabled until Mr. Housley could be here and see what his thoughts are to move forward.

**Granchie made a motion seconded by Serotko to table this until the next meeting.**

Vote on Motion to Table

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

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

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

Granchie said he understood the merit of the legislation but was concerned that the fly by night contractors will not register and people who are going to use a non-registered contractor



probably are not going to check the registration. He was willing to give this a try for a year but did not see this stopping any of the issues the entire premise is built around.

Baryak said he would be willing to amend this to try it for two years and then look at it again. The people in town need to be protected. If it is not working out and we are not making any money at it, or can't afford to keep it up we at least need to give it a chance.

**Baryak made a motion seconded by Serotko to make an amendment to try this for two years then look at it again at the end of 2023.**

**Vote on Motion to Amend.**

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

Stimpert expressed concern about accountability for someone who does not follow this and asked if there was something we could look at to have a fee if not followed.

Spletzer read the penalty section(b) that addresses this concern.

**Vote on Motion as Amended**

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

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

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

Mayor Kline stated a lot of people were not happy with this legislation. The original intent was to fix the sidewalks that have major damage. He suggested they pass the first phase and do away with phases two and three.

Council had a brief discussion on the sidewalk program and agreed that this legislation needed to be resubmitted with only phase one details.

**ROLL CALL: Baryak nay, Spletzer nay, Granchie nay, Stimpert nay, Serotko nay.  
MOTION FAILED 0-5**

**Ordinance 2021-30: An Ordinance approving the recodification, editing, and inclusion of certain ordinances as part of the various component codes of the codified ordinances of Newton Falls, Ohio.**

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

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

**Ordinance 2021-31: An Ordinance appointing Sean Housley as part-time Finance Director and authorizing pay and terms of employment.**

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

Stimpert asked if this could be tabled. We are not looking at Cost of Living for our Employees. We are trying to figure out our finances but want to lock ourselves into a one-year contract. We also have a Village running on Interims. We need to get some contractual positions done before we lock ourselves into a contract but holding money back on everybody else.

**Stimpert made a motion seconded by Granchie to table this ordinance for thirty days.**

Vote on Motion to Table

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

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

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

Baryak stated we have been out trying to get somebody for the Finance Director and Law Director and we have had a hard time. We are looking at other Law Directors. Priddy agreed. Baryak stated we are looking for a permanent solution, but we need a Law Director.

Mayor Kline pointed out that the Law Director contract has a stipulation that he can walk at any time, and we can walk at any time.

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

**NEW BUSINESS:**

**Resolution 01-2022: A now for then Resolution effective December 27, 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.**

Attorney Schrader explained that there have been lawsuits filed against companies who made and companies who distributed and pushed opioids. This allows you to participate in the lawsuit and asked Council to pass this.

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

**PUBLIC COMMENTS:** None at this time.

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

Baryak thanked Mike and Dee on Ophelia Street of his ward that pick up trash every day. Also Mr. and Mrs. Waddle who cleaned the tressel from North Canal to the cemetery. There are lot of people in the community to thank.

Spletzer reminded everyone that there will be a Park & Recreation meeting on January 25<sup>th</sup>.

Granchie apologized to anyone he may have missed that has called him. As of January 1<sup>st</sup> he was honorably discharged from the Army and would now be more available to the citizens.

Stimpert gave a brief Fire Board report; there were 131 calls in November for a total of 1,749 to date. The number of calls surpassed the prior year's calls.

Mayor Kline thanked everyone who came to the meeting. Mayor Kline noted that Council sometimes has to make tough decisions. The decisions made are thought to be the best for the community but are not easy to make. It is time to move forward and not make excuses for the situation we were left with.

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

**ADJOURN:**

After no further comments or questions Granchie made a motion seconded by Spletzer to adjourn at 11:42 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/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.

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Kenneth A. Kline, Mayor

APPROVED AS TO FORM:

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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  
\_\_\_\_\_.

