

# NEWTON FALLS CITY COUNCIL

## REGULAR MEETING AGENDA WEDNESDAY, FEBRUARY 2, 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  
FINANCE DIRECTOR  
Interim Sean Housley

### 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

Commission and Board Reports to be read by the Chair or Committee Designee.  
Park & Recreation, Planning & Zoning, Civil Service, and Treasury Investment Board

## 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 19, 2022 - Regular Meeting  
January 26, 2022 - Special Meeting

## **8. Public Hearings:**

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.

## **9. Unfinished 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. Motion to direct the City Clerk to advertise for the position of City Manager until Wednesday, April 16, 2022. (Mayor Kline/Granchie/Stimpert)(TABLED)

## **10. New Business:**

1. Ord. 2022-04: An Ordinance removing the Interim title from the Chief of Police.
2. Ord. 2022-05: An Ordinance removing the Interim title from the Finance Director.
3. Ord. 2022-06: An Ordinance removing the Interim title from the City Manager.
4. Ord. 2022-07: An Ordinance removing the Interim title from the Law Director.
5. Res. 03-2022: A Resolution acknowledging an updated written Treasury Investment Board Policy.
6. Res. 04-2022: A Resolution in support and authorizing the City Manager to enter

into the necessary lease/purchase agreement to purchase a backhoe for the City of Newton Falls Street Department.

7. Res. 05-2022: A Resolution in support and authorizing the City Manager to enter into the necessary lease/purchase agreement to purchase two vehicles for the Newton Falls Police Department.
8. Motion to repeal motion passed January 19, 2022, authorizing the City Clerk to advertise for the position of Law Director. (Mayor Kline)
9. Motion to repeal motion passed January 19, 2022, authorizing the City Clerk to advertise for the position of Finance Director. (Mayor Kline)
10. Motion to appoint a Special Charter Review Commission. (Granchie)

**11. Public Comments:**

**12. Closing Remarks: Mayor, City Manager and Council**

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

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

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

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

**14. Adjourn:**

Newton Falls City Council met in Regular session on Wednesday, January 19, 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 (acting) Law Director, Kristopher Immel; Interim Finance Director, Sean Housley; City Clerk, Kathleen King.

**ROLL CALL:**

Spletzer, Granchie, Stimpert, Serotko, Baryak

**ABSENT:** None

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

**PUBLIC COMMENTS:**

Rick Kerlin, 611 North Canal Street, discussed the smart meters and the legislation on tonight's agenda.

In his opinion it was a waste of time to advertise for a Finance Director. This is already being advertised and it is redundant. The current Interim Finance Director is busy and has kept us from going into bankruptcy. Why have this vote now when a contract was passed for one year.

Mr. Kerlin also asked why they would advertise for a Law Director and there was nothing about the Prosecutor's position. He felt this was a waste of time. Mr. Kerlin suggested that with the pending lawsuits we would want the one defending them to be the one that was very instrumental in doing away with the contracts. We need someone familiar with the lawsuits.

Mr. Kerlin asked why we would advertise for the Police Chief when there has already been litigation filed in Common Pleas Court by the former Chief. He suggested waiting until the litigation was over.

He also questioned why we would advertise for a City Manager now. Our current Manager does not collect any pay, when she came in there were no files, and she has saved us from bankruptcy. We are involved in lawsuits and questioned why we would waste the time to do this right now. He suggested they turn this down or table the motion.

Mr. Kerlin commented on the cost-of-living raise and felt it was a wonderful idea and questioned what the raise would be this year, and suggested merit raises instead. He did not feel this was the right time to pass this because of the pending litigation.

Ana Eby, 50 West 9<sup>th</sup> Street, commented that she agreed with the idea of merit raises. This year Social Security gave 5.9% raises.

She asked for clarification on the Ordinance setting electric and water meter costs. She stated she opted out, received the new water meter, but felt she should not have to pay the fee.

John Richards, 212 Albert Street, noted in reference to the Cost of Living that the unions in the past based raises on productivity.

Ordinance 2022-01 in reference to the DORA, his objection was with the map of the area involved. He felt it overreached and was concerned that it was over the bridges and river. He did not think they should be included.

Adam Zimmermann, 515 LaMae Street, thanked Council for taking it seriously and advertising for the positions. He read from the Charter the qualifications for City Manager. He felt that so far there has been a complete lack of knowledge by the administration.

Baryak called Point of Order making accusations. Mayor Kline allows Mr. Zimmerman to continue.

Mr. Zimmermann commented that the Interim City Manager was responsible for several lawsuits and questioned how much that would cost the City. He also noted that Ms. Priddy will be here six months on February 9<sup>th</sup> and according to the Charter after six months she is to live in the City.

In reference to the Law Director, Council should take into consideration the shoddy and incomplete investigation in firing the Police Chief. We also have the Interim Law Director on record stating that Mr. Evans acted the way he did because the Interim City Manager was a woman. Is that the kind of accusations we want from our Law Director?

Tim Stintson, 253 Arlington Road, agreed with Mr. Richards on the DORA legislation about the rivers. He felt the map was incorrect and it did not include the gazebo, just the walkway. It also did not include the covered bridge. He suggested either have the rivers in or not at all.

Ordinance 2022-02 in reference to the rates he said he was a proponent until today. What was intended was for the City to cover the cost of the meters. He also noted that there would be no further opt out opportunity and that there was a lot of misinformation put out when the opt out timeframe was going on.

## **REPORTS:**

Serotko:

- Received two calls on the sidewalks, one on the utility bills, three on vehicles that he continuing to work on, five on the meters and several on the proposed DORA.

Baryak:

- There is a rumor going around town that we lost the Dunkin Donuts. That is a false accusation. He spoke to Mr. White personally and the economic development committee is trying to get this done.
- We passed an Ordinance about ex city officials meddling in stuff they should not get into. That means any type of business with the City.
- Received a lot of calls, no one wants their water shut off. We are at a fork in the road; however, we are into the contract and need to continue.

Spletzer:

- Also received calls on the meters.
- Announced that the garbage would be picked up on Friday this week
- The Community Center had to cancel the 80<sup>th</sup> celebration of the Center. Yesterday marks the 80<sup>th</sup> birthday of the Community Center.
- Thanked the Street Department for the good job they did plowing.

Granchie:

- Attended the Civil Service meeting as the alternate.
- Received numerous calls also.
- Shout out to the Street, Police, Electric and Fire Departments for all working together during this unprecedented storm.

Stimpert:

- Received calls on the Evans Civil Service hearing. People were disappointed on how it was handled.
- Received calls on the DORA and meters.
- The Fire Board reorganizational meeting was rescheduled on Wednesday, January 26<sup>th</sup> at 5:30 p.m.

FINANCE DIRECTOR:

- Sean Housley stated that the utility office has received numerous calls about scheduling for water meter installations. Over the last two days 340 schedules have been set. Anyone unable to schedule by the deadline should contact the office and they will be evaluated case by case. No one will be shut off without proper notice.
- Today we closed 2021. This is the latest he has ever closed the year; however, the utility department received payments remotely and we could not get the numbers to reconcile.
- General Fund closed with \$384,000 cash in it which is very good.
- 2020 Audit has not been released yet.
- Office of Budget and Management audited the 2020 CARES Act monies collected. We reallocated \$126,000 into the 2021 beginning balance.
- Also, \$230,000 was reimbursed to the 2021 General Fund for police wages.
- The City applied to the Ohio Department of Taxation to transfer the money from the Electric Department to the General Fund with no repayment. This transfer was approved so \$92,000 did not have to be paid back this year out of the General Fund.
- The City is in good financial shape today.

- The past three years the General Fund actual cash spent was \$2.6 million. Best practice is for the General Fund reserve to have about \$1.4 million in the fund. We need to be around \$384,000. Currently we are at about a third of where the fund should be.
- Mr. Housley reviewed some of the other funds and noted that he would be evaluating all the utility funds.
- He asked Council to make a motion to extend the original community aid agreement with Silver Lake through December 30, 2021. Silver Lake passed this by motion.
- Handed out information noting Social Security cost-of-living adjustment this year was 5.9%

Spletzer said at the last meeting she attempted to explain the actions taken by the Treasury Investment Board. She asked Mr. Housley to explain how the previous portfolio was not compliant.

Mr. Housley stated some of the investments were not compliant when they were purchased. After review he recommended changing the investments to the Meeder Group.

Baryak asked if the Auditor of State said the investments were illegal. Mr. Housley said no. A small amount of the investments was not compliant without its own policy and some not compliant with the Ohio Revised Code.

LAW DIRECTOR: Nothing at this time.

CITY MANAGER:

- We are looking for two part time positions in the Finance Department and also an administrative assistant in the City Manager's office. Mrs. King is looking at retirement soon and someone needs to start learning the position. In addition, we are looking for an Administrative Assistant in the Police Department.
- All departments are working with Paychex and Pam Wolford is doing a wonderful job working with the superintendents and Paychex. We are getting a few issues figured out.
- We have open full-time positions in the Police Department, Water Plant and Finance Department.
- We started moving offices in the building. Mr. Housley felt it was best if the Finance offices were in the same area as the Utility offices. The Zoning office will be moved across the hall. This will give the public access to those departments.
- The G.P.S. systems are working and there is a lot of interesting information; reports will be available at the next meeting. We will need to start a log because we cannot tell who is driving which vehicle.
- Started two monthly meetings with superintendents on Wednesdays at 2:00 p.m. The goal is to make the departments more efficient.
- Received a call during the snow storm at 2:00 a.m. Three pieces of equipment have failed on Mr. Shaver, backhoe, one truck and another piece of equipment. Harry is doing his best to get the streets cleaned.

