



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, July 6, 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 15, 2022  
 Special Meeting Minutes, June 22, 2022

- VIII. **Public Hearings**
- IX. **Unfinished Business**
- X. **New Business**

**MOTION**

A Motion to discuss the offer made by Conrad Hanson of Perkunis Media LLC to provide audio and video recordings of Council meetings at no charge to the City of Newton Falls.

*Sponsor: Councilperson Stimpert*

**MOTION**

A Motion to consider and vote on Resolutions 23-2022, 24-2022, 25-2022, 26-2022, 27-2022, 28-2022, and 29-2022 as a group.

*Sponsor: Councilperson Spletzer*

**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

**RESOLUTION 30-2022**

*Sponsor: Councilperson Spletzer*

A RESOLUTION ADOPTING THE TAX BUDGET OF THE VILLAGE OF NEWTON FALLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND SUBMITTING THE SAME TO THE COUNTY AUDITOR

**RESOLUTION 31-2022**

*Co-Sponsors: Councilperson Granchie  
Councilperson Stimpert  
Councilperson Baryak  
Councilperson Spletzer*

**A RESOLUTION HONORING POLICE SERGEANT STEPHEN STORM FOR HIS  
28 YEARS OF SERVICE TO NEWTON FALLS**

**ORDINANCE 2022-31**

*Sponsor: Councilperson Granchie*

**AN ORDINANCE AMENDING THE ZONING & SUBDIVISION FEE SCHEDULE TO  
ADD A DOG PARK PERMIT FEE**

**ORDINANCE 2022-32**

*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.**

**ORDINANCE 2022-33**

*Sponsor: Councilperson Spletzer*

**AN ORDINANCE ESTABLISHING SECTION 121.05 OF THE ADMINISTRATIVE CODE  
PERTAINING TO THE SALE, LEASE, OR DISPOSAL OF MUNICIPAL REAL  
PROPERTY**

**XI. Public Comments**

**XII. Closing Remarks**

**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

**XIII. Adjournment**



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING MINUTES**  
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**

Mayor Kline called the meeting to order at 6:01 pm.

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

**III. Roll Call**

Council Present: Councilperson Baryak, Councilperson Spletzer, Councilperson Granchie, Councilperson Stimpert

Council Absent: VACANT SEAT

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

Staff Absent: Finance Director Housley

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

Jeff Hawkins, Superintendent of Water Treatment, spoke regarding the motion to allow the city manager to enter into a contract. He described the mechanical failure and the necessity of the contractor to empty the basin and investigate the necessary repairs. It was implied that a second contract will be likely necessary to perform the repairs once that scope of work is determined.

Mr. Baryak wondered if a lack of maintenance caused the mechanical failure. Mr. Hawkins stated that the system is located 28 feet underwater, and for reasons unknown and without warning, stopped working.

**V. Public Comments**

Jim Luonuansuu – 10 E. Liberty Street

Mr. Luonuansuu spoke against Ordinance 2022-29 citing the worst economic times in recent memory. He expressed appreciation in Mayor's prior comments to not raise taxes until all other options have been exhausted. He pointed out (1) a similar ordinance failed at a prior meeting and he stated his confusion regarding this next attempt to do something similar; (2) the language of the ordinance appears to be missing some words and phrases as compared to current law and tax code; and (3) his concern that the language may be an attempt to subvert the forgiveness tax. Citing the previous minutes, he spoke regarding Mr. Housley's statement regarding water rates not being raised and the need for back billing. He stated that he called the Utilities Office, was told that they were never told to raise the rates and wondered if disciplinary action should be taken by Council against the Finance Director and/or City Manager. Citing his review of public records related to ORD 2022-27, he stated that the average Dunkin Donuts spends \$1350/month on electricity service. He stated his belief that the extension of the pole lines will cost \$250,000 and that the return on investment will take a lifetime to realize. He urged Council to drop the project and let Ohio Edison provide the electric.

Jamie Kline – 312 Ridge Road

Ms. Kline spoke against Ordinance 2022-29. She stated that the license plate tax is the highest in the county and that it is earmarked for roads. She spoke against a Splash Pad in the parks. She spoke against references to the 1966 tax citing inflation rates compared to 1966 and stated her belief that the cost of living is now nine (9) times higher today than in 1966 and that tax increases would be too burdensome on residents. She spoke in support of the past administration. She spoke against the Finance Director's salary. She spoke against the Law Director's salary. She spoke against the City Clerk's salary and his working remotely. Mrs. Spletzer interjected and challenged the relevancy of her comments to the meeting agenda. She spoke against the City Administrator position and wages. She stated that the citizens are not in support of any kind of tax increase, including a property tax levy. She urged Council to hire people that can be trusted.

Rick Kerlin – 1009 Woodglen

Mr. Kerlin spoke against Smart Meters and the amount of money that was spent on them without approval by the past administration. He stated his belief that frivolous and unapproved spending by the past administration(s) and councils have caused the current financial crisis. He read the portions of the Charter that dictate how changes to the charter are to be made. He stated that he was a member of the Charter Review Commission (CRC) and stated his disappointment for the lack of participation by Council in the CRC Meetings. He stated his belief that the intent of the charter is to (1) allow the CRC to recommend changes and (2) compel Council to submit those changes to the electors. He stated his belief that Council cannot make changes to the recommendations of the CRC. He stated his disagreement with the Law Director's interpretation of the Charter in which Council has been advised that they can vote as whether or not a recommendation from the CRC is placed on the ballot. He recollected that a past council member voted no on previous CRC recommendations and was publicly admonished by the law director of the time. He asked for Council to make a motion to approve them all or none of them. He urged Council to take the CRC seriously and to honor and accept each recommendation that has been made so that the electors can decide

regarding changes to the charter.

