

- e. City Manager Priddy spoke about OPWC for streets citing the first round of meetings is complete and the manual scoring of the grant came out the same as OPWC. She reminded Council that they had previously approved \$60,000 for Evo Eco; but noted the bill is \$120,000 and that she is asking for approval to pay that bill later in the agenda. She reminded council that they had asked her to review police wages. She presented Ordinance 2022-50 and summarized Exhibit A for Council. She stated that a discussion with Mr. Housley took place and she has asked the Local Government Services Department in the Auditors office to perform a performance audit on the general fund noting that last performance audit was performed in 2016. Mr. George's brother has passed away and she extended condolences. She acknowledged the administration as winners in chili cook-off. Mr. Baryak asked if the police levy fails might the city lose the high school SROs? Ms. Priddy stated that one has already resigned due to lack of faith in the levy passage. Mr. Baryak has announced that stake and survey has began for the pole line installation related to Dunkin Donuts. Ms. Stimpert asked about video recording and stated the sound online is poor. Ms. Priddy stated that the microphone wires needed to be redone due to someone possibly tampering with them. Mr. Housley stated that Local Government Services might provide their service for free.

Changes To Tonight's Agenda

MOTION

A Motion by Mr. Baryak to amend Ordinance 2022-43 to add the emergency clause. Mr. Bryan recommended that Council table the Ordinance until the Planning and Zoning Commission reviews it and comments. Mr. Bryan stated that the agenda does not need to be amended in order to add the emergency clause.

MOTION

A Motion by Mayor Kline to add to the agenda a Motion directing the Clerk to advertise for the vacancy on Council for Ward 4 with a due date of October 26 for applications and directing applicants to submit their interest via email to the Mayor and the Clerk.

Moved by: Mr. Baryak

Seconded by: Ms. Stimpert

No discussion.

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

The Motion passed 4-0.

Ms. Stimpert stated that Mr. Granchie, prior to his resignation, requested a motion be placed on the previous meeting's agenda, albeit after the cutoff for submitting meeting agenda items, for an appointment to the Civil Service Commission. She asked for the reason that his request was not placed on the agenda for this meeting automatically. Mr. Bryan responded that Mr. Granchie's motion was listed on the agenda for this meeting and that it captures the spirit of the request and that Council could appoint someone when Council reached that item in the agenda.

VII. Approval of Previous Minutes

Regular Meeting Minutes, September 21, 2022

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

No discussion.

Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes
The Minutes were approved 4-0.

VIII. Public Hearings

None

IX. Unfinished Business

ORDINANCE 2022-42

Sponsor: Councilperson Fetterolf

AN ORDINANCE REPLACING CHAPTER 1151 OF THE ZONING CODE RELATING TO SIGNS

Mr. Bryan reminded Council that Ordinances 2022-42 and 2022-43 were tabled last meeting and were referred to the planning commission. He advised Council the planning commission has not had an opportunity to comment due to the cancellation of their recent meeting and recommended Council wait until the planning commission can meet to do so. Mr. Baryak asked if the ordinance could be passed now and amended at a later time. Mr. Bryan stated his preference to not do that, but agreed that it could be legally be done.

MOTION

A Motion to place Ordinance 2022-42 on the floor for discussion.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Ms. Stimpert noted the sponsor change and asked for a reason. It was stated that Mr. Fetterolf replaced Mr. Granchie as the sponsor due to the resignation of Mr. Granchie and Mr. Fetterolf being the alternate to the planning and zoning commission. Ms. Stimpert stated that Mr. Bryan recommended that Council table the ordinance at this time.

MOTION

A Motion to pass Ordinance 2022-42.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Ms. Stimpert spoke in support of tabling the ordinance.

Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The Ordinance passed 3-1. Final Reading.

ORDINANCE 2022-43

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF THE ZONING CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR TREATMENT FACILITIES AND HOUSES

MOTION

A Motion to place Ordinance 2022-43 on the floor for discussion.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak spoke in favor of amending the ordinance to add the emergency clause stating his reasons, including that he wanted licensed facilities who could not operate in residential areas without a process and he wanted no further delay so that it could take effect immediately.

Mr. Bryan summarized the ordinance, including that it restricts facilities with more than 5 residents to non-residential areas and that less than 1 resident could be in a residential area so long as licenses, zoning, inspections, and background checks were fulfilled. Mayor Kline asked if existing facilities would be granted “grandfather” status. Mr. Bryan affirmed the Mayor’s statement; but noted that they can be checked for compliance.

Mr. Fetterolf spoke in favor of the proposed amendment citing his experiences with drug rehabilitation and the negative effect that can be seen in residential areas, including pressure on residents to sell their homes and high incidences of theft. He urged Council to pass it as an emergency.

Ms. Spletzer stated she has received many calls the past few months whereas Ward 3 residents have identified a troublesome area near IGA where there are several of these types of facilities in a row. She spoke in support of the ordinance and the regulation and protection that it would bring to the city. She stated that she has heard that residents are being offered \$20-30K above asking price to buy houses for this purpose.

Mr. Baryak spoke in support of rehabilitation; but also stated that the facilities must be properly certified and operated.

Mayor Kline asked Mr. Bryan for his legal advice regarding procedure. Mr. Bryan stated that a motion to amend for the purpose of adding the emergency clause can be made but the reason for emergency must be stated. He noted that an issue could be that the city would likely not be prepared to enforce an emergency ordinance for 30 days due to the need to develop forms and workflows to support enforcement. Ms. Stimpert asked Mr. Bryan for his legal opinion on the matter and Mr. Bryan stated his belief that it might be easier for community if this ordinance is not passed an emergency but acknowledged that it is Council’s decision. Ms. Stimpert asked if this non-emergency ordinance will help bring the existing houses into compliance and Mr. Bryan stated it would, but it would also require an occupancy permit prior to opening.

MOTION

A Motion to amend Ordinance 2022-43 to add an emergency clause.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Bryan stated the need to amend Section 3 to add the emergency clause. He drafted the language for Section 3 and read it to council... "this ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that Council feels it is essential for the safety of Village residents to enact the regulations herein and require an occupancy permit and have assurance that state and federal

regulations are being followed and this ordinance shall take immediate effect upon its passage pursuant to Newton Falls Charter Article 3, Section 5.1"

Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The Motion passed 3-1.

MOTION

A Motion to pass amended Ordinance 2022-43.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-no
The Ordinance passed 3-1. First Reading.

MOTION

A Motion to pass amended Ordinance 2022-43.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Ms. Spletzer-yes; Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes
The Ordinance passed 3-1. Final Reading.

X. New Business

MOTION

A Motion to accept the resignation of Ward 4 Councilperson Christopher Granchie.

Moved by: Mr. Baryak

Sponsor: Councilperson Baryak

Seconded by: Mr. Fetterolf

Ms. Stimpert expressed her personal thanks for Mr. Granchie's continued professionalism and integrity for Ward 4 and all citizens. Mr. Baryak expressed agreement with Ms. Stimpert's statements. Mayor Kline thanked Mr. Granchie and stated his appreciation for Mr. Granchie's service.

Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes
The Motion passed 4-0.

RESOLUTION 41-2022

Co-Sponsors: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, and Stimpert

A RESOLUTION OF APPRECIATION TO CHRISTOPHER GRANCHIE FOR HIS SERVICE TO THE CITY OF NEWTON FALLS.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes
The Resolution passed 4-0.

RESOLUTION 42-2022

Co-Sponsors: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, and Stimpert

A RESOLUTION OF APPRECIATION TO MICHAEL SEROTKO FOR HIS SERVICE TO

THE CITY OF NEWTON FALLS.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Mr. Baryak expressed his personal thanks to Mr. Serotko noting Mr. Serotko's margin of victory in the election. He stated his respect for Mr. Serotko's decision and stated that he will be missed. Mr. Fetterolf and Ms. Spletzer each expressed their personal thanks to Mr. Serotko. Mayor Kline stated his respect for Mr. Serotko noting his integrity and intelligence.

Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Resolution passed 4-0.

MOTION

Sponsor: Councilperson Fetterolf

A Motion instructing the City Manager to direct all Newton Falls department heads to report information within the scope of their departments on the following:

All grants, abatements, or agreements extended by Newton Falls to any persons or entities that result in such persons or entities paying reduced rates or amounts, when compared to other Newton Falls persons or entities, with respect to utilities, taxes, or fees.

Said information shall be provided to the City Manager in writing by all department heads no later than October 14, 2022. The City Manager shall then provide all such information to Council in writing no later than October 18, 2022.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Mr. Fetterolf spoke in favor of the Motion explaining the reasons for his sponsorship, including a desire to answer a few questions (1) where is the money?, (2) Who is paying full price and who isn't?, (3) What agreements are in place that effect the revenue of the city?

Ms. Priddy City Manager asked for clarification regarding utility discounts, tax abatements for businesses or employees, and/or grants given by the city and to whom.

Ms. Stimpert asked for clarification regarding the need to take this action. Mr. Bryan clarified that the action could result in a list of agreements with businesses who were given a utility discount or tax abatement, the terms of the agreements which would allow for a determination as to whether those businesses are compliant with their agreement.

Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes;
The Motion passed 4-0.

MOTION

Sponsor: Councilperson Spletzer

A Motion to Release the Civil Service Commission Report to the Public.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Ms. Stimpert asked about the purpose for releasing the report and questioned the logic of such release if there are currently no solutions to offer as a result of the report.

Ms. Spletzer stated that Council received the report in executive session and it requires a vote to make it public. She stated the public has right to know what took place. Ms. Spletzer stated a plan is not needed before the release of the report.

Ms. Baryak spoke in support of the Motion citing the need for transparency.

Mr. Fetterolf spoke in support of the Motion reminding Council that the public has right to know its contents.

Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The Motion passed 4-0.

RESOLUTION 43-2022

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND ENTER INTO ANY NECESSARY AGREEMENTS RELATED THERETO WITH WOODFORD EXCAVATING LLC IN CONNECTION WITH THE COMMERCE PARK CANOE LAUNCH PROJECT

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak spoke in support of the resolution and stated that high prices required the scope of work to be scaled back. He asked Ms. Priddy to summarize.

Ms. Priddy stated that the original cost estimate was \$125,000 and it was scaled back as the life jacket kiosk and other additions were removed. Subsequently, a bid of \$80,000 was received. She stated that several local groups have made pledges to donate dollars to cover the gap between the amount of the grant and the actual expense of the project. She stated the location is right beyond the falls.

Ms. Spletzer spoke in support of the resolution and reminded Council that Woodford achieved the reduced price, in part, by scaling back the size and thickness of the asphalt in the project. She spoke in support of an information kiosk.

Ms. Priddy stated that the city can add a kiosk if desired at a later date but noted that the city would have pay expenses related to lost, stolen, and/or broken life jackets.

Mr. Fetterolf stated his hopes for an incentive to clean out the river and make it a destination.

Mr. Baryak stated that the future of Newton Falls is in the rivers and offering outdoor activities.

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes
The Resolution passed 4-0.

ORDINANCE 2022-47

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE RELATED TO EVOLUTION ECOLOGY (“EVO ECO”) FOR WATER PLANT SEDIMENTATION BASIN DRAINING, DISPOSAL, AND CLEANING SERVICES

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak asked the City Manager to speak.

Ms. Priddy reminded Council the original price was \$60,000; but the basin had been broken since Feb and EVO ECO took nearly 200,000 gallons of sludge from the location which was significantly more than expected. She stated it was not a mechanical failure; but rather, too much sludge stopped the machinery. She stated all is working now and no one who runs the station was at fault.

Mr. Fetterolf asked if the Scott Street Sewer Project would reduce sludge in the future. Ms. Priddy stated she assumed so; but could not say for sure.

Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Ordinance passed 4-0. First Reading.

ORDINANCE 2022-48

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE PERTAINING TO COUNCIL RULES OF CONDUCT AND PROCEDURE

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak asked Mr. Bryan to summarize the ordinance.

Mr. Bryan stated that it removes the opportunity for the residents to speak for 10 minutes at regular meetings and that it equalizes the time available to all residents. He advised that 10 minute comment periods are not part of special presentations, which are only for speakers invited by Council. He stated the citizens would have 3 minutes for agenda items, public hearings on legislation, and 3 minutes for closing comments.

It was stated that the ordinance is consistency with the Charter Review Commission’s recommendations.

Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes
The Ordinance passed 4-0. First Reading.

ORDINANCE 2022-49

Co-Sponsors: Councilpersons Baryak and Fetterolf

AN ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER FEE BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Housley stated that he considered recommending the ordinance as an emergency. He explained that he needs to be able to certify delinquent utility accounts to the county at the end of November. He advised that an emergency ordinance would take effect immediately and allow for expedited reporting to the county.

Mr. Baryak spoke in support of the ordinance as an emergency in order to better assist with the book keeping. Mr. Housley stated that receipts from delinquent accounts could be certified to the tax duplicate this year instead of waiting until next year.

Ms. Spletzer asked how much money is owed to the city. Mr. Housley stated that it likely isn't very much money that could be certified without an emergency clause. Ms. Priddy stated it was estimated to be nearly \$14,000. Mr. Bryan stated that other tools are being used as well to collect money.

Ms. Stimpert asked for clarification regarding the process to enforce non-payment. Mr. Housley stated that he carries the decision-making power regarding payment plans, and makes that decision on an individual basis. The options are to certify the debt to county or create a payment plan or file an appeal for evaluation.

Mr. Fetterolf stated land-owners will be affected most and his belief that this is an effective tool.

