



NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

WEDNESDAY MARCH 16, 2022

6PM COUNCIL CHAMBERS 612 WEST BROAD STREET

COUNCIL MEMBERS

| | |
|----------|----------------------|
| WARD 1 | MICHAEL SEROTKO |
| WARD 2 | JOHN BARYAK |
| WARD 3 | TESA SPLETZER |
| WARD 4 | CHRISTOPHER GRANCHIE |
| AT LARGE | JULIE STIMPERT |
| MAYOR | KENNETH A KLINE |

ADMINISTRATION

| | |
|------------------|-----------------|
| CITY MANAGER | PAMELA PRIDDY |
| LAW DIRECTOR | ALFRED SCHRADER |
| FINANCE DIRECTOR | SEAN HOUSLEY |
| CITY CLERK | |

1. Call to Order

2. Pledge of Allegiance/Prayer

3. Roll Call

4. Special presentations by staff members or invited consultants

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

6. Reports

Mayor
Council Members
Finance Director
Law Director
City Manager

Changes to tonight's agenda

7. Approval of Previous Minutes

8. Public Hearings:

1. Ord. 2022-08: An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022.

2. Ord. 2022-09: An Ordinance amending Ordinance 93-51 establishing zoning regulations or the City of Newton Falls.
3. Ord.2022-10: An Ordinance appointing an acting City Clerk

9. Unfinished Business:

1. Ord. 2022-08:An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022.
2. Ord. 2022-09: An Ordinance amending Ordinance 93-51 establishing zoning regulations or the City of Newton Falls.
3. Ord.2022-10: An Ordinance appointing an acting City Clerk (With proposed amendments)

10. New Business:

1. A motion to adopt the video and or audio recording of Council meetings as the official form of meeting minutes and a simple outline of motions, seconds and votes of Council until a permanent Council/City Clerk is appointed.
2. Resolution 09-2022: A Resolution in support of the people and democratic nation of Ukraine (Mayor & Council)
3. Resolution 10-2022: A Resolution honoring "Santa" Rick Kerlin (Kline)
4. Ordinance 2022-11: An ordinance adopting the policy concerning the availability of Electric Utility Services to all consumers in the Village of Newton Falls

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.

- x 1. Personnel Matters: To consider one or more, as applicable, of the marked items:
- x Appointment x Employment x Dismissal x Discipline
- x Promotion x Demotion x Compensation
- _____ Investigation of charges/complaints (unless a public hearing is requested)
- _____ 2. Purchase or Sale of Property
- x 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:

ORDINANCE 2022-09

THE CITY OF THE VILLAGE OF NEWTON FALLS

**AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE ZONING ORDINANCE TO
INSERT 11.4702 AS TO DEFINITIONS, SECTION 6 AS TO ANIMAL SERVICES, AND TO
INSERT SECTION 6A AS TO A DOG EXERCISE AREA.**

WHEREAS, the Planning and Zoning Commission has recommended that City Council insert into the Zoning Ordinance the authorization for a private dog exercise area in all commercial districts and I 1 Districts as set forth in Exhibit "A" attached hereto, the recommendation of the Planning and Commission; and

WHEREAS, this amendment will authorize animal shelters or kennels having a dog run or exercise area and set forth requirements for that, and the amendment addresses noise, waste, and odor and securing of outside facilities as well as parking.

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

SECTION I: Exhibit "A" is hereby adopted and is to be added as amendment to the planning and zoning ordinance.

SECTION II: This Ordinance shall take effect at the earliest time permitted by law.

First Reading: _____

Second Reading: _____

PASSED IN COUNCIL ON THIS ____ DAY OF _____, ____.

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

Alfred E. Schrader (date)
Interim Law Director

Exhibit A
Ordinance 2022-09

Use permitted upon review

- 1147 Definitions
 - 1147.02 Definitions
- INSERT 6. ANIMAL SERVICES
- INSERT 6a. DOG EXERCISE AREA – An exercise area that is fully enclosed area of space, in which dogs are exercised either on or off a leash, with supervision.

Examples of Animal Services: Kennels, Boarding, Grooming, Exercise Areas, Recreation/Training facility, Clubs, Shelter/Humane Society etc..