Julie Lemon – 609 Ridge Road

Mrs. Lemon spoke in support Ordinance 2022-29 citing her preference, though, to dedicate the money from said ordinance to the police rather than the parks. She spoke against Resolutions 21-2022 and 22-2022. She spoke in support of the resolutions related to the CRC stating her belief that Council must pass those recommendations onto the ballot for a final decision from the electors. She spoke against the use of emergency ordinances. She spoke against the Motion to designate June 19 as a paid city holiday.

Laura Neiheisel - 227 N. Center Street

Ms. Neiheisel stated that she represents the Parks and Recreation Department. She stated that she and her colleagues on the Parks and Recreation Committee were unaware of Ordinance 2022-29. She stated that the committee has asked for estimates for painting and hoops. Citing \$10,000 in the budget, she is struggling to get estimates for the committee to review, and subsequently make recommendations to Council for spending.

Catie Karl – 128 West Quarry

Ms. Karl stated that she requested ten minutes to speak and was told by the Mayor that all the slots were filled. She stated her belief that the Mayor does not have the authority to restrict her from speaking. She threatened a lawsuit over the matter. She spoke against Ordinance 2022-29 citing that it has already failed as a different ordinance. She stated her belief that the CRC was not created according to requirements of the charter, was not comprised of enough members, and she questioned legitimacy and legality of any of the resolutions on tonight's agenda. She spoke against the Motion to obtain appraisals for the properties listed on the agenda. She spoke in support of the previous Police Chief and urged Council to make a change at that position and also at the city manager position.

John Richards – 212 Albern street

Mr. Richards stated his appreciation for the ability to speak with the Law Director today and stated that he disagreed with the interpretation of the charter as it relates to a 4/5 vote by Council to accept a recommendation from the CRC and subsequently send that recommendation to the ballot. He spoke in support of all resolutions on the agenda related to the CRC. He read Articles 10 and 11 to Council and stated his interpretation of each article. He spoke against Council taking any action against each of the resolutions stating his belief that Council does not have the authority to deny a petition by the citizens or pick and choose the recommendations of the CRC.

Barb Beer – 509 Ravenna Road

Ms. Beer questioned if the resolutions on tonight's agenda which contain the recommendations from the CRC are legal citing her belief that there was no quorum at the CRC meeting when votes were taken.

## **VI. Reports**

- a. Mayor
- b. Council Members

- i. Mr. Baryak – He stated that he received some phone calls about concerns on Garfield Street. He also stated that a public appeal will be held on Thursday.
  - ii. Ms. Spletzer – A street lamp was out in East River Gardens and it was fixed quickly by Mr. George and the electric department. The next Parks and Rec Meeting will be on June 28.
  - iii. Granchie – He attended a planning and zoning meeting regarding an appeal related to a carport. He announced an upcoming piece of legislation that he plans to sponsor regarding fees for the dog park. He also handled his typical lot of calls, texts, and emails.
  - iv. Stimpert – She announced that Meet the Chief would be held on June 18 at the station across from Arby's from 12:00pm-3:00pm. The Fire Board Meeting will be held on July 6 at 6:00pm.
- c. Finance Director
- d. Law Director
  - i. Mr. Bryan responded to public comments. Regarding Ordinance 2022-29, he stated this is a distinctly different ordinance than the prior ordinance that failed previously and he stated those differences. He stated that the tax credit or forgiveness would remain at the full amount if this ordinance passed. He stated that he supported the Council Review Commission (CRC) and spoke complimentary of the members. He agreed with the stated three methods to place initiatives on the ballot as stated in the Charter. Regarding the CRC, he asked Council to show great deference to their work; but stated his interpretation of "recommend" meaning that "you don't have to do it" and Council has discretion to accept any recommendations and/or make changes to those recommendations. He stated his support for Council's discretion to make the ultimate decision by majority vote. He also stated that he believes the intent in the Charter is to honor the commission and give voice to the citizens.
  - ii. Mrs. Stimpert asked if a quorum was met or not at the Charter Review Commission meeting. Mr. Bryan stated that he can investigate but is not aware of any improprieties.
  - iii. Mr. Baryak spoke about the easement in Ward 2 on High Street which was intended to allow access to city poles. He spoke against the Zoning Board's decision to honor the recent appeal related to the carport. Law Director Bryan advised Council that they could amend the zoning codes to prohibit specific, undesired activity. Council was also advised that the citizens can appeal any citations from the Zoning Administrator to the Zoning Board and that the decision of the Zoning Board must be accepted.
  - iv. Mrs. Spletzer asked Mr. Bryan if all resolutions can be combined and passed as one. He stated that a motion can be made to vote on them together. She asked to know the appropriate time to make such a motion and was advised to do so when Council reaches that point in the meeting agenda.
- e. City Manager
  - i. Mrs. Priddy stated that she and Chief Foor spoke to the Sherriff's Office and information will be provided for Council related to the Sheriff's Office possibly taking over the police department for the City. She attended a

conference with Ms. Wolford regarding economic development. She met with a township trustee regarding the Scott Street Project and understands the Township will place on their agenda to pass a resolution to share specific expenses for the project. She met with the judge regarding his concessions related to his employees and moving them off the general fund and onto his special fund. She has worked with Mr. Housley to educate citizens regarding the expenses of the city and stated she has another similar group meeting scheduled for next week and will consider a town hall meeting for the future. She has been asked to consider working with a local company to install solar panels and will meet with the company to hear their proposal.

### **Changes To Tonight's Agenda**

Mayor Kline called for Motion to move the last item under New Business (Motion) to become the first item under New Business to accommodate Mr. Hawkins.

