



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
Wednesday, May 18, 2022; 6:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Michael Serotko
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Brad Bryan
Interim Finance Director	Sean Housley
City Clerk	Michael Acomb

- I. **Call to Order**
- II. **Pledge of Allegiance / Silent Prayer**
- III. **Roll Call**
- IV. **Special Presentations by Staff Members or Invited Consultants**
- V. **Public Comments**
- VI. **Reports**
 - a. Mayor
 - b. Council Members
 - c. Finance Director
 - d. Law Director
 - i. Proposed Plan for Civil Service Investigation
 - e. City Manager

Changes To Tonight's Agenda

- VII. **Approval of Previous Minutes**
 - Special Meeting Minutes, April 28, 2022
 - Caucus Meeting Minutes, May 4, 2022
 - Regular Meeting Minutes, May 4, 2022

VIII. **Public Hearings**

ORDINANCE 2022-19

Sponsor: Councilman Baryak

AN ORDINANCE APPOINTING BRADRIC BRYAN AS THE DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED DIRECTOR OF LAW AGREEMENT

ORDINANCE 2022-20

Sponsor: Councilman Baryak

AN ORDINANCE APPOINTING PAMELA PRIDDY AS THE CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED AGREEMENT FIXING THE SALARY AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CITY MANAGER

IX. Unfinished Business

ORDINANCE 2022-19

Sponsor: Councilman Baryak

AN ORDINANCE APPOINTING BRADRIC BRYAN AS THE DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED DIRECTOR OF LAW AGREEMENT

ORDINANCE 2022-20

Sponsor: Councilman Baryak

AN ORDINANCE APPOINTING PAMELA PRIDDY AS THE CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED AGREEMENT FIXING THE SALARY AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CITY MANAGER

X. New Business

RESOLUTION 17-2022

Sponsor: Councilwoman Spletzer

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT FUNDS

RESOLUTION 18-2022

Sponsor: Councilman Granchie

A RESOLUTION SUPPORTING THE VILLAGE OF LOWELLVILLE

RESOLUTION 19-2022

Sponsor: Mayor Kline

A RESOLUTION HONORING VONDA VENCEL

ORDINANCE 2022-23

Sponsor: Councilman Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM GPD GROUP FOR THE RIDGE ROAD DISTRIBUTION POLELINE DESIGN PROJECT

ORDINANCE 2022-24

Sponsor: Councilman Serotko

AN ORDINANCE CONFIRMING THE PLANNING COMMISSION'S DECISION TO REZONE THE 737 RIDGE ROAD PROPERTY FROM "R-M" RESIDENTIAL MULTI-FAMILY TO "C" COMMERCIAL

ORDINANCE 2022-25

Sponsor: Mayor Kline

AN ORDINANCE AMENDING ORDINANCE 2022-18 ESTABLISHING SEWER RATES FOR NEWTON FALLS UTILITY CUSTOMERS

ORDINANCE 2022-26

*Co-Sponsors: Councilwoman Spletzer
Councilman Serotko*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO HIRE UP TO TWO
ADDITIONAL PART-TIME ZONING ADMINISTRATORS

MOTION

Sponsor: Councilman Granchie

A Motion Requesting the Resignation of Julie Lemon from the Charter Review
Commission for Conduct Unbecoming of a Village Commission Member.

XI. Public Comments

XII. Closing Remarks

MOTION

Motion to Adjourn into Executive Session (as noted below)

☒ 1. Personnel Matters: To Consider one or more, as applicable, of the marked items:

☒ Appointment

☒ Employment

☐ Dismissal

☒ Discipline

☐ Promotion

☐ Demotion

☒ Compensation

☒ 2. Purchase or Sale of Property

☐ 6. Security Matters

☒ 3. Pending or Imminent Court Action

☐ 7. Hospital Trade Secrets

☐ 4. Collective Bargaining Matters

☐ 8. Confidential Business Information of an
Applicant for Economic Development
Assistance

☐ 5. Matters Required to be Kept
Confidential – Contract Negotiations

☐ 9. Veterans Service Commission
Applications

XIII. Adjournment



NEWTON FALLS CITY COUNCIL
SPECIAL MEETING MINUTES
 Thursday, April 28, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Michael Serotko
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Brad Bryan
Finance Director	Sean Housley
City Clerk	Michael Acomb

I. Call to Order

Councilman Baryak called the meeting to order at 6:02 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Council Present: Councilman Serotko, Councilman Baryak, Councilwoman Spletzer, Councilman Granchie, Councilwoman Stimpert

Council Absent: none

Staff Present: Mayor Kline, City Manager Priddy, Finance Director Housley, City Administrator Smeiles

Staff Absent: Law Director Bryan, City Clerk Acomb

A motion to excuse Mayor Kline from the meeting due to an emergency.

Moved by: Mr. Baryak Seconded by: Mr. Granchie

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The motion passed 5-0.

IV. Public Comments (limited to those items on the agenda)

Brenda Persino – 226 Oak Knoll St.

Regarding Resolution 14-2022, Ms. Persino stated the following encouraged Council to come to agree to allow Officer Lyden to keep Kato. She offered reasons for why they should allow them to stay together: (1) The cost to train Kato to another officer or handler would cost between \$38000-\$80000 and would take

24-48 weeks, (2) Kato would not be able to work during this time and 7 of 10 attempts to retrain a K-9 to new officer fails, (3) She encouraged Council to allow Kato and Officer Lyden to stay together.

Steve Lyden – 226 Medley Avenue

Mr. Lyden provided a summary of his military background. He described the deep connection that he and Kato share and indicated that he spent many dollars of his personal money and accepted many donations to care for Kato without asking the city for reimbursement. Mr. Lyden stated his agreement with the price but disagrees with the stipulations regarding what he can and cannot do with Kato once the purchase is made. He expressed his opinion that the language is also vague and he is dismayed at having a \$25000 penalty hanging over his head. He questioned whether the proposed contract would be sufficient to transfer all liability for Kato's actions from the city and to him.

Amber Lyden – 226 Medley Avenue

Mrs. Lyden stated that she is Mr. Lyden's wife and a registered veterinary technician. She stated that all of Kato's veterinary medical care was either donated by the local vet clinic or provided to Kato at no cost to the city by the Lyden's. Mrs. Lyden indicated that they saved the city thousands of dollars over the past two years by not requesting reimbursements. She expressed her love for Kato.

Steve Simpson – 420 Ravenna Road

Mr. Simpson stated his past desire to remain silent and to stay out of politics despite his 22 years of service as a police officer. He has met and experienced many K-9 officers and their canine partners over the years. He believes that Resolution 14-2022 is wrong and urged Council to award custody of Kato to Mr. Lyden and to wish them well. He questioned Council's intentions for setting a high price and wondered what would happen if Mr. Lyden cannot raise the money.

Philip Beer - 509 Ravenna Road

Mr. Beer expressed his understanding that every other officer whose partner was a canine was awarded custody of the dog for \$1.00. He stated that there are many angry citizens over this issue.

Adam Zimmerman – 515 Lemae Avenue

Mr. Zimmerman stated that it seems clear that Kato is not just a K-9 officer, he is a family member of the Lyden's. He stated that the Lyden's absorbed expenses related to Kato's food, medical care, and general welfare. He stated that Kato was sworn-in as officer and this it is wrong to ask him to never work again and do what he was meant and trained to do (which is not something that would be asked of a human officer). He urged Council to amend the agreement tonight with regard to the price and all other provision and stipulations.

Anna Eby – 50 West 9th Street

She stated her displeasure with the contract agreement for the dog and her agreement with everything that has been stated previously this evening.

V. New Business

RESOLUTION 14-2022

Sponsor: Mayor Kline

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A K-9
TRANSFER AGREEMENT WITH OFFICER STEVE LYDEN

A motion to place Resolution 14-2022 on the floor for discussion.

Moved by: Mr. Granchie Seconded by: Ms. Spletzer

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms.
Stimpert-yes

The motion passed 5-0.

Mr. Baryak called for a discussion and yielded the floor to Mr. Granchie.

Mr. Granchie described his experience with K-9 officers, his belief that there is no way to retrain Kato, and his understanding of the bond between the K-9 and the handler. He finds it unacceptable to break that up.

Mr. Serotko noted an email conversation in which (1) Mr. Lyden seems to be in agreement with the proposed contract agreement, (2) there is evidence that the city has paid quite a bit for the dog, and (3) that all the expenses, not including the donations, adds up to a large sum of money. He asked the City Manager to comment.

City Manager Priddy provided an overview of recent events:

1. Mr. Lyden expressed interest in making Kato a family dog.
2. Mr. Lyden's letter of resignation stated that he was looking forward to training Kato to be happy house dog with his family.
3. Mrs. Priddy and Mr. Lyden met for close to two hours to discuss his resignation and his wishes.
4. Previous dogs were donated to their handlers by the city, but were never city property. Kato is city property as he was purchased with a grant for \$11,500.
5. The city's expenses for Kato came to \$18,755 for calendar years 2020 and 2021. The total of donations amounted to \$14, 840 resulting in a negative balance to the city of \$3,915.
6. Mr. Lyden was paid each week 10 hours of wages for continuing training of Kato plus another 4 hours of time and a half wage for Kato's continuing training each weekend. That total amount paid to Mr. Lyden on behalf of Kato for this continuing training was \$37,896.06 for calendar years 2020, 2021, and thus far into 2022. All told, this comes to a negative balance of just over \$41,000 to the city.
7. During their time of service, Mr. Lyden and Kato spent 25% of their work week in training and not on active patrol and summarized Kato's law-enforcement performance and achievements during his 19 months of active service to the city.
8. The Interim Police Chief was asked by Mrs. Priddy to research the average sale price of K-9 dog for this situation and it was determined that it could have been up to \$7000.
9. There was also an option to donate the dog to a place in Pennsylvania that retrains dogs and places them with new handlers. Mrs. Priddy stated that this idea of retraining was rejected.