Spletzer noted that the report stated we have reached out to Kent State and Youngstown State about our open positions. She asked if we have had any response. Ms. Priddy said we reached out within the last week and a half, but at this time have not received any resumes.

Baryak applauded Bill George, Matt Evans and Travis Holesko for getting the pole up after a city plow backed into a guide wire and busted the pole.

Baryak also said he would be calling a special meeting to discuss getting money in the budget for a backhoe, leasing police cars, pending and imminent lawsuits and personnel. Mr. Housley stated that we have the money in reserves but would need approval by Council to make the purchases.

Serotko asked how old the equipment is. Ms. Priddy stated the backhoe was a 2000, dump truck was either a 1995 or 1997 and the other piece is a salt spreader.

**MAYOR:**

- Thanked the Street Department for the great job they did around town.
- Had the opportunity to talk to citizens and business owners. He thanked them for their ideas and suggestions and noted that he will keep them in mind.
- Thanked the community for the support they show to our businesses.

**CHANGES TO TONIGHT'S AGENDA:**

**Stimpert made a motion seconded by Spletzer to add an executive session to the agenda for pending or imminent court action and personnel.**

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

**APPROVAL OF PREVIOUS MINUTES:**

**Spletzer made a motion seconded by Baryak to adopt the January 5, 2022, regular meeting minutes as submitted by the Clerk.**

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

**PUBLIC HEARINGS:** None at this time

**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.**

Granchie said when you put in the cost-of-living adjustment for our zip code in Newton Falls the increase was 1.3 or 1.4 percent. The Social Security adjustment was a federal adjustment, not what our city adjustment would be. He did not think employees should have to go above or beyond to make the same in their pay as they did last year. It is not a raise if we were keeping with the market. He was willing to make an amendment that this is subject to funding.

Spletzer noted that if the increase was 1.3 or 1.4% and the City collects 1% in taxes the end result is a .3% or .4% raise. She did not feel that was adequate and a merit raise or something down the road would be better. She did not think the City financial picture was clear yet and passage now would be fiscally irresponsible.

Baryak said we don't have the money. If we could stabilize then we could look at this again maybe mid-year. He would much rather see employees get a 1, 2, or 3% raise then give them something and find out we don't have the money. He agreed with Ms. Spletzer that it was fiscally irresponsible to the taxpayers.

Granchie noted as the cost of living goes up so does the revenue generated.

Granchie made a motion to amend to say this was subject to availability of funds. No second was made to the motion.

Serotko asked when the last employee raise was. Ms. Priddy said they received 1% at the beginning of 2020 then another 2% retroactive in April.

Mr. Housley agreed that the City should be able to keep up with the cost-of-living and he believed this community could. He suggested the legislation be more specific stating it was based on our zip code. Most cost-of-living adjustments are based off the federal average. He also noted that Ms. Priddy asked the superintendents to do some research and let her know what the surrounding areas are paying for comparable jobs. He asked that they give her the opportunity to put that together.

**ROLL CALL: Serotko nay, Baryak nay, Spletzer nay, Granchie aye, Stimpert abstained.  
MOTION PASSED 1 aye, 3 nays 1 abstention**

**Serotko made a motion seconded by Baryak to add to the agenda a motion to look at employee pay increases in April.**

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

**Baryak made a motion seconded by Spletzer to remove this Ordinance from the table.**

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

**MOTION PASSED 5-0**

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

Spletzer read the proposed new section to be added to the Ordinance: It is the City Council's intent that this part-time 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.

Baryak stated we have been advertising for this position and no one has applied. Sean has been doing a magnificent job and to put someone else in now would be counterproductive.

**Spletzer made a motion seconded by Granchie to add the proposed new section to the legislation as read by Ms. Spletzer.**

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

Mr. Housley noted that there was still the problem that he was brought in for four weeks that needed cleaned up.

**Spletzer made a motion seconded by Serotko to amend the legislation to include New Section I to read the existing commitment approved by Council with aid with Village of Silver Lake be extended through December 30, 2021.**

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

Stimpert asked if this was just a technicality to line up with Silver Lake and financially was there a change to our cost.

Attorney Immel said this now mirrors and brings in our agreement up to date and equivalent with the Village of Silver Lake.

Mr. Housley stated originally this community split his benefits with Silver Lake and the benefits in Silver Lake are around \$1,300 so it is around \$600 a month and you also shared some of the training costs. Also the salary was reduced beginning January 1, 2022, from \$2,800 to \$1,500.

Baryak said he hated to be facetious, but we had a full-time Law Director that was only obligated to be here two days a week and was getting hospitalization and everything. Mr. Housley is very easy to get ahold and does spend a lot of time.

Vote on Adoption as Amended

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

## **NEW BUSINESS:**

**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.**

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

Council discussed the option of tabling this until a few questions could be clarified. Baryak and Spletzer both noted that it was discussed that this should be reviewed every two years and the legislation states every five years.

Spletzer made a motion to amend this to read a review every two years, no second.

Granchie asked if we decided this was not working could we just call a meeting and dissolve the DORA.

Baryak asked if the boundaries could be amended at the next meeting.

Attorney Immel suggested they look into this and add the wording at the next meeting. He also noted that the application was submitted with the existing boundaries, and you make the changes it may be necessary to hold another public hearing.

Mayor Kline asked if this was considered a zoning issue and should Ms. Stimpert be voting. Ms. Stimpert stated she asked Attorney Schrader when previous zoning issues came up if she should abstain and he told her it was ok for her to vote.

Attorney Immel said there was nothing personal at stake nor was there a matter of conflict of interest.

Stimpert stated the application is done and she felt Council was micromanaging and overthinking this. If the DORA goes awry, they could address it then. She also asked about liability if someone fell in to the river or got hurt in the DORA area. Attorney Immel stated there are boundaries, but that never prevented anyone from suing. However, it did not mean that the City was not protected.

Mayor Kline thought it was a silly idea having to have a margarita in your hand to go to businesses.

Granchie said he spoke to other communities, and they have had no issues with law enforcement but have seen a ton of increase in commerce when the DORA was open.

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

**Ordinance 2022-02: An Ordinance setting electric and water costs associated with the installation of the smart meters.**

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

Spletzer noted that Mr. Luonuansuu spoke at the podium and pointed out that none of this was adopted by Ordinance. Spletzer stated there were two motions passed by Council and she felt they should be put into Ordinance form and adopted. She was not happy with the program but has to let go of some of the anger. She was still mad that Lynch, Waddell, Alberini, and Breymaier passed this by emergency and put us in this position. However, they are no longer here, and we have to move on.

Granchie said he wished there was a way to hit the reset button, but it is just not feasible. There is no getting around this anymore and we have to pass something. Stimpert and Baryak agreed.

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

**Ordinance 2022-03: A now for then Ordinance amending Ordinance establishing sewer rates for Newton Falls utility customers.**

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

Priddy stated that the 2021 budget included the increased sewer rates in the budget passed by Ordinance. That could not be done that way so now we have an Ordinance to pass the rates properly and for clarification.

Serotko asked if there were any additional costs. Priddy said they were same as the current charges.

Spletzer said the 2021 budget was over 400 pages and the sewer rates were hidden on page 379. Also hidden in the budget was the Economic Development Position and raises for the different department heads. We are trying to straighten this out and get them into the right format because they could not be included in the 2021 budget. This is a now for then ordinance that technically should have gone into effect in January, but they didn't. When Mrs. Priddy came on board and found out it was in the budget and a rate study was done, she enacted the rates. Ms. Spletzer noted that this tells us about our rates through 2025 both inside and outside the City.

Housley said there was a small correction. He did not believe the 2021 budget could authorize the pay raises and utility fees, there are limitations. He felt the intent of the 2021 budget was appropriations when asked and Attorney Schrader agreed.

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

**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.**

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

Priddy explained that Wastewater asked to do the rate study but there was no contract or agreement in place. The company did perform the work.

Housley noted that the department head vouched that it was good quality work done by the engineer. He asked for permission to pay this and noted we have the funds.

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

**Granchie made a motion seconded by Stimpert to direct the City Clerk to advertise for the position of City Manager until Wednesday February 16, 2022.**

Granchie said the point was to start rebuilding from the ground up.

Granchie made a motion seconded by Stimpert to amend this to remove the date because this only left a week to advertise. Spletzer asked if there was an amount that should be spent. Housley noted that charges differ depending on where you advertise so we should not be too restrictive; the city would not spend more than we can afford and that should be up to the City Manager. Stimpert suggested advertising 30 to 60 days. Granchie withdrew the motion.

**Granchie made a motion seconded by Stimpert to amend the date to April 16, 2022.**

**Vote on motion to Amend**

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

Baryak questioned what we were looking for.