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

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

Regular Meeting Minutes, June 1, 2022  
Special Meeting Minutes, June 7, 2022

Mr. Baryak asked Mr. Granchie to clarify his statements regarding a lack of equipment by the City to perform the work related to the pole line extension to Route 5 for the Dunkin Donuts. Mr. Granchie stated his belief that his comments were true and that a caucus with the appropriate people might provide clarification. He acknowledged that he may have misunderstood; but stood by his comments.

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

### **VIII. Public Hearings**

### **IX. Unfinished Business**

### **X. New Business**

#### **MOTION**

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.

Law Director Bryan recommended that Council amend the Motion to remove "that exceeds \$25,000" and replace it with "not to exceed \$65,000" based on the proposed cost of the repair. Mr. Granchie asked if the motion should say both





Mrs. Stimpert stated her belief that this ordinance is ill-timed. She stated her belief that (1) she has a responsibility to vote according to the wishes and her constituents and (2) her constituents do not support it.

Moved by: Ms. Spletzer                      Seconded by: Mr. Baryak  
Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-no; Ms. Stimpert-no

Mayor Kline stated they he been troubled by this decision and understands the severe needs of the City. He cited that the cost of this tax increase would be \$2.50 per each \$100 of weekly income. He

Mayor Kline-no  
The ordinance failed 2-3.

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.

Mr. Granchie asked Mrs. Priddy to explain the changes cited in Exhibit A. Mrs. Priddy stated her belief that Mr. Housley would be able to best answer any questions and offered to call Mr. Housley. Mr. Housley was called and answered. He explained that an appropriation increase of \$250,000 was made to the land purchases account. It was further explained that this appropriation increase was related to the gas station clean-up and that it was being paid with Ohio Department of Development (ODOD) grant monies.

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

SECOND READING

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

Ms. Spletzer asked Mr. Bryan if Resolutions 21 and 22 could remain as separate resolutions but be voted on as a package. Mr. Bryan stated Council could make a motion to vote on them together; but would then have to vote on that motion, which would not save time. He recommended voting on them as they appear on agenda because that seems to be the most straightforward method.

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

Mr. Granchie spoke in support of both resolutions citing the need to have a certificate for whichever millage is selected by Council for the ballot.

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

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

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

Mayor Kline spoke regarding the remaining resolutions. He asked Council to consider a motion to table these resolutions to allow each councilperson to consider them fully. He also suggested that Council schedule a Caucus on July 6 to (1) discuss Resolutions 23-2022 through 29-2022 as recommended by the Charter Review Commission and (2) invite Mr. George to discuss with Council and answer questions about the Ridge Rd Distribution Poleline Design.

MOTION  
A Motion to table Resolutions 23-2022, 24-2022, 25-2022, 26-2022, 27-2022, 28-2022, and 29-2022 until Council's Regular Meeting to be held on July 6, 2022.

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

MOTION  
A Motion to schedule a caucus on July 6 to (1) invite Mr. George to discuss with Council and answer questions about the Ridge Rd Distribution Poleline Design at 4:30pm and (2) to discuss Resolutions 23-2022 through 29-2022 as recommended by the Charter Review Commission at 5:00pm.

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

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

A Motion to schedule a Caucus on July 6, 2022 for the purpose of (1) discussing Resolutions 23-2022 through 29-2022 as recommended by the Charter Review Commission and (2) inviting Mr. George to discuss with Council and answer questions about the Ridge Rd Distribution Poleline Design project.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

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

The motion passed 4-0.

MOTION

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.

Mr. Baryak spoke in support of Council exhausting all options related to revenue and stated that this is exploration is one way to show that Council is doing

that...exploring all options. He stated that this might be a viable option if the price is right. He asked the LD regarding a 99 year lease on the Fire District.

Mrs. Stimpert asked if there are short term / long term goals and plans and have all who work in these building been advised about this potential action. City Manager Priddy stated that the Court and Police Department have been spoken with. Mrs. Stimpert asked for the plan to house everyone. Mrs. Priddy stated that extensive remodeling would be required in either location; depending upon which property Council chooses to sell, if any.

Mr. Granchie asked the city manager to clarify the goal(s) in so much as the intent is not to sell both properties, but to make a judgment as to which one to choose for potential sale. Mrs. Priddy confirmed that to be the intent.

Mrs. Speltzer stated the Council has heard the calls to sell everything and this is an exploration so that a decision about that can be made by Council.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

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

The motion passed 4-0.

#### MOTION

A 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.

Mrs. Stimpert asked the Law Director if she would be required to abstain due to any potential conflict of interest. Mr. Bryan stated that she is permitted to vote.

Mr. Granchie spoke in support of the Motion. He stated that paid federal holidays with less social significance are observed and this holiday holds major social significance.

Mr. Baryak stated his belief that the city doesn't have the money to give a paid holiday to employees.

Mrs. Spletzer stated that her call to the Finance Director estimated the costs at between \$6000-7000, which she stated was fiscally irresponsible, in her opinion. She stated that it seems like poor judgment to ask the electors vote for levies, and then, vote to give this money away.

Mrs. Stimpert stated her belief that not passing this Motion would be an insult when it is known that Council had previously approved the hiring of a previous law director at a far greater amount of money (\$200 per hour).

Mr. Granchie stated his intense support for this Motion and wondered why others felt it was ok to hire new employees for the zoning department; but won't

pay to honor an entire group of people when the money to pay current employees for the holiday is already in the budget.

Mr. Baryak stated his belief that the City will need to show the State of Ohio that the City is being fiscally responsible. He stated his belief that the federal government can afford the holiday, but the city cannot. He reiterated that the failed effort to approve the potential hiring of part-time employees at the prior meeting was to authorize the city manager to hire if Council determined the need to so. He also stated that those potential hirings would have made money, and this holiday would cost.

