



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, June 15, 2022; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	VACANT
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
  - e. City Manager

Changes To Tonight's Agenda

- VII. **Approval of Previous Minutes**  
 Regular Meeting Minutes, June 1, 2022  
 Special Meeting Minutes, June 7, 2022
- VIII. **Public Hearings**
- IX. **Unfinished Business**
- X. **New Business**

**ORDINANCE 2022-29**

*Sponsor: Councilperson Spletzer*

AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE AND REQUESTING THAT SAID AMENDMENTS BE CERTIFIED TO THE COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT

**ORDINANCE 2022-30**

*Sponsor: Councilperson 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.

**RESOLUTION 21-2022**

*Sponsor: Councilperson Granchie*

A RESOLUTION REQUESTING A CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE FROM THE TRUMBULL COUNTY AUDITOR CERTIFYING TO THE VILLAGE OF NEWTON FALLS THE AMOUNT A THREE MILL, FIVE YEAR, POLICE TAX LEVY WOULD GENERATE FOR THE VILLAGE

**RESOLUTION 22-2022**

*Sponsor: Councilperson Granchie*

A RESOLUTION REQUESTING A CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE FROM THE TRUMBULL COUNTY AUDITOR CERTIFYING TO THE VILLAGE OF NEWTON FALLS THE AMOUNT A TWO MILL, FIVE YEAR, POLICE TAX LEVY WOULD GENERATE FOR THE VILLAGE

**RESOLUTION 23-2022**

*Sponsor: Councilperson Spletzer*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE II, SECTION 3 OF THE CHARTER REGARDING THE MAYOR'S AUTHORITY TO IMPLEMENT AND SUPERVISE THE ENFORCEMENT OF HEALTH DIRECTIVES

**RESOLUTION 24-2022**

*Sponsor: Councilperson Spletzer*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 21 OF THE CHARTER REGARDING ADDITIONAL DIRECTIVES RELATING TO THE PASSAGE OF EMERGENCY ORDINANCES

**RESOLUTION 25-2022**

*Co-Sponsors: Councilperson Granchie  
Councilperson Stimpert*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER NUMBERED ARTICLE III, SECTION 24 REQUIRING THE MAYOR OR A COUNCILMEMBER TO SPONSOR ORDINANCES AND RESOLUTIONS

**RESOLUTION 26-2022**

*Sponsor: Councilperson Stimpert*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER NUMBERED ARTICLE III, SECTION 25 PERTAINING TO PUBLIC COMMENTS AND CLOSING COMMENTS AT COUNCIL MEETINGS

**RESOLUTION 27-2022**

*Sponsor: Councilperson Baryak*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER NUMBERED ARTICLE III, SECTION 23 ESTABLISHING VOTE THRESHOLDS NECESSARY TO PASS MEASURES BEFORE COUNCIL AND RULES FOR THE TREATMENT OF ABSTENTIONS AND ABSENCES

**RESOLUTION 28-2022**

*Sponsor: Councilperson Granchie*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 1 OF THE CHARTER REMOVING THE RESIDENCY REQUIREMENT FOR THE CITY MANAGER

**RESOLUTION 29-2022**

*Sponsor: Mayor Kline*

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VII, SECTION 4 OF THE CHARTER PERTAINING TO THE PROCEDURES FOR RECALL ELECTIONS

**MOTION**

*Sponsor: Councilperson Spletzer*

A Motion to authorize the City Manager to obtain appraisals for the properties located at 612 West Broad Street and 19 North Canal Street for the purpose of potential sale of said properties.

**MOTION**

*Sponsor: Councilperson Granchie*

Motion to designate June 19 (Juneteenth) as a city holiday to be observed on June 20 for the year 2022 and to follow up with a codified ordinance for subsequent calendar years.

**MOTION**

*Sponsor: Councilperson Baryak*

A Motion to authorize the City Manager to sign an agreement with EVO ECO of Youngstown, Ohio for an amount that exceeds \$25,000 to perform necessary, emergency services on the pre-sedimentation basin at the water treatment plant due to a mechanical failure and to allow plant operations to resume to full capacity.

**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

☒ 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

**XIII. Adjournment**



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING MINUTES**  
 Wednesday, June 1, 2022; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	VACANT
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 6:02 pm.

**II. Pledge of Allegiance / Silent Prayer**

**III. Roll Call**

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

Council Absent: VACANT SEAT

Staff Present: Mayor Kline, Finance Director Housley, Law Director Bryan, City Clerk Acomb, City Manager Priddy

Staff Absent: City Administrator Smeiles

**IV. Special Presentations by Staff Members or Invited Consultants**

**V. Public Comments**

Rick Kerlin - 1009 Woodglen

Mr. Kerlin spoke in support of a police levy. He spoke against the idea of an auxiliary police force in lieu of a paid police force. He encouraged everyone to support a levy because the money from a levy would go only to the police department. He stated that a fire levy (EMS) will expire this year and that it might be replaced by a police levy. He stated that the income tax, which was passed in 1966, at 1% and remains today. He cautioned that a state takeover would significantly and negatively impact the city by seizing full and complete power over finances and administrative roles which could last

3-5 years.

Katie Carl – 128 West Quarry

Ms. Carl spoke in support of live video meetings and stated her belief that not doing so violated past resolution. She urged using this tool to increase transparency. She questioned if any legislation from the agenda should be pulled due to the resignation of the Councilman Serotko who sponsored much of that legislation. She also wondered why the vacant seat itself is not on the agenda. She questioned the process She spoke against Ordinance 2022-27. She stated her belief that Council is responsible for the care of city finances and that the burden of addressing any deficits is not to be passed onto the citizens. She spoke in opposition to raising the rates on anything that is paid by citizens.

Brenda Persino – 226 Oak Knoll

Ms. Persino spoke against Ordinance 2022-26. She stated her appreciation for the Town Hall Meeting. She encouraged Council to pursue a volunteer program in partnership with the school district which might help with grass cutting, snow removal, etc....

Ana Eby - 50 W. 9<sup>th</sup> Street

Ms. Eby spoke against a proposed police levy, particularly as another levy is set to expires. She expressed dissatisfaction that tax bills continue to increase.

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmermann spoke against Ordinance 2022-23 pointing out that this proposed expenditure (\$43,000) is for the second phase engineering and design of the project and represents an additional expense to the previously approved amount for project supplies (\$20,000). He asked Council to (1) release a budget number for the entire project, (2) an explanation of the expected return on investment for the project, and (3) a presentation of the overall impact of the project on the citizens, including an estimated recoupment period.

Julie Lemon – 609 Ridge Road

Mrs. Lemon spoke in support of Resolution 20-2022. She also spoke in support of the proposed income tax increase so long as Council exhausts all other options. She urged Council hold past councilpersons and city managers accountable for the current state of the general fund.

Philip Beer – 509 Ravenna Road

Mr. Beer spoke against an income tax increase citing money that is being spent and being proposed to be spent on various projects. He urged Council to not support a tax increase citing a lack of public support.

Dave Hanson – 4365 Warren Road

Mr. Hanson spoke against an income tax increase. He spoke in support of economic development so that small businesses and visitors can assist with the deficits through payroll taxes.

## **VI. Reports**

### **a. Mayor Kline**

- i. He commented on Memorial Day stating his appreciation for those that gave the ultimate sacrifice.