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Kathleen M. 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.
- It is the City Council's intent that this part-time interim Finance Director position will cease 90 days after the appointment of a permanent Finance Director. The position of part-time Finance Director is not intended to be a permanent position. It is to be an at-will employment position. Either Newton Falls or Sean Housley may terminate the part-time position on 60-days notice, one to the other.

**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

**ORDINANCE NO.: 2021-31**

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: GRANCHIE**

**ORDINANCE 2022-01**

**AN ORDINANCE APPROVING THE CREATION OF A DESIGNATED OUTDOOR  
REFRESHMENT AREA FOR THE CONSUMPTION OF ALCOHOL IN SPECIFIED PUBLIC  
AREAS OF DOWNTOWN NEWTON FALLS AND ENACTING REGULATIONS THEREFORE.**

**WHEREAS**, Ohio law, through Revised Code Section 4301.82, permits a municipal corporation with a population of thirty-five thousand or less to create one Designated Outdoor Refreshment Area ("DORA") if the proposed DORA will include at least four qualified State of Ohio liquor permit holders and be composed of one hundred and fifty or fewer contiguous acres; and

**WHEREAS**, Ohio law requires that the legislative authority of a municipal corporation must adopt an Ordinance that establishes requirements for the proposed DORA to ensure public health and safety within the DORA and Ohio law further specifies certain information that is to be included in said authorizing Ordinance; and

**WHEREAS**, on October 4, 2021, this Council received an application pursuant to Ohio law from the City Manager's Office asking this Council to approve the creation of a DORA in the Downtown NEWTON FALLS area (the "Application"), and said Application is attached to this Ordinance and incorporated herein as "Exhibit A"; and

**WHEREAS**, the attached application includes the specific boundaries of the DORA, including street addresses; the number, spacing, and type of signage designating the DORA; the hours of operation of the DORA; the number of personnel needed to ensure public safety in the DORA; a sanitation plan that will help maintain the appearance and public health of the DORA; the number of personnel needed to execute the sanitation plan; and a requirement that beer and intoxicating liquor be served solely in plastic containers in the DORA; and

**WHEREAS**, the public notice required by Revised Code Section 4301.82 has been provided, and a public hearing was held on December 6, 2021 after a two week advertisement; and

**WHEREAS**, approval of the proposed DORA will serve to enhance the experience for both residents and visitors to the Downtown NEWTON FALLS area.

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

**SECTION 1.** This Council hereby approves the City Manager's DORA application as having met the requirements of Ohio Revised Code Section 4301.82 and approves the establishment of a Downtown NEWTON FALLS Designated Outdoor Refreshment comprised of the area depicted in the Application attached to this Ordinance as "Exhibit A".

**SECTION 2.** The DORA approved herein shall be operated as set forth in the Application attached to this Ordinance as "Exhibit A", or as it may be amended from time to time, with the approval of this Council.



**Village of NEWTON FALLS, Ohio ORDINANCE 2022-01**

**SECTION 3.** This Council finds and determines that all public notice requirements of Revised Code Section 4301.82 have been met prior to the passage of this Ordinance.

**SECTION 4.** Five years after the date of creation of the DORA, this Council shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, notice of the proposed action shall be given by publication in one newspaper of general circulation in the Village.

**SECTION 5.** The City Clerk is hereby authorized to forward a copy of this Ordinance to both the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with Revised Code Section 4301.82.