MOTION

A Motion to amend Ordinance 2022-49 to add an emergency clause.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Bryan drafted the language of the emergency clause and read it to Council as follows: "This ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that it is necessary to be able to certify certain delinquent bills onto the tax duplicate before the 2022 deadline and this shall take immediate effect upon its passage pursuant to Newton Falls Charter Article 3, Section 5.1"

Ms. Stimpert spoke against the motion to amend the ordinance to add the emergency clause citing a lack of an emergency.

Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The Motion passed 3-1.

MOTION

A Motion to pass amended Ordinance 2022-49.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

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

The Ordinance passed 4-0. First Reading

MOTION

A Motion to pass amended Ordinance 2022-49.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes

The Ordinance passed 3-1. Final Reading

ORDINANCE 2022-50

Sponsor: Councilperson Fetterolf

AN EMERGENCY ORDINANCE AMENDING THE HOURLY PAY RATES FOR THE POLICE DEPARTMENT

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Mayor Kline suggested a discussion by Council to determine a rate based on options presented by the City Manager. He spoke in support of raises for full-time officers of \$3.00/hour and part-time employees of \$2.00/hour.

Mr. Baryak spoke in support of the ordinance, the police department, in general, and the Mayor's suggested rate increases. He reminded all that Council continues to consider a joint police district.

Mr. Fetterolf spoke in support of the ordinance and the Mayor's suggested rate increases and suggested that a joint police district might be a viable future option.

Ms. Stimpert asked if the expiration date contained in the ordinance is legal. Mr. Bryan advised that it was. She asked if there is money to cover the expense? Mr. Housley stated that on a temporary basis, the money is there and if you want to offer more than the Mayor suggested, then the cash is available. He stated that the purpose is try to save our current officers, express appreciation and then see what the levy outcome will be. Ms. Priddy recommended increases of \$4.00/hour and \$2.00/hour.

Ms. Priddy re-presented to Council all of the options, including the grand total increase for the proposed time period.

Mr. Baryak expressed the need to save the police department to protect citizens and businesses, citing his belief that if the department is lost, then it will never return.

Ms. Stimpert stated that the increase should be made permanent, instead of temporary. Mr. Housley stated that after the levy is consider by the community at the ballot, then there will be another opportunity for Council to revisit the rates.

MOTION

A Motion to amend the attachment to the ordinance to adopt a \$4/hour raise for full time officers and a \$2/hour raise for part-time officers.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Ms. Stimpert asked for the Chief's salary and whether he would be included in the pay raises. Mrs. Priddy provided the salary and stated that he would not be included because is a salaried employee, not an hourly employee.

Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Motion passed 4-0.

MOTION

A Motion to pass amended Ordinance 2022-50.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes
The Ordinance passed 4-0. First Reading

MOTION

A Motion to pass amended Ordinance 2022-50.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion.

Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Ordinance passed 4-0. Final Reading

MOTION

A Motion to direct the Clerk to advertise to qualified electors of Ward 4 for the vacant seat on City Council.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Motion passed 4-0.

XI. Public Comments (Closing Comments)

Anna Eby – 50 W. 9th Street

Mrs. Eby spoke against the police levy and in support of the police department citing Article 5; Section 3 of the charter. She asked to know the voting thresholds to pass an emergency ordinance with a member of Council missing. She was advised by Council that a 2/3 majority of Council is required. She spoke against Council for not following the advice of Mr. Bryan with regard to Ordinance 2022-42 and 2022-43. She spoke in support of public records requests. She spoke against the police levy, Council's manner of spending money, and Ordinance 2022-42 citing that it was not explained by Council.

Jamie Kline – 312 Ridge Road

Ms. Kline defended Mrs. Zimmermann's public record request. She spoke against the policy levy citing the perceived use of scare tactics by Council for the levy and her support of Mrs. Eby's

reference to Article 5; Section 3 of the charter. She spoke in support of Mr. Granchie and Ms. Stimpert. She called for the resignations of Mayor Kline, Mr. Baryak, Mr. Fetterolf, and Ms. Spletzer.

Phillip Beer – 509 Ravenna Road

Mr. Beer spoke in support of public records requests and the former clerk who he believed filled requests in a timely manner. He recounted clear audits and balanced budgets when he was on Council. He spoke against the leadership of Mr. Baryak and Ms. Spletzer as councilpersons.

Chelsea Harper – 515 High Street

She spoke about the Annual Walk for Substance Abuse Prevention and encouraged everyone to come to the event. She spoke in support of the “sober houses” citing that they will have certifications. She expressed vigorous support for the residents of the “sober houses” and spoke against Council for their stance on the issue and their perceived opinion of the residents of these facilities.

Rick Kerlin – 1009 Woodglen

Mr. Kerlin spoke in support of the many community events this month and encouraged everyone to go to them.

Brian Kropp - 47 Elizabeth Street

He spoke against Council and urged each member of Council to resign citing concerns with their credibility, ability to lead, and qualifications.

XII. Closing Remarks

Mr. Fetterolf spoke against the negativity that was expressed by those during Closing Comments. He expressed disappointment with the persistent behavior of a small group of residents at council meetings.

Mayor Kline chastised the audience for their poor and disruptive behavior. He expressed disgust with how a small group of people continue to insult Council and assassinate the character of those who work hard to help the city without offering any assistance to solve problems. He especially expressed frustration with former members of council who he believes are responsible for leaving the general fund in poor condition, citing examples, including the transfer of money from the electric fund to the general fund.

Mr. Baryak acknowledged that the Dairy Queen is moving from one side of town to the other and he expressed support for their efforts. He also expressed support for Dunkin Donuts as a new business. He spoke in favor of this council lowering the operating budget. He spoke against Mr. Kropp’s statements during Closing Comments.

Ms. Spletzer spoke against the use of Facebook, in general, citing the negativity that it breeds in the community.

Ms. Stimpert offered no comments.

Ms. Priddy agreed with Ms. Spletzer’s comments about Facebook. She spoke in support of each council member’s efforts to serve the city, as well as, every administrator citing the individual strengths they bring to the community. She denied that scare tactics are being used related to

the police levy; but stated that hard decisions might need to be made and it is important that people begin to face that reality.

MOTION

A Motion to Adjourn into Executive Session (as noted below) at 8:48 pm.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

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

Appointment

Employment

Dismissal

Discipline

Promotion

Demotion

Compensation

2. Purchase or Sale of Property

6. Security Matters

3. Pending or Imminent Court Action

7. Hospital Trade Secrets

4. Collective Bargaining Matters

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

5. Matters Required to be Kept Confidential – Contract Negotiations

9. Veterans Service Commission Applications

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes
The Motion passed 4-0.

MOTION

A Motion to adjourn executive session and return to regular session at 9:35 pm.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

No discussion.

Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Motion passed 4-0.

MOTION

A Motion to appoint Mike Kren to Fill the Vacant Seat on the Civil Service Commission.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Ms. Stimpert requested that Council interview Mr. Kren. Mr. Bryan advised Council that there is no requirement, and they have discretion regarding how to handle an appointment. Ms. Spletzer spoke against an interview stating that Mr. Kren will fill the position for two months and the Commission may not meet at all during that time period. Mr. Baryak and Mr. Fetterolf indicated agreement to not conduct an interview.