- ii. He received many calls/emails and spoke with many residents regarding tonight's agenda. He appreciated all the suggestions that were received.
- b. Council Members
  - i. Mr. Baryak – He attended the SCOPE patio dedication and announced that picnic tables will be added to the patio. He spoke in support of the seniors who use the building and also in support of all the services that are provided by SCOPE. He spoke in appreciation of the Memorial Day Service and the condition of the parks due to volunteer efforts. He urged the citizens to be supportive of Council. He spoke about the need to improve the presentation of the covered bridge offering to volunteer his personal equipment to assist.
  - ii. Ms. Spletzer – She worked with volunteers to plant flowers at Veterans Park. She attended park and rec meeting announcing that a new program will require reservations for the park pavilions. Starting in 2023, a registration and deposit will be required. Christmas in July will be held on July 16. She expressed the need work with the law director to get walking path from Center Street to Commerce Park deemed as an official park area with a provision for naming rights. She also participated in the Memorial Day Parade.
  - iii. Mr. Granchie – He attended the Utilities meeting. He answered various emails, phone calls, and text messages.
  - iv. Ms. Stimpert – She clarified that an EMS levy of 2 mills will expire soon, not a fire levy. She announced the Fire Board meeting on June 28 at 6:00 pm. She announced that Meet the Chief at Station 1 will be held on June 18 from 12:00-3:00pm with free refreshments. She received a few phone calls and stated that she has additional comments that will be made as Council progresses through the meeting.
- c. Finance Director
  - i. Mr. Housley stated that May is closed. He compared May to April and noted that the general fund broke even in May. He stated that the street fund ended May a little better than the general fund but noted that this difference is likely due to the street department operating with one less employee. Regarding the statement of cash position, Mr. Housley stated his month end reports answer questions about affordability on all proposed expenses. He spoke against Ordinance 2022-26 due to a lack of funds. He recommended rebalancing the operating budget by passing Resolution 20-2022 and Ordinance 2022-28. He stated that he responded to every item in Mr. Granchie's email to him and that he will seriously consider any suggestion to address the budget deficits.
- d. Law Director
  - i. Mr. Bryan stated that he spent significant time advising all areas of the city. He stated that recommended amendments to the charter are ready for legislation. He stated Mr. Serotko is only listed as a sponsor for legislation that was introduced while he was a member of Council and it is allowable for him to remain listed as a sponsor for those pieces of legislation.
- e. City Manager

- i. Ms. Priddy attended the SCOPE dedication of courtyard patio and stated that it was a wonderful event. She contacted the Sheriff's department to inquire about the possibility of that department replacing the Newton Falls Police Department. She considered alternatives to zoning department and oversaw the significant work to clean the parks for the various upcoming events. She collaborated with the law and finance directors on various issues. She stated that the fire alarm at 19 N Canal is temporarily fixed but requires an electrician to perform a permanent remedy. She stated that Trumbull County is paying for software to replace CodeRed resulting in no expense to the City. She led staff meeting regarding their concerns in light of a potential state takeover. She stated that the city employees supported placing an income tax increase on the ballot. She stated that all departments are running at bare minimum staffing levels even to the point of being noncompliant with state and federal regulations.
- f. Mr. Baryak – He asked the City Manager to comment whether the police officers are not up to date in their training and if that might cause the City to receive a citation or cause the elimination of the police department. Mrs. Priddy stated that Mr. Baryak's statement was correct.
- g. Mr. Granchie – He asked the city manager to elaborate on the downtown enhancement program. Mrs. Priddy stated that Mr. Lynch, former city manager, developed this program as a shell company that held the lease of the community center. The company was intended to be one that helps people acquire grants to support their businesses. She stated that to her knowledge it was never staffed; but only exists on paper currently. Mr. Granchie asked Mrs. Priddy to comment on the new fence that is located on the Municipal Center property, asking specifically, who paid for it and how was it paid. Mrs. Priddy explained that Parks and Recreation needed a fence. So, she decided, with the blessing of "a couple of Council members", to reduce her salary to free-up money to pay for the new fence at the Municipal Center and she arranged for the old fence to be reinstalled at the park. Mr. Granchie stated that he did not participate in the contract negotiations, did not know that this had happened, and did not see anything related to this situation reflected in the City Manager's contract. He stated his belief that these circumstances reflected poorly and has caused a poor community perception of the situation. Mr. Granchie stated his understanding that, subsequently, it was the City that actually paid for the fence. Mrs. Priddy agreed and added that the fence was bought with money that was used for the fence instead of paying her a higher salary.
- h. Mrs. Stimpert – She stated her surprise at learning that the fence was bought in the manner described by Mr. Granchie and Mrs. Priddy. She stated that she was unaware that this had happened in the course of negotiating Mrs. Priddy's contract. She asked the Law Director if that negotiation and procedure was legal. Mr. Bryan stated that it was a legal action because Mrs. Priddy is permitted by law to accept less money for her salary in order to free-up money which can be used as the City wishes. The City chose to use that money to buy the fence.

#### Changes To Tonight's Agenda

## **MOTION**

A Motion to add an item to tonight's agenda in which Council would order the City Clerk to advertise and take applications by email from qualified electors of Ward 1 to fill the Council seat vacated by Mr. Michael Serotko with a deadline to apply of June 30, 2022.

Mrs. Stimpert asked if Council must first accept Mr. Serotko's resignation.

Law Director Bryan stated that it was not necessary to formally accept the resignation of Mr. Serotko since the City Manager has received his letter which states the date of effect.

Moved by: Mr. Granchie

Seconded by: Ms. Stimpert

Ms. Spletzer moved to amend the motion to revise the deadline to apply to June 15.

Mr. Baryak stated that the Charter gives Council 60 days to fill the vacancy.

Mayor Kline stated that his intent was to advertise for approximately 30 days and then take the next 30 days to interview and select a candidate.

Mr. Baryak spoke in support of a June 30 deadline.

Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Baryak-yes  
The motion passed 4-0.

## **VII. Approval of Previous Minutes**

Town Hall Meeting Minutes, May 18, 2022

Regular Meeting Minutes, May 18, 2022

No Council comments.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes  
The minutes were approved 4-0

## **VIII. Public Hearings**

### **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

Katie Carl - 128 West Quarry

She spoke against the ordinance citing a lack of funds and noting that Ohio Edison is already in place. She urged Council let Ohio Edison provide the electricity.

### **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

No public comments.

ORDINANCE 2022-25

*Sponsor: Mayor Kline*

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

No public comments.

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

Katie Carl - 128 West Quarry

Ms. Carl spoke against the ordinance citing a lack of funds and an unauthorized demotion of the full-time zoning administrator.

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmermann spoke against the ordinance citing a lack of money in the general fund.

Julie Lemon – 609 Ridge Road

Mrs. Lemon spoke against the ordinance noting that the Zoning Administrator, historically, has been a part-time position. She stated her understanding that the hiring of these proposed administrators might not be made immediately; but she urged Council to take care for the city.

Rick Kerlin – 1009 Woodglen

Mr. Kerlin spoke in support of the ordinance. He noted that the ordinance says, "up to two" and that the Charter does not require the Zoning Administrator to be full time and stated his belief that part-time positions will cost less than a full time position.

Philip Beer – 509 Ravenna Road

Mr. Beer spoke against the ordinance.