ADD/INSERT to Zoning Ordinance

Part Eleven – Planning & Zoning

- 1155 Uses permitted on Review
 - INSERT (1155.08 DOG EXERCISE AREA) Refer to nfcity.maps.arcgis.com for zoning areas.
 - INSERT A private dog exercise area may be permitted in all Commercial Districts and I-1 districts subject to the requirements of the district in which it is located and the following requirements:
 - (a) Lot Area. A private recreations area shall be located on a site not less than .5 acres in area
 - (b) Setback Requirements. In the event an animal shelter or kennel has a dog run or exercise area, said run or exercise area shall be set back no less than 200 feet from any residential district.
 - (c) Noise. A dog exercise area shall prevent the animals in its care from disturbing the comfort of any person in the vicinity by frequent or long continued barking, howling or other noise which creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Dogs may only be exercised outdoors during the hours of operation. In determining whether a particular sequence of noises is excessive, other relevant factors, in addition to frequency and duration shall be considered, including but not limited to time of day, general noise level of the area and proximity to residential units. At the edge of the fencing the maximum decibel of noise shall be no more than 90db.

SPONSOR: MAYOR KLINE

ORDINANCE 2022-08

AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NEWTON FALLS, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022.

WHEREAS, It is necessary to make appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022;

WHEREAS, This Ordinance has funding sources that originated after the original Certificate of Resources was issued; and

WHEREAS, the re-appropriations will require an update of the Certificate of Resources to be filed with the Trumbull County Auditor, and

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

Section 1: "Exhibit A" as rewritten herein amends "Exhibit A" of ordinance 2021-37 and shall be the appropriations for the funds designated for the fiscal year ending December 31, 2022 for the City of Newton Falls. Any funds not listed in this exhibit shall remain intact as listed in Ordinance 2021-37.

Section 2: The City Director of Finance is hereby authorized to draw warrants on the City Treasury for payment of the foregoing appropriations, upon receiving proper certification and vouchers thereof, and no salaries or wages shall be paid except to persons employed by authority of and in accordance with law or ordinance.

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

Ordinance 2022-08

Report Date: 2/10/2022

Page 1 of 1

2022 APPROPRIATIONS, EXHIBIT A

| CITY OF NEWTON FALLS | | 2022 Current Appropriations | 2022 Proposed Appropriations | Difference |
|----------------------|--------------|-----------------------------------|------------------------------------|------------|
| 100 | General Fund | | | |
| LAW | | | | |
| Personal Services | Legal Level | 53,458.73 | 88,304.37 | 34,845.64 |
| Other Operations | Legal Level | 5,455.33 | 5,455.33 | - |
| | Total: | 58,914.06 | 93,759.70 | 34,845.64 |
| 100 | Total: | 2,265,885.52 | 2,300,731.16 | 34,845.64 |
| Grand Total: | | 18,225,986.75 | 18,260,832.39 | 34,845.64 |