Ms. Spletzer-yes; Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes
The Motion passed 3-1.

XIII. Adjournment

MOTION

A Motion to adjourn the regular meeting at 9:38 pm.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes
The Motion passed 4-0.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, City Clerk

DRAFT



NEWTON FALLS CITY COUNCIL
EMERGENCY MEETING MINUTES
 Tuesday, October 11, 2022; 4:30 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon "Bud" Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	VACANT
At- Large	Julie Stimpert
Mayor	Kenneth Kline

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

I. Call to Order

Mayor Kline called the meeting to order at approximately 4:30pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer

Council Absent: Councilperson Stimpert

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

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

Changes to Tonight's Agenda

MOTION

A Motion to change the order of the agenda under Unfinished Business to enter executive session first.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

No discussion.

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

The Motion passed 3-0.

IV. Unfinished Business

MOTION

A Motion to Adjourn into Executive Session (as noted below) at 4:41 pm.

- 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

Moved by: Mr. Baryak Seconded by: Mr. Fetterolf
 No discussion.
 Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
 The Motion passed 3-0.

MOTION
 A Motion to adjourn the executive session and resume the emergency meeting at 5:01 pm.
 Moved by: Mr. Baryak Seconded by: Mr. Fetterolf
 No discussion.
 Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
 The Motion passed 3-0.

MOTION
 A Motion to direct the City Manager to instruct the Law Director to identify a special prosecutor for a criminal complaint.
 Moved by: Ms. Spletzer Seconded by: Mr. Baryak
 No discussion.
 Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
 The Motion passed 3-0.

MOTION *Co-Sponsors: Councilpersons Baryak and Fetterolf*
 A Motion to consider the hiring and/or authorize the hiring of a special prosecutor for a criminal complaint.

V. Adjournment

MOTION
 A Motion to adjourn the emergency meeting at an unrecorded time.
 Moved by: Ms. Spletzer Seconded by: Mr. Baryak
 No discussion.
 Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
 The Motion passed 3-0.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-47
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE
RELATED TO EVOLUTION ECOLOGY (“EVO ECO”) FOR WATER PLANT
SEDIMENTATION BASIN DRAINING, DISPOSAL, AND CLEANING SERVICES**

WHEREAS, Evo Eco has performed water plant sedimentation basin draining, disposal, and cleaning services to Newton Falls for several years and is the only company qualified and able to perform this work in the area; and

WHEREAS, during the course of performing its regular annual services on behalf of the Village, it was discovered that a significant amount of additional water plant sedimentation basin draining, disposal, and cleaning services were needed; and

WHEREAS, the total cost of the work performed exceeds the City Manager's spending authority and the amount originally approved and budgeted for this work; and

WHEREAS, Council desires to authorize the purchase order and expenditure related to Evo Eco for the work it performed and material and disposal costs it incurred.

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

SECTION 1. That Council hereby and herein authorizes the purchase order and expenditure related to Evo Eco for water plant sedimentation basin draining, disposal, and cleaning services in a total amount not to exceed \$120,732.12.

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.

ORDINANCE NO. 2022-47
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

REQUISITION FOR PURCHASE ORDER

Date 9/30/2022 No. 537

Order Form EVO ECO

Deliver To _____

Verbal Order Placed
SEND CONFIRMATION

Original Order

Ship Via _____ Date Wanted _____

QUANTITY	ARTICLE	PRICE	UNIT
	Pumping Sed Basin @ Water Plant		\$ 120,732.12
	Drain/clean Plant Basin		

CHARGE TO 501-5030-52316 Order No. _____ A/C No. _____

P.O. NO _____ Date _____ SIGNED _____



VILLAGE OF NEWTON FALLS

419 NORTH CENTER STREET
NEWTON FALLS, OHIO 44444
PHONE OR FAX (330) 872-1010

ORD 2022-47

Exhibit A

Page 2

PURCHASE ORDER

2022000537

SHIP TO
WATER PLANT
CITY OF NEWTON FALLS
175 W RIVER RD
NEWTON FALLS OH 44444

VENDOR
EVO ECO
EVO ECO
P O BOX 322
SALEM OH 44460

PURCHASE ORDER DATE CONTRACT NO

09/30/22

PLEASE SEND ALL BILLING INVOICES TO: VILLAGE OF NEWTON FALLS • 419 N. CENTER ST. • NEWTON FALLS, OHIO 44444

TERMS:

MAIL INVOICE IN DUPLICATE
By shipping the goods below or by acknowledging receipt of this order or by performing the work below you agree to the terms and conditions of sale which appear on the face. Any different or additional terms your acceptance of this offer are hereby objected to.

LINE NO.	DESCRIPTION	REQ. NO.	ACCOUNT CODE	QUANTITY	UNIT	UNIT PRICE	AMOUNT
001	DRAIN/CLEAN PLANT SED BASIN		501-5030-52316			.00	120732.12

PLEASE NOTE:

THE PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, PACKING SLIPS, SHIPPING PAPERS AND ALL CORRESPONDENCE. ALL PURCHASES EXEMPT FROM STATE AND FEDERAL EXCISE TAXES.

TOTAL AMOUNT NOT TO EXCEED

120732.12

I hereby certify that the amount required to meet the obligation created by this instrument has been lawfully appropriated for such purposes in the treasury or in the process of collection to the credit of the pro fund, free from any previous encumbrances.

DIRECTOR OF FINANCE

DAI

Evo Eco
 653 Jones St
 Youngstown, OH 44502
 +1 2342289604
 invoice@evoecoearth.com
 www.evoecoearth.com

EVO ECO

ORD 2022-47
 Exhibit A
 Page 3

BILL TO
 Village of Newton Falls
 Accounts Payable
 612 W. Broad St
 Newton Falls, OH 44444

SHIP TO
 Village of Newton Falls
 Newton Falls Water Treatment Plant
 175 W River Rd.
 Newton Falls, OH 44444

INVOICE 2311

DATE 09/01/2022 TERMS Net 30

DUE DATE 10/01/2022

SHIP DATE 06/15/2022	TRACKING NO. 1374	P.O. NUMBER TBD	CST. CONTACT Jeff Hawkins	ACCT. MANAGER Andrew Grueber
--------------------------------	-----------------------------	---------------------------	-------------------------------------	--