**IX. Unfinished Business**

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

Mr. Baryak spoke in support of the ordinance citing that the total budget for design is not to exceed \$43000. He stated his support in selling the electric to the benefit of the City. He expressed his understanding that the plans are for the city's electric department to perform the installation. He reiterated that the

Mr. Granchie spoke in support of economic development; but stated his belief that it will take an estimated 10 years to recoup the expenses once the project is completed. He stated that the costs are adding up and the return on investment does not seem apparent to him. He stated his understanding that the City's electric department will need to rent the necessary equipment to perform the installation at considerable cost.

Mr. Baryak stated his belief that the electric department could install the poles. The city manager confirmed that Mr. George, from the electric company, stated that the project could be completed by his department. He spoke in support of the ordinance because of the potential for new economic developments who would be buying electric from the city and creating an eventual, new stream of revenue for the city.

Mr. Granchie clarified his previous comments and stated his belief that the city workers could do the work; but do not have the equipment which would require expensive equipment rentals. He reiterated his belief that Newton Falls has the people and the knowledge, but not the assets to complete the project. Citing today's deficits in the budget, he spoke against a profit that won't come for ten years, in his estimation.

Mrs. Stimpert spoke against the ordinance citing the immediate financial crisis in the City.

Mr. Granchie clarified his previous comments and stated his belief that the city workers could do the work; but do not have the equipment which would require expensive equipment rentals. He reiterated his belief that Newton Falls has the people and the knowledge, but not the assets to complete the project. Citing today's deficits in the budget, he spoke against a profit that won't come for ten years, in his estimation.

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Seconded by: Ms. Stimpert

*Sponsor: Councilman Granchie*

**No Council comments.**

**Seconded by: Mr. Granchie**

*Sponsor: Mayor Kline*

**No Council comments.**

Seconded by: Mr. Granchie

*Co-Sponsors: Councilwoman Spletzer  
Councilman Serotko*

Mr. Granchie spoke against the ordinance citing that the savings from making the current Zoning Administrator a part-time employee is cancelled by hiring more people. He stated his belief that Newton Falls does not need to carry the same size zoning staff as Boardman and should be staffed relative to the size of its own community.

Ms. Spletzer yielded to Mr. Granchie.

Mr. Baryak stated his belief that the number of violations that have been





Moved by: Mr. Granchie                                              Seconded by: Mr. Baryak  
Ms. Stimpert-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes  
The ordinance passed 4-0.  
Final Passage.

**ORDINANCE 2022-28**

*Sponsor: Councilwoman Spletzer*

**AN ORDINANCE AMENDING SECTION 191.01(B) (1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE AND REQUESTING THAT SAID AMENDMENTS BE CERTIFIED TO THE COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT**

Mr. Granchie stated his desire to explore all options and spoke in opposition of taxes citing his understanding that it will take three (3) years to fully realize the proceeds. He stated his belief that expenses will go down next year as the city begin to retire its current legal expenses.

Ms. Spletzer spoke in support of the ordinance stating a desire to present an option to the citizens and to allow them to decide.

Mrs. Stimpert spoke in opposition to the ordinance stating “common knowledge” that the majority of the citizens do not support it.

Mr. Baryak, citing the dire situation of the city due to the lack of money in the general fund despite significant cuts to expenses, spoke in support of the ordinance. He spoke in support of the Finance Director and accepts Mr. Housley's recommendation. He stated his belief that selling assets will not be enough to correct the financial situation and he supports the citizens voting on the ordinance.

Mr. Granchie spoke in opposition to the ordinance citing feedback that he has received related to a lack of public trust of council to properly care for the money. He stated a desire to explore other options while building trust with the community. He stated that he was not against placing the issue on the ballot; but believes that building trust by exhausting all other options first and ensuring that Council asks for the least level of taxation possible to solve the problem. He urged Council to explore more options to solve the financial problems before placing this issue on the ballot.

Mrs. Stimpert spoke in support of the ballot issue but not until Council has earned the trust about which Mr. Granchie spoke.

Ms. Spletzer asked Mrs. Stimpert to offer alternative suggestions.

Mrs. Stimpert stated that past Council decisions have wasted taxpayer money and that she expects that to stop.







Julie Lemon – 609 Ridge Road

Ms. Lemon spoke in support of transparency. She urged certain members of Council stop judging people and to do things “the right way”.

Ana Eby - 50 W. 9<sup>th</sup> Street

Ms. Eby expressed concern about a lack of communication from the local government to the citizens related to public events. She urged Council to communicate better.

Rick Kerlin – 1009 Woodglen

Mr. Kerlin announced, this weekend, that businesses will be open until 11:00pm, there is a baseball tournament, and the fishing tournament. He encouraged all to come and be part of it.

Brenda Persino – 226 Oak Knoll

Ms. Persino spoke in support of a police levy. She asked for clarification regarding statements that were made regarding the alleged lack of police officer training. She cited the reality of COVID-19 and the subsequent restrictions that it brought. She directed specific comments to Councilperson Baryak.

Unidentified member of the audience

He spoke in support of the people of Newton Falls and challenged to Mayor to take action to improve the current state of the city.

## **XII. Closing Remarks**

Mr. Baryak stated examples of which certain people in the past were able to serve on Council and also earn paid wages. He alleged that those examples were violations of the Charter. He encouraged public speakers to offer suggestions for solutions to problems.

Mrs. Spletzer spoke in support of the income tax stating (1) her belief that the people should be able to decide, (2) an increase would not affect those who earn disability income, and (3) an increase would not affect those who earn social security income. She cited the legal allocations of the income tax into the city budget. She spoke about the EMS levy that is set to expire and her belief that this expiration might be an important opportunity. She addressed Mrs. Eby stating that the Memorial Day event is not a city event and Council does not carry the responsibility for its communication.

Mr. Granchie stated that the youth fishing derby will take place on Sunday, June 5. He encouraged all to participate.

Ms. Stimpert offered no comments.

Mayor Kline stated that he was exploring options to video record meeting by partnering with the schools and/or using other third-party options citing the need for an affordable solution. He acknowledged the tough financial position of the City and stated his wisdom that people stop making excuses or pointing fingers. He acknowledged that the infrastructure of the city is in poor shape; but stated his pride for the Parks and Recreation Department for how the parks look right now. He stated that poor decision making in the past has resulted in the current financial state of the city.

City Manager Priddy offered no comments.

**MOTION**

A 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

☒ 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

No Motion.

**XIII. Adjournment**

**MOTION**

A Motion to adjourn the regular meeting at 8:34 pm.

Moved by: Mr. Granchie

Seconded by: Mr. Baryak

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

The motion passed 4-0.



NEWTON FALLS CITY COUNCIL  
**SPECIAL MEETING AGENDA**  
 Monday, June 6, 2022; 4:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	VACANT
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**

Mayor Kline called the meeting to order at approximately 4:00 pm.

**II. Pledge of Allegiance / Silent Prayer**

**III. Roll Call**

Council Present: Councilperson Baryak, Councilperson Spletzer, Councilperson Granchie

Council Absent: Councilperson Stimpert, VACANT SEAT

Staff Present: Mayor Kline, Law Director Bryan, City Manager Priddy, City Administrator Smeiles

Staff Absent: Finance Director Housley, City Clerk Acomb

**MOTION**

A Motion to excuse the absence of Mrs. Stimpert for personal reasons.

Moved by: Mr. Baryak

Seconded by: Mr. Granchie

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

The motion passed 3-0.