10. Prior to this meeting, Mr. Lyden had previously agreed to the terms that were outlined in the proposed contract agreement, including the stipulations regarding breeding, working, etc.... Mr. Lyden intended to retire the dog.
11. Mr. Lyden questioned the \$25,000 penalty during their meeting and was told that Council could decide what that number should be, but that the Law Director recommended that number as being a fair choice because that is approximately what would have to be paid if Kato returned to service.

Mrs. Stimpert expressed concern about the priority that is being placed on money and stated that Council should have understood when they chose to have a K-9 that it would cost money. She expressed disappointment that it seemed that the K-9 unit could not be used in full workdays; but wondered how many lives were saved or turned around because of their work, despite the \$41,000 price tag. She expressed her belief that money isn't relevant to this conversation.

Mr. Baryak asked if Mr. Lyden said to Mrs. Priddy that he couldn't afford the dog or if the city forced him to take this deal. The City Manager stated Mr. Lyden was not forced, but rather Mr. Lyden stated he was ready to pay \$3915 right away. She stated that he was encouraged to think about it and to discuss it with his family before the city would take his money. She further stated that he returned on the following Monday, and expressed that "he had the \$5000 and was ready to go".

Mr. Baryak stated that some very serious budget cuts have been required lately but he didn't remember a conversation about eliminating the dog's position with the city and that this issue was only prompted by Mr. Lyden's letter of resignation. Mrs. Priddy confirmed that his recollection was correct and further stated that euthanasia was never discussed and never considered to be an option. Mr. Baryak noted that the dog has not paid for itself as was promised by the former Chief of Police and that a negotiation occurred with Mr. Lyden in which he agreed to pay for the dog.

A motion was made to suspend Council Rules so that councilmembers could ask questions of Mr. Lyden.

Moved by: Serotko Seconded by: Spletzer

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The motion passed 5-0.

Mr. Serotko asked Mr. Lyden to comment on the accuracy of the information that has been presented to Council thus far. Mr. Lyden commented that Mrs. Priddy's recollection of the conversation was not the same as his recollection. He stated that he had expressed that he could likely raise \$5000 and that \$10000 was never discussed. Mrs. Priddy stated that Interim Police Chief Foor was present for the meeting; but was absent from tonight's meeting.

Mr. Baryak asked for verification that Mr. Lyden had agreed to not use the dog for work purposes. Mrs. Priddy confirmed that truth and Mr. Lyden agreed. Mr. Baryak asked if Mr. Lyden has agreed to not sell the dog or place it back into service. Mr. Lyden confirmed that he had agreed to that. Mr. Baryak wanted to know why there was a

problem now. Mr. Baryak and Mr. Serotko reiterated that Council wants Mr. Lyden to have the dog.

Mrs. Priddy read an email in which Mr. Lyden stated that he had \$5000 and asked for the due date. Mrs. Priddy replied that he would have 60 days to pay.

Mr. Serotko asked if Mr. Lyden now had a problem with \$5000. Mr. Lyden stated that he thinks it should be \$1.00, but he's willing to pay \$5000. Mr. Lyden stated that his problem is with the \$25,000 penalty for breaking the terms of the contract. Mr. Serotko stated that he was confused by Mr. Lyden's renege on the contract terms when we had previously agreed to the terms. Mr. Lyden stated that he doesn't like the terms but will agree to them; he just doesn't like the penalty clause of the contract.

Mr. Baryak asked Mrs. Priddy to elaborate on the \$25,000 penalty clause and she read the clause to Council. She then clarified that if Mr. Lyden does any of the things listed in the clause, then Mr. Lyden would have to pay the penalty. MR. Baryak asked if the Law Director recommended this clause. Mrs. Priddy stated that this clause and the penalty amount was recommended by the Law Director and it is consistent with similar agreement to sell K-9 dogs in other communities.

Unidentified members of the audience called for Council to give the dog to Mr. Lyden for \$1.00.

Julie Lemon - 609 Ridge Road

Ms. Lemon spoke in support of the dog and urged Council to give the dog to Mr. Lyden for no charge.

Adam Zimmerman – 515 Lemae Avenue

Mr. Zimmerman spoke about the penalty clause and asked for Council's reasons to include it in the contract.

An unidentified audience member spoke out against the penalty clause and urged Council to remove it from the contract.

An unidentified audience member expressed confusion about the dog's ability to work after Mr. Lyden takes custody. She wondered if it was fair to restrict the dog, who is considered to be working officer, when Council does not restrict human officers from working once they leave their position with the police department. Mrs. Priddy clarified that Council considered selling the dog to another community and that the receiving community would perform retraining. She stated that the City had no plans to eliminate the K-9 position, but understood that Mr. Lyden has stated his intentions to only use the dog as a family dog and wished to do so. She stated that the penalty clause was put into place to ensure that Mr. Lyden kept his word regarding his intentions considering that Council was choosing to let the dog go when Council did not otherwise have the intention to do so. Otherwise, if the dog was going to continue working then Council might have chosen to sell the dog to another community so that it could be retrained.

Mrs. Lemon restated her support for the dog to be given to Mr. Lyden because the dog is regarded as a member of their family and she called for compassion from Council.

Mrs. Priddy reiterated that this discussion is primarily about a business decision that is being made by Council and she stated her hope that Mr. Lyden could receive the dog.

Mr. Lyden clarified to Council that training and proper care of the dog is required by the State of Ohio to re-certify while in service. He stated his belief that those things should not be factored into the discussion. Mrs. Priddy clarified that Ohio mandates 4 hours of training; but the city paid for 10 hours. She also stated that Ohio mandated 3.5 hours on weekend; but the city paid for 4 hours. Mr. Lyden and Mrs. Priddy argued about the amount of weekend compensation that was received by Mr. Lyden with Mrs. Priddy citing records from the finance department regarding payments to Mr. Lyden. Mr. Lyden stated that none of the mandatory requirements should be factored into the decision and offered to have the \$25,000 payment reduced to \$18,000.

An unidentified audience member expressed his disagreement with Council trying to recoup some of the tax money that was initially paid for the dog and stated that the citizens already paid for the dog once, are willing to give it away for free or \$1.00 and urged Council to do that.

An unidentified audience member stated that it is wrong to think of this as a business decision. She stated that citizens will raise the money for Mr. Lyden to pay for the dog if Council charges him. She urged Council to give the dog to Mr. Lyden or it will cause more problems for Council in the future.

Mr. Zimmerman stated his understanding that Council rejected other options for the dog, urged Council to trust Mr. Lyden, and asked them to make a good decision tonight.

Mrs. Lyden spoke out against the \$25,000 penalty because she believes that it sets them up for a liability based on potentially false accusations or an unintended future action by the dog that might be out of their control.

An identified audience member spoke out against the penalty clause. He asked if the dog's accomplishments were not enough to consider him a useful officer and asked Council for their reasons in restricting an accomplished officer from doing the job he was trained to do, should he and his handler decide to work again in the future.

Dave Hanson – address unknown

Mr. Hanson spoke to Mr. Lyden's character and noted that he likely made an emotional decision based on his connection to the dog. He stated that the dog isn't a typical asset of the city, like a police cruiser. He stated his support for allowing Mr. Lyden to take the dog and work elsewhere if he chooses to do so.

Mrs. Priddy clarified that the agreement did not require the dog to be neutered. She further clarified that the Lyden's indicated their intent to neuter the dog when they took possession. In response, Mrs. Lyden restated that intent, offered proof after the procedure, and restated that they do not intend to work elsewhere. She restated that the

\$25,000 penalty is the problem. In response, Mrs. Priddy asked Mrs. Lyden if she and her husband would agree to the restrictions if the penalty clause was removed. Mrs. Lyden answered yes, but they would like to be able to volunteer the dog's services to special cases, such as missing child searches.

Mrs. Priddy recommended that Council could remove the \$25,000 penalty.

A motion to reinstate Council rules for the meeting.

Moved by: Mr. Granchie Seconded by: Mrs. Spletzer
Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes
The motion passed 5-0.

Mr. Granchie discussed the dog's training and recommended that it be removed from the discussion. He recommended that Council take no money for the dog and urged Council to not separate the dog from Mr. Lyden.

A motion to amend Resolution 14-2022 to remove Section 1 and replace it with language that allows Mr. Lyden to have the dog for \$1.00 with no other stipulations.

Moved by: Mr. Granchie Seconded by: Mrs. Stimpert

Mr. Baryak asked if the remaining sections would remain in the agreement. Mr. Granchie suggested that Council sell the dog to Mr. Lyden for \$1.00 and allow him to do what he pleases with the dog.

Mrs. Stimpert clarified that sections 2 and 3 are also removed from contract if section 1 is amended as moved. She also expressed her support for Mr. Lyden's potential future earnings if he chooses to work with the dog for any reason.

Mr. Granchie urged Council to eliminate the resolution altogether and write a new resolution that allows Mr. Lyden to purchase the dog for \$1.00 and to own the dog with no restrictions on Mr. Lyden or the dog's activity as it relates to working and future earnings.

Mr. Baryak stated that this is the third dog the city has owned and the third dog that the city has lost. He expressed worry about the feelings of those who donated to the dog for the benefit of the city. He stated that the dog is city property, and a business decision needs to be made. He stated that he is against Mr. Lyden putting the dog back into service; but is in favor of Mr. Lyden having the dog.