| Expenditures | | 2PFY 2020 | PFY 2021 | CFY 2022 | | Actual YTD 1/31/2022 | CFY 2021 | CFY 2021 |
|---------------------------------|----------------------|--------------|--------------|--------------|---------------------------------------|---|-------------|---------------|
| Account | Description | Expenditures | Expenditures | Budget | Law Department | EXPENDITURES | Open PO's | Bgt Remaining |
| LAW | | | | | | | | |
| 100-7090-52110 | WAGES - LAW | 63,953.71 | 69,095.36 | 117,000.00 | | 632.32 | - | 116,367.68 |
| 100-7090-52115 | HOSPITALIZATION - LA | 2,172.33 | 26,067.96 | - | | 2,172.33 | - | (2,172.33) |
| 100-7090-52116 | OPERS - LAW | 9,323.12 | 9,673.38 | 16,800.00 | | 88.52 | - | 16,711.48 |
| 100-7090-52118 | MEDICARE - LAW | 939.66 | 1,001.88 | 1,200.00 | | 9.17 | - | 1,190.83 |
| 100-7090-52119 | WORKERS COMPENSATION | 1,078.43 | 1,534.80 | 750.00 | | - | - | 750.00 |
| 100-7090-52124 | UNEMPLOYMENT BENEFIT | - | - | - | | - | - | 0.00 |
| | Subtotal: | | 135,750.00 | | Legal Services Budget | | | |
| 100-7090-52150 | ADMINISTRATIVE COST | (55,742.38) | (50,862.34) | (82,291.27) | Paid by Enterprise Funds | (1,706.00) | - | (80,585.27) |
| Personal Services | Legal Level | 21,724.87 | 56,571.04 | 53,458.73 | | 1,196.34 | - | 52,262.39 |
| 100-7090-52210 | MEETINGS/DUES/SUBSCR | 96.99 | - | 800.00 | Law Travel | 31.64 | 368.36 | 400.00 |
| 100-7090-52250 | ADMINISTRATIVE COST | (69.79) | - | (500.00) | Paid by Enterprise Funds | - | - | (500.00) |
| TRAVEL & TRANSPORTAT | | | | | | | | |
| 100-7090-52310 | UTILITIES - LAW | 1,427.58 | 1,683.94 | 2,750.00 | | - | - | 2,750.00 |
| 100-7090-52311 | TRAINING - LAW | - | - | 200.00 | | - | - | 200.00 |
| 100-7090-52314 | INSURANCE - LAW | - | - | - | | - | - | 0.00 |
| 100-7090-52315 | ADVERTISING/POSTAGE | - | - | 250.00 | | 23.20 | 26.80 | 200.00 |
| 100-7090-52316 | PROFESSIONAL SERVICE | 5,743.27 | 1,451.65 | 2,850.00 | | 90,446.75 | 936.50 | (88,533.25) |
| | Subtotal: | | 6,050.00 | | Legal Professional Serv | (29,717.38) | - | 25,522.71 |
| 100-7090-52350 | ADMINISTRATIVE COST | (5,159.86) | (1,779.22) | (4,194.67) | Paid by Enterprise Funds | | | |
| CONTRACTURAL SERVICE | | | | | | | | |
| 100-7090-52410 | OFFICE PRINT COPY | 8,025.84 | 9,595.98 | 10,500.00 | | 26.33 | 289.63 | 10,184.04 |
| 100-7090-52411 | EQUIPMISC SUPPLIES | 392.99 | 956.47 | 1,050.00 | | 3,548.60 | 755.40 | (3,254.00) |
| | Subtotal: | | 11,550.00 | | Supplies & Materials | | | |
| 100-7090-52450 | ADMINISTRATIVE COST | (6,057.86) | (5,345.59) | (8,250.00) | Paid by Enterprise Funds | (57.97) | - | (8,192.03) |
| SUPPLIES & MATERIALS | | | | | | | | |
| Other Operations | Legal Level | 4,399.16 | 6,563.23 | 5,455.33 | | 64,301.17 | 2,376.69 | (61,222.53) |
| | Total: | 26,124.03 | 63,074.27 | 58,914.06 | | 65,497.51 | 2,376.69 | (8,960.14) |
| Legal Services Budget | | | | | | | | |
| Description | | | | Total | Portion paid by General fund (100) | Portion Paid by Enterprise Funds (500's) | | |
| Legal Services Budget | | | | 135,750.00 | 53,458.73 | 82,291.27 | | |
| Subtotal Personnel: | | | | 135,750.00 | 53,458.73 | 82,291.27 | | |
| Law Travel | | | | 800.00 | 300.00 | 500.00 | | |
| Legal Professional Serv | | | | 6,050.00 | 1,855.33 | 4,194.67 | | |
| Supplies & Materials | | | | 11,550.00 | 3,300.00 | 8,250.00 | | |
| Subtotal Other: | | | | 18,400.00 | 5,455.33 | 12,944.67 | | |
| Total Law Dept: | | | | 154,150.00 | 58,914.06 | 95,235.94 | | |
| Monthly: | | | | \$ 12,845.83 | | 154,150.00 | | |

Ordinance No. 2022-10

THE CITY OF THE VILLAGE OF NEWTON FALLS

Introduced by _____

Sponsored by _____

**AN ORDINANCE APPOINTING AN ACTING CITY ~~COUNCIL~~ CLERK AND
DECLARING AN EMERGENCY**

WHEREAS, the City ~~Council~~ Clerk's position is currently vacant; and

WHEREAS, Council requires time in order to deliberate and hire a qualified City ~~Council~~ Clerk;
and *as defined in Article 3 Section 14 of the Charter*

WHEREAS, due to the volume of public records requests, and the need to prepare public notices
and an agenda for the next City Council meeting, someone is needed to perform the duties of City
~~Council~~ Clerk.

