



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, April 19, 2023; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

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

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

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
- IV. Special Presentations by Staff Members or Invited Consultants**

- Proclamations of Appreciation
- Newton Falls High School National Honor Society Students
  - Marianne and Shawn Donley
  - Newton Falls Tiger Tots
  - Dairy Queen

- Bill George, Superintendent-Electric Department
- recent power outages and related issues

- V. Public Comments (Agenda Items Only)**
- 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 of March 15, 2023  
 Special Meeting Minutes April 10, 2023

**VIII. Public Hearings**

**ORDINANCE 2023-15**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES, INC. FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE NEWTON FALLS REVOLVING LOAN FUND PLANS

**IX. Unfinished Business**

**ORDINANCE 2023-15**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES, INC. FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE NEWTON FALLS REVOLVING LOAN FUND PLANS

**X. New Business**

**MOTION**

*Sponsor: Councilperson Stimpert*

A motion to appoint Adam Zimmermann to the Planning and Zoning Commission for the five-year term expiring on 12/31/2027.

**MOTION**

*Sponsor: Councilperson Stimpert*

A motion to appoint Heidi Zimmermann to the Parks and Recreation Commission for the unexpired term expiring on 12/31/2023.

**RESOLUTION 07-2023**

*Sponsor: Councilperson Spletzer*

A RESOLUTION SETTING FORTH AND ADOPTING A MEMORANDUM OF UNDERSTANDING FOR THE MAINTENANCE AND USE OF THE VILLAGE BALL FIELDS

**XI. Public Comments**

**XII. Closing Remarks**

**XIII. Motion to Recess into Executive Session (If Necessary)**

**XIV. Adjournment**

# Proclamation

**WHEREAS**, the Newton Falls Dairy Queen recently opened for business in their new location; and

**WHEREAS**, the Newton Falls Dairy Queen has been extremely generous to Village employees, Village staff, and members of Council by providing their time to discuss the success of their business and by providing complimentary food, drinks, etc...; and

**WHEREAS**, the Newton Falls Dairy Queen is an asset and a source of pride for the Village of Newton Falls; and

**WHEREAS**, the Village and its citizens wish to express their sincere appreciation and congratulations to the Newton Falls Dairy Queen for their presence in Newton Falls, their generosity, and their very successful Grand Opening;

**NOW, THEREFORE, Mayor Kenneth Kline, Council Members: Bud Fetterolf, John Baryak, Tesa Spletzer, Kevin Rufener, and Julie Stimpert, of the Village of Newton Falls, Ohio**, and on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby express their sincere appreciation to the Newton Falls Dairy Queen for doing business in Newton Falls, offer thanks for their generosity, and offer congratulations on their very successful Grand Opening.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Newton Falls to be affixed this 5<sup>th</sup> day of April, 2023.

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*Kenneth Kline, Mayor*

ATTEST:

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*Bud Fetterolf, Ward 1*

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*John Baryak, Ward 2*

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*Tesa Spletzer, Ward 3*

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*Kevin Rufener, Ward 4*

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*Julie Stimpert, At-Large*

# *Proclamation*

**WHEREAS**, the student members of the Newton Falls High School National Honor Society organized the 1<sup>st</sup> Annual Newton Falls Easter Egg Hunt; and

**WHEREAS**, Marianne Donley provided excellent leadership and guidance to the student members of the Newton Falls High School National Honor Society; and

**WHEREAS**, Shawn Donley donated this expertise in technology and produced a wonderful video production of the event; and

**WHEREAS**, Mr. and Mrs. Donley worked tirelessly to support the students in their endeavor to provide a quality family event to the community; and

**WHEREAS**, Mr. and Mrs. Donley demonstrated excellent examples of leadership, dedication and service to their community; and

**WHEREAS**, the Village and its citizens wish to express their sincere appreciation to Mr. and Mrs. Donley for their leadership and support of the success of the 1<sup>st</sup> Annual Newton Falls Easter Egg Hunt;

**NOW, THEREFORE, Mayor Kenneth Kline, Council Members: Bud Fetterolf, John Baryak, Tesa Spletzer, Kevin Rufener, and Julie Stimpert, of the Village of Newton Falls, Ohio**, and on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby express their sincere appreciation to Marianne and Shawn Donley and thank them for donating their time, energy, and skills to such a wonderful event for the community.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Newton Falls to be affixed this 5<sup>th</sup> day of April, 2023.