Mr. Serotko stated his understanding of the emotional connection between Kato and Mr. Lyden. He stated his support to allow the \$25,000 penalty to be removed.

Roll Call

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes
The motion to amend Resolution 14-2022 passed 5-0.

Roll call to vote on the passage of the amended Resolution 14-2022

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms.

Stimpert-yes
The resolution passed 5-0.

VI. Public Comments (limited to those items on the agenda)

Steve Simpson – 420 Ravenna Road
Mr. Simpson congratulated Council on making the right decision.

Julie Lemon – 609 Ridge Road
Ms. Lemon thanked Council and congratulated the Lydens.

An unidentified member of the audience thanked Council for showing the city that they can do the right thing without arguing. She congratulated Mr. Lyden and wished him well.

Philip Beer – 509 Ravenna Road
Mr. Beer thanked Council.

Mr. Lyden addressed Council and thanked them.

Adam Zimmerman – 515 Lemae Avenue
Mr. Zimmerman thanked Council for recognizing that Kato is more than just city property.

Mr. Baryak wished Mr. Lyden and Kato well. He thanked them for their service and expressed his trust in the Lyden's to keep their word regarding their intentions.

Mr. Serotko thanked Mr. Lyden and Kato for their service and wished them well.

Mrs. Spletzer thanked Mr. Lyden for his service to the city and the country. She offered congratulations and wished him and Kato well.

Mr. Granchie thanked Mr. Lyden for his service to the city and the country.

Mrs. Stimpert thanked Mr. Lyden for his service and for standing up and advocating for himself and Kato.

Mrs. Priddy offered thanks and appreciation for the time that she spent with Mr. Lyden during this process. She expressed joy in watching him play with Kato the other day. She extended an offer to Mr. Lyden to return to service with the city at any time if he so wishes.

VII. Adjournment

A motion to adjourn the meeting.

Moved by: Granchie Seconded by: Spletzer

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms.

Stimpert-yes

The motion passed 5-0.

Meeting adjourned at 7:29 pm.



NEWTON FALLS CITY COUNCIL
CAUCUS MINUTES
Wednesday, May 4, 2022; 5:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Michael Serotko
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Brad Bryan
Interim Finance Director	Sean Housley
City Clerk	Michael Acomb

I. Call to Order

Mayor Kline called the meeting to order at 5:06 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Council Present: Councilman Serotko, Councilman Baryak, Councilwoman Spletzer, Councilman Granchie, Councilwoman Stimpert

Council Absent: none

Staff Present: Mayor Kline, Finance Director Housley, Law Director Bryan, City Clerk Acomb, City Administrator Smeiles

Staff Absent: City Manager Priddy

IV. Unfinished/New Business

a. General Fund Deficit

Mr. Housley stated that the goal for the meeting was to address questions regarding how income taxes are allocated and how those allocations could be changed to improve the current state of the General Fund. Mr. Housley provided Council with three handouts: (1) An updated RITA Tax Analysis comparing Newton Falls to other communities, (2) a copy of the Newton Falls income tax allocation ordinance, and (3) An April 20, 2022, month-end statement of cash position.

Mr. Housley led a discussion with Council in which he made the following main points:

1. He and Council need to agree on the importance of coming up with an amount of money that the city needs for the next 1-3 years to sustain operations, fight inflation, and to re-obtain some cash flows that are currently being provided by COVID grants.
2. The American Rescue Plan Act (ARP) monies are covering many expenses in the police

department, and yet, the city is running a limited operation. Replacement money will be necessary once the ARP money disappears or cuts will need to be made as the police department and the zoning compliance officers, as examples, represent a direct charge on the general fund.

3. Cuts have already been made. Examples of these cuts are (1) security is no longer brought to meetings, (2) the position of Finance Director has no paid benefits, which is not sustainable, and (3) the costs of benefits, in general, are rising.
4. A RITA analysis of surrounding communities reveals that the last time a change was made in the income tax rate was in 2015 and Newton Falls is the only community with a rate of 1%. All other communities utilize tax rates between 1.5% - 2.75%. Past efforts to change the income tax rate have failed. Rate changes haven't been discussed in recent memory.
5. Investment losses have been significant recently due to the past use of bond mutual funds rather than term bonds. It was stated that mutual funds are not safe during period of inflation. Past pressure in Newton Falls to realize higher yields, resulted in taking more risks. Subsequently, the city has lost \$132,000 due to the current economic conditions.
6. Ordinance 2020-23 set the current allocation rules for revenue. The allocation was read to Council, and it was noted that current cash balances were provided noting further that the general fund is currently \$125,041.51 in the negative. Mr. Housley stated that the city's goal should be to have \$800,000 in reserve. It was stated further that the Street CMR Fund is also \$19898.27 in the negative. It was stated that these situations did not happen suddenly but resulted from deficit spending patterns. He also noted that some income tax revenues are used for capital expenditures, and this is where the police cruisers will be charged this year.
7. Mr. Housley stated that an additional \$850,000 yearly is needed, and this amount can be attained by raising the income tax rate to 2%. He also recommended eliminating the current tax forgiveness of 100%, but including a sunset provision restoring it contingent upon the community's approval of a proposed income tax rate increase. This would guarantee some tax revenue next year in the event the proposed income tax rate increase fails at the ballot.
8. Law Director Brad Bryan stated that a theoretical tax increase could go into effect on January 1, 2023, and could include a sunset clause of the forgiveness, if it passes. He asked that Council provide some direction if legislation is to be brought forward.
9. There is not enough revenue, and the city cannot cut any more than has already been cut. Operating revenue should be about 10% higher than operating expenses. Selling assets is not a long-term solution.

Mayor Kline stated that the city is "3 years behind the curve" and expressed doubt that a tax increase would pass on the ballot. Asked Mr. Housley, what the options are for the rest of this calendar year, and suggested to Council that they solicit suggestions from the residents.

Mr. Housley made the following points:

1. Regarding a loan, a revenue stream needs to be setup to be approved for a loan, and in the event, the city could not repay a loan the bank may use the Utility revenues and collateral. Mr. Housley recommended against borrowing money.
2. Adjust the forgiveness percentage right now so that collections can begin in August 2022. This option would yield very little money for this calendar year; but it could be \$60,000 which would be in place if legislation to increase the income tax rate failed at the ballot. This would be an automatic revenue stream for 2023.
3. When the deficit balance exceeds 25-30% of the general fund for the year; the state could

declare the city as being in a state of fiscal emergency. In that case, Council could lose fiscal control to the State who would start making decisions.

4. There is currently \$8 million in cash reserves; but the city is spending money that is legally restricted and regularly spending more money than is being generated.
5. Any increases in the tax rates would not affect senior citizens.

Mr. Baryak recalled that a small increase in the tax rate was attempted, and it failed. Council and Mayor Kline discussed holding a town hall meeting. Council acknowledged that no one wants to pay more taxes; but something must be done. Council agreed that various methods of advertisement would be explored to give public notice of a town hall meeting to be held on May 18, 2022.

V. Adjourn

Motion to adjourn the caucus meeting at 5:39 pm.

Moved by: Mr. Baryak

Seconded by: Mr. Granchie

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The motion passed 5-0



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
Wednesday, May 4, 2022; 6:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Michael Serotko
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Brad Bryan
Finance Director	Sean Housley
City Clerk	Michael Acomb

- I. Call to Order**
II. Pledge of Allegiance / Silent Prayer
III. Roll Call

Council Present: Councilman Serotko, Councilman Baryak, Councilwoman Spletzer, Councilman Granchie, Councilwoman Stimpert

Council Absent: none

Staff Present: Mayor Kline, Finance Director Housley, Law Director Bryan, City Clerk Acomb, City Administrator Smeiles

Staff Absent: City Manager Priddy

IV. Special Presentations by Staff Members or Invited Consultants

Mayor Kline provided recognition of the seniors for Senior Day. He presented a proclamation to a single student representative. Each participating senior received a proclamation signed by each member of Council and Mayor Kline. Mayor Kline was thanked by the student representative for the support of the city and the opportunity to serve.

V. Public Comments

Richard Kerlin – 1009 Woodglen

Relayed a personal experience that he shared with Mrs. Priddy when she was first hired. He stated that this experience disappointed him because she was left with literally no records, materials, supplies, mentor, or explanations for how to run

the city from her position. Despite these challenges, she has persevered and has developed (1) a vision for the future as evidenced by 2022-wolford, (2) a grant for nearly \$250,000 to get a Dunkin Donuts for the city and is trying to develop a working relationship with Braceville. He expressed appreciation for her open style of communication and the accessibility of her and council to the public. Her partnerships with businesses are attracting more businesses. She expressed appreciation that she is working for no salary. He expressed his opinion that this ordinance should pass easily. When past city managers were hired, he stated that the pay rates were done by emergency ordinance dating back to 2002. He urged Council to pay Mrs. Priddy for all her time and noted that she is not taking insurance. He expressed that she is not the person who placed the city in financial peril. She taught herself the job. He cited that the meeting for Kato was the right thing; urged to do the right thing now and pay her as soon as possible.

Julie Lemon – 609 Ridge Road

She expressed support for Pam Priddy and urged Council to amend the ordinance and not to pass it as an emergency ordinance. She asked council to retroactively pay her, but to do it via the regular process for passing an ordinance.

Jamie Kline – 312 Ridge Road

She reminded council of their oath to listen to all without silencing others. Regarding 2022-20 she stated that twice this week Mrs. Priddy was involved in attempts to have restraining orders issued. She expressed her lack of support for Mrs. Priddy's hiring and urged her to step down. She also called for Councilwoman Spletzer to step down and the Mayor reminded her to limit her comments to agenda items.