DESCRIPTION	QTY	RATE	AMOUNT
Pumping Sed Basin, Estimated Project Date Last week of April.			
3 Man Crew W/Project Manager	2	2,310.00	4,620.00
Tank Pumping Equipment			
4" Sludge Pump price for week	3	1,540.50	4,621.50
Hose and Pipe, Price for week	2	900.00	1,800.00
Pump Delivery and Pickup	1	698.00	698.00
Dewatering Equipment			
Dewatering Pump	1	300.00	300.00
Compressor	1	500.00	500.00
Dewatering Chemistry			
Dewatering Bags	27	710.00	19,170.00
Chem Pumps and Tubing	1	625.00	625.00
Delivery and Pickup	1	230.00	230.00
Onsite storage and Containment			
Dewatering Boxes, QTY - Per day	396	56.00	22,176.00
Dewatering Box Mob	9	560.00	5,040.00
Frac Tank, QTY - per day	211	35.00	7,385.00
Frac Tank Mob	10	560.00	5,600.00
Transport and Disposal			
Republic solidification	15.57	130.00	2,024.10
Republic Direct Landfill	208.14	50.00	10,407.00
Solidification BSC Campbell	139.48	124.00	17,295.52
Transport to republic landfill	18	680.00	12,240.00
Transport to BSC Campbell	10	600.00	6,000.00



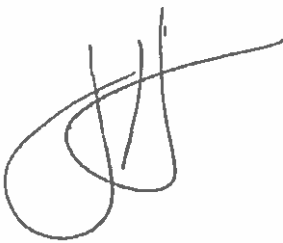
We appreciate your business - Thank you!

Please note: Customer agrees to pay a monthly late charge equal to 1.5% of the past due invoice. If account becomes more than 60 days delinquent and is placed for collection, customer will pay all collection costs and expenses incurred, including attorney fees.

ORD 2022-47
Exhibit A
Page 4

TOTAL DUE

\$120,732.12

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

We appreciate your business - Thank you!

Please note: Customer agrees to pay a monthly late charge equal to 1.5% of the past due invoice. If account becomes more than 60 days delinquent and is placed for collection, customer will pay all collection costs and expenses incurred, including attorney fees.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-48
SPONSOR: Councilperson Baryak

**AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE
PERTAINING TO COUNCIL RULES OF CONDUCT AND PROCEDURE**

WHEREAS, in order to provide an equal opportunity for residents and visitors that wish to address Council during meetings, and in order to make additional proofreading and grammar corrections to this section, Council desires to amend Section 121.03 of the Administrative Code pertaining to Council Rules of Conduct and Procedure.

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

SECTION 1. That Council hereby and herein amends Section 121.03 of the Administrative Code pertaining to Council Rules of Conduct and Procedure as set forth in the attachment hereto that is 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

121.03 RULES OF CONDUCT AND PROCEDURE.

(a) General Rules.

(1) All Council meetings shall be conducted in accordance with the City Charter, the applicable laws of the State of Ohio, and, unless otherwise herein specified, the rules and procedures outlined in “Robert’s Rules of Order”. Roberts Rules of Order are interpreted to be used as an orderly means to conduct city business, and not as a methodology to hinder the process.

(2) All Council meetings shall be open to the general public and, whenever practical, advertised in advance in a newspaper of general circulation.

(3) The general public shall only be excused or excluded from meetings or portions of meetings that are legally conducted as “executive sessions” under Ohio’s “Sunshine Law”.

(4) Participation by the general public in the legislative process is encouraged and opportunities for public comment shall, whenever practical, be provided at every Regular Council meeting.

(5) Every member of Council shall attend each organizational, regular, special, and emergency meeting, or be excused as identified in the City Charter, Article III, Section 4.

(6) Minutes shall be recorded and maintained for all Council organizational, caucus, regular, special, and/or emergency meetings.

(7) Every member shall make reasonable efforts to notify the Clerk of Council or any expected absences from each organizational, regular, special, and emergency meetings.

(b) Regular Meetings.

(1) Council may also hold a public caucus session ~~during~~ prior to any regular meeting in order to allow its members to be better prepared for the meeting and to review the agenda for said meeting in advance. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or to disseminate essential information at any such public caucus, or regular meeting. During the Public Comments and Closing Comments sections of a regular meeting, a three (3) minute time duration will be allowed to all speakers. ~~Those speakers who request in advance a time allotment on the meeting agenda for any agenda subject, will be afforded a ten (10) minute time allotment for the disbursement of information.~~ Closing Comments may be on any topic.

(2) Rules of Debate, as set forth in subsection (j), do not apply during caucus sessions.

(c) Special Meetings. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or to disseminate essential information at any such ~~public caucus or~~ special meeting. During the Public Comments and Closing Comments sections of a ~~Special Meeting~~, a three (3) minute time duration will be allowed to all speakers. ~~Those speakers who request in advance a time allotment on the meeting agenda for any agenda subject, will be afforded a ten (10) minute time allotment for the disbursement of information.~~ Public Comments shall be limited to agenda items only.

(d) Emergency Meetings. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or to disseminate essential information pertaining to the meeting subject matter at any such emergency meeting.

(e) Officers' Duties.

(1) Mayor – See Charter, Article II – The Mayor shall act as the President of Council, preserve order during those meetings, confine members to the question in debate, may represent Council or the City relating to a specific function, activity, or issue, as may be publicly authorized by Council, and shall perform all of the other duties outlined for the Mayor in the Charter. The Mayor shall be recognized as a member of Council and have the ability to place items of legislation on the agenda.

(2) Vice-President of Council – See Charter, Article II, Section 5 – The Vice-President of Council shall be elected by Council.

(3) Other Officers – Council may appoint and assign such other duties and responsibilities, not otherwise specified in the City Charter, as it deems necessary to conduct its business.

(f) Council Committees.

(1) Council, by motion at any regular or special meeting, may establish “standing committees” by affirmative vote of the majority of Council’s total membership.

(2) In the absence of standing committees or a specific standing committee, Council shall function as a “committee-of-the-whole”.

(3) Council may determine how many “standing committees” are to be established, each committee’s area(s) of responsibility, and which members of Council shall be appointed to serve on each committee.

(4) In addition, Council may, from time to time, also establish “ad hoc” (special purpose or limited term) committee(s) on an “as needed” basis.

(5) Any “standing” or “ad hoc” committee of Council shall be comprised of two (2) voting members of Council, unless otherwise specified by the City Charter.

(6) Any committee of Council shall be limited in its powers and authority to acting as an arm of Council by overseeing or studying a particular issue, area of responsibility, or topic and by then reporting its findings and/or recommendations back to Council.

(7) No committee report may be forwarded to Council unless the committee has first met and authorized said report.

(8) Council committees shall have no administrative authority.

(g) Rules of Conduct.

(1) No more than one member of Council may speak at any one time at any meeting of Council.

(2) In order to speak, a member of Council must first be recognized by the presiding officer.

(3) No member of Council may solicit or accept any gift, gratuity, favor, or other form of payment from a person or firm who is under contract with the City, who is proposing to be put under contract with the City, or who otherwise provides any service

or commodity to the City at the taxpayers' expense. (Article I, Section 4. CONFLICT OF INTEREST).

(4) See Charter – Article III, Section 12, INTERFERENCE WITH APPOINTMENTS.