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

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmermann spoke regarding Resolution 20-2022. He asked Council consider asking Trumbull County to provide several certificates for a variety of millage options

suggesting that this information might better inform Council in making a decision as to which one to place on the ballot. He also asked if the money that would generate by a possible levy would provide additional funding to the police department or replace the current funding from the general fund. He suggested that a smaller levy that could be added to the current budget allocations for the police department might be more acceptable to the public and more likely to gain approval.

Anna Eby – 50 W. 9<sup>th</sup> Street

Ms. Eby posed a question regarding unspecified information that was printed in the newspaper wondering when and who spoke with the newspaper. She stated that the citizens do not trust Council and wish for greater transparency. She spoke in opposition of President Biden.

## **V. Unfinished/New Business**

### **MOTION**

A Motion to reconsider Resolution 20-2022 for the purpose of amending the resolution.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak asked City Manager Priddy to explain the necessity of this motion. He stated that newspaper called the previous evening to inquire about tonight's special meeting.

Law Director Bryan interjected. He stated the Resolution that was drafted and passed in regular meeting of Council on June 1, 2022, inaccurately stated that the levy would commence in the calendar year 2023 and would be first due in 2024. It has since been determined that the money from a levy is needed more urgently so Council is being asked reconsider the resolution to and to possibly amend it to reflect a commencement in calendar year 2022 and being first due in 2023. Mrs. Priddy stated that the Auditor's Office questioned the resolution as it was previously passed and inquired as whether Council truly intended it as was passed. Mr. Baryak stated that this re-consideration is necessary otherwise it would prevent Council from getting the necessary and accurate information to place before the public for consideration.

Mr. Granchie stated that he supports amending the resolution to request certificates for not only 4 mills; but also 1 mill, 2 mills, and 3 mills.

Mr. Bryan suggested, if Council wishes, that Council should add additional resolutions to the June 15 regular meeting agenda to accomplish Mr. Granchie's suggestions. He cited a 10-day turnaround from the Auditor's Office and stated that plenty of time remains to add the additional legislation for consideration at the June 15 meeting.

Mr. Baryak stated the current fiscal year is the final year that the City will receive ARPA funds, in the amount of \$234,000. He asked if a 4-mill levy would replace that amount of money. Mrs. Priddy stated her belief that Finance Director



VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-29  
SPONSOR: Councilperson Spletzer

**AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE AND REQUESTING THAT SAID AMENDMENTS BE CERTIFIED TO THE COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT**

WHEREAS, Council has determined that additional revenues are necessary to maintain and improve operations of the Street Department and Parks Department; and

WEREAS, Newton Falls' present one percent municipal tax rate is the lowest municipal tax rate in the greater surrounding area; and

WHEREAS, Council desires to amend Section 191.01(B)(1) and the preamble of Section 191.03 of the Newton Falls Tax Code to raise the Newton Falls municipal income tax rate from one percent to one and one-quarter percent effective January 1, 2023, and to one and one-half percent effective January 1, 2024, with all income tax revenues received above the present one percent rate being dedicated and restricted evenly, on a fifty percent/fifty percent basis, to appropriations and expenses related to Street Department and Parks Department; and

WHEREAS, pursuant to Article VIII, Section 2 of the Charter of Newton Falls, an increase of in the Newton Falls municipal income tax rate to a rate in excess of one percent requires approval by a vote of the people before it can go into effect.

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

SECTION 1. That Council hereby and herein amends Section 191.01(B)(1) and the preamble of Section 191.03 of the Newton Falls Tax Code, relating to the Newton Falls municipal income tax rate, as indicated in the attachment hereto that is incorporated herein by reference.

SECTION 2. That the rest and remainder of the above sections of the Newton Falls Tax Code and the Newton Falls Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That the tax rate amendments set forth in this Ordinance shall become effective January 1, 2023 and January 1, 2024, as provided in this Ordinance, upon approval of the amendments by the electorate at the November 8, 2022 General Election.

SECTION 4. That the Clerk of Council is hereby directed to timely submit a certified copy of this Ordinance to the Trumbull County Board of Elections so that this Newton Falls municipal tax rate amendment issue can be placed on the November 8, 2022 General Election ballot for the voters' approval pursuant to law.

SECTION 5. That Council requests the ballot language for this tax code amendment issue prepared by the County Board of Elections to read as follows:

PROPOSED TAX LEVY  
VILLAGE OF NEWTON FALLS

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance providing for an increase in the Newton Falls municipal income tax rate from one percent (1%) to one and one-quarter percent (1.25%) effective January 1, 2023, and to one and one-half percent (1.5%) effective January 1, 2024, with all income tax revenues received above the present one percent rate being dedicated and restricted evenly, on a fifty percent/fifty percent basis, to appropriations and expenses related to Street Department and Parks Department, be adopted?

FOR THE TAX LEVY: \_\_\_\_\_

AGAINST THE TAX LEVY: \_\_\_\_\_

SECTION 6. 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 7. That this Ordinance shall be effective as of the earliest date permitted by law.

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

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form

\_\_\_\_\_  
Bradric T. Bryan, Law Director

**191.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.**

\* \* \*

(B)(1) The annual tax is levied at a rate of one percent (1.0%). Effective January 1, 2023, the income tax rate shall be one and one-quarter percent (1.25%). Effective January 1, 2024, the income tax rate shall be one and one-half percent (1.5%). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Newton Falls. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

\* \* \*

**191.03 IMPOSITION OF TAX.**

The income tax levied by Newton Falls at a rate of one percent (1.0%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in Newton Falls. Effective January 1, 2023, the income tax rate shall be one and one-quarter percent (1.25%). Effective January 1, 2024, the income tax rate shall be one and one-half percent (1.5%).

\* \* \*



VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-30  
SPONSOR: Councilperson 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.**

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

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

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

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

SECTION 1. That "Exhibit A" attached hereto as if fully rewritten herein amends "Exhibit A" of Ordinance 2021-37 and shall be the appropriations for the funds designated for the fiscal year ending December 31, 2022 for the Village of Newton Falls. Any funds not listed in this exhibit shall remain intact as previously amended or as listed in Ordinance 2021-37.

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Newton Falls for the reason that this Ordinance is required by law and is immediately necessary to permit expenditures related to the provision of Village operations and services, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article V, Section 21.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

**Exhibit A: ORD 2022-30**

CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
100	General Fund			
CITY ADMINISTRATION				
Personal Services	Legal Level	67,471.71	64,037.11	(3,434.60)
	Total:	99,808.98	96,374.38	(3,434.60)
BUILDING MAINTENANCE				
Personal Services	Legal Level	43,000.00	43,000.00	-
Other Operations	Legal Level	172,624.08	431,610.48	258,986.40
	Total:	215,624.08	474,610.48	258,986.40
100	Total:	2,327,531.67	2,583,083.47	255,551.80
410	AMI METERING PROJECT			
Other Operations	Legal Level	-	150,000.00	150,000.00
410	Total:	-	150,000.00	150,000.00
Grand Total:		18,379,597.90	18,785,149.70	405,551.80

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 21-2022  
SPONSOR: Councilperson Granchie

**A RESOLUTION REQUESTING A CERTIFICATE OF ESTIMATED PROPERTY  
TAX REVENUE FROM THE TRUMBULL COUNTY AUDITOR CERTIFYING TO  
THE VILLAGE OF NEWTON FALLS THE AMOUNT A THREE MILL, FIVE  
YEAR, POLICE TAX LEVY WOULD GENERATE FOR THE VILLAGE**