**SECTION 6.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

**SECTION 7.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2022.

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Alfred E. Schrader - Interim Law Director

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

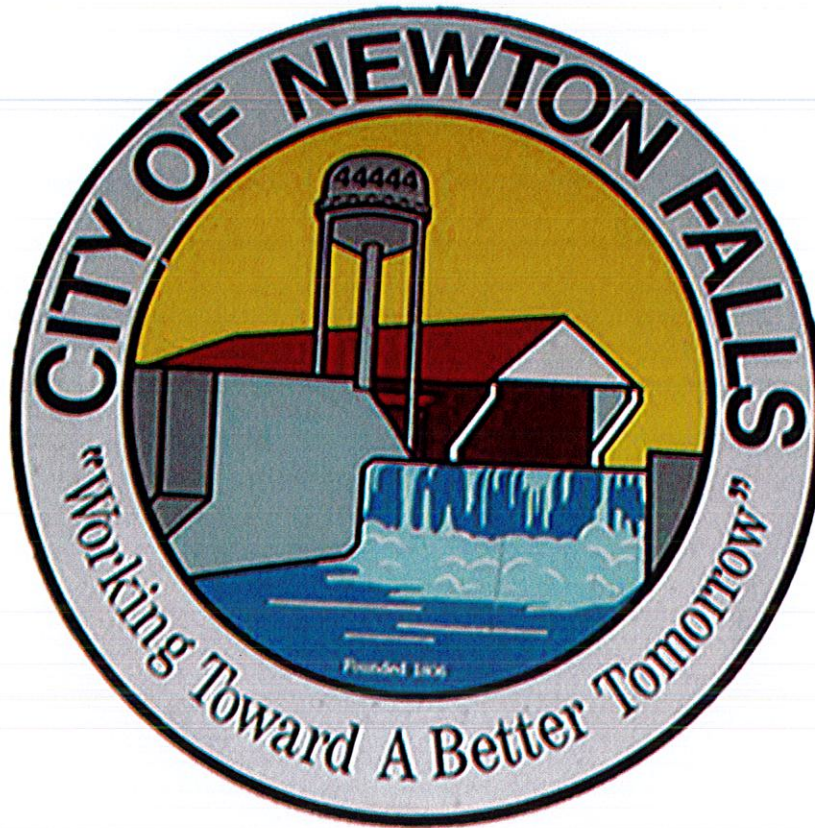
1<sup>st</sup> Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

Effective: \_\_\_\_\_

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



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

Submitted this 4 day of October, 2021



## I. INTRODUCTION AND SUBMITTAL OF APPLICATION

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

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

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

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

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



## II. BOUNDARY MAP OF THE PROPOSED DORA

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

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

## III. NATURE AND TYPES OF ESTABLISHMENTS

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

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

### BUSINESS

### RETAIL, FOOD and DRINK LOCATION

Brian Jewelers	14 W Broad St
Domino's Pizza	8 W Broad St
Church Mouse Thrift Shop	26 ½ W Broad St
Mi Amigos Mexican Restaurant	11 W Broad St
Joseph's Discount Gifts	29 W Broad St
Faces Lounge	13 W Broad St
Broad Street Vintage	32 W Broad St
The Covered Bridge Inn	22 W Broad St
Benson's BS & Collectibles	34 W Broad St
B Squared Coffee	31 W Broad St
Fieldview Acres Mercantile	36 W Broad St
AMVETS 112	37 W Broad St
Healthy Treasures	40 W Broad St
Pizza Hut	115 W Broad St
Handel Vision Center	115 W Broad St
McDonald's	20 W Canal St
Rite Aid	325 W Broad St

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

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

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

**IV QUALIFIED PERMIT HOLDERS**

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

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

**V. LAND USE AND ZONING**

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



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

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

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

## **VI. SAFETY PLAN**

In accordance with ORC § 4301.82(B)(5) and (F)(I)(d), a Safety Plan has been developed to ensure public safety in the DORA, a copy of which is attached hereto as Exhibit C. The Safety Plan, and enforcement of downtown parking regulations, can be executed with existing staff per Exhibit C.

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

In accordance with ORC § 4301.82 (8)(5), (F)(I)(e), and (F)(I)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit E**. The Sanitation Plan can be executed with existing staff.