Phillip Beer - 509 Ravenna Road

Mr. Beer stated that he was against the hiring of Mrs. Priddy. He stated his belief that she has caused the city an undue financial burden by agreeing to fire everyone and subject the city to unnecessary lawsuits. He urged council to use common sense to not hire her.

Adam Zimmerman – 515 Lemae Avenue

Mr. Zimmerman expressed dismay at the "onslaught of emergency ordinances." He stated his belief that (1) 2022-19 is not an emergency due to the fact that the law director has already been working in this capacity and will continue to do so, (2) 2022-20 is not an emergency due to the fact the city manager is also already working in this capacity and will continue to do so. He commented on the unlimited allowed use of public vehicles by Mrs. Priddy, which would allow her to use the vehicle for business and other personal uses, including personal gain in other employment ventures. Related to Mrs. Priddy's transition, he stated that Mr. Lynch had two weeks after his termination before he had to leave and that he believes that Mr. Lynch met with Mrs. Priddy several times along with Mayor Kline. He urged council to stop saying that she had no guidance.

(3) 2022-21 seems like standard business and asked why this was deemed an emergency. He urged Council to allow public hearings for the sake of transparency on each of these ordinances.

VI. Reports

a. Mayor

- i. Mayor Kline attended the senior service day and thanked the students for their work. He visited new businesses, attended the school board meeting, and engaged residents in face-to-face meetings. He attended the Trumbull County Business Roundtable meeting.

b. Council Members

- i. Mr. Serotko – A resident informed him of high grass on a city lot. He stated that this situation was handled promptly.
- ii. Mr. Baryak – He attended senior day and thought they did a nice job. He expressed that this year's event cost significantly less than last year. He met with Mrs. Priddy and Aaron Young, a Braceville Township Trustee and felt that it was a productive meeting where the goal was to establish a productive, working relationship. He stated that Mrs. Priddy, County Commissioners, and Mr. Baryak met with the Superintendent of the health department in an effort continue working towards a favorable deal for the Sewer Upgrade project. He noted that two new businesses will open soon, including one in Ward 2 and that all economic development is welcome. He encouraged everyone to work together despite differences by offering solutions instead of complaints.
- iii. Mrs. Spletzer – She attended the Senior Service Day. She received a call from Carol Young who said that the condo association was hoping to revisit a road dedication. She received calls about the Scott St Sewer project, tall grass on Mayhill Drive, and a resident who is concerned about the new law for fireworks and worried about safety. Another call was received from a resident who wants street lighting added in their neighborhood. The Parks and Recreation meeting was cancelled. She attended the special meeting of Council on April 26. She heard a complaint about houses in the city that are used to rehabilitate former drug addicts.
- iv. Mr. Granchie – He attended the Planning and Zoning committee meeting in which an address was rezoned. Otherwise, he managed his usual communications via email and phone.
- v. Mrs. Stimpert – She attend the April 30 fire board meeting. The next meeting is on May 17 at 6:00pm. She stated that the Fire Chief indicated that 149 incidents were handled in March. She asked Chief Williamson to introduce himself. He expressed his honor to hold this position.

c. Finance Director

- i. Mr. Housley restated a short summary of the current financial circumstances and referred to the previously held caucus from this evening. The General Fund is negative. The Street CRM is negative. It's not legal to spend more than you earn via revenue. No more cuts can be made. All vendors but two are paid: (1) Invoices for legal services are unpaid in the amount of \$120,000 and (2) Invoices from the engineers on the Scott Street project are unpaid and due pending an arrangement with the township for payment. Mr. Housley shared that regarding delinquent accounts, the utility department utilized door hangers and recouped \$12,500 of \$18,000 owed to the city. He stated that some bills cannot be collected for medical exemptions and county intervention. There were 43 electric bills that were also delinquent totaling \$52,000. The city collected \$40,000 owed to the city. He stated that an income tax program has been implemented for this year and he is working with RITA to institute a delinquent filer program to increase compliance.

d. Law Director

- i. Mr. Bryan has been busy over the past few weeks assisting department heads and handling assignments from the city manager. He attended the charter review commission meeting, provided a legal opinion at the request of the planning commission, and began to handle pending litigation matters. Mr. Bryan commented on the change in law regarding fireworks and clarified that it allows usage on certain holidays only; but the village can pass its own ordinance to ban usage if they want to do that. He cautioned that doing so might hold the unintended consequence of causing the police department to spend time and effort to enforce it with support from the fire department. Mr. Baryak asked if Mr. Bryan had heard any feedback about the prosecutor and Mr. Bryan stated that all seems to be going well.

e. City Manager

- i. Not present.

Changes To Tonight's Agenda

Mr. Serotko called for the City Manager to investigate the civil service commission. He stated he received a phone call in which wrongdoing by the civil service commission was alleged. Mr. Baryak agreed that an investigation was warranted. Law Director Bryan suggested that Council could authorize the City Manager to coordinate an investigation in which she would do the investigation herself or assign someone else to do it.

Moved by: Mr. Serotko

Seconded by: Mr. Baryak

Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes;
Mrs. Stimpert-yes
The motion passed 5-0.
The item was added to the agenda under New Business.

VII. Approval of Previous Minutes

Caucus Minutes, April 20, 2022

Mr. Baryak expressed his appreciation for the quality of the minutes.

Moved by: Ms. Spletzer Seconded by: Mr. Serotko
Ms. Spletzer-yes; Mr. Granchie-yes; Mrs. Stimpert-yes; Mr. Serotko-yes;
Mr. Baryak-yes
The minutes were approved 5-0

Regular Meeting Minutes, April 20, 2022

No Council comments.

Moved by: Mr. Granchie Seconded by: Mr. Baryak
Mr. Granchie-yes; Mrs. Stimpert-yes; Mr. Serotko-yes; Mr. Baryak-yes;
Ms. Spletzer-yes
The minutes were approved 5-0

VIII. Public Hearings

ORDINANCE 2022-18

Sponsor: Mayor Kline

AN ORDINANCE AMENDING ORDINANCE 2022-03 ESTABLISHING SEWER
RATES FOR NEWTON FALLS UTILITY CUSTOMERS

No public comments.

Passed Second Reading.

IX. Unfinished Business

ORDINANCE 2022-18

Sponsor: Mayor Kline

AN ORDINANCE AMENDING ORDINANCE 2022-03 ESTABLISHING SEWER
RATES FOR NEWTON FALLS UTILITY CUSTOMERS

No Council comments.

Moved by: Ms. Spletzer Seconded by: Mr. Baryak

Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Mrs. Stimpert-yes;
Mr. Serotko-yes
The ordinance passed 5-0.
Final passage.

X. New Business

ORDINANCE 2022-19

Sponsor: Councilman Baryak

AN EMERGENCY ORDINANCE APPOINTING BRADRIC BRYAN AS THE
DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AMENDED DIRECTOR OF LAW AGREEMENT

Mr. Granchie stated his belief that this ordinance is not an emergency given that it would be retroactive. He stated his support for Law Director Bryan, but not as an emergency.

Mr. Baryak asked Mr. Bryan, if the ordinance fails as an emergency, would it prevent him from doing his job. Mr. Bryan stated that the only issue would be that he wouldn't be paid for 30 days after final passage and that it would take a couple months for him to receive pay for the work that he has already done and will continue to do. He said that he has spent substantial time on business for Newton Falls and has passed on other business opportunities. He emphasized that he is grateful for the work and will work anyway; but believes he should be paid in a timely manner.

Mr. Baryak stated the former law director refused to work without a contract. In response, Finance Director Housley stated that says it is legal if Mr. Bryan accepts the terms of the contract; but expressed his opinion that it is not fair to make him work for two (2) months without pay.

Mrs. Spletzer pointed out the reason for the emergency and read that part of the ordinance to Council. She stated that she supports the emergency. Mr. Baryak also expressed support for the emergency. Mr. Granchie reiterated his lack of support because he understood that this ordinance was related to an increase in Mr. Bryan's pay, and thus, not an emergency.

Moved by: Mr. Baryak Seconded by: Mrs. Spletzer
Ms. Spletzer-yes; Mr. Granchie-no; Mrs. Stimpert-no; Mr. Serotko-yes;
Mr. Baryak-yes;
The ordinance failed 3-2 as an emergency.
Passed First Reading.

ORDINANCE 2022-20

Sponsor: Councilman Baryak

AN EMERGENCY ORDINANCE APPOINTING PAMELA PRIDDY AS THE CITY
MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED

AGREEMENT FIXING THE SALARY AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CITY MANAGER

Mr. Baryak stated his understanding of the public stance on emergency ordinances. He said (1) that Mrs. Priddy has not been receiving pay to date and she has been doing the work, (2) there is precedent for the use of a public car by someone in her position and she does not abuse its use, and (3) he believes the right thing to do is to hire her.

Mrs. Stimpert stated opposition to an emergency ordinance; she wants transparency and public comment. Mr. Granchie agreed with Mrs. Stimpert and expressed concern that Council's public stance has been to lead by doing things differently than past Councils; but this Council does not seem to follow-through. Mr. Serotko expressed frustration with the use of an emergency ordinance. He stated agreement with hiring Mrs. Priddy, but not by emergency. He suggested amending the ordinance to remove the emergency clause and the reference to an emergency from the title. The Law Director confirmed the this could be legally compliant approach.

A Motion to amend Ordinance 2022-20 to remove the emergency clause and emergency reference from the title.