Baryak made a motion seconded by Spletzer to table this until the next meeting and they had concrete information on what they were looking for and were all in agreement.

Stimpert noted that the Charter gives an outline of what is needed for a City Manager and there is a hiring process that would take place.

Spletzer stated the Charter is illegal in what it outlines regarding residency requirements.

**Vote on motion to Table**

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

**Granchie made a motion seconded by Stimpert to direct the City Clerk to advertise for the position of Police Chief until Wednesday, February 16, 2022.**

**Granchie made a motion seconded by Stimpert to amend the date to April 16, 2022.**

**Vote on motion to Amend**

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

**MOTION PASSED 5-0**

Spletzer and Baryak expressed concern that there was pending litigation on this position, and we should not hire anyone permanent at this time.

**Vote on motion to adopt as Amended**

**ROLL CALL: Stimpert nay, Serotko nay, Baryak nay, Spletzer nay, Granchie nay.**

**MOTION FAILED 0-5**

Before reading the motion Mayor Kline asked how we could supersede the Ordinance passed by Council for the Law Director position. Attorney Immel explained that the Ordinance was approved for an Interim Law Director. This motion would be someone to fill the position not as Interim.

**Granchie made a motion seconded by Stimpert to direct the City Clerk to advertise for the position of Law Director.**

Serotko expressed concern that the current Law Director was familiar with the pending litigation and someone new would not have that knowledge.

Baryak stated the legislation was voted 5-0 and we have not even given him a chance, now we want to flip flop. He also was concerned about pending lawsuits and continuity.

Granchie said if not now, when? There are always legal things going on. He is not saying any of the Interims are doing anything wrong and they are more than welcome to apply for the positions. We could end up picking the interims for the positions. He said he was not trying to get rid of anybody but wanted to get the City permanent people in these positions. Right now we are being completely run by interims.

Stimpert agreed with Granchie that we needed stability. If the Interim people apply and we pick them so be it, but we need to establish some long-term relationships and move forward.

Attorney Immel also noted that the charter allows the Law Director to act as or hire the prosecutor.

Granchie noted that the entire point of an Interim is to fill the gap. They are there until a permanent person can be appointed. He did not have a problem with anyone we have now.

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

**MOTION PASSED 4-1**

**Granchie made a motion seconded by Stimpert to direct the City Clerk to advertise for the position of Finance Director.**

**Spletzer made a motion seconded by Granchie to amend the motion to read full-time Finance Director.**

**Vote on motion to Amend**

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

**MOTION PASSED 4-1**

Granchie noted this was the same concept, not to get rid of anyone, but to get people in permanent positions.

**Vote on motion to adopt as Amended**

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

**MOTION PASSED 5-0**

**Granchie made a motion seconded by Serotko to look at employee pay increases the second meeting in April.**

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

**MOTION PASSED 4-0-1**

**PUBLIC COMMENTS:**

Adam Zimmermann, 515 LaMae Avenue, congratulated Brian Axiotis on retaining his chairmanship on the Planning & Zoning Commission. They voted unanimously to keep Mr. Axiotis as Chair even with Council asking him to resign. He applauded the Commission for doing what was best for their commission. Council can't police their own so why are they attempting to police another commission that they have no authority to do.

Zimmermann commented that he heard tonight that Council has no money for pay increases for employees but questioned if anyone knew what we were paying the Law Director next year. Why are we paying an exorbitant fee but have no money for our employees.

In reference to the qualifications for our City Manager he stated there is one person here who knows exactly what is involved and what is necessary. There is one person here that brought him to Council, he is the one that brought Mr. Lynch to Council. Mr. Waddell and Alberini were against the hiring of Mr. Lynch at that time, but one person pushed for Mr. Lynch and that person is still here on council.

In reference to the firing of our Chief. We saw a shoddy and incomplete report from the Law Department. Only one side was presented in the report. Council was not provided with all the information necessary to make a proper decision. We did not have an impartial person

overseeing this trial. Our Interim Law Director actually went into executive session to advise Council how to proceed while he was supposed to be an impartial person running the show. If you had a chance to see this, you know he was anything but impartial. Things that the Chief did were so bad that not one of them was corrected in the two and a half months that he was gone, yet these were used against the Chief.

We have also heard this past year that our Mayor likes steak but can only afford hot dogs. With these exorbitant contracts being thrown out to our Interim Law Department, part-time Finance Director and whatever will be charged to the City for the shoddy and incomplete investigation to get rid of the Chief and the Civil Service Commission for Matt Evans, just to name a few of the blunders, it is clear that the Mayor and Council are feeding us hot dogs and paying for steak.

Julie Lemon, 609 Ridge Road, said she did not support the DORA and did not see why you needed alcohol to raise money for the community to thrive.

2022-02 in reference to the water meters she has read the contract, which is really bad and whoever negotiated it needs their head examined. However, this is a done deal, and we need to make the best of a bad situation.

Ms. Lemon said it was stated that the Treasury Investment Board was not in compliance and Mr. Zimmerman was on the board. She thanked Mr. Housley because getting this straightened out was not easy.

Ms. Lemon also reminded everyone that B Squared was serving breakfast on Saturday.

Tim Stinson, 253 Arlington Road, said the letters were going out about the water meters; he received his today and the deadline was tomorrow. He expressed concern on the contractors installing the meters and asked if they were registered.

He also suggested maybe instead of the cost-of-living increases to employees, Council consider as compensation an additional day off.

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

Baryak said not to throw stones but someday he would show people what he knows about the past administration running this community. He noted Alberini said we made the perfect decision hiring Mr. Lynch. Baryak said he was trying to move forward and not let anything dishonest go on.

Spletzer reminded everyone that the Park & Recreation Board was meeting on the 25<sup>th</sup> at 5:30 p.m.

She gave a tip of the hat to Sean Housley who came into a difficult situation and a lot of tough issues but got us through. Financially we are getting a good workable team.

Mayor Kline said he does not eat hot dogs because he can't afford steak. He ate hot dogs because he felt steak was overpriced and liked a good Ballpark Frank. He has six kids and is a good steward of his money. It isn't a waste to make an investment when in the end you get an investment out of it. He believed Council was a good steward of the money.

He agreed with Mr. Zimmermann that we need to take care of our employees. He hoped we could do better than 1.5% in April. We want to take an accurate look on what we can afford.

He thanked Council for looking into things, amending and fixing things. We have a lot of Interim positions, and we are looking for stability for our community. At some point we are looking to pull that interim title off these positions and might find out they are the best individuals. He felt when you have an interim individual it was pretty much their job unless they lose it. So you give other individuals a chance to apply, you look and compare and go from there, so that is what we are going to do.

Mayor thanked everyone that came out tonight.

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

Spletzer made a motion seconded by Serotko to adjourn into executive session at 8:34 p.m. for the purpose of personnel and pending or imminent court action.

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

Spletzer made a motion seconded by Serotko to adjourn the executive session and reconvene the meeting at 9:08 p.m.

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

**ADJOURN:**

After no further comments or questions Spletzer made a motion seconded by Baryak to adjourn at 9:08 p.m.

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

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Mayor, Kenneth A. Kline

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

Newton Falls City Council met in Special session on Wednesday, January 26, 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 Finance Director, Sean Housley; City Clerk, Kathleen King.

**ROLL CALL:**

Spletzer, Stimpert, Serotko, Baryak

**ABSENT:** Granchie

**Baryak made a motion seconded by Serotko to excuse Granchie from tonight's meeting.**

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

**PUBLIC COMMENTS:** None at this time

**UNFINISHED/NEW BUSINESS:**

**1. Street Department Backhoe**

Ms. Priddy noted that the information Council received on the backhoe for the Street Department has since been sold. We are asking Council to make a motion authorizing the purchase with a not to exceed dollar amount so we can continue to look for a backhoe. These are hard to find and if we order one it will not be here until May.

**Baryak made a motion seconded by Spletzer to suspend Council rules.**

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

Baryak asked if the purchase will be through state bid. Harry Shaver, Street Department Superintendent said yes. Baryak also asked if there were different brands he could look to purchase. Mr. Shaver noted the one they had a price for was a CAT, however he would also be looking at New Holland. The current department backhoe is 22 years old.

Serotko asked if there were any limitations on the purchase. Ms. Priddy and Mr. Housley explained the lease to buy program and noted that there were no limitations because the vehicle was yours when the payments were complete.

Stimpert asked if there was any difference in insurance if it was a lease or purchase. Housley said no.

Council discussed the purchase and terms of an agreement based on the paperwork submitted. Housley said normally the Superintendent would bring in a quote with terms and Council would approve the purchase based on the terms of the quote. He also noted that typically when you order through state bid, they are not on the lot, and you have to wait. In this case there is the possibility that we could find one on a lot from the previous state bidding procedure. However the City Manager cannot sign an agreement without council consent.

Mr. Shaver said that if he orders a backhoe, it would not be here until May. He also stated the current backhoe may be traded in depending on what price they give him for the trade. Otherwise, the backhoe will go to the Wastewater Department; the current Wastewater backhoe is a 1978.

## **2. Police Department Vehicles**

Ms. Priddy noted that Council received a quote on purchasing two police vehicles with the needed equipment. These also are purchased through state bid and once ordered will take just over a year to get in.