(5) Foul, abusive, profane or obscene language is prohibited at all meetings of Council, regardless of the source of this language. The presiding officer shall dismiss any person from the meeting who uses such language.

(6) Side bar discussions between members of Council during the course of a meeting are distracting and potentially disruptive and are therefore discouraged.

(7) Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature by members of Council or against members of Council are prohibited.

(8) Council shall follow the Ohio Ethics Commission ethics policy.

(9) The disclosure, to any person or party not a member of Council, of any confidential information discussed by or presented to Council in executive session, unless authorized by a majority vote of Council, is prohibited.

(10) Councilmembers shall be considered a City employee and comply with the City Drug Free Workplace Policy, excluding the Discipline Section. Discipline issues that arise concerning Councilmembers drug tests shall be controlled by Section 121.03(h) Penalties and Violations of the Rules.

(11) Council does hereby resolve that the same standards of conduct found in subsections 121.03(g)(5)(7) shall apply to postings on the City's Facebook Page and will be administered by the City Clerk. Said guidelines are as follows:

A. Foul, abusive, profane or obscene language is prohibited at all meetings of Council and on Facebook, regardless of the source of this language. Off topic Facebook comments may be deleted as well. The presiding officer or Facebook administrator shall dismiss any person from the meeting or the Facebook page who uses such language.

B. Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature by members of the Facebook posts and/or against members of Council or other persons are prohibited.

(h) Penalties for Violations of the Rules.

(1) Any member of Council who is guilty of violating any rule contained herein as a first-time offense shall be judged guilty of contempt of Council and may, for such contempt, be orally sanctioned by a majority vote of Council during any public meeting of Council.

(2) Any Council member who is guilty of a second (2) offense of contempt of Council may be verbally sanctioned or sanctioned in writing by a majority vote of Council during any public meeting of Council. If a Councilmember is sanctioned in writing, said sanction shall be read into the record of the next regular Council meeting.

(3) Any Councilmember who is guilty of three or more offenses of contempt of Council may be removed from office as allowed under Article III Section 4 REMOVAL.

(i) Sponsoring Legislation.

(1) Normally, the Councilmember sponsoring a particular piece of legislation will be afforded the first opportunities to discuss it after the required motion bringing it to the floor has been made and seconded. All proposed legislation must be presented to the City Clerk by not later than 3:00 p.m. on the Wednesday immediately preceding the Council Meeting at which the legislation is to be presented. For additions to the prepared agenda see Codified Ordinance Section 121.02.

(2) Any addition to the prepared agenda governing the meeting shall be approved by a majority vote of Councilmembers present, before it can be added to the agenda.

(3) All Ordinances, Resolutions, and Motions proposed by the City Council shall be in written form.

(4) All written submissions shall name the presenting party as “Sponsor” of the legislation and shall be so identified by the Clerk of Council on the agenda.

(5) The naming of a Sponsor does not restrict the addition of Co-Sponsors at any time before passage of the legislation.

(6) All written submissions without inherent time documentation shall be marked with time of submission by the Clerk of Council.

(7) All submitted legislation shall be placed on the agenda in the chronological order received.

(j) Rules of Debate.

(1) Each member of Council may be recognized not more than twice on any issue at any regular, special, or emergency meeting by the presiding officer and invited to comment on an issue before Council. Each time that a voting member is recognized, he/she shall be afforded not more than three (3) uninterrupted minutes during which to make his/her comments. After each voting member of Council has been afforded an opportunity to speak at least once on an issue, the Mayor may speak with the same limitations as those imposed upon the voting members of Council. The City Manager may also ask to be recognized by the presiding officer and, when recognized, participate in the discussion of an item before Council with the same limitations as those imposed upon the voting members of Council. Each member may ask for additional input with approval of presiding officer.

(2) This section does not apply to the caucus sessions.

(k) Order of Business. Council may hold a caucus session prior to each Regular meeting. Caucus sessions shall last no longer than one hour unless approved by a majority vote of members. The agenda for each Regular Council meetings shall include:

(1) Call to Order

(2) Pledge of Allegiance/Silent Prayer

(3) Roll Call

(4) Special Presentations by staff members or invited consultants

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

(6) Reports:

A. Mayor

B. Councilmembers

- C. City Manager
- D. Law Director
- E. Changes to tonight's agenda
- (7) Approval of Minutes
- (8) Public Hearings
- (9) Unfinished Business
- (10) New Business
- (11) Public Comments
- (12) Closing remarks from the Mayor, City Manager, and Councilmembers
- (13) Motion to recess to Executive Session (if necessary)
- (14) Motion to adjourn

(l) Order of Business for Special Meetings. The agenda for each Special Council meeting shall include:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation or Moment of Silence
- (4) Roll Call
- (5) Public Comments (limited to those items as identified on the agenda)
- (6) Unfinished/New Business (As identified in Special Meeting Agenda)
- (7) Motion to recess to Executive Session (if necessary)
- (8) Public Comments (limited to those items identified on the agenda)
- (9) Motion to adjourn

(m) Order of Business for Emergency Meetings. The agenda for each Emergency Council meeting shall include:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation or Moment of Silence
- (4) Roll Call
- (5) Unfinished/New Business (As identified in Emergency Meeting Agenda)
- (6) Motion to recess to Executive Session (if necessary)
- (7) Motion to adjourn

NOTES:

*Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature are prohibited. The presiding officer may issue a warning the first time that a speaker fails to abide by this rule but shall declare the balance of a speaker's speaking time to have been forfeited if a subsequent offense should occur.

*Debates or exchanges between a speaker and a public official(s) shall be avoided.

*The Chair shall monitor each speaker's time and shall notify the individual that his/her speaking time has expired.

(n) Amendments, Modifications or Suspensions.

(1) Council may at any time, by a 2/3 majority vote, review, amend, modify, or suspend these rules or establish such other rule(s) as it may deem necessary to conduct its business.

(2) A decision of the Chair may be overturned by a majority vote of Council.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-43
SPONSOR: Councilperson Baryak

**AN EMERGENCY ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF
THE ZONING CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR
TREATMENT FACILITIES AND HOUSES**

WHEREAS, in order to provide opportunities for the location of residential addiction services or treatment facilities in the Village, avoid the over-concentration of such facilities, establish the suitability of the requested use at the proposed location, ensure that such facilities are properly certified and licensed, and make sure the residents of such facilities are screened pursuant to Federal and State Law; Council desires to amend Sections 1149.02 and 1149.03 of the Zoning Code.

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

SECTION 1. That Council hereby and herein amends Sections 1149.02 and 1149.03 of the Village Zoning Code relating to residential addiction services and treatment facilities and houses, as set forth in the attachment hereto that is 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 is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that Council feels it is essential for the safety of the Village residents to have these regulations requiring an occupancy permit and compliance with applicable state and federal regulations enacted as soon as possible, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

ORDINANCE NO. 2022-43
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

1149.02 R-1 and R-2 RESIDENTIAL DISTRICTS.

These residential districts are established as areas in which the principal use of land is for single-family dwellings and for related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. The regulations for these districts are intended to discourage any use which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature of the area included in the districts.