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*Kenneth Kline, Mayor*

ATTEST:

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*Bud Fetterolf, Ward 1*

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*John Baryak, Ward 2*

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*Tesa Spletzer, Ward 3*

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*Kevin Rufener, Ward 4*

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*Julie Stimpert, At-Large*

# Proclamation

**WHEREAS**, the student members of the Newton Falls High School National Honor Society organized the 1<sup>st</sup> Annual Newton Falls Easter Egg Hunt; and

**WHEREAS**, they worked tirelessly and demonstrated an excellent example of dedication and service to their community; and

**WHEREAS**, the Village and its citizens wish to congratulate these students on the success of the 1<sup>st</sup> Annual Newton Falls Easter Egg Hunt;

Natalee Albert  
Lily Derry  
Arlene Adams  
Katrina Braun  
Danielle Drake  
Syxx Moore

Bryce Barnhart  
Nicholas Henle  
Mackenzie Haidet  
Emilia Colosimo  
Caitlynn Grimm  
Caden Short

Kaylee Blom  
Emily Nutter  
Lauryn Bervish  
Jason Decker  
Nicholas Lampman

**NOW, THEREFORE, Mayor Kenneth Kline, Council Members: Bud Fetterolf, John Baryak, Tesa Spletzer, Kevin Rufener, and Julie Stimpert, of the Village of Newton Falls, Ohio**, and on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby express their sincere appreciation to the student members of the Newton Falls High School National Honor Society and thank them for organizing such a wonderful event for the community.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Newton Falls to be affixed this 5<sup>th</sup> day of April, 2023.

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*Kenneth Kline, Mayor*

ATTEST:

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*Bud Fetterolf, Ward 1*

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*John Baryak, Ward 2*

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*Tesa Spletzer, Ward 3*

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*Kevin Rufener, Ward 4*

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*Julie Stimpert, At-Large*

# Proclamation

**WHEREAS**, the Newton Falls Tiger Tots supported the 1<sup>st</sup> Annual Newton Falls Easter Egg Hunt; and

**WHEREAS**, the members of the Newton Falls Tiger Tots volunteered their time to work in cooperation with the student members of the Newton Falls High School National Honor Society to organize the age categories, provide support during the event, and assist with the cleanup efforts; and

**WHEREAS**, the efforts of the members of the Newton Falls Tiger Tots provided a significant contribution to the success of the event; and

**WHEREAS**, the Village and its citizens wish to express their sincere appreciation to the Newton Falls Tiger Tots for their dedicated support of the success of the 1<sup>st</sup> Annual Newton Falls Easter Egg Hunt;

**NOW, THEREFORE, Mayor Kenneth Kline, Council Members: Bud Fetterolf, John Baryak, Tesa Spletzer, Kevin Rufener, and Julie Stimpert, of the Village of Newton Falls, Ohio**, and on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby express their sincere appreciation to the Newton Falls Tiger Tots and thank them for donating their time, energy, and skills to such a wonderful event for the community.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Newton Falls to be affixed this 5<sup>th</sup> day of April, 2023.

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*Kenneth Kline, Mayor*

ATTEST:

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*Bud Fetterolf, Ward 1*

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*John Baryak, Ward 2*

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*Tesa Spletzer, Ward 3*

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*Kevin Rufener, Ward 4*

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*Julie Stimpert, At-Large*



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING MINUTES**  
 Wednesday, March 15, 2023; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Kevin Rufener
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 6:01 pm.
- II. **Pledge of Allegiance / Silent Prayer**
- III. **Roll Call**  
 Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Stimpert, Mayor Kline  
 Council Absent: Councilperson Spletzer  
 Staff Present: City Manager Priddy, Clerk Acomb, Law Director Bryan, Finance Director Housley, City Administrator Smeiles  
 Staff Absent: none
- IV. **Special Presentations by Staff Members or Invited Consultants**
- V. **Public Comments (Agenda Items Only)**  
 Julie Lemon – 609 Ridge Road  
 She spoke in support of Resolution 05-2023 stating that the Charter has been followed to this point. She urged Council to pass the resolution.
- VI. **Reports**
  - a. Mayor Kline
    - i. He reported that he has regular morning meetings with residents and took many positive phone calls recently. He enjoys connecting with residents. He stated that the meeting with Mr. Stewart White for Dunkin Donuts was very good. The deal is fair, and the Braceville Trustees are happy with the project. He spoke with the State Representative and Senator to ask for assistance with the budget on these types of projects.
  - b. Council Members
    - i. Ward 1 – Mr. Fetterolf – He spoke about the parking lot at the Municipal Center. A section has a cone placed in it due to deterioration and unsafe conditions. He asked the Mayor to have someone investigate the lot and the adjacent property for proper drainage.