Moved by: Mr. Granchie                      Seconded by: Ms. Stimpert  
Ms. Spletzer-no; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Baryak-no  
Mayor Kline-no  
The motion failed 2-3.

## **XI. Public Comments**

Brenda Persino – 226 Oak Knoll

Mrs. Persino spoke about her displeasure regarding a verbal altercation between Mr. Baryak and a member of the audience prior to the meeting. She spoke in support of and urged professionalism from elected officials.

Ana Eby – 50 W. 9<sup>th</sup> Street

She spoke in support of the motion to designate Juneteenth as a city holiday and give employees choice to select a federal holiday to observe. She spoke in opposition to the proposed tax levies cited in Resolutions 21-2022 and 22-2022. She stated her family's support for the community and stated her concerns with prior statements made against her family and other who are perceived to have not worked to improve the community.

Brian Axiotis – 315 Adams Street

Mr. Axiotis stated his belief that Council has been historically irresponsible with city money, in an amount of over \$500,000. He spoke against Resolutions 21-2022 and 22-2022 urging council to ensure that any levy money that may be approved and collected be allocated above and beyond the current police budget and not used to offset the the deficit in the general fund.

Phillip Beer – 509 Ravenna Road

He stated belief that Juneteenth was already passed by Council. He also made a statement that the previously referenced carport was already decided to not be on city property. He addressed Ms. Spletzer and asked if her BCI investigation yielded any results regarding illegal activity or misconduct by the past administration. He urged Ms. Spletzer to provide a report and address the rumors that the investigation may have been dropped thus clearing the names of those being investigated. Regarding money, he stated his belief that people cannot afford more taxes. He stated his belief that there is more than \$8M currently in city investments and wondered why a new investment company who pays less was chosen over the old investment company who paid more. He alleged that the City Manager had previously been involved with the new investment company. City Manager Priddy interjected stating that she is not and was not affiliated with the investment group. Mr. Beer asked why the new investment company was chosen stating

the change as evidence of Council mishandling public money. He stated his belief that Council further mishandled public money by allegedly spending the full amount of the 2022 budget in just three (3) months. He stated his belief that the citizens should not be asked to accept higher tax rates in order to “bail Council out” from these alleged mishandlings of money.

Catie Karl

Ms. Karl stated her support for the previous public comments. She spoke in opposition to having a City Administrator or an administrative committee of Council. She urged Council to work in an open and transparent manner. She urged Council to hire people who can do the job. She made allegations against Council for having an agenda when the previously dismissed several people from various positions with the city. She spoke about three checks that were given to a police employee and wondered why these checks were issued. She stated that a 99-year lease does exist with the Newton Falls Joint Fire District and spoke in opposition to selling property.

Julie Lemon – 609 Ridge Road

She spoke in opposition to Council’s opposition to raising taxes and urged Council to identify viable solutions and to work together. She stated that the CRC worked hard and appreciated the participation of Councilperson Stimpert, Councilperson Granchie, and Mrs. Priddy. She cited Article 11 and stated her belief that Council must send all recommendations of the CRC to the ballot.

Unidentified Member of the Audience

He stated his shock to hear Ms. Neiheisel state that she and the Parks and Recreation Department were unaware of their specific benefit from proposed tax levy. He stated his belief that a 99-year lease exists for the fire district. He suggested that the City discontinue using the lights on the water tower and falls. He stated his displeasure with the condition of the street department and urged an auction for the many unused items that are currently there. He addressed the Mayor and stated his appreciation for the Mayor’s recent votes as a tiebreaker citing his own past record as a Councilman and a similar philosophy.

Rick Kerlin – 1009 Woodglen

He spoke in support of a police levy and in keeping the police department. He stated his belief that there is no other option than a police levy. He spoke in support of a state takeover citing the need for a long-term plan. He spoke in support of the City Manager. He expressed dismay that \$351,000 had been spent for smart meters that haven’t been received and another \$200,000 for legal fees, that he believes could have been avoided.

Jamie Kline – 312 Ridge Road

Ms. Kline addressed Council and urged members of Council to behave more professionally. She spoke in support of a state takeover stating her trust for the State over Council. She spoke in support of Juneteenth being a paid city holiday. She stated her appreciation for the Mayor and his willingness to listen and act on what he has heard. She spoke in support of the police and the need to ensure that the general fund doesn’t get adjusted if a tax levy is passed. She spoke in support of the police and expressed her disappointment that the city has had difficulty retaining officers.

## **XII. Closing Remarks**

Mr. Baryak spoke about the electricity for Dunkin Donuts and expressed his belief that Dunkin Donuts would use \$2500 per month in electricity. He stated that Council was surprised by a pole easement and other details related to the project. He spoke about the various problems from the City's past and cited that Council is currently saving the City over \$200,000. He stated that he prefers working with people who have suggestions rather than those who blame others. He stated his appreciation for a difference of opinion, but not negativity. He thanked all who spoke tonight.

Ms. Spletzer wished a Happy Father's Day all.

Mr. Granchie spoke in opposition to Baryak's statements regarding where Mr. Granchie gets his information. He spoke in support of simple discourse and stated his belief that Council should have different viewpoints to ensure wise and representative decision-making. He shared his support for public debate and stated his appreciation for his colleagues.

Ms. Stimpert stated her appreciation for Mayor Kline and indicated that she has identified a person who would video record Council meetings for no charge.

Mrs. Priddy addressed Mr. Beer's statements and clarified that Juneteenth had not been approved previously; so, she asked for a Motion on tonight's agenda. She reiterated that she is not affiliated with the city's investment group. She stated the Finance Director could speak much better to the current state of city investments. She stated her belief that the old investment company had city money in "bad investments". She stated that the majority of the investments are tied to water and electric, which cannot be used arbitrarily or for the general fund.