(a) Uses Permitted in R-1 & R-2 Residential Districts:

Single-family dwelling with garage

Home occupation (subject to requirements in Section 1153.11)

Temporary building, incidental to the construction of buildings permitted in these districts, and which shall be moved when the work is completed.

Uses and structures customarily accessory to the permitted uses.

(b) Uses Permitted on Review: The following uses may be permitted on review by the Planning and Zoning Commission in accordance with the provisions of Chapter 1159.

Child Care Home

Church

Golf Course, including clubhouse and other improvements

Library

Private recreation area

School, public, parochial, and private

Portable, temporary school classroom

Professional Services

Public/Government buildings and structures

- (c) Accessory Building Setback: Accessory buildings may be located in the rear yard provided they are set back not less than five (5) feet from any lot line and occupy not more than 20 percent of the rear yard.
- (d) Off-Street Parking: Off-Street parking shall be provided in accordance with the provisions set forth in Section 1153.09.
- (e) Minimum Requirements: Residential Lots: See Section 1149.12.
- (f) Minimum Requirements: Nonresidential Lots: See Section 1149.12.
- (g) Height Limitation: See Section 1149.12.
- (h) Single Lots or Adjacent Lots: (±) No fences, garages, or storage sheds will be permitted on a lot that does not already have a primary structure on it (commercial building or residential structure).
- (i) Uses Permitted Upon Obtaining a Special Occupancy Permit from the Zoning Administrator:
- (1) Residential Withdrawal Management or Addiction Services or Treatment Facility or House: No person may operate a residential withdrawal management or addiction services or treatment facility or house providing accommodations for more than five unrelated persons in a R-1 or R-2 District. Persons operating facilities providing accommodations for one to five unrelated persons must, prior to opening, obtain a Special Occupancy Permit from the Zoning Administrator.

The criteria for receiving and remaining in compliance with the terms of the Special Occupancy Permit are as follows:

- A. Such facility complies with the area, height, yard, and other requirements set forth in the Zoning Code for R-1 and R-2 Districts.
- B. The operator is certified to provide such services by the State of Ohio in accordance with the requirements set forth in Section 5119.35(A) of the Ohio Revised Code or the individual or organization possesses the necessary license, certificate, registration, and/or accreditation set forth in Sections 5119.35(B) or 5119.361 of the Ohio Revised Code and provides proof of same to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
- C. The operator and facility are certified and licensed pursuant to Sections 5119.36 and 5119.37 of the Ohio Revised Code, and the facility is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it another similar facility, a public or private school, or a child day care center licensed under Chapter 5104 of the Ohio Revised Code. The operator shall be required to provide proof of such aforementioned necessary certifications and licenses to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
- D. The facility requires screening of potential residents in accordance with Federal and State Law.

1149.03 R-M RESIDENTIAL, MULTI-FAMILY DISTRICT.

This residential district is established to provide for medium and high population density. The principal use of land is for two-family and multiple-family dwellings, and the recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. The regulations for this district are intended to discourage any use which, because of its character, would interfere with the development of or be detrimental to the residential nature of the area included in the district.

(a) Uses Permitted:

Child care home

Home occupation (subject to requirements of Chapter 1153)

Portable temporary, public, parochial, or private school classroom

Temporary building, incidental to the construction of buildings permitted in this district, and which shall be removed when work is completed

Uses and structures customarily accessory to permitted uses

(b) Uses Permitted on Review: The following uses may be permitted on review in accordance with the provisions contained in Chapter 1159.

Child care center

Church

Golf course, including a clubhouse and other improvements

~~Halfway house~~

Library

Private park and/or playground

School, public, parochial, and private
Portable, temporary school classroom
Professional Services
Public/Government buildings and structures

- (c) Height Limitation: See Section 1149.12.
- (d) Lot Area: See Section 1149.12.
- (e) Dimensional Requirements: See Section 1149.12.
- (f) Accessory Building Setback: Accessory buildings may be located in the rear yard; provided that they are set back not less than 5 feet from any lot line and occupy not more than 20 percent of the rear yard.
- (g) Off-Street Parking: Off-street parking shall be provided in accordance with the provisions set forth in Section 1153.09.
- (h) Residential Withdrawal Management or Addiction Services or Treatment Facility or House: No person may operate a residential withdrawal management or addiction services or treatment facility or house providing accommodations or personal care services for more than thirty persons, exclusive of staff, in a R-M Residential, Multi-Family, Commercial, or Industrial District, as limited by the size of the existing or proposed building and its allocation of space for sleeping quarters. Notwithstanding the forgoing, the Planning Commission may approve a larger maximum number of residents solely for the reason that the proposed facility's economic feasibility is tied to such larger number of residents. Persons operating such facilities must, prior to opening, obtain a Special Occupancy Permit from the Zoning Administrator. The criteria for receiving and remaining in compliance with the terms of the Special Occupancy Permit are as follows:
 - E. Such facility complies with the area, height, yard, and other requirements set forth in the Zoning Code for R-M Residential, Multi-Family, Commercial, or Industrial Districts.
 - F. The operator is certified to provide such services by the State of Ohio in accordance with the requirements set forth in Section 5119.35(A) of the Ohio Revised Code or the individual or organization possesses the necessary license, certificate, registration, and/or accreditation set forth in Sections 5119.35(B) or 5119.361 of the Ohio Revised Code and provides proof of same to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
 - G. The operator and facility are certified and licensed pursuant to Sections 5119.36 and 5119.37 of the Ohio Revised Code and is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it another similar facility, a public or private school, or a child day care center licensed under Chapter 5104 of the Ohio Revised Code. The operator shall be required to provide proof of such certification and license from the State of Ohio to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
 - H. The facility requires screening of potential residents in accordance with Federal and State Law.