- ii. Ward 2 – Mr. Baryak – He met regarding Dunkin Donuts. The annexation is proceeding. The telephone poles are being set. He explained that the EPA did not clear the project until December 2022. The Scott Street Sewer Project has been discussed with the appropriate officials and it is proceeding as planned. He spoke on economic development. He read the meeting minutes from the March 1, 2023 meeting. He read an email received from the Guy Coviello, Head of the Youngstown Area Chamber of Commerce, in which Mr. Coviello stated that Newton Falls is included in all economic development efforts and frequently submit economic leads to the Newton Falls Mayor Office. He spoke about Revitalize or Die stating his appreciation for the ideas shared at that meeting. He urged the Village residents to work together, and he stated his pride in being a public servant.
- iii. Ward 3 – no report
- iv. Ward 4 – Mr. Rufener – no report
- v. At-Large – Ms. Stimpert - no report
- c. Finance Director
  - i. Mr. Housley stated that RITA provided the final statement on last year's tax collection effort. He recommends the program every year. He summarized the report stating that 1895 letters were sent for \$219,532 in taxes, penalties, and interest that were due to the Village. \$77, 800 has been collected.
- d. Law Director
  - i. Mr. Bryan – no report
- e. City Manager
  - i. Ms. Priddy – She stated that a copy of the report from the Engineering Staff has been provided to Council. She summarized the various grants that OHM Advisers has helped to secure for the Village. She stated that more information will be coming for the river project and for the AMP charging stations. She also reported that the PCA rate changes every six (6) months, and this most recent change is a \$2.85 reduction which will be reflected on upcoming resident bills. She met with the Village Department Staff and is pleased to see the department heads taking initiative and leading the way in trying to save money. She gave an example whereas the departments have proposed to offer a \$750 allowance for uniforms which will save a total of \$7800 a year. She stated her appreciation and said the bi-weekly staff meetings are paying off. She stated the Scott Street project will move forward and the grant will be awarded in July, 2023. She stated that Dunkin Donuts is moving forward and they are pushing the progress for Mr. White. The Revitalize or Die conference was valuable. Mayor Kline thanked the workers for their initiative.

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

No changes were made to the agenda.

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

Regular Meeting Minutes of March 1, 2023



Mayor Kline called for a Motion to approve the Regular Meeting Minutes of March 1, 2023.

Moved by: Mr. Fetterolf  
No discussion.

Seconded by: Mr. Rufener

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes  
The motion passed 4-0. The minutes were approved.

Mr. Baryak made a motion to excuse Ms. Spletzer from the meeting; seconded by Mr. Fetterolf.

No discussion.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes  
The motion passed 4-0. Ms. Spletzer was excused from the meeting.

### **VIII. Public Hearings**

#### **ORDINANCE 2023-10**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL FUND (WPCLF) AGREEMENT ON BEHALF OF THE VILLAGE OF NEWTON FALLS FOR PLANNING, DESIGN, AND OR CONSTRUCTION OF WASTEWATER FACILITIES AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

No public comments.

#### **ORDINANCE 2023-11**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH SAWVEL AND ASSOCIATES, INC. FOR AN ELECTRIC COST OF SERVICE RATE STUDY

No public comments.

### **IX. Unfinished Business**

#### **ORDINANCE 2023-10**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL FUND (WPCLF) AGREEMENT ON BEHALF OF THE VILLAGE OF NEWTON FALLS FOR PLANNING, DESIGN, AND OR CONSTRUCTION OF WASTEWATER FACILITIES AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Mr. Baryak  
No discussion.

Seconded by: Mr. Fetterolf

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes  
The ordinance passed 4-0.

#### **ORDINANCE 2023-11**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH SAWVEL AND ASSOCIATES, INC. FOR AN ELECTRIC COST OF SERVICE RATE STUDY

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Mr. Baryak  
No discussion.