## **VI. SIGNAGE PLAN**

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

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



## **VII. RULES OF OPERATION**

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

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

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

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

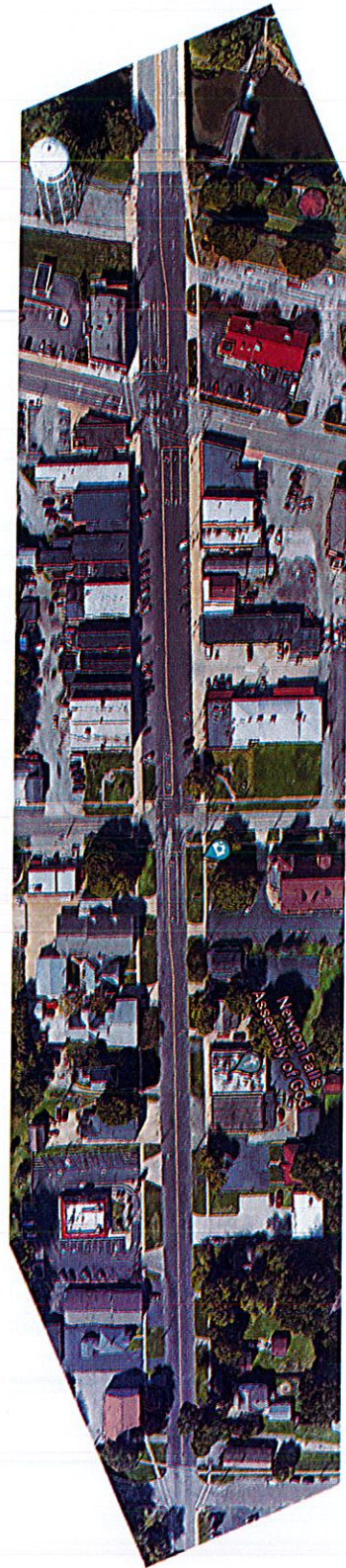
In accordance with ORC § 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