WHEREAS, Village Council has determined it is necessary to levy taxes outside of the ten-mill limitation for purposes authorized by the Ohio Revised Code; and

WHEREAS, Council desires for the Village electorate to approve, at the November 8, 2022 General Election, an additional tax levy, in the amount of three mills for each one dollar valuation, for a period of five years, commencing in year 2022 and first due in calendar year 2023, pursuant to O.R.C. Section 5705.19(J), for the benefit of the Village and the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department; for the payment of salaries for permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.33 of the Revised Code; or for the payment of other related costs for the Police Department; and

WHEREAS, the Village of Newton Falls is entirely located within Trumbull County, the entire electorate of the Village of Newton Falls would be eligible to vote on the proposed tax levy, and the proposed tax would be levied upon all of the territory of the Village of Newton Falls; and

WHEREAS, pursuant to O.R.C. Section 5705.03(B)(1), before certifying the proposed levy to the County Board of Elections for placement on the ballot, Council is required to request the County Auditor for a Certificate of Estimated Property Tax Revenue certifying to the Village the total dollar amount of revenue a three mill, five year, additional tax levy, for Police Department purposes, would generate for the Village.

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

SECTION 1. Council, pursuant to OR.C. Section 5705.03(B)(1), hereby requests the County Auditor for a Certificate of Estimated Property Tax Revenue certifying to the Village the total dollar amount of revenue the above described tax levy would generate for the Village.

RESOLUTION NO. 21-2022  
PAGE TWO

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 15<sup>th</sup> DAY OF June, 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.: 22-2022  
SPONSOR: Councilperson Granchie

**A RESOLUTION REQUESTING A CERTIFICATE OF ESTIMATED PROPERTY  
TAX REVENUE FROM THE TRUMBULL COUNTY AUDITOR CERTIFYING TO  
THE VILLAGE OF NEWTON FALLS THE AMOUNT A TWO MILL, FIVE YEAR,  
POLICE TAX LEVY WOULD GENERATE FOR THE VILLAGE**

WHEREAS, Village Council has determined it is necessary to levy taxes outside of the ten-mill limitation for purposes authorized by the Ohio Revised Code; and

WHEREAS, Council desires for the Village electorate to approve, at the November 8, 2022 General Election, an additional tax levy, in the amount of two mills for each one dollar valuation, for a period of five years, commencing in year 2022 and first due in calendar year 2023, pursuant to O.R.C. Section 5705.19(J), for the benefit of the Village and the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department; for the payment of salaries for permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.33 of the Revised Code; or for the payment of other related costs for the Police Department; and

WHEREAS, the Village of Newton Falls is entirely located within Trumbull County, the entire electorate of the Village of Newton Falls would be eligible to vote on the proposed tax levy, and the proposed tax would be levied upon all of the territory of the Village of Newton Falls; and

WHEREAS, pursuant to O.R.C. Section 5705.03(B)(1), before certifying the proposed levy to the County Board of Elections for placement on the ballot, Council is required to request the County Auditor for a Certificate of Estimated Property Tax Revenue certifying to the Village the total dollar amount of revenue a two mill, five year, additional tax levy, for Police Department purposes, would generate for the Village.

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

SECTION 1. Council, pursuant to O.R.C. Section 5705.03(B)(1), hereby requests the County Auditor for a Certificate of Estimated Property Tax Revenue certifying to the Village the total dollar amount of revenue the above described tax levy would generate for the Village.

RESOLUTION NO. 21-2022  
PAGE TWO

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 15<sup>th</sup> DAY OF June, 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.: 23-2022  
SPONSOR: Councilperson Spletzer

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO ARTICLE II, SECTION 3 OF THE CHARTER REGARDING THE  
MAYOR'S AUTHORITY TO IMPLEMENT AND SUPERVISE THE ENFORCEMENT  
OF HEALTH DIRECTIVES**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that Article II, Section 3 of the Charter be amended to vest in the Mayor the authority to implement and supervise the enforcement of health directives from the State or County; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article II, Section 3 of the Charter to vest in the Mayor the authority to implement and supervise the enforcement of health directives from the State or County. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.



RESOLUTION NO. 23-2022  
PAGE TWO

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE II, SECTION 3 OF THE CHARTER RELATING TO THE DUTIES OF THE MAYOR BE AMENDED TO GIVE THE MAYOR THE AUTHORITY TO IMPLEMENT AND SUPERVISE THE ENFORCEMENT OF HEALTH DIRECTIVES FROM THE STATE OR COUNTY?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

Article II

MAYOR

\*

\*

\*

**SECTION 3. DUTIES.**

The Mayor shall serve as official and ceremonial head of the City government, shall be recognized as the head of the City government by the Governor for military purposes and by the Courts for the purpose of serving Civil processes, and have the authority to implement and supervise the enforcement of health directives from the State or County. He shall be presiding member of the City Council and shall preside over all Council sessions and shall be recognized as a member of Council, but shall vote only in the event of a tie.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 24-2022  
SPONSOR: Councilperson Spletzer

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO ARTICLE III, SECTION 21 OF THE CHARTER REGARDING  
ADDITIONAL DIRECTIVES RELATING TO THE PASSAGE OF EMERGENCY  
ORDINANCES**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that Article III, Section 21 of the Charter be amended to: require additional justification in an ordinance's emergency clause beyond stating it being necessary for the immediate preservation of the public peace, health, welfare, and safety; affirm referendum rights as to ordinances that do not contain such additional language; and require an additional reading before passage if an emergency ordinance does not have sufficient votes to pass on first reading; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 21 of the Charter to: require additional justification in an ordinance's emergency clause beyond stating it being necessary for the immediate preservation of the public peace, health, welfare, and safety; affirm referendum rights as to ordinances that do not contain such additional language; and require an additional reading before passage if an emergency ordinance does not have sufficient votes to pass on first reading. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.

RESOLUTION NO. 24-2022  
PAGE TWO

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 21 OF THE CHARTER RELATING TO EMERGENCY ORDINANCES BE AMENDED TO: REQUIRE ADDITIONAL JUSTIFICATION IN AN ORDINANCE'S EMERGENCY CLAUSE BEYOND STATING IT BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, WELFARE, AND SAFETY; AFFIRM REFERENDUM RIGHTS AS TO ORDINANCES THAT DO NOT CONTAIN SUCH ADDITIONAL LANGUAGE; AND REQUIRE AN ADDITIONAL READING BEFORE PASSAGE IF AN EMERGENCY ORDINANCE DOES NOT HAVE SUFFICIENT VOTES TO PASS ON FIRST READING?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

CITY COUNCIL

\* \* \*

**SECTION 21. EMERGENCY ORDINANCES.**

When necessary, for the preservation for the public peace, health, welfare, or safety, the Council, by affirmation vote of two-thirds of the members elected thereto, may adopt an emergency ordinance which shall take effect upon passage. Such emergency ordinance shall set forth and define specific facts designating the emergency. Such emergency ordinance shall require no public hearing and both the first and second reading may be passed at the same meeting. Such emergency ordinance shall be published as other ordinances after final passage. No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

It is not sufficient for the passage of an ordinance as an emergency measure to merely state the ordinance is necessary for the immediate preservation of the public peace, health, welfare, or safety, without providing additional rationale for passing the ordinance on an emergency basis. In the absence of such additional justifying language, electors shall have the right to exercise any referendum rights available with respect to the ordinance. If the emergency ordinance does not receive an affirmative vote of two-thirds of the members elected to Council on its first reading, the ordinance shall be deemed to have failed to pass at that meeting and shall require two additional readings and a public hearing before passage as required by Article III, Section 15 of the Charter.