Seconded by: Mr. Fetterolf

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Mr. Rufener-yes  
The ordinance passed 4-0.

**X. New Business**

**ORDINANCE 2023-12**

*Sponsor: Councilperson Spletzer*

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak asked the City Manager to comment. Ms. Priddy asked Mr. Housley to comment. He stated that the Street Department needs a new mower at a little under \$19,000. The ordinance allows Council to increase the budget to cover the cost. Mr. Rufener stated appreciation for the explanation and asked, for the future, for a brief narrative to accompany each of these ordinances to increase transparency with the ordinance language.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes  
The ordinance passed 4-0.

**MOTION**

*Sponsor: Councilperson Spletzer*

A Motion to discuss the July and August regular meetings of the Council according to Council Rules and Section 121.01(d) of the codified ordinances.

Mayor Kline called for a Motion to Discuss.

Moved by: Mr. Baryak

Seconded by: Ms. Stimpert

Mr. Baryak stated the requirement to only have one meeting in each of these months. He supports early discussion so that people can plan. Mr. Baryak advocated for keeping the first Wednesdays of each of those months. Ms. Stimpert agreed with Mr. Baryak, but worried about a meeting on July 5. Mayor Kline stated his belief that it is too early to decide and recommended a vote in May or June. Mr. Fetterolf advocated for keeping all the meetings due to the increased activity with various projects that might require action. Mr. Rufener stated that it's too early to discuss and decide. Mr. Baryak stated that there were two meetings last year in July and only one in August. Council will revisit the issue in May.

**RESOLUTION 05-2023**

*Sponsors: Councilpersons Rufener and Stimpert*

A RESOLUTION REQUESTING THE TRUMBULL COUNTY BOARD OF ELECTIONS TO SCHEDULE A RECALL ELECTION FOR WARD 3 COUNCILPERSON TESA SPLETZER ON THE NOVEMBER 7, 2023 MUNICIPAL ELECTION DATE

Mayor Kline called for a Motion to adopt the resolution.

Moved by: Mr. Rufener

Seconded by: Ms. Stimpert

Mr. Fetterolf reminded that this is a community action according to the Charter and does not represent agreement by Council. He spoke in support of the resolution on that basis. Mayor Kline agreed that the Charter should be followed and that his action does not represent council taking a position either way. It gives the people their due voice under the Charter.

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Mr. Rufener-yes

The resolution passed 4-0.

**XI. Public Comments**

Patricia Benetis

She gave her opinion on the Revitalize or Die meeting. She took issue with the scheduling of it during the workday and the price charged to the Village. Citing poor organization and performance by the speaker, she spoke against the speaker and his presentation.

Adam Zimmermann – 515 Lemae Avenue

He asked if there are plans for filling the vacant seats on the various commissions. He urged Council to fill these vacant seats as soon as possible. He spoke against statements made by administrators at the Revitalize or Die Meeting, including that Facebook and past administrations have been barriers to progress, togetherness, and community pride in Newton Falls.

Julie Lemon – 609 Ridge Road

She thanked Council for passing Resolution 05-2023. She shared her opinion that trust can be built by being consistent with the Charter and conducting themselves in a polite manner.

Rick Kerlin – 1009 Woodglen

He attended the Revitalize or Die meeting and explained that the commonality of all the communities was the loss of pride and positive feelings. He spoke in support of the meeting and the focus on working to do positive things and say positive things; the opposite of what has been happening and has become commonplace in our town. He spoke in support of the upcoming Easter Egg Hunt and sang the praises of the partnership with the schools, the teachers association and the local businesses to provide what should be an amazing event, particularly since no public money will be spent on it.

Brenda Persino – 226 Oak Knoll

She announced the pasta dinner fundraiser on April 1 to support the bike and car show. She addressed Mr. Baryak directly regarding his comments on March 1 and tonight stating that his behavior doesn't often match his words of support for being positive and working together. She urged Mr. Baryak and Council to stop talking about past Councils and Administrations so the Village can move on.

Jamie Kline – 312 Ridge Road

She spoke in support of Dunkin Donuts. She urged Council to openly discuss other new businesses and also those businesses who give back to the community, especially the mom-and-pop shops located in town.