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

### **C. Additional Requirements**

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

## DORA Boundary Map



## EXHIBIT B: OFFICIAL ZONING MAP OF DORA

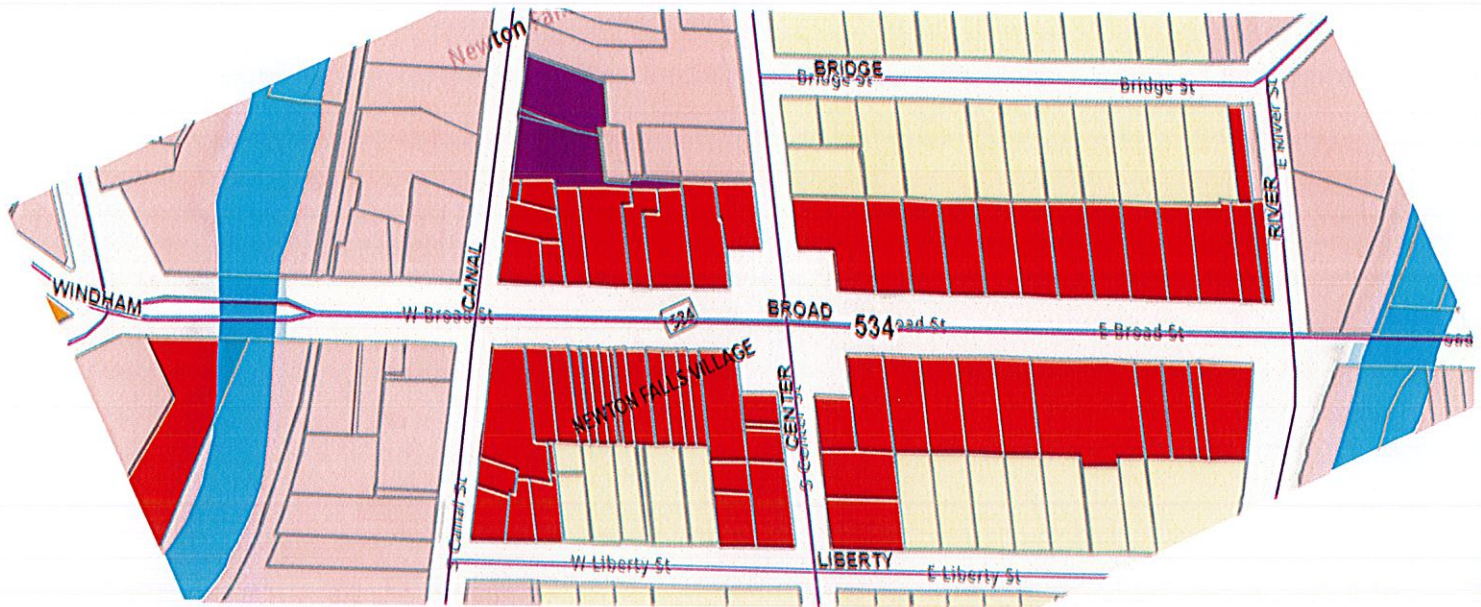


### Zoning Ordinance 2019-23

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



EXHIBIT B  
NEWTON FALLS PLAN DOWNTOWN LAND USE



Zoning Ordinance 2019-23

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

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

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

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

The open container consists of an official DORA cup.

No person shall do any of the following:

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

## **EXHIBIT C**

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

### **PUBLIC SAFETY PLAN**

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

### **Law Enforcement Responsibilities**

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

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

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

### **Fire/EMS Responsibilities**

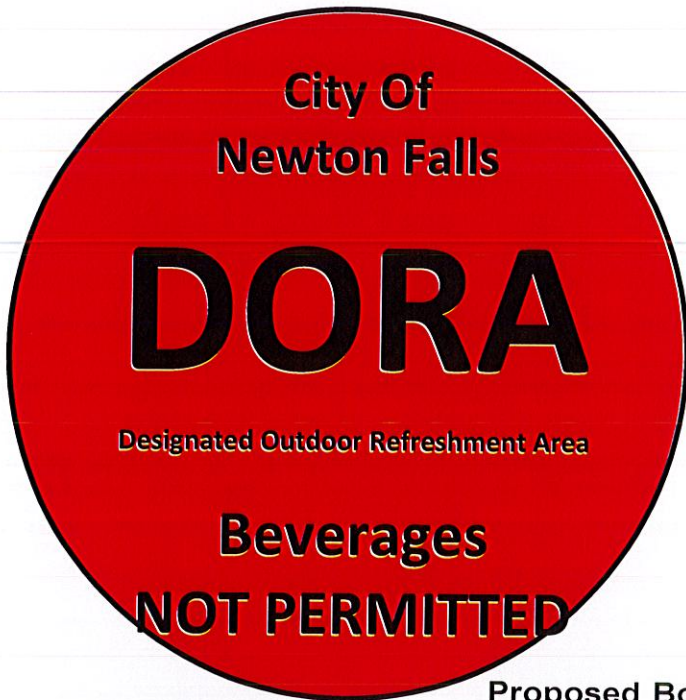
The Newton Falls Joint Fire/EMS District will be responsible for providing Fire, Rescue, and EMS within the DORA. The Fire and EMS facilities are currently located within the DORA boundary. Estimated response time would be at max between two and three minutes to any area within the DORA.