Moved by: Ms. Spletzer Seconded by: Mr. Baryak
Mr. Granchie-yes; Mrs. Stimpert-yes; Mr. Serotko-yes; Mr. Baryak-yes;
Ms. Spletzer-yes;
The motion passed 5-0.

A Motion to pass Ordinance 2022-20 as amended.

Moved by: Mr. Baryak Seconded by: Ms. Spletzer

Mrs. Stimpert expressed dissatisfaction with the overall hiring process and reiterated that her belief that it was not a transparent and complete process. Mr. Granchie agreed with Mrs. Stimpert and suggested that the manner in which this search was conducted was not the proper way to hire an executive. Mr. Baryak reminded Council that the position was advertised for 45 days, several applicants withdrew, and all of Council agreed that Mrs. Priddy does a good job and is saving city money at the same time. Mr. Baryak reminded Council that interviews were conducted. Mayor Kline asked if they needed more time and there were no responses from Council. He reminded Council that they are a public entity, not a private company. Mayor Kline offered a reminder that Council could not leave the executive session regarding this issue with an agreement as it would have been a violation of the law.

Ms. Stimpert-no; Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-no

The ordinance passed 3-2.
Passed First Reading.

ORDINANCE 2022-21

Sponsor: Councilwoman Spletzer

AN EMERGENCY ORDINANCE PROVIDING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO PERFORM SYSTEMATIC SIGN UPGRADES ON STATE ROUTE 5 IN THE VILLAGE OF NEWTON FALLS

Ms. Spletzer explained the emergency status of this ordinance was due to a mailing error which prevented Council from receiving the notice from the state in a timely manner. Mr. Granchie asked Mr. Bryan to confirm that ODOT requested that this ordinance be passed as an emergency and Mr. Bryan replied affirmatively. Mr. Granchie expressed support for an emergency ordinance based on that request.

Moved by: Mrs. Stimpert Seconded by: Mr. Granchie
Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes;
Mrs. Stimpert-yes
The ordinance passed 5-0.
Passed First Reading.

Moved by: Mr. Granchie Seconded by: Ms. Spletzer
Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes;
Mr. Serotko-yes
The ordinance passed 5-0.
Final Passage.

ORDINANCE 2022-22

Sponsor: Councilwoman Spletzer

AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE VILLAGE OF NEWTON FALLS, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES TO THE COUNTY AUDITOR

Ms. Spletzer stated that she anticipated this to be revisited by Council many times in the future and expressed support for Mr. Housley. The electric operating fund is being increased to allow for Dunkin Donuts to get started, specifically for the poles and lines for this project. She stated that Mr. Housley was able to reduce expenditures by not taking employment benefits for his position. Mr. Housley stated he didn't have much time last year to invest in the details of the budget and relied heavily on the software to conduct the re-budgeting process with a quick review based on his limited knowledge at the time. He stated that he is keeping a close eye on all departments and expects future adjustments to surface which he

will discuss with Council when they occur. He expressed a commitment to making budget cuts wherever they can be made.

Moved by: Mr. Granchie Seconded by: Mrs. Stimpert
Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes;
Mr. Serotko-yes
The ordinance passed 5-0.
Passed First Reading.

Moved by: Mr. Granchie Seconded by: Ms. Spletzer
Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Serotko-yes;
Mr. Baryak-yes
The ordinance passed 5-0.
Final Passage.

RESOLUTION 15-2022

Sponsor: Councilwoman Spletzer

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN INTERNSHIP FOR ASSISTANT FINANCE DIRECTOR PAMELA WOLFORD TO RECEIVE FINANCE DIRECTOR TRAINING UNDER THE DIRECT SUPERVISION OF FINANCE DIRECTOR SEAN HOUSLEY UNTIL DECEMBER 31, 2022

Ms. Spletzer stated her belief that this resolution is a wise decision and that it will allow Ms. Wolford to learn from Mr. Housley. She also stated support for Ms. Wolford as she is already actively retraining staff to correct past and prevent future errors in data-entry.

Moved by: Ms. Spletzer Seconded by: Mr. Serotko
Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Serotko-yes;
Mr. Baryak-yes
The resolution passed 5-0.
Final Passage.

RESOLUTION 16-2022

Sponsor: Councilwoman Spletzer

A RESOLUTION AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE TREASURER OF OHIO'S MARKET ACCESS PROGRAM; AND AUTHORIZING THE PREPARATION AND FILING OF AN APPLICATION FOR THAT PROGRAM AND THE EXECUTION AND DELIVERY OF A STANDBY NOTE PURCHASE AGREEMENT WITH THE TREASURER AND OTHER NECESSARY AND APPROPRIATE DOCUMENTS

Ms. Spletzer stated that the overall debt related to this resolution began at \$3.5M and is now at \$690,000. She stated that it should take two years to resolve the debt.

Moved by: Mrs. Stimpert Seconded by: Mr. Serotko
Mrs. Stimpert-yes; Mr. Serotko-yes; Mr. Baryak-yes; Spletzer-yes; Mr. Granchie-yes
The resolution passed 5-0.
Final Passage.

A motion to authorize the City Manager to conduct an investigation of the Civil Service Commission.

Moved by: Mr. Serotko Seconded by: Mr. Baryak

Mr. Serotko reiterated that he received a phone call from the past chairperson who alleged wrongdoing by the Commission. He stated his belief that Council needs to find out why and what is being done.

Mr. Granchie asked if the Law Director would assist the City Manager. Mr. Bryan stated that he would be assisting and would discuss it with the City Manager and they would decide the proper course of action.

Ms. Spletzer said that she understands that the results of the recently administered civil service test are still pending. Mr. Bryan confirmed that there were scoring issues and they are past due in releasing official results.

Mrs. Stimpert questioned if this motion is the way that things should be done. She expressed interest in removing the word investigation and allowing Council to understand what something like this would like before authorizing an investigation to ensure that a lawsuit does not result from their actions or cause unnecessary havoc in the community.

Mr. Bryan suggested that Council could amend the motion to allow for a plan to be presented to Council. Mrs. Stimpert agreed that Mr. Bryan summarized her thinking adequately.

A motion to amend the previous motion and to authorize the City Manager to present a plan to Council regarding how an investigation of the Civil Service Commission would be conducted.

Moved by: Mrs. Stimpert Seconded by: Mr. Granchie

Mr. Baryak asked for clarification that this would allow the City Manager and the Law Director to collaborate and present a plan to Council for adoption.

Ms. Spletzer and Mrs. Stimpert debated if this was the proper course of action.

Mr. Bryan stated that this would be the proper course of action and that he and the City Manager would discuss the situation and present a plan to Council which would also include a recommendation as to who it would be best to assign the role of investigator.

Mr. Baryak stated his desire to not have Council interfere with Administration. He clarified that this motion authorizes the City Manager to do her job. Mr. Bryan stated that Mr. Baryak's clarification was correct. Mr. Bryan further clarified that Council would not be conducting an investigation; but a primary consideration will be whether or not the City Manager takes the role of investigator or if it is recommended to assign that role to someone else.

For the sake of clarity, Mr. Baryak asked Council Clerk Acomb for another reading of the motion. Mr. Bryan suggested the following:

A motion to amend the previous motion and to authorize the City Manager to present a plan to Council regarding how a civil service investigation would be conducted.

Mr. Serotko-yes; Mr. Baryak-yes; Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes;

The motion to amend the previous motion passed 5-0.

Mayor Kline called for a motion to accept the amended motion.

Moved by: Mr. Granchie

Seconded by: Mr. Serotko

Mr. Baryak asked Mr. Bryan to comment regarding whether this motion as amended would allow for a timely resolution or if it would slow things down. Mr. Bryan stated that it would slow things down slightly but would not prevent a timely resolution of this issue.

Mr. Baryak-yes; Spletzer-yes; Mr. Granchie-yes; Mrs. Stimpert-yes; Mr. Serotko-yes

The motion as amended passed 5-0.

The City Manager and the Law Director are authorized to present a plan to Council regarding how a civil service investigation would be conducted.

XI. Public Comments (including non-agenda items)

Don Placer - 342 Oak Knoll

Mr. Placer distributed an exhibit to the Council and the Law Director. He stated that he believed a serious matter was at-hand. He stated that on May 3, Julie Lemon, a member of the Charter Review Commission, allegedly acted in an

unprofessional manner by lashing out in public forums against his family and the school district. Mrs. Lemon allegedly commented on a social media post made by Mr. Placer's wife who is the administrator of a local social media page. On that page, Mr. Placer's wife had posted a thank you message to Newton Falls teachers for their work with children. He stated that Mrs. Lemon chose to use that post to air a grievance against the school district by posting a reply to the post made by Mr. Placer's wife. Mr. Placer stated that Mrs. Lemon was asked by Mr. Placer's wife to refrain from such activity on that social media page. Instead, Mrs. Lemon aired several live broadcasts via social media in which she allegedly bashed teachers by name, allegedly threatened the superintendent, and allegedly called out Mr. Placer's stepchildren and grandchildren by name for their alleged poor behavior towards Mrs. Lemon's child. Mr. Placer further stated that when the live broadcast ended, Mrs. Lemon allegedly sent several messages to Mr. Placer's wife (contained in the exhibit). Mr. Placer alleged that the messages constituted sexual harassment and verbal assault. He stated his belief that this alleged behavior is unbecoming for a member of city commission. He called for an investigation and her removal from the commission.

Julie Lemon – 609 Ridge Road

Ms. Lemon expressed disappointment in Mr. Placer for using the Council meeting to publicly air a private disagreement between two adults and the school district concerning their children. She alleged that Mr. Placer's stepchild verbally harassed Mrs. Lemon's child and she alleged that the school did not support her child. She stated that council chambers are not the place for these disagreements. She further stated her entitlement to an opinion about specific teachers. She offered that Council was not provided the full record of text messages that have been sent. She offered this situation, as an example, for why the community is struggling to move forward in unity and expressed her right to talk about the school in any way she sees fit.