VILLAGE OF NEWTON FALLS, OHIO

RESOLUTION NO.: 25-2022

CO-SPONSORS: Councilperson Granchie and Councilperson Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO THE CHARTER NUMBERED ARTICLE III, SECTION 24  
REQUIRING THE MAYOR OR A COUNCILMEMBER TO SPONSOR ORDINANCES  
AND RESOLUTIONS**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a provision numbered Article III, Section 24 requiring a sponsor to be listed for legislation on all meeting agendas and that only the Mayor or a member of Council may act as a legislation sponsor; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter numbered Article III, Section 24 requiring a sponsor to be listed for legislation on all meeting agendas and that only the Mayor or a member of Council may act as a legislation sponsor. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.

RESOLUTION NO. 25-2022  
PAGE TWO

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL AN AMENDMENT TO THE CHARTER REQUIRING A SPONSOR TO BE LISTED FOR LEGISLATION ON ALL MEETING AGENDAS AND THAT ONLY THE MAYOR OR MEMBER OF COUNCIL MAY ACT AS A LEGISLATION SPONSOR BE ADOPTED?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

Article III

Exhibit A: RES 25-2022

CITY COUNCIL

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**SECTION 24. SPONSORS REQUIRED FOR ORDINANCES AND  
RESOLUTIONS.**

All ordinances and resolutions shall be in written form and identify a sponsor for the legislation on all meeting agendas for meetings at which the legislation is considered. Only the Mayor or a member of Council may act as a legislation sponsor.



VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 26-2022  
SPONSOR: Councilperson Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO THE CHARTER NUMBERED ARTICLE III, SECTION 25  
PERTAINING TO PUBLIC COMMENTS AND CLOSING COMMENTS AT COUNCIL  
MEETINGS**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a provision numbered Article III, Section 25 providing the right for persons attending Council Meetings to have up to three minutes for Public Comments on any items on, or added to, the agenda at Regular, Special, and Emergency Council Meetings, and at Regular Council Meetings only, up to three minutes for Closing Comments on any matter or matters relating to the City or City business, or charitable cases or causes, regardless of whether the matters are an agenda item for that meeting; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter numbered Article III, Section 25 providing the right for persons attending Council Meetings to have up to three minutes for Public Comments on any items on, or added to, the agenda at Regular, Special, and Emergency Council Meetings, and at Regular Council Meetings only, up to three minutes for Closing Comments on any matter or matters relating to the City or City business, or charitable cases or causes, regardless of whether the matters are an agenda item for that meeting. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

RESOLUTION NO. 26-2022  
PAGE TWO

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL AN AMENDMENT TO THE CHARTER BE ADOPTED THAT PROVIDES THE RIGHT FOR PERSONS ATTENDING COUNCIL MEETINGS TO HAVE UP TO THREE MINUTES FOR PUBLIC COMMENTS ON ANY ITEMS ON OR ADDED TO THE AGENDA AT REGULAR, SPECIAL, AND EMERGENCY COUNCIL MEETINGS, AND AT REGULAR COUNCIL MEETINGS ONLY, UP TO THREE MINUTES FOR CLOSING COMMENTS ON ANY MATTERS RELATING TO THE CITY OR CITY BUSINESS, OR CHARITABLE CASES OR CAUSES, REGARDLESS OF WHETHER THE MATTERS ARE AN AGENDA ITEM FOR THAT MEETING?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

Attest:

Approved as to Legal Form

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

\_\_\_\_\_  
Michael Acomb, Clerk of Council

\_\_\_\_\_  
Bradric T. Bryan, Director of Law

## Article III

### CITY COUNCIL

Exhibit A: RES 26-2022

\* \* \*

#### **SECTION 25. PUBLIC AND CLOSING COMMENTS.**

The public shall have the right to Public Comments and Closing Comments at City Council Meetings as specified herein:

a. Regular Council Meetings. At Regular Council Meetings, prior to the time Council votes on any agenda item but after the time at which Council may amend the agenda, members of the public in attendance shall have up to three minutes for Public Comments on any items on, or added to, the agenda. In addition, Council shall provide for a Closing Comment period at all Regular Council Meetings. During the Closing Comment period, members of the public in attendance shall have up to three minutes to comment on any matter or matters relating to the City or City business, or charitable cases or causes, regardless of whether the matters are an agenda item for that meeting.

b. Special Council Meetings. At Special Council Meetings, prior to the time Council votes on any agenda item, members of the public in attendance shall have up to three minutes for Public Comments on any items on the agenda.

c. Emergency Council Meetings. At Emergency Council Meetings, prior to the time Council votes on any agenda item, members of the public in attendance shall have up to three minutes for Public Comments on any items on the agenda.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 27-2022  
SPONSOR: Councilperson Baryak

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO THE CHARTER NUMBERED ARTICLE III, SECTION 23  
ESTABLISHING VOTE THRESHOLDS NECESSARY TO PASS MEASURES  
BEFORE COUNCIL AND RULES FOR THE TREATMENT OF ABSTENTIONS AND  
ABSENCES**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a provision numbered Article III, Section 23 establishing vote thresholds necessary to pass measures before Council and rules for the treatment of abstentions and absences; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter numbered Article III, Section 23 establishing vote thresholds necessary to pass measures before Council and rules for the treatment of abstentions and absences. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.

RESOLUTION NO. 27-2022  
PAGE TWO

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL AN AMENDMENT TO THE CHARTER BE ADOPTED THAT  
ESTABLISHES VOTE THRESHOLDS NECESSARY TO PASS  
MEASURES BEFORE COUNCIL AND RULES FOR THE TREATMENT  
OF ABSTENTIONS AND ABSENCES?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form

\_\_\_\_\_  
Bradric T. Bryan, Director of Law

CITY COUNCIL

\* \* \*

**SECTION 23. VOTING THRESHOLDS AND ABSTENTIONS.**

a. Vote Thresholds. In order to pass an ordinance or resolution, an affirmative vote from a majority of those members present at the meeting shall be required, unless such ordinance is passed as an emergency ordinance, which shall require the affirmative vote of a two-thirds majority of those members elected to Council. Matters that may be adopted by Council by motion shall require the affirmative vote of a majority of those members present at the meeting at the time the vote is taken. The Mayor is only permitted to vote on matters before Council in the event of a tie. The Mayor shall not be counted in calculating the number of members elected to Council for voting purposes unless he actually casts a vote in the event of a tie. For voting purposes, Council shall never be considered more than a five person Council. If one or more Council offices are vacant, the number of persons serving on Council at the time the vote is taken shall be considered the number of those members elected to Council for voting purposes.

b. Abstentions. Councilmembers shall, after providing an explanation therefor, abstain from voting on matters before Council when they have a conflict of interest with respect to the matter being considered. If a Councilmember abstains from voting due to a conflict of interest, the abstaining member shall be treated as if they were not present for the vote for the purpose of determining the number of votes needed to pass an ordinance, resolution, or motion. With the exception of abstaining from a vote to approve minutes for a meeting at which a Councilmember was not present or in the event of a conflict of interest or an appearance of impropriety, Councilmembers shall not abstain from casting a vote unless permission to abstain is granted to the Councilmember requesting to abstain by a majority vote of the other Councilmembers present at the meeting.

c. Appeals or Quasi-Judicial Proceedings Conducted by Council. For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member elected to Council or member present at the meeting when determining the necessary affirmative vote threshold for that appeal or proceeding. In appeals or quasi-judicial proceedings heard by Council, the Mayor shall not be counted in calculating the number of members elected to Council or the number of Councilmembers present at a meeting for voting purposes unless he actually casts a vote in the event of a tie.

d. Voting Thresholds for Particular Vote Requirements and Situations.