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

SECTION I: City Council ratifies the City Manager's appointment of Julie Smeiles as Acting
City ~~Council~~ Clerk, until such time as Council can appoint a more permanent City ~~Council~~ Clerk.

City Council hereby appoints _____ as Acting City
~~Council~~ Clerk or **as (Permanent City ~~Council~~ Clerk.)**

Any ordinance, (or portion of) in conflict with this ordinance is hereby repealed.

PASSED IN COUNCIL ON THIS ____ DAY OF _____, 2022.

ORDINANCE NO. 2022-11

THE CITY OF THE VILLAGE OF NEWTON FALLS

Introduced by John Baryak

AN ORDINANCE ADOPTING THE POLICY CONCERNING THE AVAILABILITY OF ELECTRIC UTILITY SERVICES TO ALL CONSUMERS IN THE VILLAGE OF NEWTON FALLS AND REQUIRING THAT NEW ELECTRIC UTILITY SERVICE CONNECTIONS BE MADE TO THE VILLAGE UTILITIES AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Newton Falls owns and operates electric utility systems for the benefit of its citizens and provides electric service to its residents and taxpayers pursuant to, inter alia, the powers contained in Article XVIII of the Ohio Constitution, and

WHEREAS, under Article XVIII of the Ohio Constitution, the Village may contract or refuse to contract with others concerning the provision of utility services within its corporate limits, and

WHEREAS, this Council has determined that the interests of all of the consumers in the Village in reasonable utility rates, quality of service, physical and fiscal integrity of the Village's municipal utility operations, the quality of life within the Village, the opportunities for economic growth of the Village and the prudent utilization of the Village's rights-of-ways will be best served by requiring that service arrangements of all electric consumers within Newton Falls be made with the Village's municipal utilities or with those public or private utilities that have been granted a franchise to operate within the Village of Newton Falls, utilize the public rights-of-ways or otherwise provide electric utility services to consumers within the Village.

WHEREAS, the policy declared herein has been the policy of the Village but is now being established by Ordinance for clarity and to help assure all consumers and potential providers are aware of the Village ordinance and that arrangements other than those contemplated herein would violate Village ordinance, accordingly, an emergency exists affecting the public health and welfare requiring emergency action herein.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Newton Falls, Trumbull County and State of Ohio as follows:

Section 1. It is hereby declared to be the policy of the Village of Newton Falls to make available the products and services of its municipal utilities to all consumers in the Village, in accordance with such rates, rules, regulations and other terms and conditions of service as are now, or may hereafter be, adopted by the Village, at reasonable rates and without undue discrimination taking into account consumer situations, classifications, usage and other appropriate factors including, without limitation, availability of facilities and the capacity of the same to provide service.

ORDINANCE NO. 2022-11

Section 2. There is presently no provider of electric utility service, other than the Village of Newton Falls and its utility department, that is authorized by the Village under Article XVIII of the Ohio Constitution to provide such utility services within the Village's corporate limits.

Section 3. Except for temporary construction services which may be approved by the Service Director, all new utility service connections for electric utility service within the corporate limits of the Village of Newton Falls, as the same may be altered from time to time through annexation or otherwise, shall be made with the Village of Newton Falls's electric utility department unless and until any other entity desiring to provide such service obtains a franchise or like permit from the Village setting for the terms and conditions under which it may operate or serve consumers within the Village. Service from facilities existing as of the effective date of this Ordinance by a provider of utility service to a new occupant of a premise lawfully served on the effective date of this Ordinance pursuant to previous franchises granted by the Village shall not be precluded by this Ordinance. Likewise, service from facilities existing in any annexed areas as of the effective date of the annexation shall be similarly treated.

Section 4. This Ordinance shall not affect utility service connections and arrangements between individual consumers within the Village of Newton Falls and providers of utility services other than the Village, if such arrangements are pursuant to a previous franchise and are lawful, existing and in place as of the effective date of this Ordinance, or for annexed territory, are lawful, existing and in place at the date of such annexation. Such arrangements and connections are hereby permitted to continue, at the option of such consumer having such arrangements and connections, unless the Village of Newton Falls obtains such authorization or approval as may be required under the laws of the State of Ohio to cause such existing lawful arrangements and connections to be terminated and utility service provided by the Village of Newton Falls to be substituted for service provided under such other arrangements and connections.