Baryak said we are going back to community policing because we need to keep the city and citizens safe. Two of the current cars are not in good shape. We have gone long enough putting money into the old cars.

Stimpert asked if the price included everything or did we need to purchase anything else for the vehicle. Chief Foor noted they would need new MDTs and gun racks but those were not major expenses.

Council discussed the proposed quote terms and conditions.

**Stimpert made a motion seconded by Baryak to return to regular Council rules.**

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

**Spletzer made a motion seconded by Serotko to propose an ordinance to set a limit of up to \$120,000, for up to 48 months at an interest rate not to exceed 5% for the purchase of a backhoe. (reconsidered later in the meeting)**

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

**Spletzer made a motion seconded by Stimpert to propose an ordinance to set a limit of up to \$105,000, for up to 5 years at an interest rate not to exceed 6.5% for the purchase of two police vehicles and equipment.**

Council discussed whether this qualified as an emergency Ordinance. Ms. Priddy pointed out that if this is done by Ordinance it would take two readings and thirty days to be effective. At this point Council realized that the motions as stated did not accomplish what they needed, specifically for the Street Department. If a backhoe was found on a lot, the City Manager would need the authority to sign an agreement so that we did not lose the opportunity to purchase the backhoe. After discussion Spletzer withdrew the motion.

**Spletzer made a motion seconded by Serotko to reconsider the motion on the backhoe previously voted on.**

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

**Vote on Motion to Adopt**

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

**Spletzer made a motion seconded by Serotko to authorize the City Manager to enter into an agreement not to exceed \$120,000, for a lease/purchase up to 48 month and up to 5% interest for the purchase of a backhoe. Legislation to be brought before Council at the next meeting in the form of a Resolution with said terms.**

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

Priddy stated that legislation would be prepared and brought to Council for the purchase of police vehicles at the next meeting once the final quote was received.

**PUBLIC COMMENTS:** None at this time

**MOTION TO RECESS INTO EXECUTIVE SESSION:** No executive session

**ADJOURN:**

After no further comments or questions Spletzer made a motion seconded by Baryak to adjourn at 7:05 p.m.

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

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Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
City Clerk/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: \_\_\_\_\_

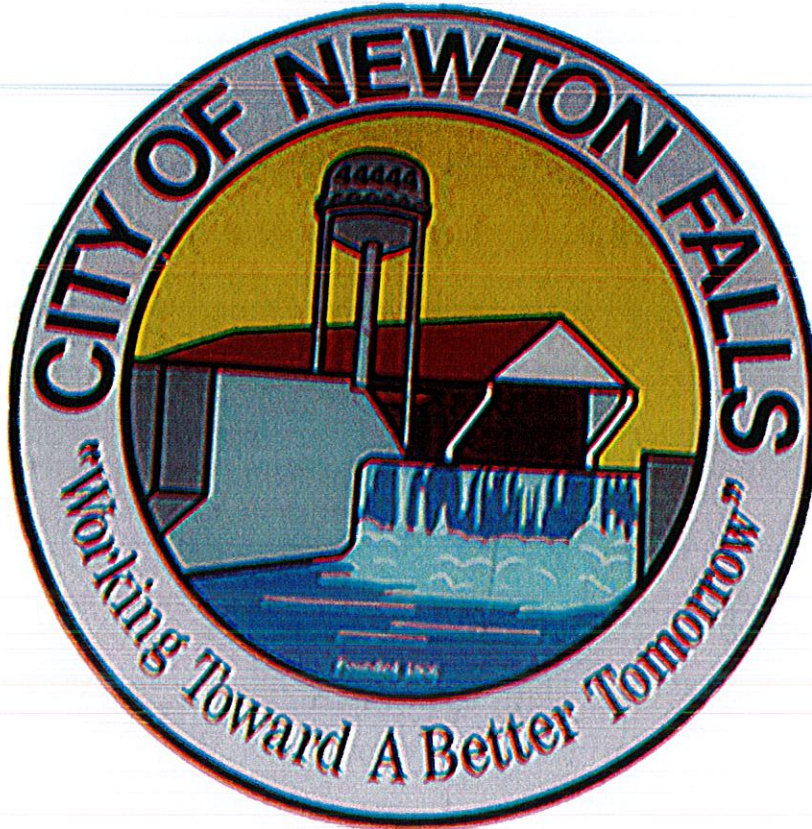
Public Hearing: \_\_\_\_\_

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

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

ORD. 2022-01

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

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

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

### RETAIL, FOOD and DRINK LOCATION

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

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

Mayflower Wollam Insurance Group  
 Platinum Dance Company  
 University Hospital  
 Masonic Lodge #462  
 University Hospital  
 Chic  
 ASECU  
 Ed's Barber Shop  
 Pins & Needles

7 W Broad St  
 10 W Broad St  
 41 W Broad St  
 12 W Broad St  
 43 W Broad St  
 23 ½ W Broad St  
 25 S Canal St  
 28 W Broad St  
 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**

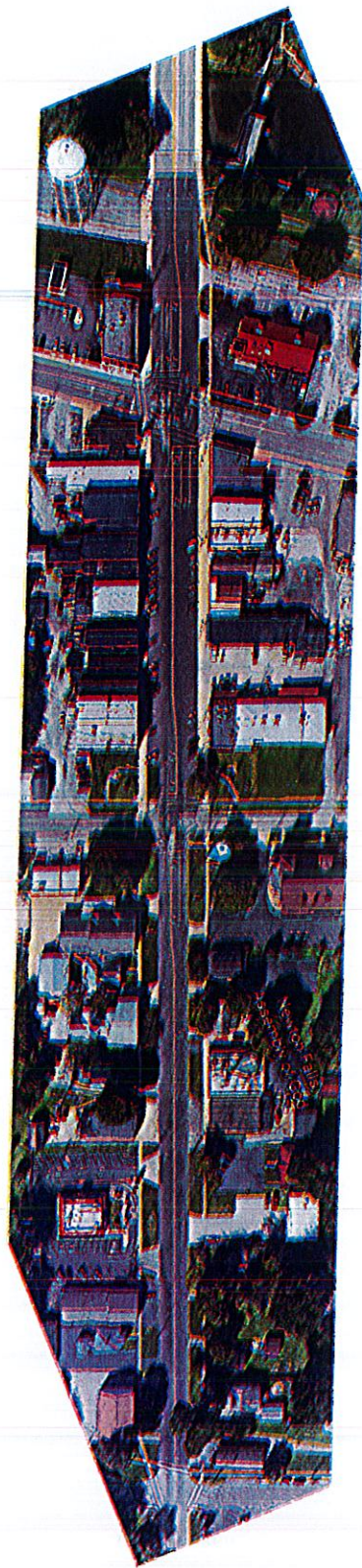
In accordance with ORC § 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

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.

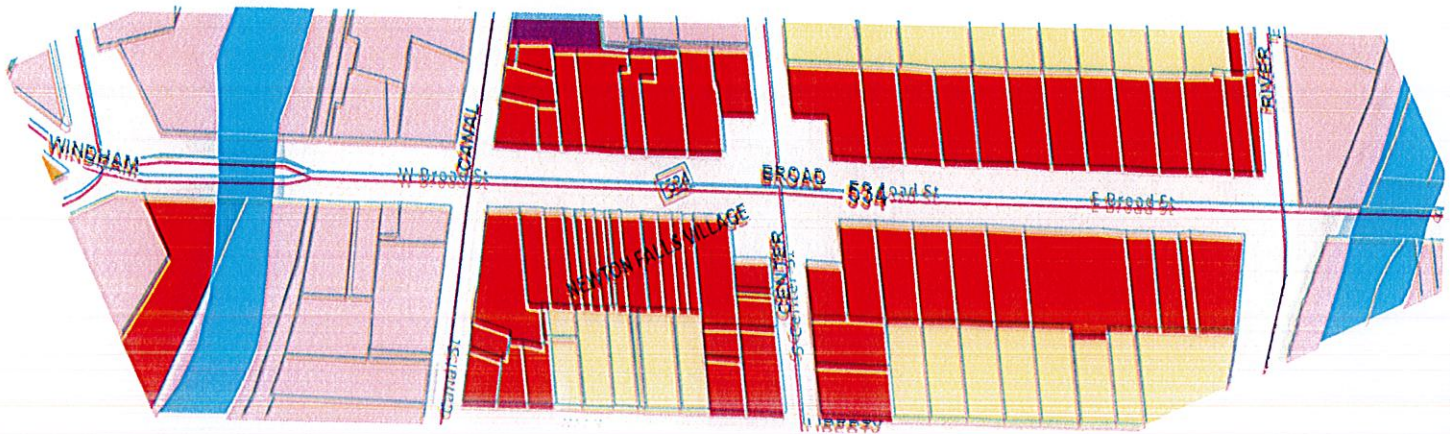
### **C. Additional Requirements**

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.