(1) Four Fifth's Vote of Those Members Elected to Council.

Requires 4 affirmative votes out of the 5 Councilmembers.

If one or more Council offices are vacant, the number of persons serving on Council at the time the vote is taken (whether or not they are present at the meeting) shall be considered the number of those members elected to Council for voting purposes.

Requires 4 affirmative votes if 4 person Council with 1 vacancy.

Requires 3 affirmative votes if 3 person Council with 2 vacancies.

Requires 2 affirmative votes if 2 person Council with 3 vacancies.

Councilmembers not present at a meeting do not alter the number of members elected to Council for the purposes of this voting threshold.

Abstention votes are not counted as an affirmative vote.

The Mayor shall not be counted in calculating the number of members elected to Council for voting purposes.

For voting purposes, Council shall never be considered more than a five person Council.

For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member elected to Council when determining the necessary affirmative vote threshold for that appeal or proceeding.

(2) Four-Fifth's Vote of Council or Four-Fifth's Vote of Those Members Present.

Based upon the number of Councilmembers present at the meeting.

If 5 Councilmembers are present at the meeting, 4 affirmative votes are required.

If 4 Councilmembers are present at the meeting, 4 affirmative votes are required.

If 3 Councilmembers are present at the meeting, 3 affirmative votes are required.

Abstention votes are not counted as an affirmative vote.

The Mayor shall not be counted in calculating the number of members present.

For voting purposes, Council shall never be considered more than a five person Council.

If a Councilmember abstains from voting due to a conflict of interest, the abstaining member shall be treated as if they were not present for the vote for the purpose of determining the number of votes needed to pass an ordinance, resolution, or motion. With the exception of abstaining from a vote to approve minutes for a meeting at which a Councilmember was not present or in the event of a conflict of interest or an appearance of

impropriety, Councilmembers shall not abstain from casting a vote unless permission to abstain is granted to the Councilmember requesting to abstain by a majority vote of the other Councilmembers present at the meeting.

For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member present at the meeting when determining the necessary affirmative vote threshold for that appeal or proceeding.

In appeals or quasi-judicial proceedings heard by Council, the Mayor shall not be counted in calculating the number of Councilmembers present at a meeting for voting purposes unless he actually casts a vote in the event of a tie.

### (3) Two-Thirds Vote of Those Members Elected to Council.

Requires 4 affirmative votes out of the 5 Councilmembers.

If one or more Council offices are vacant, the number of persons serving on Council at the time the vote is taken (whether or not they are present at the meeting) shall be considered the number of those members elected to Council for voting purposes.

Requires 3 affirmative votes if 4 person Council with 1 vacancy.

Requires 2 affirmative votes if 3 person Council with 2 vacancies.

Requires 1 affirmative vote plus the Mayor's affirmative tiebreaking vote if 2 person Council with 3 vacancies.

Councilmembers not present at a meeting do not alter the number of members elected to Council for the purposes of this voting threshold.

Abstention votes are not counted as an affirmative vote.

The Mayor shall not be counted in calculating the number of members elected to Council for voting purposes unless he actually casts a vote in the event of a tie.

For voting purposes, Council shall never be considered more than a five person Council.

For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member elected to Council when determining the necessary affirmative vote threshold for that appeal or proceeding.



(4) Two-Thirds Vote of Council or Two-Thirds Vote of Those Members Present.

Based upon the number of Councilmembers present at the meeting.

If 5 Councilmembers are present at the meeting, 4 affirmative votes are required.

If 4 Councilmembers are present at the meeting, 3 affirmative votes are required.

If 3 Councilmembers are present at the meeting, 2 affirmative votes are required.

Abstention votes are not counted as an affirmative vote.

The Mayor shall not be counted in calculating the number of members present for voting purposes unless he actually casts a vote in the event of a tie.

For voting purposes, Council shall never be considered more than a five person Council.

If a Councilmember abstains from voting due to a conflict of interest, the abstaining member shall be treated as if they were not present for the vote for the purpose of determining the number of votes needed to pass an ordinance, resolution, or motion. With the exception of abstaining from a vote to approve minutes for a meeting at which a Councilmember was not present or in the event of a conflict of interest or an appearance of impropriety, Councilmembers shall not abstain from casting a vote unless permission to abstain is granted to the Councilmember requesting to abstain by a majority vote of the other Councilmembers present at the meeting.

For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member present at the meeting when determining the necessary affirmative vote threshold for that appeal or proceeding.

In appeals or quasi-judicial proceedings heard by Council, the Mayor shall not be counted in calculating the number of Councilmembers present at a meeting for voting purposes unless he actually casts a vote in the event of a tie.

(5) Majority Vote of Those Members Elected to Council.

Requires 3 affirmative votes out of the 5 Councilmembers.

If one or more Council offices are vacant, the number of persons serving on Council at the time the vote is taken (whether or not they are present at the meeting) shall be considered the number of those members elected to Council for voting purposes.

Requires 3 affirmative votes or 2 affirmative votes plus the Mayor's tiebreaking vote if 4 person Council with 1 vacancy.

Requires 2 affirmative votes if 3 person Council with 2 vacancies.

Requires 1 affirmative vote plus the Mayor's tiebreaking vote if 2 person Council with 3 vacancies.

Councilmembers not present at a meeting do not alter the number of members elected to Council for the purposes of this voting threshold.

Abstention votes are not counted as an affirmative vote.

The Mayor shall not be counted in calculating the number of members elected to Council for voting purposes unless he actually casts a vote in the event of a tie.

For voting purposes, Council shall never be considered more than a five person Council.

For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member elected to Council when determining the necessary affirmative vote threshold for that appeal or proceeding.

In appeals or quasi-judicial proceedings heard by Council, the Mayor shall not be counted in calculating the number of members elected to Council or the number of Councilmembers present at a meeting for voting purposes unless he actually casts a vote in the event of a tie.

(6) Majority Vote, Majority Vote of Council, or Majority Vote of Those Present.

Based upon the number of Councilmembers present at the meeting.

If 5 Councilmembers are present at the meeting, 3 affirmative votes are required.

If 4 Councilmembers are present at the meeting, 3 affirmative votes (or two affirmative votes plus the Mayor's affirmative tiebreaking vote) are required.

If 3 Councilmembers are present at the meeting, 2 affirmative votes are required.

Abstention votes are not counted as an affirmative vote.

The Mayor shall not be counted in calculating the number of members present for voting purposes unless he actually casts a vote in the event of a tie.

For voting purposes, Council shall never be considered more than a five person Council.