Mayor Kline spoke in support of his fellow Council members and the healthy debate that occurs on Council.

Mrs. Priddy asked the Ms. Karl to re-examine the public records that she reviewed related to the police payments that she questioned. Mrs. Priddy stated her belief that the records should be interpreted differently than Ms. Karl had stated citing a conversation that she had with Assistant Finance Director Pam Wolford when Mrs. Priddy initially interpreted them in the same manner as Ms. Karl.

#### MOTION

Motion to Adjourn into Executive Session (as noted below)

No Motion was made

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

☐ Appointment

☒ Employment

☐ Dismissal

☐ Discipline

☐ Promotion

☐ Demotion

☐ Compensation

☒ 2. Purchase or Sale of Property

☐ 6. Security Matters

☒ 3. Pending or Imminent Court Action

☐ 7. Hospital Trade Secrets



☐ 4. Collective Bargaining Matters

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

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

☐ 9. Veterans Service Commission  
Applications

### **XIII. Adjournment**

#### **MOTION**

A Motion to adjourn the regular meeting at 8:26 pm.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

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

The motion passed 4-0.



NEWTON FALLS CITY COUNCIL  
**SPECIAL MEETING MINUTES**  
Wednesday, June 22, 2022; 5:00 PM  
COUNCIL CHAMBERS  
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	VACANT SEAT
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 approximately 5:00 pm.

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

**III. Roll Call**

Council Present: Councilperson Baryak, Councilperson Granchie, Councilperson Stimpert

Council Absent: Councilperson Spletzer, VACANT SEAT

Staff Present: Mayor Kline, City Manager Priddy; City Administrator Smeiles

Staff Absent: Law Director Bryan, Finance Director Housley, City Clerk Acomb

**MOTION**

A Motion to excuse Councilperson Spletzer from the meeting.

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

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

The Motion passed 3-0.

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

No Public Comments were heard.

**V. Unfinished/New Business**

**MOTION**

A Motion to authorize the City Manager to enter into an agreement with the Newton Township Board of Trustees for the Scott Street Phase II Sanitary Sewer Project.

Moved by: Mr. Granchie      Seconded by: Mr. Baryak  
Mr. Granchie-yes; Mr. Baryak-yes; Ms. Stimpert-yes  
The Motion passed 3-0.

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

Adam Zimmermann – 515 Lemae Avenue  
Mr. Zimmerman spoke in support of the Motion. He thanked Mr. Baryak for supporting the Scott St. Agreement.

**VII. Motion to Recess into Executive Session**

- ☐ 1. Personnel Matters: To Consider one or more, as applicable, of the marked items:
- |                                      |                                     |                                       |                                     |
|--------------------------------------|-------------------------------------|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> Appointment | <input type="checkbox"/> Employment | <input type="checkbox"/> Dismissal    | <input type="checkbox"/> Discipline |
| <input type="checkbox"/> Promotion   | <input type="checkbox"/> Demotion   | <input type="checkbox"/> Compensation |                                     |
- ☐ 2. Purchase or Sale of Property
- ☐ 3. Pending or Imminent Court Action
- ☐ 4. Collective Bargaining Matters
- ☐ 5. Matters Required to be Kept Confidential – Contract Negotiations
- ☐ 6. Security Matters
- ☐ 7. Hospital Trade Secrets
- ☐ 8. Confidential Business Information of an Applicant for Economic Development Assistance
- ☐ 9. Veterans Service Commission Applications

**VIII. Adjournment**

**MOTION**

A Motion to adjourn the regular session of this special meeting at 5:04 PM.

Moved by: Mr. Granchie      Seconded by: Mr. Baryak  
Mr. Granchie-yes; Mr. Baryak-yes; Ms. Stimpert-yes  
The Motion passed 3-0.

## Mike Acomb

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**From:** Julie Stimpert  
**Sent:** Wednesday, June 29, 2022 2:03 PM  
**To:** Mike Acomb  
**Subject:** Fwd: Perkunis Media LLC

**Exhibit A**  
**Motion - Perkunis Media**  
**07/06/2022**

Here is the original email that all council and the Mayor received from Conrad Hanson.

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**From:** Perkunis Media <perkunismedia@gmail.com>  
**Sent:** Friday, June 10, 2022 5:08:13 PM  
**To:** johnbaryak@gmail.com <johnbaryak@gmail.com>; Kenneth Kline <KKline@newtonfallsoh.gov>; Tesa Spletzer <tspletzer@newtonfallsoh.gov>; Council Ward <Ward4@newtonfallsoh.gov>; Julie Stimpert <AtLarge@newtonfallsoh.gov>; nfcounciljbaryak@gmail.com <nfcounciljbaryak@gmail.com>  
**Subject:** Perkunis Media LLC

June 10th, 2022

Dear Mayor Kline:

I am the video director for a Limited Liability Company called Perkunis Media LLC located right here in Newton Falls. We are a professional media company with professional equipment and we are prepared to engage in the professional live media internet broadcast of your Council meetings at no cost to the City of Newton Falls. We will however, require your cooperation by allowing us to patch into the existing Newton Falls audio board which is located in the Council chambers in order to import the audio from your microphones on to our video recording. We are a for-profit media company and will try to offset our costs through advertising posted on the bottom of the screen. In order for this to work, we need permission to patch into the audio board. This will not affect the conduct of the meetings and will not affect the sound in the room in any fashion whatsoever. Please respond by email giving us permission to patch into that audio board. If permission is granted, I suspect we will be able to begin the live broadcast of your meetings no later than the first meeting in July or perhaps sooner. Thank you for your kind consideration in this matter.

Sincerely,  
Conrad Hanson  
[perkunismedia@gmail.com](mailto:perkunismedia@gmail.com)

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 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 6<sup>th</sup> DAY OF July 2022

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

Attest:

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

Approved as to Legal Form.