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

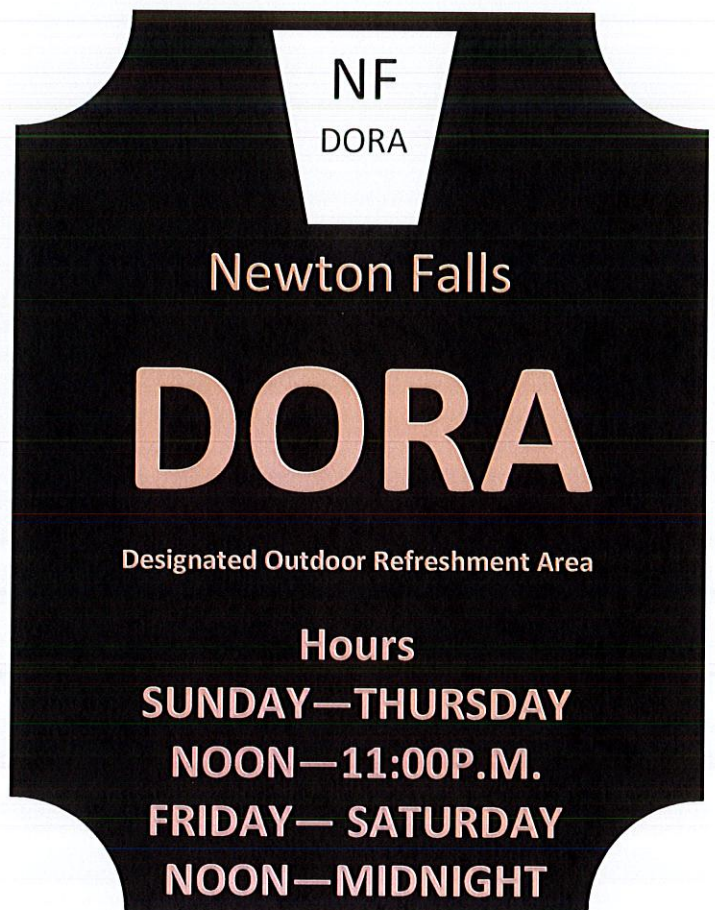
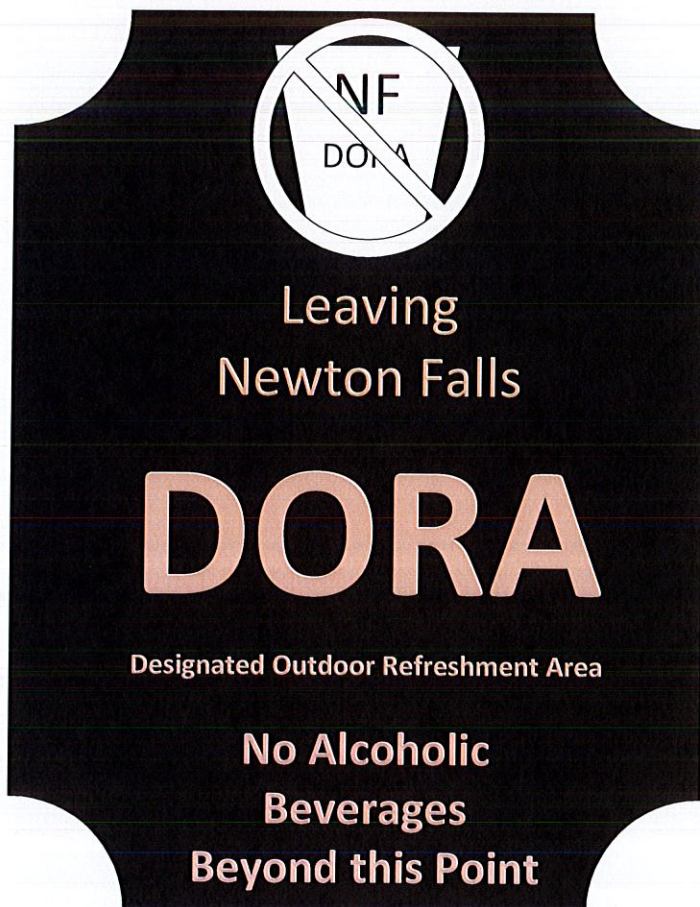