~~(i) Halfway House or Community Residential Treatment Center:~~

- ~~(1) In order to provide opportunity for location of Halfway Houses or Community Residential Treatment Centers, to avoid over concentration of such facilities and to establish the suitability of the requested use at the proposed location, Halfway Houses or Community Residential Treatment Centers require a Special Permit. No application for a Special Permit shall be accepted for review unless accompanied by sufficient documentation from the appropriate licensing or certifying agency determining the need for such a facility at the proposed location. The applicant is responsible for demonstrating compliance with this section.~~
- ~~(2) The Planning and Zoning Commission shall consider the following criteria in determining whether a location is appropriate for a Halfway House or Community Residential Treatment Center and may attach conditions which it deems to be appropriate to such Special Permit and consistent with the purposes of this ordinance.
 - ~~A. The Halfway House or Community Residential Treatment Center shall:
 - ~~1. Be occupied by not more than thirty (30) residents, exclusive of staff, limited by the size of the existing or proposed building and its allocation of space for sleeping quarters, except that the Commission may approve a larger number solely for the reason that the proposal's economic feasibility is tied to such larger number of residents; and~~
 - ~~2. Be located no closer to another similar facility, but occupied by no more than thirty (30) residents, or to a school, nursing home, rest home, home for the aged, than 1,000 feet measured on a straight line radius from the building so used to the building proposed to be used.~~~~
 - ~~B. Prior to occupancy and continually thereafter the applicant Halfway House or Community Residential Treatment Center shall:
 - ~~1. Be licensed by a Federal and/or State and/or Local Agency which requires screening potential residents;~~
 - ~~2. Be licensed as a rooming house by the appropriate governmental authority;~~
 - ~~3. Comply with all federal, state, and local building codes;~~
 - ~~4. The applicant is responsible for submitting to the City Manager Zoning Administrator certified copies of all such licensing documents prior to occupancy and thereafter subsequent to renewal.~~~~
 - ~~C. A Halfway House or Community Residential Treatment Center shall be located only in a R-M, Residential Multi-Family zoning district or in other commercial or industrial zoning districts as defined in these zoning ordinances.~~~~

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-49
SPONSOR: Councilpersons Baryak and Fetterolf

**AN EMERGENCY ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND
AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO
THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER
FEE BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX
DUPLICATE FOR COLLECTION**

WHEREAS, Council desires to clarify procedures contained in the Village's Codified Ordinances regarding the collection of delinquent sewer, water, and storm water fee bills and enhance the Village's ability to and options for collecting such delinquent bills.

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

SECTION 1. That Council hereby enacts Sections 920.085 and 953.065 and amends Section 960.04 of the Codified Ordinances pertaining to the certification of delinquent sewer, water, and storm water fee bills to the County Auditor for placement on the tax duplicate for collection, as is set forth in the attachment hereto that is 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 is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that it necessary to be able to certify certain delinquent bills to the County Auditor for placement on the tax duplicate before the 2022 deadline, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

ORDINANCE NO. 2022-49
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

CHAPTER 929
Sewer Rates

* * *

929.085 CHARGES A LIEN.

Each sewer charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to 31 days after the date upon which it is due and payable, it may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent sewer fee charges that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter, and failure of any owner to learn that he purchased property against which a lien for sewer charges exists shall in no way affect his responsibility for such payment.

* * *

CHAPTER 953
Water Regulations

* * *

953.065 CHARGES A LIEN.

Each water charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to 31 days after the date upon which it is due and payable, it may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent water charges that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter, and failure of any owner to learn that he purchased property against which a lien for water charges exists shall in no way affect his responsibility for such payment.

* * *

CHAPTER 960
Storm Water Utility

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Exhibit A
Page 2 of 2

* * *

960.04 STORM WATER DRAINAGE FEE COLLECTION.

* * *

(c) All Storm Water Drainage Fees assessed pursuant to this chapter ~~shall become a lien upon the property to which such fee is associated from the date said fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fees for all services provided for his premises, which obligation may be enforced by the City by action at law or suit to enforce the lien in the same manner as the foreclosure of mortgages. In the event of such action, the City shall be entitled to recover all court costs and reasonable attorney fees for such collection.~~ are hereby made a lien upon the premises charged therewith, and if the same are not paid prior 31 days after the date upon which they are due and payable, they may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent Storm Water Drainage Fees that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter, and failure of any owner to learn that he purchased property against which a lien for Storm Water Drainage Fees exists shall in no way affect his responsibility for such payment.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-51
SPONSOR: Councilperson Baryak

AN EMERGENCY ORDINANCE PROVIDING FOR THE APPOINTMENT OF ANGELA LOHAN TO ACT AS SPECIAL PROSECUTOR FOR REVIEWING AND/OR HANDLING A CRIMINAL COMPLAINT MADE BY A VILLAGE COUNCILPERSON

WHEREAS, a Councilperson has made a complaint alleging criminal conduct;
and

WHEREAS, due to the origin of the complaint and the fact the Village Prosecutor is an employee of the Village, Council feels it is in the best interests of the Village to appoint a Special Prosecutor to review and handle the complaint, and if warranted, the criminal prosecution; and

WHEREAS, Angela Lohan has extensive municipal law and prosecution experience and is qualified and willing to act as Special Prosecutor in connection with this matter.

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

SECTION 1. That Council hereby appoints Angela Lohan as Special Prosecutor to review and handle a complaint made by a Village Councilperson. Ms. Lohan shall be compensated at the rate of \$135 per hour, up to a maximum of \$1,080, for reviewing and evaluating the complaint and determining whether charges are warranted. In the event the Special Prosecutor determines that criminal charges are warranted, she shall be compensated at the rate of \$135 per hour for her time incurred in prosecuting the case.

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 is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that Council desires to have this matter handled as expeditiously as possible, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

ORDINANCE NO. 2022-51
PAGE TWO

PASSED IN COUNCIL THIS 19TH DAY OF OCTOBER, 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.: 2022-52
SPONSOR: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO ENTER INTO AND EXECUTE A LOAN AGREEMENT FOR THE LEASE/PURCHASE OF ONE PREVIOUSLY AUTHORIZED POLICE VEHICLE PROVIDING FOR AN INTEREST RATE OF UP TO 6.99% RATHER THAN THE PREVIOUSLY APPROVED RATE OF UP TO 6.74%

WHEREAS, on February 2, 2022, Council authorized the lease/purchase of two vehicles for the Police Department at prices negotiated by the State of Ohio Office of Cooperative Purchasing; and

WHEREAS, the vehicles in question were ordered, and the vehicles have now arrived, and

WHEREAS, due to the financial condition of the Village, the City Manager deems it is in the best interests of the Village that it purchase only one of the two police vehicles; and

WHEREAS, the Village has been released from its obligation to purchase the second vehicle but will need to execute a new loan agreement that reflects the purchase of only one vehicle rather than two; and

WHEREAS, interest rates have increased slightly since September of 2022, and the best five year term loan rate that can be obtained for the lease/purchase of the single vehicle is now 6.99% rather than the 6.74% maximum interest rate approved by Council on September 21, 2022; and

WHEREAS, Council desires to authorize the City Manager and/or Finance Director to enter into and execute a lease/purchase loan agreement in connection with such vehicle at an interest rate of up to 6.99% rather than 6.74%.

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

SECTION 1. That Council hereby authorizes the City Manager and/or Finance Director to execute a lease/purchase loan agreement in connection with a Police Department vehicle that was previously approved for purchase by Council on February 2, 2022 at an interest rate of up to 6.99% rather than the 6.74% maximum interest rate previously approved by Council on September 21, 2022.

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

ORDINANCE NO. 2022-52
PAGE TWO

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 is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reasons the City Manager or Finance Director need to execute a new loan agreement in order to take possession of the vehicle and the Police Department would like to outfit the vehicle and place it into service as soon as possible, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS 19TH DAY OF OCTOBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director