Section 5. Nothing in this ordinance is to be construed to (i) limit the rights or the authority of the Village of Newton Falls under the laws and Constitution of Ohio, including the right to sell utility products and services outside its corporate limits or (ii) approve the provision of utility service by any entity other than the Village, or waive any of the Village's rights to object to and supplant any such service with its service to any consumer within the Village or hereafter not lawfully served pursuant to franchises granted by the Village.

Section 6. The Village Law Director is hereby authorized and directed to initiate, in consultation with the Service Director such applications and other proceedings before the courts and administrative agencies of the State of Ohio as may be necessary and appropriate to obtain any and all orders or other relief required to effectuate the purposes of this Ordinance.

ORDINANCE NO. 2022-11

Section 7. The Service Director is hereby authorized to negotiate, and present to Council for its approval, reasonable franchise or like agreements with any entity desiring to operate facilities for the provision of or to provide electric utility service to consumers within the Village of Newton Falls.

Section 8. It is found that all formal actions of this Council concerning and relating to the passage of this Ordinance 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.

Section 9. This Ordinance is hereby declared an emergency in that the Village of Newton Falls needs to establish that only the Village of Newton Falls may provide electric utility services to residents and consumers within the corporate limits of the Village of Newton Falls, and it is an emergency that new electric utility service connections be made to the Village utilities to prevent the encroachment of First Energy/Ohio Edison electricity into the exclusive service area of the Village of Newton Falls.

PASSED IN COUNCIL ON THIS ____ DAY OF MARCH, 2022.

Mayor, Kenneth A. Kline

APPROVED AS TO FORM:

Alfred E. Schrader (date)
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
_____.

Julie Smeiles, Acting Clerk of Council

RESOLUTION 09-2022

**A RESOLUTION IN SUPPORT OF THE PEOPLE AND THE
DEMOCRATIC NATION OF UKRAINE**

(Sponsors: Mayor Kenneth Kline, Council Members-Michael Serotko, John Baryak, Tesa Spletzer, Christopher Granchie and Julie Stimpert)

WHEREAS the City of Newton Falls and its citizens wish to support the people and the democratic nation of Ukraine in its hour of need and oppose the invasion of their country, and

WHEREAS the City of Newton Falls decries the death of innocents, the destruction of hospitals, and the human misery caused by the invasion of the democratic nation of Ukraine

WHEREAS the City of Newton Falls and its people believe Ukrainians should enjoy a peaceful country free from foreign invaders, and

WHEREAS Newton Falls desires to make an official declaration of that support;

NEWTON FALLS CITY COUNCIL RESOLVES TO:

Support the people and democratic nation of Ukraine;
Light up the water tower in the colors of the Ukrainian Flag, and
Display the flag of Ukraine as visible signs of support.

PASSED IN COUNCIL THIS 16th DAY OF MARCH 2022.

Mayor, Kenneth A. Kline

ATTEST: _____
 , Council Clerk

RESOLUTION 10-2022

A RESOLUTION HONORING "SANTA" RICK KERLIN

(Sponsor: Mayor Kenneth Kline, John Baryak)

WHEREAS the City of Newton Falls wishes to honor the giving spirit of Richard Kerlin and honor his outstanding service to the community and,

WHEREAS the City of Newton Falls recognizes the actions and service to the community of Newton Falls by Richard Kerlin through Santa's Workshop and the countless children over the years who have had a very Merry Christmas because of Santa's Workshop and,

WHEREAS the City of Newton Falls and local businesses benefitted from his support and promotion of the business community and,

WHEREAS Newton Falls desires to make an official declaration of that support;

NEWTON FALLS CITY COUNCIL RESOLVES TO:

Honor "Santa" Richard Kerlin and name December 1st as Rick Kerlin Day, a day to spread the joy of the season, a day of random acts of kindness, and a day to celebrate local businesses.

PASSED IN COUNCIL THIS 16th DAY OF MARCH 2022.

Mayor, Kenneth A. Kline

ATTEST: _____
, Council Clerk