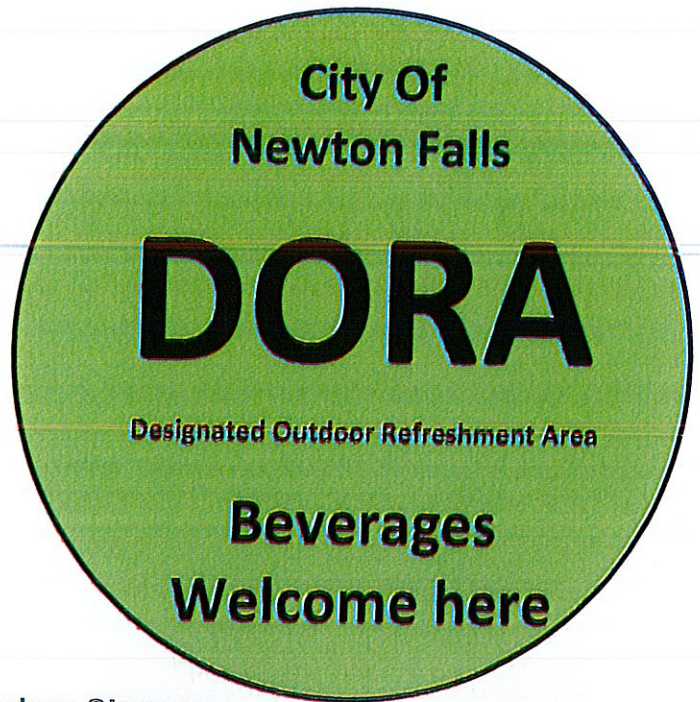
### **Fire/EMS Responsibilities**

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.

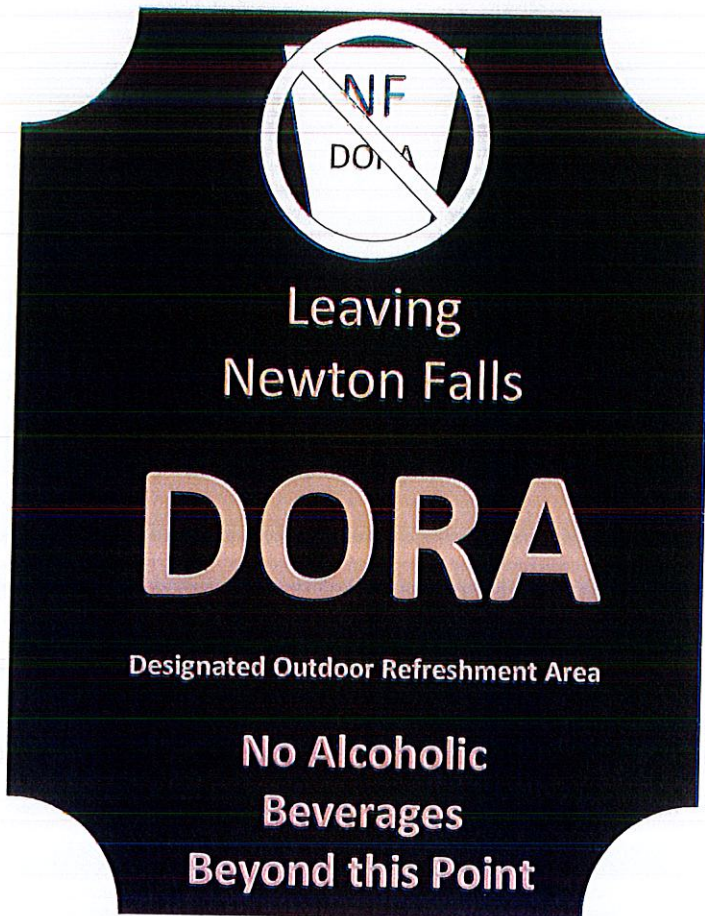
For planned events in the DORA that may draw larger than normal attendance, the Fire/EMS Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

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.

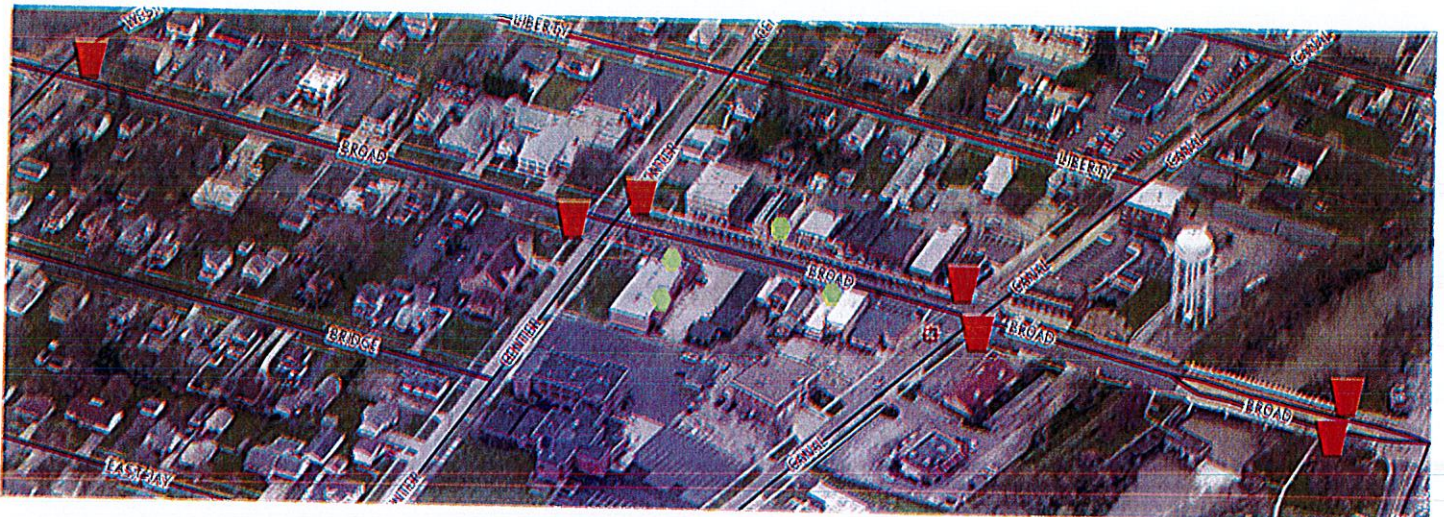
**Exhibit E** shows that there are currently seven (7) permanent trash receptacles DORA signage in the locations (shown in brown) placed throughout and along the DORA boundary serviced once per week. The City is proposing the installation of an additional six (6) trash receptacles with DORA signage in 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)



**SPONSOR: SPLETZER**

**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  
\_\_\_\_\_.

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

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

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

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

\_\_\_\_\_  
Kathy King, Clerk of Council

**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  
\_\_\_\_\_.

1 <sup>st</sup> Reading: _____
Public Hearing: _____
2 <sup>nd</sup> Reading: _____
Effective: _____

Kathy King, Clerk of Council

**SPONSOR: MAYOR KLINE**

**ORDINANCE NO. 2022-04**

**AN ORDINANCE REMOVING THE INTERIM TITLE FROM THE CHIEF OF POLICE.**

**WHEREAS**, the City of the Village of Newton Falls terminated its prior Chief of Police on January 5, 2022; and

**WHEREAS**, the City of the Village of Newton Falls promoted Sargent Brian Foor to Interim Police Chief to have a proper chain of command and head of the police department as required by Article V Section 3 of the Charter; and

**WHEREAS**, City Council is pleased with the job performance of the Interim Police Chief and believes that the City of the Village of Newton Falls needs to show stability to the community and no longer wishes to have an Interim Police Chief.

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

SECTION I: That Brian Foor shall have the interim title removed from him as Chief of Police and shall be promoted to Chief of Police and shall have his compensation amended to reflect his promotion to Chief of Police.

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 NO. 2022-05**

**AN ORDINANCE REMOVING THE INTERIM TITLE FROM THE FINANCE  
DIRECTOR.**

**WHEREAS**, the City of the Village of Newton Falls terminated its prior Finance Director on October 11, 2021; and

**WHEREAS**, the City of the Village of Newton Falls hired Sean Housley to be their Interim Finance Director pursuant to Ordinance 2021-31; and

**WHEREAS**, City Council is pleased with the job performance of the Interim Finance Director and believes that the City of the Village of Newton Falls needs to show stability to the community and no longer wishes to have an Interim Finance Director.

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

SECTION I: That Sean Housley shall have the interim title removed from him as Finance Director and his compensation passed pursuant to Ordinance No. 2021-31, shall now be for his position of Finance Director.

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 NO. 2022-06**

**AN ORDINANCE REMOVING THE INTERIM TITLE FROM THE CITY MANAGER.**

**WHEREAS**, the City of the Village of Newton Falls terminated its prior City Manager on July 19, 2021; and

**WHEREAS**, the City of the Village of Newton Falls hired Pamela Priddy to be their Interim City Manager pursuant to Ordinance 2021-16; and

**WHEREAS**, City Council is pleased with the job performance of the Interim City Manager and believes that the City of the Village of Newton Falls needs to show stability to the community and no longer wishes to have an Interim City Manager.

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

SECTION I: That Pamela Priddy shall have the interim title removed from her as City Manager.