**XII. Closing Remarks**

Ward 1 – Mr. Fetterolf – He took issue with Council getting blamed for everything. He urged the complainers to step up and fill the open seats on the commissions; but he also stated his belief that no one wants to serve because those same complaining residents attack those who serve which spreads the bad feelings around town.

Ward 2 – Mr. Baryak – He stated that a separation between the past and current administration has to happen. He stated his belief that the Village finances have been turned around and Council is working to move forward. He urged residents to help in positive ways and put an end to false accusations and false statements.

Ward 4 – Mr. Rufener – He urged residents to engage with the community and step up to fill those open seats on the commissions. He urged businesses to meet and organize their issues for presentation to the zoning commission, which he is happy to facilitate. But, he stated, the commission seats need to be filled in order to get the work done.

At-Large – Ms. Stimpert – no report

City Manager - Ms. Priddy – no report

Mayor Kline – Communities are defined by what unites them. He announced the various upcoming events and expressed his hopes that these events might serve to begin uniting the Village residents in community pride.

**XIII. Motion to Recess into Executive Session (If Necessary)**

No motion was made.

**XIV. Adjournment**

Mayor Kline called for motion to adjourn the regular meeting at 7:06 pm.

Moved by: Ms. Stimpert

Seconded by: Mr. Rufener

No discussion.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes  
The motion passed 4-0.

APPROVED:

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Kenneth Kline, Mayor

ATTEST:

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



NEWTON FALLS CITY COUNCIL  
**SPECIAL MEETING MINUTES**  
 Monday, April 10, 2023; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Kevin Rufener
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 6:05 pm.
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**  
 Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer, Councilperson Stimpert, Mayor Kline  
 Council Absent: None  
 Staff Present: City Manager Priddy, Clerk Acomb, Law Director Bryan, Finance Director Housley, City Administrator Smeiles  
 Staff Absent:
- IV. Public Comments (limited to those items on the agenda)**  
 Julie Lemon – 609 Ridge Road  
 She spoke against the emergency clause of Ordinance 2023-13. She urged Council to explain what happened to the previous prosecutor and to explain in further detail the need for a new prosecutor.
- V. Public Hearings**  
ORDINANCE 2023-12 *Sponsor: Councilperson Spletzer*  
 AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR  
  
 No public comments.
- VI. Unfinished Business**  
ORDINANCE 2023-12 *Sponsor: Councilperson Spletzer*  
 AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE

APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023  
AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A  
CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes;  
Mr. Rufener-yes

The ordinance passed 5-0. Final Reading.

**VII. New Business**

**ORDINANCE 2023-13**

*Sponsor: Councilperson Baryak*

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER  
INTO AN AGREEMENT WITH JORDAN KNABB TO BE THE VILLAGE OF NEWTON  
FALLS PROSECUTOR

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak spoke in support of the ordinance to ensure continuous service in the  
position. He shared that the previous prosecutor left of his own choice.

Roll Call Vote: Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes;  
Mr. Baryak-yes

The ordinance passed 5-0. First Reading.

Mayor Kline called for a Motion to adopt the ordinance on second and final reading.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms.  
Stimpert-yes

The ordinance passed 5-0. Final Reading.

**ORDINANCE 2023-14**

*Sponsor: Councilperson Baryak*

AN EMERGENCY ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY  
OWNED BY THE VILLAGE KNOWN AS 4905 ST. RT. 5 TO SLW DEVELOPMENT LLC  
FOR THE PURPOSE OF ESTABLISHING A DUNKIN DONUTS STORE AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE A SALE AND PURCHASE  
AGREEMENT, AGREEMENT TO PURSUE ANNEXATION, AND OTHER DOCUMENTS  
NECESSARY TO EFFECTUATE THE SALE OF THE PROPERTY

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak spoke in support of the ordinance. He stated that this situation is  
time-sensitive and requires the emergency clause. Mr. Stewart wishes to break  
ground this year. The EPA held up the sale of the property due to a second  
mitigation requirement. He spoke in hopes that Braceville and Newton Falls can  
work together to see the project through to completion.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes; Mr.  
Fetterolf-yes

The ordinance passed 5-0. First Reading.

Mayor Kline called for a Motion to adopt the ordinance on second and final reading.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes;  
Ms. Spletzer-yes

The ordinance passed 5-0. Final Reading.