Jamie Kline - 312 Ridge road

Ms. Kline alleged that Mrs. Lemon, several months prior, demanded that Chief of Police Fixler to take a false police report. Since then, she has allegedly continued to make false police reports and she urged council to force Chief of Police Foor to press charges against Mrs. Lemon.

Mr. Bryan stated that a council meeting is not the proper forum these kinds of statements to be made. Mayor Kline reprimanded and admonished the audience for their behavior. Ms. Kline argued with Mayor Kline. At the direction of Mayor Kline, Chief of Police Foor escorted Ms. Kline from council chambers.

Lyle Waddell – Myrtle Beach, SC

Mr. Waddell wants Council to develop a good relationship with Braceville Township Trustees. He stated that during annexation attempts, he and the previous mayor tried to do the same thing; but it seemed the Braceville Township was not interested. He stated that he became a state certified economic development planner and learned a lot about JEDDs. He advocated that it is

easier for this community to annex rather than form a JEDD. Public records will reveal the reason for dropping the JEDD and moving to annexation. He stressed that Newton Falls does not need Braceville Township to develop much of the land held by Newton Falls.

Anne Eby – 50 W. 9th Street

She apologized for the outburst she made earlier in the meeting. Regarding Mrs. Priddy, she stated that considering the Finance Director saying that the city has no money, she wants to know how Council plans to pay her. She also asked Council to state how much the new Law Director is charging for taking over Al Schrader's previous work and where does that money come from. She stated that the people of Newton Falls are hurting, and many cannot afford more taxes. Mayor Kline thanked Ms. Eby, acknowledged her apology, and also apologized for his actions this evening.

Charlotte Simmons - 365 Warren Road

Ms. Simmons expressed frustration that Mayor Kline called out one audience member and not another and asked the mayor to respond. Mayor Kline expressed frustration with the immature behavior displayed by audience members tonight. He stated that two people were asked to stop their unruly behavior and that one person stopped while the other person did not. Ms. Simmons stated every person has a right to speak their mind and lodged additional allegations against Mrs. Lemon. Mayor Kline stated that while this portion of the meeting can be used for comments on non-agenda items; he asked that people not use this time to comment on things are personal and do not pertain to city business.

Adam Zimmerman – 515 Lemae Avenue

Mr. Zimmerman expressed concern about Council's confusion regarding what constitutes a public record. Citing the Ohio Revised Code, Mr. Zimmerman read the definition of a public record. He placed on emphasis on the part of the definition that he believes demonstrates that invoices from law department become records when they are received and do not have to wait until they are approved in order to become a record. He questioned why Mr. Serotko allegedly waited two months to report his phone call from the previous civil service director just before that person resigned. Regarding City Manager Priddy, he stated that he believes she is responsible for four lawsuits against the city. Mayor Kline stated that he cannot use this time to make accusations. Mr. Zimmerman challenged Mayor Kline regarding the consequences of continuing to speak on this topic. Mayor Kline stated that he could join Ms. Kline in the parking lot. Mr. Zimmerman stated his understanding that he is not allowed to talk about this topic and returned to his seat.

Unidentified Resident - 227 North Center Street

The Parks and Recreation meeting was cancelled. She stated a concern that picnic tables were gifted to the Parks and Recreation Department and that they now need a lot of work and repairs. She stated that the road crew who performs the mowing recommended that the existing tables be removed from the pavilion and

replaced with smaller versions. She also stated that as a member of the Parks and Recreation committee, she has not received a formal request for replacements, and she believes that they should receive a request for action. She also stated her concerns that someone might be living in the park and that there are vicious dogs near the playground. She expressed concern that the Chief of Police and the Dog Warden have not resolved the situation. She urged Council, when relevant issues arise, to fully utilize the Parks and Recreation Committee and allow them to be involved.

Newton Falls Police Chief Foor

The Chief asked Law Director Bryan to confirm their conversation from earlier today regarding the laws surrounding homeless person and dogs. The Chief cited a U.S. Supreme Court decision that prevents him from acting against the homeless person. Mr. Bryan clarified that if crimes are committed by this person and there is proven danger from the dogs, then it can be addressed within the law. Mr. Bryan stated that the present course of action towards the person and the dogs is the all that can be done at this time.

Dave Hanson - 4365 Warren Road

Mr. Hanson expressed his belief that raising the income tax is not the answer to the financial troubles of the city; rather, he urged Council to attract industry. He urged the mayor to act professionally and to run the city. He stated that raising taxes will keep industry and businesses out. He urged the Mayor and Council to focus on the business of the city, its growth, and keeping public services intact.

XII. Closing Remarks

Mr. Serotko – no comments

Mr. Baryak – He stated his support for Law Director Bryan and the manner in which he is being paid and that legal invoices are being handled. He stressed the council will work with and be fair with all. He stated that he wants to bring industry but Council needs to be fair and they cannot afford to rebate everything. He stated his understanding that emergency ordinances were a problem in the past, but also stated his support for Mr. Bryan and Mrs. Priddy while being concerned that they are being asked to work for several months without pay, which he believes is not fair. He expressed that he has been impressed with Mrs. Priddy as a decent and capable leader. He urged everyone to work together and love one another. \$240

Ms. Spletzer – She clarified for Mrs. Eby that certain amount of money were set aside in the budget by Mr. Housley for the purposes of paying the law director and the city manager. She stated that Mrs. Priddy is saving the city a considerable amount of money by taking a salary of \$60,000. Bryan is working for just under

\$70,000, which is half of the budgeted amount of money. She stated that these positions are being filled by capable people who are willing to work for considerably less than is typical, which is helping the overall budget. She stated that council meetings are not the place to air personal problems. She stressed that the city needs to heal and hopes that people will allow that to happen.

Mr. Granchie – no comments

Mrs. Stimpert – no comments

Mayor Kline – He agreed with Ms. Spletzer's comments. He stated his belief that he is a proud citizen who believes that he is a very fair person and knows that his reputation is such. He expressed his well-wishes for everyone in the city; but reiterated that council meetings are business meetings and there is a proper way to act in these meetings. He urged residents behave better towards one another.

Motion to Recess into Executive Session (if necessary)

Motion to Adjourn into Executive Session (as noted below) at 8:02 pm.

☒ 1. Personnel Matters: To Consider one or more, as applicable, of the marked items:

- | | | | |
|---|--|--|-------------------------------------|
| <input checked="" type="checkbox"/> Appointment | <input checked="" type="checkbox"/> Employment | <input type="checkbox"/> Dismissal | <input type="checkbox"/> Discipline |
| <input checked="" type="checkbox"/> Promotion | <input type="checkbox"/> Demotion | <input checked="" type="checkbox"/> Compensation | |

☐ 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

☐ 7. Hospital Trade Secrets

☐ 8. Confidential Business Information of an Applicant for Economic Development Assistance

☐ 9. Veterans Service Commission Applications

Moved by Mr. Granchie

Seconded by: Ms. Spletzer

Mr. Granchie-yes; Mrs. Stimpert-yes; Mr. Serotko-yes; Mr. Baryak-yes; Ms. Spletzer-yes

The motion passed 5-0.

Motion to adjourn executive session at 8:34 pm.

Moved by: Ms. Spletzer

Seconded by: Mr. Serotko

Mr. Serotko-yes; Mrs. Stimpert-yes; Mr. Granchie-yes; Ms. Spletzer-yes; Mr. Baryak-yes;

The motion passed 5-0.

Mr. Housley advised Council that utility bills are scheduled to go out on May 18, same day as the town hall meeting, they wish to announce. Mayor suggested they Ms. Smeiles and the city manager will decide how to creatively announce the town hall meeting to be held on May 18 at 5:00pm.

XIII. Adjournment

Motion to adjourn the regular meeting at 8:40 pm.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Mr. Baryak-yes; Mr. Serotko-yes; Ms. Stimpert-yes; Mr. Granchie-yes;
Spletzer-yes

The motion passed 5-0

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-19
SPONSOR: Councilman John Baryak

**AN ORDINANCE APPOINTING BRADRIC BRYAN AS THE DIRECTOR OF LAW
AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED
DIRECTOR OF LAW AGREEMENT**

WHEREAS, due to the untimely illness (and subsequent passing) of recently hired Newton Falls Law Director Robert Heydorn, Mr. Bryan was appointed as the Newton Falls Director of Law at an Emergency Council Meeting held on April 14, 2022 pursuant to an Agreement that was authorized by Council and subsequently executed by the City Manager; and

WHEREAS, the April 14, 2022 Agreement between Newton Falls and Mr. Bryan contemplated Mr. Bryan expending an average of 27 hours per month of work as the Newton Falls Director of Law for the foreseeable future; and

WHEREAS, at the time the April 14, 2022 Agreement was entered into by Newton Falls and Mr. Bryan, Newton Falls and Mr. Bryan were operating under the understanding the Roderick Linton Belfance law firm would continue to handle certain pending litigation matters for the Village; and

WHEREAS, since that date, the Roderick Linton Belfance law firm has determined that it will not continue to represent the Village in ongoing litigation matters with the exception of one case for which the firm has been appointed handle by the Village insurance company; and

WHEREAS, it is now clear that Mr. Bryan will need to represent the Village in certain pending litigation matters on an immediate basis and expend considerably more time and hours of work in connection with his responsibilities as Newton Falls Director of Law.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby and herein appoints Mr. Bryan as the Director of Law, retroactive to April 14, 2022, and authorizes the City Manager to enter into the attached Amended Director of Law Agreement, or an agreement that is substantially similar thereto.