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 NO. 2022-07**

**AN ORDINANCE REMOVING THE INTERIM TITLE FROM THE LAW DIRECTOR.**

**WHEREAS**, the City of the Village of Newton Falls terminated its prior Law Director on October 19, 2021; and

**WHEREAS**, the City of the Village of Newton Falls hired Alfred Schrader and the law firm of Roderick Linton Belfance LLP to be their Interim Law Director pursuant to Ordinance 2021-32; and

**WHEREAS**, City Council is pleased with services and representation of the Interim Law Director and believe that the City of the Village of Newton Falls needs to show stability to the community and no longer wishes to have an Interim Law Director.

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

SECTION I: That Alfred Schrader and the law firm of Roderick Linton Belfance shall have the interim title removed from them as Law Director.

SECTION II. City Council hereby ratifies and approves the prior authorized agreement entered into between Alfred Schrader and the law firm of Roderick Linton Belfance, LLP as Interim Law Director as the agreement for the position of Law Director. Said agreement sets forth the terms and conditions of the independent contractor agreement between the City of the Village of Newton Falls and Law Director. Attached hereto is a copy of said agreement, marked as Exhibit "A" and incorporated herein by reference, this agreement is the same as attached as Exhibit "A" to Ordinance No. 2021-32, and shall now be read without the word "Interim" anywhere in.

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

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: 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 \_\_\_\_\_.

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

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

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

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

**Exhibit A - Ordinance 2022-07**

**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, 10<sup>th</sup> 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)

**SPONSOR: Spletzer & Serotko**

**RESOLUTION 03-2022**

**A RESOLUTION ACKNOWLEDGING AN UPDATED WRITTEN TREASURY  
INVESTMENT BOARD POLICY.**

WHEREAS, Newton Falls City Charter, Article VI, Section 4 establishes a Treasury Investment Board; and

WHEREAS, Resolution 27-2016 previously adopted a written investment policy; and

WHEREAS, The Treasury Investment Board and its advisor met and reviewed the policy and determined that the policy previously adopted needed to be updated to more accurately reflect the Treasury Investment Board duties and guidelines; and

WHEREAS, The Treasury Investment Board met and approved adopting the attached updated policy in order to be in compliance with the Ohio Revised Code and City Policy; and

WHEREAS, Newton Falls City Council hereby acknowledges the attached policy adopted by the Treasury Investment Board.

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

SECTION I: The Newton Falls City Council is in receipt of, acknowledges, and is in agreement with the adoption of the Treasury Investment Policy by the Treasury Investment Board attached as if fully rewritten herein as Exhibit "A".

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 FEBRUARY 2022.

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

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

APPROVED AS TO FORM:

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

## Exhibit A - Resolution 03-2022

### **CITY OF NEWTON FALLS INVESTMENT POLICY**

This document, in conjunction with the Ohio Revised Code ("ORC"), as amended, will govern the investments and the investment activities of the City of Newton Falls ("City"). It will be reviewed periodically for compliance and to assure the flexibility necessary to effectively manage the investment portfolio.

#### ***Purpose***

The purpose of the investment policy is to ensure that the City's Investment objectives of Safety, Liquidity and Return are adhered to while conforming to all applicable statutes governing the investment of public funds by an Ohio Municipality.

#### ***Scope***

This investment Policy applies to all financial assets of the City, including State and Federal funds held by it. Any practice not clearly authorized under these policies or ORC section 135 is prohibited. Any investment made prior to December 31, 2021 that was permissible under the previous City's investment policy may be held until maturity at the discretion of the Finance Director or the City's investment advisor. The guidance set forth herein is to be strictly followed by all those responsible for any aspect of the management or administration of these funds.

#### ***Objectives***

The primary objectives, in order of priority, of the City's investment activities shall be:

- 1) Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- 2) Liquidity: The portfolio should be managed in such a manner to assure funds are available to meet all operating requirements of the City, which might be reasonably anticipated.
- 3) Return: The portfolio shall be managed in such a fashion as to attain a market rate of return throughout budgetary and economic cycles, within the context and parameters set forth by objectives 1 and 2 above.

#### ***Ethics and Conflict of Interest***

Persons involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment consultants shall disclose to the City any material financial interests in financial institutions that conduct business

## Exhibit A - Resolution 03-2022

### **CITY OF NEWTON FALLS INVESTMENT POLICY**

within the City and any material personal financial or investment positions that could be related to, or affected by, the performance of the City's portfolio. All employees, officers and investment consultants to the City shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales.

#### ***Prudence***

Investments shall be made with judgment and care – under circumstances then prevailing – which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income derived.

The standard of prudence to be used by the Finance Director and others involved in the management of the investment portfolio shall be the “prudent person” standard and shall be applied in the context of managing the overall portfolio. Acting in accordance with this Investment Policy and exercising due diligence shall relieve the Finance Director and others involved in the management of the portfolio from personal responsibility for an individual security's credit risk or market price changes, provided deviations from the expectations are reported to the Treasury Investment Board in a timely fashion and appropriate action is taken to control adverse developments.

#### ***Service Providers, Safekeeping and Custody***

The City may engage the services of an investment advisor to assist in the management of the investment portfolio in a manner consistent with this investment policy. Such investment advisor may be granted discretion to purchase and sell investment securities in accordance with this investment policy. The investment advisor must be licensed by the division of securities under ORC Section 1707.141 or registered with the Securities and Exchange Commission, and possess experience in public funds investment management specifically in the area of state and local government investment portfolios, or the investment advisor is an eligible institution as mentioned in ORC Section 135.03. The investment advisor must enter into a written investment advisory agreement with the City. In addition, the investment advisor must supply a copy of their Form ADV Part 2, or make a copy available, on an annual basis.

Should the City choose not to engage the services of an investment advisor, then a list will be maintained of financial institutions and broker/dealers who provide investment services. All financial institutions and broker/dealers with which the City conducts business must supply proof of Financial Industry Regulatory Authority (“FINRA”) registration and State of Ohio registration, as appropriate. The Finance Director is responsible for evaluating and reviewing on an annual basis the regulatory status of such financial institutions and broker/dealers.

The City will also arrange to have any investment securities held in safekeeping by an independent third-party custodian. Any advisor or broker/dealer doing business with the City

## Exhibit A - Resolution 03-2022

### **CITY OF NEWTON FALLS INVESTMENT POLICY**

cannot serve as a custodian or safekeeping agent. Investment securities should be settled to the custody account on a delivery-versus-payment (DVP) basis, as previously noted. The custodian must enter into a written custodial agreement with the City.

In accordance with ORC, a copy of this policy will be forwarded to each investment advisor, financial institution and broker/dealer doing investment business directly with the City. Their signature will be required indicating that they have received, read, comprehend and will abide by its contents when managing assets or recommending or selling any investment security to the City. Any third-party custodian providing services is excluded from this requirement as long as they will not be managing assets, recommending, or selling any investment security to the City.

#### ***Authorized Investments***

The City is permitted to invest in any security authorized by ORC Section 135 and any other relevant sections, as amended. Those securities include, but are not limited to, the following:

1. Bonds, notes, or other obligations of or guaranteed by the United States, or those for which the faith of the United States is pledged for the payment of the principal and interest thereon.
2. Bonds, notes, debentures, or any obligations or securities issued by any federal government agency or instrumentality. All federal government agency or instrumentality securities must be direct issuances of the federal government agency or instrumentality.
3. Interim deposits in the eligible institutions applying for interim monies as provided in ORC Section 135.08. The award of interim deposits shall be made in accordance with ORC Section 135.09.

This includes investments in Certificates of Deposit with FDIC insurance coverage on the full amount of deposit plus accrued interest administered through the Certificate of Deposit Account Registry Service (CDARS). Eligibility of this investment is outlined in ORC Section 135.144 and would also apply to any other program that is deemed to meet the requirements of such statute.

All deposits shall be collateralized or FDIC insured pursuant to ORC.

4. Bonds and other obligations of the State or its political subdivisions provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:
  - a) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.

## Exhibit A - Resolution 03-2022

### **CITY OF NEWTON FALLS INVESTMENT POLICY**

- b) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.
- c) The aggregate value of the bonds or other obligations does not exceed 20% of the City's interim funds at the time of purchase.
- d) The City is not the sole purchaser of the bonds or other obligations at original issuance.
- e) The bonds or other obligations mature within ten years from the date of settlement

No investment shall be made under this section unless the Finance Director has completed the necessary training as approved by the Treasurer of State of Ohio.

5. Up to 40% of interim funds at time of purchase in either of the following:

- a) Commercial Paper notes issued by an entity that is defined in ORC Section 1705.01 division (D) and that has assets exceeding five hundred million dollars, to which notes all of the following apply:
  - i. The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.
  - ii. The aggregate value of the notes does not exceed ten percent of the aggregate value of the outstanding commercial paper of the issuing corporation.
  - iii. The notes mature no later than 270 days after purchase.
  - iv. The investment in commercial paper notes of a single issuer shall not exceed 5% of the City's interim funds at time of purchase.
- b) Bankers Acceptances of banks that are insured by the Federal Deposit Insurance Corporation and the obligations mature no later than 180 days after purchase.

No investment shall be made under this section unless the Finance Director has completed the necessary training as approved by the Treasurer of State of Ohio.