EXHIBIT D

Downtown Merchant Door Signs



Proposed Boundary Signage





Downtown Public Parking Map





## EXHIBIT E

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

### **SIGNAGE & SANITATION PLAN**

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

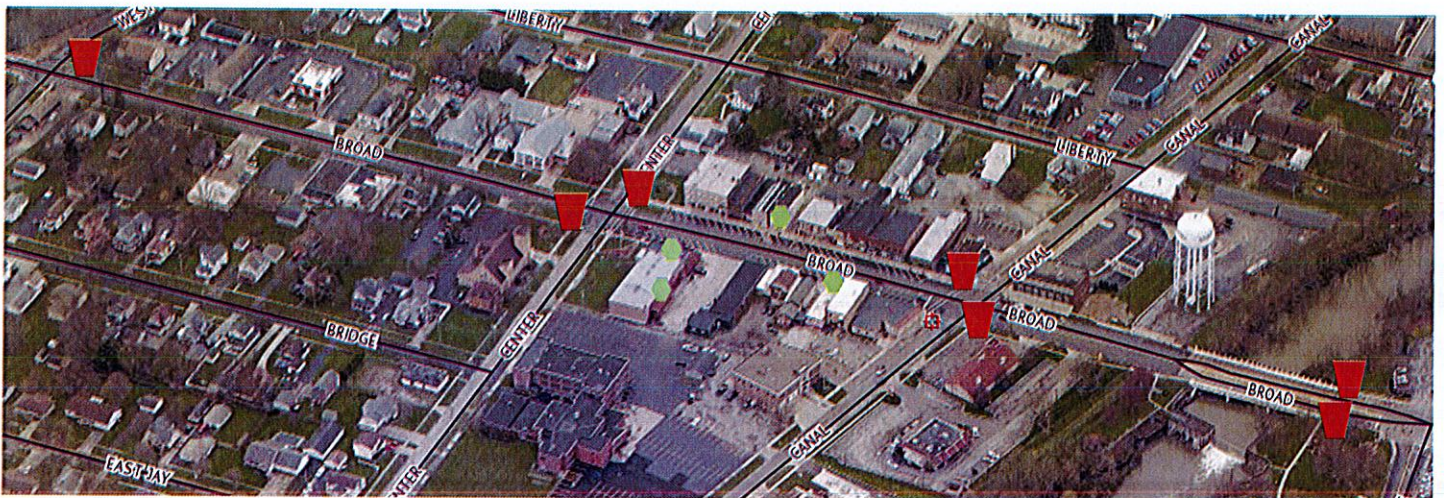
**Exhibit E** shows that there are currently seven (7) permanent trash receptacles DORA signage in the locations (shown in brown) placed throughout and along the DORA boundary serviced once per week. The City is proposing the installation of an additional six (6) trash receptacles with DORA signage in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

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

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

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

#### **DORA Boundaries (4.80 Acres)**





**ORDINANCE 2022-02**

**AN ORDINANCE SETTING ELECTRIC AND WATER METER COSTS ASSOCIATED  
WITH THE INSTALLATION OF THE SMART METERS**

WHEREAS, Newton Falls City Council, on October 4, 2021, adopted Resolution 25-2021 which cancelled the smart meter form and rate previously set by the Village Manager; and

WHEREAS, On October 4, 2021, Newton Falls City Council, by motion, approved the opt out cost analysis for the water and electric meters; and

WHEREAS, On December 15, 2021, Newton Falls City Council, by motion, accepted the City Manager's recommendations for the smart meter program; and

WHEREAS, Newton Falls City Council wishes to formally adopt the cost analysis and recommendations for the smart meter program.