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

## Article II

Exhibit A: RES 23-2022

### MAYOR

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#### 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 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 6<sup>th</sup> DAY OF July 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  
SPONSOR: Councilpersons Granchie and 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 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 6<sup>th</sup> DAY OF July 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 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 6<sup>th</sup> DAY OF July 2022

Attest:

Approved as to Legal Form

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

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

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

CITY COUNCIL

\* \* \*

**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 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 6<sup>th</sup> DAY OF July 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 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 6<sup>th</sup> DAY OF July 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 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 6<sup>th</sup> DAY OF July 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.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 30-2022  
SPONSOR: Councilperson Spletzer

**A RESOLUTION ADOPTING THE TAX BUDGET OF THE VILLAGE OF  
NEWTON FALLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023  
AND SUBMITTING THE SAME TO THE COUNTY AUDITOR**

WHEREAS, the Director of Finance, has prepared a tentative tax budget for the Village of Newton Falls for the fiscal year beginning January 1, 2023 showing: (1) detailed estimates of all balances that will be available at the beginning of the year 2023; (2) all revenues expected to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites, and all other types of classes of revenues; and (3) estimates of all expenditures or charges in or for the purposes of such fiscal year to be paid or met from said revenues or balances and otherwise conforming with the requirements; and

WHEREAS, a copy of said tax budget is attached hereto and incorporated herein.

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

SECTION 1. That the attached tentative tax budget of the Village of Newton Falls, as prepared by Director of Finance for the fiscal year beginning January 1, 2023, copies of which are on file at the office of the Director of Finance and have been submitted to Council, is hereby adopted.

SECTION 2. That the Clerk of Council and/or Finance Director are authorized and directed to send a copy of the within Resolution to the County Auditor prior to the deadline specified by the Auditor for submitting this Resolution.

SECTION 3. 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 4. This Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.



RESOLUTION NO. 30-2022  
PAGE TWO

PASSED IN COUNCIL THIS 6<sup>th</sup> DAY OF July, 2022.

---

Kenneth A. Kline, Mayor

Attest:

---

Michael Acomb, Clerk of Council

Approved as to Legal Form.

---

Bradric T. Bryan, Law Director

**SCHEDULE 1**

Village of Newton Falls CITY

Schedule 1

**STATEMENT OF FUND ACTIVITY**

(Complete only for General Fund, Bond Retirement Fund  
and any other funds requesting general property tax revenue)

FUND: GENERAL FUND AND GENERAL RESERVE FUND

	DESCRIPTION	Actual Jan 1-Dec. 31 2021	Budgeted FY Jan 1-Dec 31 2022 Estimate	Budgeted FY Jan 1-Dec. 31 2023 Estimate
100 & 101	Beginning Unencumbered Fund Balance	827,479.38	276,300.35	(63,148.65)
	Revenues:			
	Health Department			
	Property Taxes	113,755.00	115,500.00	115,500.00
	Local Government	81,765.00	81,400.00	81,400.00
	All Other Receipts	2,135,342.83	2,082,129.00	1,876,516.00
	Total Resources	3,158,342.21	2,358,429.35	1,813,367.35
	Total Expenditures & Encumbrances	2,882,041.86	2,421,578.00	2,166,550.00
	Ending Unencumbered Fund Balance	276,300.35	(63,148.65)	(353,182.65)

FUND: SPECIAL LEVY POLICE

	DESCRIPTION	Actual Jan. 1-Dec. 31 2021	Budgeted FY Jan 1-Dec. 31 2022 Estimate	Budgeted FY July 1-Dec. 31 2023 Estimate
220	Beginning Unencumbered Fund Balance	0.00	17.00	17.00
	Revenues:			
	Property Taxes	14,181.00	17,950.00	17,950.00
	All Other Receipts			
	Total Resources	14,181.00	17,967.00	17,967.00
	Total Expenditures & Encumbrances	14,164.00	17,950.00	17,950.00
	Ending Unencumbered Fund Balance	17.00	17.00	17.00

**SCHEDULE 2**

Village of newton Falls \_\_\_\_\_ CITY

Schedule 2

## STATEMENT OF FUND ACTIVITY

( Funds with Revenue Other Than Local Taxes)