6. No-load money market mutual funds consisting exclusively of securities described in paragraphs 1 and 2 of this Section and repurchase agreements secured by such obligations,

## Exhibit A - Resolution 03-2022

### **CITY OF NEWTON FALLS INVESTMENT POLICY**

provided that the investments in securities described in the division are made only through eligible institutions mentioned in ORC Section 135.03.

7. Written repurchase agreements that set forth terms and conditions of the agreement between the parties for a period of not to exceed 30 days with any eligible institution mentioned in ORC Section 135.03 or a member of FINRA, under the terms of which agreement, the Finance Director purchases and such institution agrees unconditional to repurchase any securities listed in division 1 or 2 of this section that will mature or are redeemable within five years of the date of purchase. The market value of the securities subject to the repurchase agreement must exceed the principal value of the agreement by at least two percent and be marked to market daily. Such agreement shall include the face amount of the securities, type, rate, maturity date and the numerical identifier.
8. The Ohio Subdivision's Fund (STAR Ohio) and the Government Insured Deposit Program (GIDP).

#### ***Maximum Maturities***

The maximum maturity for any investment excluding municipal securities described above will be five (5) years from the date of purchase unless, as per ORC, the investment is matched to a longer term liability of the City. Investments shall be made with the reasonable expectation they can be held to maturity. Securities may be redeemed or sold prior to maturity to meet additional liquidity needs, to enhance the yield of the portfolio, to re-structure the portfolio or to realize any capital gains.

#### ***Prohibited Investment Practices***

The City is prohibited from investment in stripped principal or interest obligations, reverse purchase agreements and derivatives as defined in ORC Section 135.14(c). The issuance of taxable notes for the purpose of arbitrage, as well as the use of leverage and short term selling is also prohibited.

#### ***Internal Controls and Reporting***

The Finance Direct shall develop and maintain procedures for the operation of the City's investment program in accordance with this Investment Policy. These procedures shall be designed to prevent loss of the City's funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions. The Finance Director shall routinely monitor the contents of the City's investment portfolio and the available markets. A detailed inventory of all investments which shall include a description of each security, cost, par value, rate of return, along with the settlement and maturity dates, shall be provided to the Treasury Investment Board.

## Exhibit A - Resolution 03-2022

### **CITY OF NEWTON FALLS INVESTMENT POLICY**

The Finance Director shall participate in any beginning and/or continuing education training programs sponsored by the State Treasurer or the State Auditor. Through participation in those programs, the Finance Director will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

#### ***Investment Policy Adoption***

The policy shall be reviewed on a periodic basis by the Treasury Investment Board and any modifications made thereto must be adopted by the Treasury Investment Board and submitted to Council for acknowledgment. A copy of the policy shall be filed with the office of the Auditor of State.

Adopted by the Treasury Investment Board :

\_\_\_\_\_  
Date

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Law Director

\_\_\_\_\_  
Member of City Council

\_\_\_\_\_  
Member of City Council

**RESOLUTION 04-2022**

**A RESOLUTION IN SUPPORT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE NECESSARY LEASE/PURCHASE AGREEMENT TO PURCHASE A BACKHOE FOR THE CITY OF NEWTON FALLS STREET DEPARTMENT.**

WHEREAS, Newton Falls Street Department has demonstrated the need to acquire a backhoe to provide maintenance capability for the City; and

WHEREAS, The purchase of the backhoe will be purchased through the State of Ohio Office of Cooperative Purchasing, which has previously bid this type of vehicle; and

WHEREAS, The Newton Falls City Council hereby acknowledges the request to order and purchase the backhoe; and

WHEREAS, The Newton Falls City Council by way of this Resolution supports entering into an agreement for the purchase of a backhoe; 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: The Newton Falls City Council hereby authorizes the City Manager to enter into a lease/purchase agreement for the purchase of a backhoe for the Street Department under the following terms: Purchase shall not exceed \$120,000 (One Hundred Twenty Thousand Dollars), terms of the lease/contract shall be up to four (4) years, and the interest rate shall be up to 5%

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 FEBRUARY 2022.

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

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

APPROVED AS TO FORM:

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

**RESOLUTION 05-2022**

**A RESOLUTION IN SUPPORT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE NECESSARY LEASE/PURCHASE AGREEMENT TO PURCHASE TWO VEHICLES FOR THE NEWTON FALLS POLICE DEPARTMENT.**

WHEREAS, Newton Falls Interim Chief of Police has demonstrated the need to acquire new police vehicles to provide for the safety of the community; and

WHEREAS, The purchase of the vehicles will be purchased through the State of Ohio Office of Cooperative Purchasing, which has previously bid this type of vehicle; and

WHEREAS, The Newton Falls City Council hereby acknowledges the request to order and purchase two police vehicles; and

WHEREAS, The Newton Falls City Council by way of this Resolution supports entering into an agreement for the purchase of vehicle for the Police Department; 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: The Newton Falls City Council hereby authorizes the City Manager to enter into a lease/purchase agreement for the purchase of two vehicles for the Police Department through State of Ohio Office of Cooperative Purchasing contract (CTR006716) with the following terms: Not to exceed a Five-year agreement to lease/purchase two (2) 2022 Police Explorers from Montrose Ford, 3960 Medina Rd, Fairlawn, OH, the total acquisition cost for the two vehicles not to exceed \$105,000.00 (One Hundred Five Thousand Dollars) with an interest rate not to exceed 6.5%.

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 FEBRUARY 2022.

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

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

APPROVED AS TO FORM:

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

## STATE CONTRACT RSI006716 (SOLICITATION ID # SRC0000001531) GDC050

STATE CONTRACT CTR006716

2022 POLICE EXPLORER

Order No:

NEWTON FALLS PD

FIN# QZ647

**CURRENT STATE CONTRACT UNIT IS FOR A 2022 BLACK PIU HYBRID WITH KEYLESS ENTRY (FOBS) AND DS SPOT ONLY****\*\*\*PLEASE NOTE: COLOR, MOTOR AND OPTIONS CAN ALL BE CHANGED TO SUIT YOUR NEEDS\*\*\***

K8A 4DR AWD POLICE

-99W .3.3L HYBRID

CHANGED

.119" WHEELBASE

-44B .10 SP MOD HYBRD

CHANGED

UM AGATE BLACK

425 50 STATE EMISS

9 CLTH BKTS/VNL R

51R DRV LED SPT LMP

6 EBONY

-55F KEYLESS 4 FOB

REMOVED

500A EQUIP GRP

.AM/FM STEREO

STATE CONTRACT CTR006716 BID. THIS AMOUNT IS FOR THE ABOVE LISTED UNIT ONLY. ANY CHANGES (ADDING OR REMOVING OPTIONS) MADE BELOW WILL INCREASE OR DECREASE THE AMOUNT OF THE UNIT.

\$ 35,849.00

## FORD FACTORY VSO (Vehicle Special Order) LIGHTING Add-On by customer request


ADDED BY CUST.		ADDITIONAL BID ITEM QUOTED TO STATE (WILL + OR - TO ABOVE AMOUNT)			
153	\$	DELIVERY CHARGE TO CUSTOMER	DLR	\$ 50.00	\$ 50.00
59C	\$ 48.41	WHEEL COVER	65L	\$ 53.00	
		3.3L V6 FFV	99B/44U	\$ (3,079.00)	\$ (3,079.00)
		3.0L V6 ECOBOOST	99C/44U	\$ 728.00	
		INSIDE REAR LOCKS/HANDLES INOP	68G	\$ 67.00	\$ 67.00
		INSIDE WINDOWS REAR PWR DELETE	52P	\$ 143.00	
		HTD SIDE VIEW MIRRORS	549	\$ 53.00	\$ 53.00
		CARPET	16C	\$ 112.00	
		RED/WHT DOME IN CARGO	17T	\$ 45.00	\$ 45.00
		PER. ANTI THEFT (req. 55F)	593	\$ 107.00	
		RMT KEYLESS ENTRY DELETE	55F	\$ -	\$ -
		REAR CONSOLE PLATE	85R	\$ 40.00	
		GRILLE LED LIGHTS/SIREN/SPKR WIRE	60A	\$ 45.00	
		DRV LED SPT LMP DELETE	51R	\$ (352.00)	
		SYNC (INC CRPT/CLTH REAR/CONSOLE)	65U	\$ 348.00	
		REAR LIGHT BLUE/BLUE FOR CARGO	66C	\$ 406.00	
		DARK CAR FEATURE	43D	\$ 22.00	\$ 22.00

STATE CONTRACT CTR006716

Attn: BRIAN FOOR

Derek Powers

Fleet/Gvmt. Sales Mgr.