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

SECTION 1: Newton Falls City Council hereby adopts the following costs for those households that opt out of the smart meter program:

**Electric Meter:**

AMI Meter	\$165.00
Digital Meter	\$ 30.00
Related Meter Reading Costs	\$ 10.00
<b>TOTAL ONE TIME COST</b>	<b>\$ 205.00</b>

**Water Meter:**

Cost of MTU	\$140.00
Related Meter Reading Costs	\$ 10.00
<b>TOTAL ONE TIME COST</b>	<b>\$150.00</b>

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

SECTION III: As of December 15, 2021, the following recommendations were approved by Council, by motion, and shall hereby be formally adopted by this Ordinance:

- No further opt-out opportunity will be offered;
- For those households who have chosen to opt-out the timetable for payment will be six months. Every month the individual would have a charge on their billing for the cost of both meters unless the household only opted-out of one meter;
- The homeowner will be responsible for the opt-out costs;
- If a homeowner only opted out of the water meter, but now with the additional information provided would like to opt-out of the electric meter, then the appropriate fees would be accessed;
- If a customer would like to pay the fees up front then there would be a one-time 20% discount. (Charge for the equipment is \$355.00, discount would be \$71.00, for a total net pay of \$284.00);
- New construction and/or if an individual has opted out and moves then new smart meters will be installed;

SECTION IV: 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 V: 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 \_\_\_\_\_ 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

1<sup>st</sup> Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

Effective: \_\_\_\_\_

**SPONSOR: MAYOR KLINE**

**ORDINANCE 2022-03**

**AN NOW FOR THEN ORDINANCE AMENDING ORDINANCE ESTABLISHING SEWER  
RATES FOR NEWTON FALLS UTILITY CUSTOMERS.**

WHEREAS, the 2021 budget contemplated a sewer rate increase; and

WHEREAS, The City implemented the sewer rate increase pursuant to the budgetary document on September billing for August 2021 usage;

WHEREAS, City Council has been advised that a budget should not include items other than budgetary issues such as income expected and expenses authorized; and

WHEREAS, it is imperative that the sewer rate increases be implement for the August 2021 usage.

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

Section 1: Newton Falls City Council hereby ratifies and confirms the sewer rate increases be and are in effect for the bills that went out in September 2021 for August 2021 usage at the following rates.

**Rates Per 1,000 Gallons of Metered Water for Metered Customers**

<b>2021</b>		<b>2022</b>	
City	\$14.46	City	\$15.47
Township	\$16.80	Township	\$17.97
<b>2023</b>		<b>2024</b>	
City	\$16.40	City	\$17.38
Township	\$19.05	Township	\$20.19
<b>2025</b>			
City	\$18.25		
Township	\$21.20		

**Rates Per Person Per Month for Unmetered Customers**

<b>2021</b>		<b>2022</b>	
City	\$27.46	City	\$29.38
Township	\$34.31	Township	\$36.72



**2023**

City	\$31.14
Township	\$38.92

**2024**

City	\$33.01
Township	\$41.25

**2025**

City	\$34.66
Township	\$43.31

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 \_\_\_\_\_ 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

1<sup>st</sup> Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

Effective: \_\_\_\_\_

**SPONSOR: MAYOR KLINE**

**RESOLUTION 02-2022**

**A RESOLUTION APPROVING THE NEWTON FALLS WASTEWATER RATE STUDY  
INVOICE FOR SERVICES PERFORMED FOR THE UTILITY DEPARTMENT BY MU  
FLOW MONITOR RENTALS, LLC.**

WHEREAS, Mike Novotny, Superintendent of the Wastewater Treatment Plant of Newton Falls has approved the attached Exhibit "A" a fee statement for preparing a rate study for the use of the department; and

WHEREAS, Although this invoice was never the subject of either a work order or a fiscal officer certification of availability of funds, the work in fact was performed and the work was used by the utility department in establishing proper rates and otherwise in operating the utilities department; and

WHEREAS, The City intends to conduct business with this provider in the future and wishes to maintain a good working relationship with the advisor; and

WHEREAS, The funds for the rate study will be appropriated prior to payment.

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

SECTION I: Exhibit "A" having been approved by Mike Novotny of the Wastewater Treatment Plant, is hereby approved by Newton Falls for payment and the Finance Director is directed to pay this invoice.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Alfred E. Schrader - Interim Law Director