ORDINANCE NO. 2022-19
PAGE TWO

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

AMENDED DIRECTOR OF LAW AGREEMENT

This Agreement is entered into this _____ day of _____, 2022, by and between Newton Falls, Ohio ("Newton Falls"), an Ohio municipal corporation, and Bradric Bryan ("Attorney"), 22050 Mastick Road, Fairview Park, Ohio 44126, an attorney licensed to practice law in the State of Ohio, collectively referred to as the "Parties".

WHEREAS, due to the untimely illness (and subsequent passing) of recently hired Newton Falls Director of Law Robert Heydorn, Attorney was hired as the Newton Falls Director of Law at an Emergency Council Meeting held on April 14, 2022 pursuant to an Agreement that was authorized by Council and subsequently executed by the City Manager; and

WHEREAS, the April 14, 2022 Agreement between the Parties contemplated Attorney expending an average of 27 hours per month of work as Newton Falls Director of Law for the foreseeable future; and

WHEREAS, at the time the April 14, 2022 Agreement was entered into by the Parties, the Parties were operating under the understanding the Roderick Linton Belfance law firm would continue to handle certain pending litigation matters for the Village; and

WHEREAS, since that date, the Roderick Linton Belfance law firm has determined that it will not continue to represent the Village in ongoing litigation matters with the exception of one case for which the firm has been appointed handle by the Village insurance company; and

WHEREAS, it is now clear that Attorney will need to represent the Village in certain pending litigation matters on an immediate basis and expend considerably more time and hours of work in connection with his responsibilities as Newton Falls Director of Law.

NOW, THEREFORE, Newton Falls and Attorney hereby enter into the within Amended Agreement for Attorney to serve as its Director of Law under the supervision of the City Manager in accordance with the provisions of the Newton Falls Charter and the following terms and conditions.

1. Scope of Work and Compensation. Mr. Bryan shall regularly attend Regular Council Meetings and Special and other meetings requested by the City Manager and Council and perform all other necessary work in accordance with the scope of duties for the Director of Law set forth in the Newton Falls Charter, including all Village litigation matters, with the exception of litigation matters for which insurance counsel has been appointed or when otherwise authorized by Council. As compensation for undertaking the duties of the Director of Law during the month of April, 2022, Attorney shall be paid a fixed monthly salary of \$3,750, prorated based upon his April 14, 2022 start date, with Attorney being included in the Ohio Public Employees Retirement System. Starting May 1, 2022, Attorney shall be paid a fixed monthly salary of \$5,833 per month (which equates to \$46,664 for the remainder of the 2022 calendar year), with Attorney being included in the Ohio Public Employees Retirement System. Attorney shall be considered a part-time employee and shall not be entitled to any other employee benefits except as specified herein. Attorney shall cover his own expenses in the

performance of his duties with the exception of expenses approved in advance by the City Manager such as court or other government filing fees, court reporter or deposition costs, expert fees, and the like.

2. Effective Date and Termination. This Agreement shall be effective upon execution and may be terminated by either party: (a) immediately for cause; or (b) at will and without cause with the provision of sixty (60) days' written notice to the other party.

Attorney

Newton Falls

Bradric T. Bryan

Pamela S. Priddy, City Manager

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-20
SPONSOR: Councilman John Baryak

**AN ORDINANCE APPOINTING PAMELA PRIDDY AS THE CITY MANAGER AND
AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED AGREEMENT FIXING
THE SALARY AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CITY
MANAGER**

WHEREAS, Council appointed Ms. Priddy as Interim City Manager on or about August 9, 2021, and Ms. Priddy has served in that capacity since that time on a volunteer basis without pay; and

WHEREAS, Council now desires to appoint Ms. Priddy as City Manager in accordance with Article IV, Section 1 of the Charter of Newton Falls; and

WHEREAS, Council desires to authorize the Mayor to execute the attached Agreement fixing the salary and terms and conditions of employment for the City Manager.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby and herein appoints Ms. Priddy as the City Manager, retroactive to May 1, 2022, and authorizes the Mayor to execute the attached Agreement fixing the salary and terms and conditions of employment for the City Manager.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

ORDINANCE NO. 2022-20
PAGE TWO

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CITY MANAGER AGREEMENT

This Agreement is entered into this _____ day of _____, 2022, by and between Newton Falls, Ohio (“Newton Falls”), an Ohio municipal corporation, and Pamela Priddy (“Ms. Priddy”), collectively referred to as the “Parties”.

WHEREAS, Ms. Priddy was appointed Interim City Manager on or about August 9, 2021; and

WHEREAS, the Newton Falls Council removed the Interim title and appointed Ms. Priddy to the position of City Manager on this _____ day of _____, 2022 in accordance with Article IV, Section 1 of the Charter of Newton Falls.

NOW, THEREFORE, Newton Falls and Ms. Priddy hereby enter into the within Agreement for Ms. Priddy to serve as City Manager in accordance with the provisions of the Newton Falls Charter and the following terms and conditions.

1. **Compensation and Benefits.**

- a. As compensation for performing the duties of City Manager, Ms. Priddy shall be paid a fixed annual salary of \$60,000 (\$5,000 per month), prorated as of May 1, 2022, with Ms. Priddy being included in the Ohio Public Employees Retirement System.
- b. The position shall be full-time.
- c. Ms. Priddy shall be entitled to 200 hours of vacation leave per calendar year. Unused vacation hours in any year may not be cashed out or carried over into a subsequent year.
- d. Ms. Priddy shall be provided with the use of a Village vehicle. Ms. Priddy’s use of that vehicle shall be unlimited within Trumbull County. Ms. Priddy is restricted from driving her Village vehicle outside of Trumbull County except on Village business.
- e. Ms. Priddy shall be reimbursed by the Village for her reasonable out of pocket expenses expended in the course of her duties in accordance with any Village expense reimbursement policy.
- f. Ms. Priddy shall receive life insurance benefits in accordance with the standard coverage plan provided to other Village employees but hereby waives her right to participate in all Village employee health, dental, and vision insurance coverage plans.

2. **Termination.** This Agreement may be terminated by either party: (a) immediately for cause; or (b) at will and without cause with the provision of thirty (30) days’ written notice to the other party.

City Manager

Newton Falls

Pamela Priddy

Kenneth Kline, Mayor

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 17-2022
SPONSOR: Councilwoman Spletzer

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT
NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED
COMMUNITY GRANT FUNDS**

WHEREAS, the Village of Newton Falls is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for a NOPEC Energized Community Grant ("NEC Grant") for 2022 as provided for in the NEC Grant Program guidelines; and

WHEREAS, the Village desires to enter into a Grant Agreement with NOPEC to receive one or more NEC grants.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Newton Falls, Ohio:

SECTION 1. That the Council of the Village of Newton Falls finds and determines that it is in the best interests of the Village to enter into a Grant Agreement with NOPEC, Inc. to receive one or more 2022 NEC Grants, which Agreement is identical to or in substantially similar form to the Grant Agreement that is attached hereto. Council further authorizes the City Manager to execute the Grant Agreement and accept any 2022 NEC Grant(s).

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

NOPEC 2022 ENERGIZED COMMUNITY

GRANT AGREEMENT

This Grant Agreement (the “Agreement”) is made and entered into by and between NOPEC, Inc. (“Grantor”), and _____, _____ County, Ohio (“Grantee”; “Grantor” and “Grantee,” the “Parties”) regarding a grant by Grantor to Grantee to be used primarily for energy efficiency or energy infrastructure updates in accordance with NOPEC Energized Community Grant criteria, guidelines and requirements (“NOPEC Policy”).

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. **Grant of Funds.** Grantor hereby grants a NOPEC Energized Community Grant (“NEC Grant”) to Grantee in the amount calculated by Grantor based on the number of natural gas and/or electric accounts served by Grantor in Grantee in accordance with NOPEC Policy in the amount determined by Grantor (“Funds”), for the purposes set forth in Grantee’s Grant Disbursement Request, as amended, and incorporated by reference into this Agreement.

2. **Use of Funds.** Grantee shall use the Funds granted by Grantor for qualified use as outlined in the program policies. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. All disbursements for qualified use in accordance to the program policies must be submitted by November 30, 2024. If Grantee does not request disbursements by Grantor on or before such date, Grantee shall forfeit any unused Funds for the NOPEC 2022 Grant year.

3. **Accounting of Funds.** Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. **Term.** The Parties agree that this Agreement shall begin on January 1, 2022, and shall expire on December 31, 2022, and shall be automatically renewed annually unless Grantor discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein.

5. **Renewable Energy Credits.** Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the work completed using grant funding. Grantor reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify Grantor if Grantee does not wish to trade or sell any such credits or assets.

6. **Records, Access and Maintenance.** Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to Grantor all of its records with respect to matters covered by this Agreement, and for Grantor to audit, examine and make copies from such records. Grantee agrees to share and release all of its utility and other data with NOPEC, Inc. and Grantor and its

consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as Grantor shall require.

7. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

8. **Inability to Perform.** In the event that Grantee does not or cannot complete or perform its obligations under this Agreement, Grantee shall immediately notify Grantor in writing. Grantor, with the approval of the Committee formed to award NEC Grants (the "Committee"), and Grantee shall jointly identify amendments or suitable uses that meet NOPEC Policy.

9. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to Grantor, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

10. **Termination.**

(a) If Grantor determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, Grantor, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

(b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council ("NOPEC" or "Northeast Ohio Public Energy Council") member whose residents are receiving service from Northeast Ohio Public Energy Council's natural gas or electric aggregation program and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council's natural gas or electric aggregation program.