Montrose Ford

QUOTED 1/19/2022

ORDERED

TOTAL OF STATE CONTRACT UNIT W/ ADDED ADDL. BID ITEMS FROM ABOVE	\$ 33,007.00
TOTAL FOR 5YR 100K \$0 DED. EXT WARRANTY VIA MONTROSE FORD	\$ 2,464.00
TOTAL FOR CUSTOMER ADDED OPTIONS - NOT QUOTED TO THE STATE	\$ 48.41
TOTAL FOR HALL PUBLIC SAFETY UPFIT	\$14,876.63
TOTAL FOR SINGLE UNIT QUOTED / ORDERED	\$ 50,396.04
2 unit/s requested	\$ 100,792.08

QUOTE ACCEPTED BY:

Date:

CODE	DESCRIPTION
153	License Plate Bracket - Front
59C	Keyed Alike -- 1294x

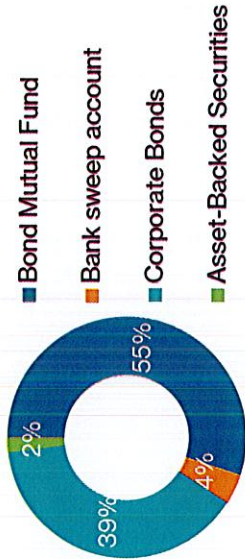
# PORTFOLIO SUMMARY

CITY OF NEWTON FALLS as of 12/31/2021

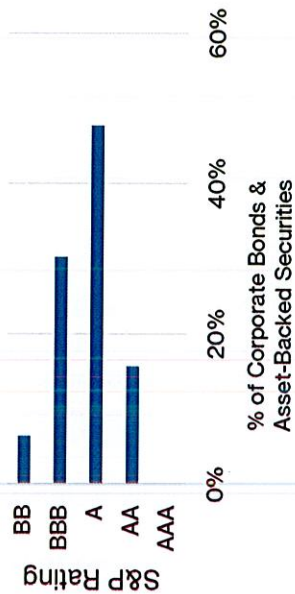


Portfolio Securities	\$6,645,204
Weighted Average Maturity	6.19 years
2021 Net Interest received	
Bank sweep account	\$33
Corporate bonds & Asset-backed securities	\$51,011
Bond mutual fund	\$48,302
Total	\$99,346

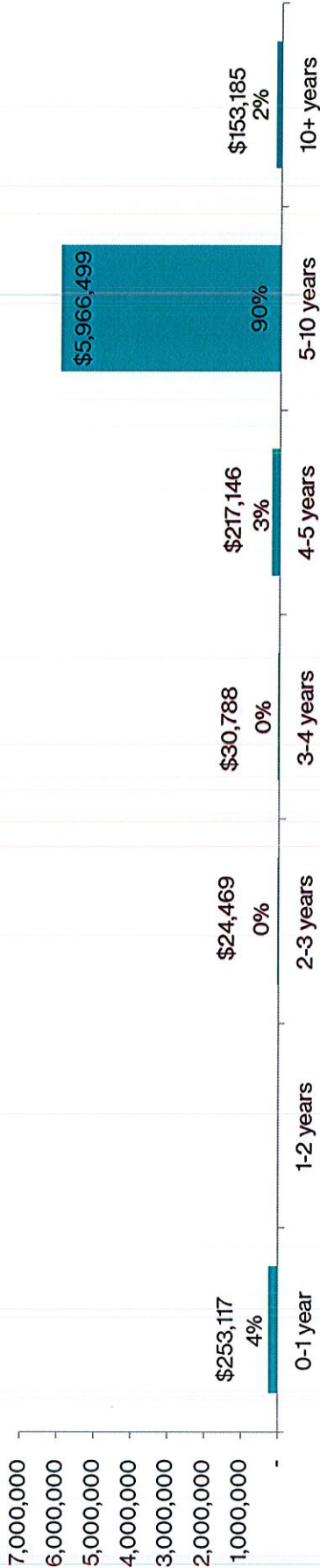
## Asset Allocation



## Credit Quality



## Your Maturity Distribution



BOND MUTUAL FUND INCLUDED IN THE 5-10 YEAR MATURITY DISTRIBUTION BAR BASED ON THE FUND'S EFFECTIVE DURATION OF 5.3 YEARS PER FEDERATEDINVESTORS.COM

SOURCE: 12/31/21 SCHWAB BROKERAGE STATEMENTS PROVIDED BY THE CITY.

## **MEMORANDUM**

**TO:** Mayor & Council  
**FROM:** Planning & Zoning Commission  
**DATE:** January 11, 2022  
**SUBJECT:** Year-End Report 2021

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At the first meeting of the year the Commission appointed Brian Axiotis as Chairperson and Rick Bodnar as Vice-Chairperson. The meetings will continue to be held on the first Tuesday of each month at 6:00 p.m. in Council Chambers.

The Planning & Zoning Commission has a five-member board. In 2021 the board members were Brian Axiotis, Rick Stanish, Paul King, Rick Bodnar, Tim Willaman.

The meetings for the first half of the year were held via zoom, starting in June the board met in person.

The Commission met and discussed or took action on the following:

- ✓ Received a copy of the 2021 International Property Maintenance Code to review.
- ✓ Discussed how to handle unlicensed and inoperable vehicles in commercial districts.
- ✓ Discussed house numbers on buildings. No action was taken.
- ✓ Discussed Codified Ordinance 505.16 in reference to livestock
- ✓ Discussed an application for a private dog park
- ✓ At the property owners request reviewed the current zoning of the property. Members agreed that the current zoning was correct. No action was taken.
- ✓ Discussed and reviewed regulations on recovery houses and the Law Directors opinion. No action was taken.
- ✓ Discussed adding six parking on Broad Street.
- ✓ Discussed the application for DORA (Designated Outdoor Refreshment Area). Agreed to forward the application to Council with limitations.
- ✓ Heard from the Commerce Association about a monument in memory of the tornado.

- Approved two variances at 209 Orchard in reference to side lot setbacks and rear lot setbacks for an accessory building
- Approved a variance for 17 East Broad Street in reference to a principal ground sign.
- Approved a Rezone Request for 601 North Center Street from R-1 Residential to C-Commercial. Forwarded the approved request to Council.

Submitted proposed changes to City Council:

ORDINANCE 2021- 05

An Ordinance Repealing Ordinance 2018-16 Adopting the International Property Maintenance Code and Adopting Ordinance 2021-05.

ORDINANCE 2021-27

An Ordinance Rezoning Specific Lots on North Center Street and Lock Street in the City of Newton Falls.

The above Ordinances were approved by City Council on the recommendation of the Planning & Zoning Commission

All Planning & Zoning Commission meetings are open to the public. The Commission is required to publish all Public Hearing notices and contact all adjoining neighbors when a variance is requested. Members investigate and review all requests that come before them.

January 10, 2022

**RE: CIVIL SERVICE COMMITTEE**

We attended 2 meetings in 2021.

Both meetings were to approve Civil Service tests for:

1. Finance Department
2. Electrical Department

Edward C. McCoy III  
Chair Person

**2021 Annual Report**  
**Parks and Recreation (2021 Activities)**

**2021 Parks & Recreation members:**

**Current:**

Tim Stinson- Chair

Jon Ruscoe- Vice Chair

Laura Neiheisel- Secretary

**Past:** Jaime Kline

**Council Representative:** Tesa Spletzer

- Five meetings were held.
- Authorized the removal of old playground equipment directly behind Community Center. Also, to reinstall the pieces, those that are in good condition by the new playground equipment by the pavilion.  
– Has not been completed.
- Motion that was approved to look at the dimensions of the four soccer fields and begin the process of laying them out within the park, once the old playground equipment is removed. The dimensions would fit the space needed fields.
- Approved to apply fertilizer to the parks and weed killer to the infields of the baseball diamonds. (No application licenses in the city to apply the weed killer).
- Approved to direct the city to fix the fields that were affected from the 4th of July festivities specifically including the beer tent area and where the rides were. As well as any other areas that were damaged. (CM sent street crew over)
- Received mediation report of mold from the Community Center.
- Received landing grant information for Commerce Park.
- Joslin Showers- Girl Scout Junior cleaned and made improvements to the Greathouse Memorial Park.(Included adding more trash cans and cutting down an unused basketball hoop pole)
- Motion to replace the slide at East River Garden park. Already had part, just needed someone to replace it.
- Trick Or Treat was scheduled to be held on the Saturday before Oct. 31<sup>st</sup>, unless the 31<sup>st</sup> falls on a Friday, then it would be held on Nov 1<sup>st</sup>.

- Motion was made and passed that for all street closing and event permits in the city would come to P&R board.
- Removed the Tennis court poles
- 2 part time positions for Park/City beautification. This was placed on hold due to budgets and where the pay would come from.
- Discussion about the skate park to move and look into grant money from the Tony Hawk grant.
- Discussion around the city benches with family names. (quotes received and postponed due to budget)
- Discussed the commerce association and their willingness to donate garbage cans tables and benches to Commerce Park only if the name of the park remains Commerce Park.
- Discussed the abundance of people trying to reserve space in the park and the possibilities of charging fees. (Reason was because of the damage the 4<sup>th</sup> of July rides cause to the fields also to prevent double booking of the pavilions)
- Discussed the commerce association's desire to place and build a memorial for the tornado and the location and what next steps need to be done.
- Discussed and authorized the commerce association to hold a concert at the pavilion by McDonald's.
- Discussion of the basketball courts on Quarry. (was postponed due to no funding)
- Received the P&R powers
- \$5375 for 150 ton of dirt on 6 fields and got fence cap for \$2549 from the baseball league to the city park.
- Financial report showed that overall the committee is unhappy with the report. Not in control how items are allocated. Money that is allocated to Parks and Rec should be approved and spent on Parks and Rec and it wasn't.
- Pickle ball courts were installed and the baseball batting cages were removed.