Add Additional Funds as Necessary  
Reproduce this Schedule as Necessary

	FUND NAME	Beginning Estimated Unencumbered Fund Balance	2023 Total Estimated Receipts	Total Resources Available For Expenditure	Total Estimated Expenditures and Encumbrances
201	STREET CMR	\$8,735	\$466,717	\$475,452	\$473,600
202	STATE HIGHWAY IMPRO	\$25,914	\$22,477	\$48,391	\$7,000
203	PERMISSIVE AUTO	\$24,397	\$105,000	\$129,397	\$114,950
204	PARK AND RECREATION	\$15,313	\$17,558	\$32,871	\$29,670
208	DRUG LAW ENFORCEMEN	\$7,652	\$1,907	\$9,559	\$1,000
214	SR CITIZEN VAN	\$1,108	\$0	\$1,108	\$0
215	INDIGENT DRIVERS	\$24,954	\$1,020	\$25,974	\$7,000
216	ECONOMIC DEVELOPMEN	\$256	\$0	\$256	\$0
217	HOME IMPROVEMENT LO	\$127,339	\$23,670	\$151,009	\$20,000
218	LAW LIBRARY	\$1,931	\$17,800	\$19,731	\$15,000
219	ENFORCEMENT AND EDU	\$26,242	\$7,535	\$33,777	\$8,900
221	INCOME TAX	\$20	\$950,110	\$950,130	\$940,110
222	COURT COMPUTERIZATI	\$445,974	\$59,600	\$505,574	\$117,079
223	COURT GENERAL SPECI	\$909,637	\$91,070	\$1,000,707	\$77,772
224	COURT SECURITY/DIVE	\$11,768	\$725	\$12,493	\$5,000
225	INDIGENT DRIVERS AL	\$176,947	\$16,025	\$192,972	\$10,000
226	PROBATION IMPROVEME	\$0	\$0	\$0	\$0
227	PROBATION INCENTIVE	\$0	\$0	\$0	\$0
228	JUSTICE REINVESTMEN	\$0	\$20	\$20	\$0
229	DRUG DIVERSION HALO	\$0	\$0	\$0	\$0
230	JUSTICE REINVESTMEN	\$288	\$10,791	\$11,079	\$10,796
231	COVID-19 FED CARES	\$0	\$0	\$0	\$0
232	COURT COVID-19 TECH	\$0	\$0	\$0	\$0
233	ARPA LOCAL FISCAL R	\$171	\$234,171	\$234,342	\$0
400	CAPITAL IMPROVEMENT	\$4,488	\$68,605	\$73,093	\$61,229
402	ROAD BUIDLING AND E	\$365	\$0	\$365	\$0
405	FUTURE BUILDING FUN	\$4,561	\$0	\$4,561	\$0
407	CITY HALL BROAD ST	\$0	\$0	\$0	\$0
408	PARK FENCE CAPITAL	\$0	\$0	\$0	\$0
409	MEDLEY SEWER CAPITA	\$2,714	\$0	\$2,714	\$2,714
410	AMI METERING PROJEC	\$923,591	\$0	\$923,591	\$188,223
501	WATER OPERATING	\$1,207,395	\$1,654,515	\$2,861,910	\$2,139,659
502	SEWER OPERATING	\$141,210	\$1,418,750	\$1,559,960	\$1,379,792
503	ELECTRIC OPERATING	\$1,258,621	\$5,594,940	\$6,853,561	\$6,452,996
504	STORMWATER OPERATIN	\$231,665	\$81,000	\$312,665	\$103,789
505	WATER OPWC ISSUE 1	\$19,802	\$0	\$19,802	\$0

506	SEWER OPWC ISSUE 1	\$7,009	\$0	\$7,009	\$0
507	ELECTRIC REPLACEMENT	\$49,411	\$0	\$49,411	\$0
508	GUARANTEE TRUST	\$220,348	\$35,190	\$255,538	\$33,500
510	REFUSE	\$31,969	\$330,400	\$362,369	\$334,600
514	UTILITY OFFICE	\$56,305	\$245,800	\$302,105	\$290,940
516	SEWER DEBT SERVICE	\$235,443	\$396,000	\$631,443	\$452,828
517	ELECTRIC DEBT SERVICE	\$637,017	\$329,000	\$966,017	\$965,500
519	WATER DEBT SERVICE	\$53,303	\$266,630	\$319,933	\$272,130
520	SEWER RESERVE	\$445,858	\$0	\$445,858	\$0
521	DEBT RETIRE 2020 BO	\$0	\$385,199	\$385,199	\$385,199
602	EMPLOYEE BENEFITS	\$607,247	\$1,018,800	\$1,626,047	\$1,001,286
706	UNCLAIMED MONIES	\$19,860	\$0	\$19,860	\$0
707	FIRE CLAIMS	\$3,410	\$0	\$3,410	\$0
708	SUMMER CONCERT SERIES	\$3,250	\$0	\$3,250	\$0
709	FLOWER FUND	\$2,004	\$5,480	\$7,484	\$5,000
710	BASKETBALL HOOP FUN	\$475	\$0	\$475	\$0
711	FIRE/TWNSP FUEL	(\$1,961)	\$35,811	\$33,850	\$33,800
	TOTAL	\$7,974,006	\$13,892,316	\$21,866,322	\$15,941,061

[illegible]

VILLAGE OF NEWTON FALLS, OHIO

RESOLUTION NO.: 31-2022

SPONSOR: Councilpersons Granchie, Stimpert, Baryak, and Spletzer

**A RESOLUTION HONORING POLICE SERGEANT STEPHEN STORM FOR HIS  
28 YEARS OF SERVICE TO NEWTON FALLS**

WHEREAS, Police Sergeant Stephen Storm retired as a Newton Falls police officer on May 27, 2022 after twenty-eight years of service to Newton Falls; and

WHEREAS, the Village and its citizens wish to congratulate Sergeant Storm on his retirement and thank him for his service to the community.

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

SECTION 1. That the Mayor and Council of Newton Falls, on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby congratulate Sergeant Storm on his retirement and thank him for his 28 years of service to the community. The Village also hereby authorizes Sergeant Storm to purchase his Village firearm for the amount of \$1 as is customary for retiring Newton Falls police officers.

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 6<sup>th</sup> DAY OF JULY, 2022.

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

Attest:

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

Approved as to Legal Form.

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

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-31  
SPONSOR: Councilperson Granchie

**AN ORDINANCE AMENDING THE ZONING & SUBDIVISION FEE SCHEDULE TO  
ADD A DOG PARK PERMIT FEE**

WHEREAS, pursuant to the best knowledge of the Administration and Council, the Newton Falls Zoning & Subdivision Fee Schedule was last updated on March 18, 2013 pursuant to Ordinance No. 2013-06; and

WHEREAS, the Planning Commission has recommended and Council desires that the Fee Schedule be amended to add a fee for dog parks.

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

SECTION 1. That Council hereby and herein amends the Zoning & Subdivision Fee Schedule to add the following permit fee:

<u>Type:</u>	<u>Explanation:</u>	<u>Proposed Fee:</u>	<u>Notes:</u>
	*	*	*
Dog Park		\$100	non-refundable
	*	*	*

SECTION 2. That the rest and remainder of the Zoning & Subdivision Fee Schedule shall remain in effect as previously established.