If a Councilmember abstains from voting due to a conflict of interest, the abstaining member shall be treated as if they were not present for the vote for the purpose of determining the number of votes needed to pass an ordinance, resolution, or motion. With the exception of abstaining from a vote to approve minutes for a meeting at which a Councilmember was not present or in the event of a conflict of interest or an appearance of impropriety, Councilmembers shall not abstain from casting a vote unless

permission to abstain is granted to the Councilmember requesting to abstain by a majority vote of the other Councilmembers present at the meeting.

For matters in which Council is acting as an appellate tribunal and/or in a quasi-judicial manner, Councilmembers who recuse themselves from the proceedings due to a conflict of interest, the appearance of impropriety, illness, or unavailability shall not be considered as a member present at the meeting when determining the necessary affirmative vote threshold for that appeal or proceeding.

In appeals or quasi-judicial proceedings heard by Council, the Mayor shall not be counted in calculating the number of Councilmembers present at a meeting for voting purposes unless he actually casts a vote in the event of a tie.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 28-2022  
SPONSOR: Councilperson Granchie

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO ARTICLE IV, SECTION 1 OF THE CHARTER REMOVING THE  
RESIDENCY REQUIREMENT FOR THE CITY MANAGER**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that Article IV, Section 1 of the Charter be amended to remove the residency requirement for the City Manager; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article IV, Section 1 of the Charter removing the residency requirement for the City Manager. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL AN AMENDMENT TO THE CHARTER REMOVING THE  
RESIDENCY REQUIREMENT FOR THE CITY MANAGER BE  
ADOPTED?

YES: \_\_\_\_\_  
NO: \_\_\_\_\_

RESOLUTION NO. 28-2022  
PAGE TWO

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

---

Kenneth A. Kline, Mayor

Attest:

---

Michael Acomb, Clerk of Council

Approved as to Legal Form.

---

Bradric T. Bryan, Law Director

**CITY MANAGER**

**SECTION 1. QUALIFICATIONS.**

The City Manager shall be chosen by City Council solely on the basis of his executive and administrative qualifications as judged by the adequacy of his technical training and/or his successful experience in public administration. ~~At the time of his appointment, the Manager need not be a resident of the City or State, but within six (6) months of his date of appointment he shall become an elector of the City and maintain that status throughout the balance of his period of service as City Manager.~~ Council shall fix the City Manager's salary, terms and conditions of employment.

No elected officer of the City may be appointed to the office of City Manager within two (2) years after the expiration of the elected term.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 29-2022  
SPONSOR: Mayor Kline

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF  
AN AMENDMENT TO ARTICLE VII, SECTION 4 OF THE CHARTER PERTAINING  
TO THE PROCEDURES FOR RECALL ELECTIONS**

WHEREAS, Council appointed a Charter Review Commission that was tasked by Article XI of the Charter to recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in the judgment of a majority of said Commission are desirable; and

WHEREAS, the Charter Review Commission recommended that Article VII, Section 4 of the Charter be amended to place a 90 day time limit for getting the requisite number of signatures from the original filing date of the uncirculated recall petition; clarify the timing of the recall election as being the soonest Regular General or Regular Municipal, or Primary, election date for which the recall election can be scheduled by the County Board of Elections; and modify the recall election notice requirements to only require notification on the Village website; and

WHEREAS, Council desires, by an affirmative vote of four-fifths or more of its members, to submit the within amendment to a vote of the electorate at the November 8, 2022 General Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article VII, Section 4 of the Charter placing a 90 day time limit for getting the requisite number of signatures from the original filing date of the uncirculated recall petition; clarifying the timing of the recall election as being the soonest Regular General or Regular Municipal, or Primary, election date for which the recall election can be scheduled by the County Board of Elections; and modifying the recall election notice requirements to only require notification on the Village website . A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That this Resolution has been approved by a four-fifths majority of the members of Council pursuant to the requirements of Article X of the Charter.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 8, 2022 General Election.

RESOLUTION NO. 29-2022  
PAGE TWO

SECTION 4. That the question presented to the voters is recommended to read as follows:

SHALL AN AMENDMENT TO THE RECALL SECTION OF THE CHARTER BE ADOPTED THAT PLACES A 90 DAY TIME LIMIT FOR GETTING THE REQUIRED NUMBER OF SIGNATURES FROM THE ORIGINAL FILING DATE OF THE UNCIRCULATED RECALL PETITION; CLARIFYING THE TIMING OF THE RECALL ELECTION AS BEING THE SOONEST REGULAR GENERAL OR REGULAR MUNICIPAL, OR PRIMARY, ELECTION DATE FOR WHICH THE RECALL ELECTION CAN BE SCHEDULED BY THE COUNTY BOARD OF ELECTIONS; AND MODIFYING THE RECALL ELECTION NOTICE REQUIREMENTS TO ONLY REQUIRE NOTIFICATION ON THE VILLAGE WEBSITE?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

SECTION 5. That 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 6. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS 15<sup>th</sup> DAY OF June, 2022.

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

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director



**ELECTIONS; GENERAL PROVISIONS**

\* \* \*

**SECTION 4. RECALL.**

Any member of Council or Mayor may be removed from office before the expiration of his term by the qualified voters of the City.

The recall of any member of Council or Mayor shall proceed upon determination that the elected officer:

- A. Does not possess, or has ceased to possess, the qualifications of office; or
- B. Has failed to take the required oath or to give any bond required of him within twenty days after his notification of his appointment of election, or obligation to give a new or additional bond; or
- C. While in office has been convicted of a felony or crime involving moral turpitude; or
- D. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
- E. Has been adjudicated legally incompetent; or
- F. Has violated his oath of office.

The electors shall have the power to remove from office by a recall election any elected officer of the City in the manner herein provided. If an elected officer shall have served one (1) year of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. From the date such uncirculated petition is filed with the Clerk of Council, the petitioner shall have ninety (90) days in which to circulate the recall petition and refile the petition with the Clerk that satisfies the requirements for triggering a recall election. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one (1) instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds of the removal. Such petition shall be signed by at least that number of electors which equals fifty-one percent (51%) in number of the electors voting at the last preceding Presidential election, provided however, the petition for recall of a councilman elected from a ward shall be signed by at least that number of electors of the councilman's ward equal to fifty-one percent (51%) in number of the electors of such ward who voted in the last preceding regular municipal election. Within twenty (20) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the

person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of ten (10) days after the date on which such delivery was made in which to make the petition sufficient.

If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

If such officer shall not resign within seven (7) days after the day on which such delivery shall have been made, the Council shall thereupon, at its next Regular Council Meeting after the expiration of that seven (7) day period, adopt and promptly certify to the Board of Elections a resolution requesting the County Board of Elections to schedule the recall election for the soonest Regular General or Regular Municipal, or Primary, election date for which the recall election can be scheduled by the County Board of Elections ~~fix a day for holding a recall election, not more than ninety (90) days after the date of such delivery~~ and shall cause notice of such recall election to be ~~published~~ posted promptly on the Village website until the date of the recall election same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City. An election for the recall of a councilman elected from a ward shall be conducted only in that ward; all other recall elections shall be conducted in the City at large. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?", with the provisions on the ballot for voting affirmatively or negatively, and in the event of a majority of the vote is negative, such officer shall be considered as removed, his office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The officer removed at such recall election shall not be eligible for appointment to the vacancy created thereby. If the officer is not removed at such recall election, no further recall petitions shall be filed against him for a period of one (1) year following such election.