11. **Effects of Termination.**

(a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of Grantor.

(b) The Committee also may withhold final installment payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from its electric or natural gas aggregation program(s), Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

12. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement, Grantee agrees to defend Grantor and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

13. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the funding. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

14. **Miscellaneous.**

(a) **Governing Law.** The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) **Entire Agreement.** This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) **Notices.** All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:

In case of NOPEC, to:

Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

In case of Grantee, to:

Title: _____

Name: _____

_____, Ohio _____

(e) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the funding uses and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(f) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of Grantor.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement.

(i) Determinations by Grantor Final. All determinations as to eligibility of any uses of an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by Grantor and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer or other position] to take all actions with respect to the NEC Grant and this Agreement as may be required and Grantor shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.

(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and Grantor to use information about Grantee's grant(s) and work funded in any marketing they may conduct, and agrees to cooperate with Grantor in connection with such marketing.

[Signature Page to Follow.]

IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE:

NOPEC, INC.:

_____, Ohio

Individual Authorized by Grantee's
Legislation

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

[Signature page to NOPEC 2022 Energized Community Grant Agreement.]

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 18-2022
SPONSOR: Councilman Granchie

A RESOLUTION SUPPORTING THE VILLAGE OF LOWELLVILLE

WHEREAS, a tragic shooting took place on May 5, 2022 at the Lowellville K-12 Campus.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That the Mayor and Council of Newton Falls, on their behalf and on behalf of the Officials, Employees, and Citizens of the Village of Newton Falls, hereby express their deepest sympathy and steadfast support for the Village of Lowellville community during this difficult period.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 19-2022
SPONSOR: Mayor Kline

A RESOLUTION HONORING VONDA VENCEL

WHEREAS, Vonda Vencel has worked tirelessly to beautifully decorate and maintain the Four Corners in the Village; and

WHEREAS, the Village and its citizens have benefitted from her dedication and commitment in service of the community; and

WHEREAS, the Village wishes to honor the hard work, caring spirit, and service of Vonda Vencel by making the within official declaration of appreciation and support for Ms. Vencel.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Newton Falls, Ohio:

SECTION 1. That the Mayor and Council of Newton Falls, on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby honor Vonda Vencel and publicly acknowledge and declare their appreciation for her selfless dedication and service to the community.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 18th DAY OF MARCH, 2022.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-23
SPONSOR: Councilman Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
FROM GPD GROUP FOR THE RIDGE ROAD DISTRIBUTION POLELINE DESIGN
PROJECT**

WHEREAS, in order to enhance economic development opportunities, the Village desires to extend electricity distribution north on Ridge Road to the intersection of State Rt. 5 and State Rt. 534; and

WHEREAS, GDP Group regularly performs engineering work for the Village utility departments and is familiar with the Village's infrastructure and needs; and

WHEREAS, the Village sought and received a proposal from GDP Group for the design of the aforementioned electricity distribution extension project and desires to move forward with the project.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby and herein authorizes the City Manager to accept the attached proposal, or a proposal that is substantially similar thereto, from GPD Group for the Ridge Road Distribution Poleline Project, in an amount not to exceed \$43,010.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director



April 29, 2022
2022340.00

Bill George
Electric Superintendent
City of Newton Falls
52 E Church St
Newton Falls, OH 44444

City of Newton Falls, Ohio – Ridge Rd Distribution Poleline Design

Dear Bill,

GPD Group (GPD) is pleased to offer this fee proposal for the City of Newton Falls Ridge Rd Distribution project.

Project Summary

The City is planning to extend their existing 12.47kV electric distribution poleline north on Ridge Rd to State Route 5. This will require the new poles to be set within the State of Ohio road right-of-way (R/W). The State of Ohio will therefore need to review and approve the plans verifying placement of the poles along said R/W.

We have developed the below scope of work to develop the required plans for State submittal.

Scope

To accomplish this project GPD will perform the engineering design to construct a 0.6 mile 3-phase 12.47kV overhead distribution line extension from the existing deadend structure located along Ridge Rd (near 41°11'51.78"N, 80°58'37.50"W) to the intersection of SR5 and SR534. The design will extend a couple spans east on State Route 5 from Ridge Rd and include the crossing drawings required by the State to install a distribution tap to the north side of the State route to serve a new proposed customer.

Survey Services

- Complete a topographic survey of the proposed route.
 - Topographic limits to be from R/W to R/W along SR 534 (Ridge Rd) from SR 5, south approximately 2,600 feet and from R/W to R/W along SR 5 from SR 534, east approximately 500 feet.
 - Compile all survey data into one CAD base map to aid in the proposed design.
- Complete a ground-based LIDAR scan of the existing overhead facilities along the western side of SR 534 through the survey limits described above.

Detail Engineering

- Perform engineering design according to the IEEE C2-2017 National Electrical Safety Code design criteria.
- Prepare Issue for Review (IFR) and Issue for Construction (IFC) drawings (electronic pdf).
Deliverables will include:

- Cover Sheet
- Staking Sheets
- Stringing and Sagging Tables
- GPD Construction Units
- State Route 5 Crossing Exhibit

Assumptions and Clarifications

- Survey effort does not include easement, plat or legal description preparation, title review, or staking of any kind. Additionally, no individual property lines will be resolved and/or surveyed.
- Construction specifications and construction support services are not required.
- Permitting will be completed by the City. GPD has allotted time to assist the City with completing the permit application for submittal and to address any questions or concerns that come from the State review.
- There are several locations along the route where there are crossing conductors which appear to be Ohio Edison owned. One appears to be an existing 23kV line that FE will require proof of code clearances thus requiring a crossing exhibit to be generated. We have included the generating of this exhibit in our proposal. The other crossings all appear to be secondary conductor that would be handled in the field by adjusting the City's neutral conductor elevation on the poles. We recommend these secondary crossing be handled in the field on an as per location basis with the local FE distribution group.

Fee

GPD proposes to provide engineering services on for a not-to-exceed fee of \$43,010.00 including all expenses. GPD will bill monthly on time and material basis.

Please call if you have any questions or need additional information. Thank you for this opportunity to quote engineering services to the City of Newton Falls.

Sincerely,
GPD Group



Jeffrey W. Pearce, PE
Project Manager

Accepted By: _____

(Printed Name)

(Title)

(Signature)

(Date)

G:\Proposals\2022\10 Power\Newton Falls\4.29.2022 Newton Falls Ridge Rd Distribution Proposal.docx

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-24
SPONSOR: Councilman Serotko

**AN ORDINANCE CONFIRMING THE PLANNING COMMISSION'S DECISION TO
REZONE THE 737 RIDGE ROAD PROPERTY FROM "R-M" RESIDENTIAL MULTI-
FAMILY TO "C" COMMERCIAL**

WHEREAS, at its meeting held on May 3, 2022, the Village Planning Commission approved the 737 Ridge Road property owner's application to rezone the property from "R-M" Residential Multi-Family to "C" Commercial.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby and herein confirms the Planning Commission's decision to grant the 737 Ridge Road property owner's application to rezone the 737 Ridge Road property (PPN 53-006501) from "R-M" Residential Multi-Family to "C" Commercial, finding that the within zoning map amendment is warranted due to changes of an economic, physical, or social nature within the area involved which were not anticipated by the comprehensive plan and which have substantially altered the basic characteristics of the area.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS,
OHIO ORDINANCE NO.: 2022-25
SPONSOR: MAYOR KLINE

**AN ORDINANCE AMENDING ORDINANCE 2022-18 ESTABLISHING SEWER
RATES FOR NEWTON FALLS UTILITY CUSTOMERS**

WHEREAS, Ordinance 2022-18 established sewer rates as of the effective date of the Ordinance for 2022 and for 2023, 2024, and 2025; and

WHEREAS, the Village desires to re-evaluate and set effective sewer rates for Unmetered Customers.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1: That Council hereby ratifies and confirms the sewer rates set forth below, together with the effective dates such rates shall go into effect, as follows:

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

2022 Effective July 1 2022

City \$15.47
Township \$17.97

2023 Effective January 1 2023

City \$16.40
Township \$19.05

2024 Effective January 1 2024

City \$17.38
Township \$20.19

2025 Effective January 1 2025

City \$18.25
Township \$21.20

Rates for Unmetered Customers

The effective City or Township Metered Rate/1000gal will be used based on the following household size categories.

1-2 Person Household will be billed @ 3000gal/month (Metered Rate x 3)

3+ Person Household will be billed @ 6000gal/month (Metered Rate x 6)

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

ORDINANCE NO. 2022-25
PAGE TWO

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 18th DAY OF May, 2022.

Mayor, Kenneth A. Kline

ATTEST: _____
Clerk of Council,

APPROVED AS TO FORM:

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
_____.

Clerk of Council

1st Reading: _____

Public Hearing: _____

2nd Reading: _____

Effective: _____

VILLAGE OF NEWTON FALLS, OHIO

ORDINANCE NO.: 2022-26

CO-SPONSORS: Councilwoman Spletzer and Councilman Serotko

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO HIRE UP TO TWO
ADDITIONAL PART-TIME ZONING ADMINISTRATORS**

WHEREAS, due to the volume of work in the Department and the desire for seven day per week coverage from the Zoning Department, the City Manager is requesting authority from Council to hire up to two additional part-time Zoning Administrators.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby and herein authorizes the City Manager to hire up to two additional part-time Zoning Administrators who would be paid at the current hourly pay rate provided for the position.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS 18th DAY OF May, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director