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

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

ORDINANCE NO. 2022-31  
PAGE TWO

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



VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-32  
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.

ORDINANCE NO. 2022-32  
PAGE TWO

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 6<sup>th</sup> DAY OF July, 2022

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

Attest:

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

Approved as to Legal Form.

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

CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
<b>100 General Fund</b>				
<b>POLICE</b>				
Personal Services	Legal Level	506,850.00	383,694.96	(123,155.04)
Other Operations	Legal Level	134,341.00	134,341.00	-
	Total:	641,191.00	518,035.96	(123,155.04)
<b>ZONING</b>				
Personal Services	Legal Level	66,500.00	63,154.98	(3,345.02)
Other Operations	Legal Level	43,100.00	43,100.00	-
	Total:	109,600.00	106,254.98	(3,345.02)
<b>CITY ADMINISTRATION</b>				
Personal Services	Legal Level	64,037.11	40,274.71	(23,762.40)
Other Operations	Legal Level	32,337.27	39,946.87	7,609.60
	Total:	96,374.38	80,221.58	(16,152.80)
<b>Council</b>				
Personal Services	Legal Level	9,528.63	9,528.63	(0.00)
Other Operations	Legal Level	19,870.20	18,723.60	(1,146.60)
	Total:	29,398.83	28,252.23	(1,146.60)
<b>MUNICIPAL COURT</b>				
Personal Services	Legal Level	674,748.00	647,794.00	(26,954.00)
Other Operations	Legal Level	31,434.00	31,434.00	-
	Total:	706,182.00	679,228.00	(26,954.00)
<b>FINANCE</b>				
Personal Services	Legal Level	60,468.25	66,125.29	5,657.04
Other Operations	Legal Level	31,938.78	25,125.63	(6,813.15)
	Total:	92,407.03	91,250.92	(1,156.11)
<b>LAW</b>				
Personal Services	Legal Level	34,521.75	39,940.63	5,418.88
Other Operations	Legal Level	77,034.00	88,987.80	11,953.80
	Total:	111,555.75	128,928.43	17,372.68
<b>BUILDING MAINTENANCE</b>				
Personal Services	Legal Level	43,000.00	30,531.00	(12,469.00)
Other Operations	Legal Level	431,610.48	437,110.48	5,500.00
	Total:	474,610.48	467,641.48	(6,969.00)
100	Total:	2,583,083.47	2,421,577.57	(161,505.90)
<b>223 COURT GENERAL SPECI</b>				
Personal Services	Legal Level	-	39,539.00	39,539.00
Other Operations	Legal Level	10,000.00	10,000.00	-
223	Total:	10,000.00	49,539.00	39,539.00
<b>504 STORMWATER OPERATING</b>				
Other Operations	Legal Level	61,189.00	103,789.00	42,600.00
504	Total:	61,189.00	103,789.00	42,600.00
<b>Grand Total:</b>		<b>18,785,149.70</b>	<b>18,705,782.80</b>	<b>(79,366.90)</b>

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-33  
SPONSOR: Councilperson Spletzer

**AN ORDINANCE ESTABLISHING SECTION 121.05 OF THE ADMINISTRATIVE  
CODE PERTAINING TO THE SALE, LEASE, OR DISPOSAL OF  
MUNICIPAL REAL PROPERTY**

WHEREAS, in furtherance of its Home Rule authority and Local Self-Government powers vested in Article XVIII, Section 3 of the Ohio Constitution and Article I, Section 2 of the Newton Falls Charter, Council desires to expand the methods by which it may sell, lease, or dispose of real property that is no longer needed for public use, or real property for which the Municipality's cost of maintaining the property outweighs the benefits of owning the property; beyond the procedure set forth in Section 721.03 of the Ohio Revised Code; and

WHEREAS, based upon the above, Council desires to establish and enact Section 121.05 of the Administrative Code.

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

SECTION 1. That Council hereby and herein establishes and enacts Section 121.05 of the Administrative Code pertaining to the sale, lease, or disposal of Municipal real property as set forth in attachment hereto and incorporated herein by reference.

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

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

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

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

Attest:

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

Approved as to Legal Form.

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

**121.05 AUTHORITY TO SELL, LEASE, OR DISPOSE OF REAL PROPERTY.**

(a) Pursuant to its Home Rule authority and Local Self-Government Powers vested in Article XVIII, Section 3 of the Ohio Constitution and Article I, Section 2 of the Newton Falls Charter, Council hereby authorizes the sale, lease, or disposition of real property that is no longer needed for public use, or real property for which the Municipality's cost of maintaining the property outweighs the benefits of owning the property, by any of the following methods, after Council, by ordinance, authorizes such sale, lease, or disposition of such real property:

(1) By requesting sealed bids for a period of at least 30 days after advertising the sale of such property at least one time;

(2) By public auction held at least 30 days after advertising the sale of such property at least one time;

(3) To the person or entity deemed by Council to be the highest and best bidder after listing the property with a realtor for a period of not less than 30 days;

(4) To the person or entity deemed by Council to have submitted the best proposal in response to a request for proposals after a period of not less than 30 days after advertising the request for proposals at least one time.

(b) Notwithstanding the provisions of subsections (a)(1) through (A)(4) of this ordinance, real property with a fair market value of less than \$2,500, may be sold or leased, at Council's discretion, to an adjoining property owner or other person or entity, for fair market value or the highest attainable price, without the necessity of a sealed bid, public auction, listing with a realtor, or request for proposals. Property that is deemed by Council by ordinance to be a burden on the Municipality and that cannot be sold pursuant to the provisions of this ordinance may be leased, or transferred for no compensation, upon authorization from Council.