ORDINANCE 2023-15

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES, INC. FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE NEWTON FALLS REVOLVING LOAN FUND PLANS

Mayor Kline called for a Motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Rufener

Mr. Baryak asked the City Manager to speak. Ms. Priddy explained that this agreement is a continuation of the previous agreement. Applicants are waiting for this ordinance to pass so they can begin their loan process.

Roll Call Vote: Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes;  
Mr. Baryak-yes

The ordinance passed 5-0. First Reading.

RESOLUTION 06-2023

*Co-Sponsors: Councilpersons Fetterolf & Rufener*

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE VILLAGE'S INSURANCE COVERAGE WITH OHIO MUNICIPAL JOINT SELF-INSURANCE POOL THROUGH ASSURED PARTNERS INSURANCE AGENCY.

Mayor Kline called for a Motion to pass the resolution.

Moved by: Mr. Rufener

Seconded by: Ms. Spletzer

Mr. Baryak asked for clarification of the resolution. Ms. Priddy stated that it is for the Village's insurance and the increase of 20% can be attributed to the increase in rates for property insurance.

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes;  
Mr. Rufener-yes

The resolution passed 5-0.

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

Patricia Benetis

Ms. Benetis was directed by Mayor Kline to only speak on agenda items. Ms. Benetis complied and sat down.

Julie Lemon – 609 Ridge Road

She spoke against the vote for Ordinance 2023-13 citing improper reason for the emergency clause. She spoke against the agenda and urged Mr. Rufener and Ms. Stimpert to sponsor more legislation.

Adam Zimmermann – 515 LeMae Avenue

He urged Council to explain the reason that a prosecutor is needed on an emergency basis. He spoke against the emergency clause of Ordinance 2023-13. He wondered if Council has spoken to the new prosecutor or seen his resume prior to voting to hire him.

Chelsea Harper – 515 High Street

She expressed her feelings that Council should feel lucky Dunkin Donuts is coming to Newton Falls at all given the difficulty they have experience with the project. She wondered where the money came from to support Dunkin Donuts. She asked for Council to provide answers. She asked for additional clarification regarding the reasons for the prosecutor to leave his position.

Tim Stinson – 253 Arlington Road

He wondered how to get a Council Meeting Packet prior to the meeting. He asked to see the records of sale for the Dunkin Donuts property. He spoke against the cancelation of the 04/05/23 regular meeting and tonight’s special meeting.

**IX. Adjournment**

Mayor Kline called for motion to adjourn the regular meeting at 6:24 pm.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes

The motion passed 5-0. The meeting was adjourned.

APPROVED:

\_\_\_\_\_  
Kenneth Kline, Mayor

ATTEST:

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



VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2023-15  
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES, INC. FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE NEWTON FALLS REVOLVING LOAN FUND PLANS**

WHEREAS, the Newton Falls Revolving Loan Fund (“RLF”) exists to maintain and administer all RLF funds and recaptured income from various sources; and

WHEREAS, the Village desires to increase to community’s tax base, improve residential property conditions, and support the Village’s community development objectives; and

WHEREAS, the Village desires to retain Neighborhood Development Services, Inc. (“NDS”) to provide assistance with the administration and implementation requirements for the Newton Falls Revolving Loan Fund Plans; and

WHEREAS, it is necessary for the Village and NDS to enter into an administrative agreement for the provision of the above services.

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

SECTION 1. That Council hereby authorizes the City Manager to enter into the attached agreement, or an agreement substantially similar thereto, with Neighborhood Development Services, Inc., for administration and implementation requirement services for the Newton Falls Revolving Loan Fund Plans;

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

ORDINANCE NO.: 2023-15  
PAGE 2

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Kenneth A. Kline, Mayor

Attest:

---

Michael Acomb, Clerk of Council

Approved as to Legal Form.

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Bradric T. Bryan, Law Director

**AGREEMENT BETWEEN  
CITY OF NEWTON FALLS  
&  
NEIGHBORHOOD DEVELOPMENT SERVICES, INC.  
FOR THE ADMINISTRATION & IMPLEMENTATION  
OF CITY OF NEWTON FALLS REVOLVING LOAN FUND PLANS**

This agreement (the "Master Agreement"), made and entered into this \_\_\_\_ day of \_\_\_\_ 2023, by and between the City of Newton Falls, Ohio, a City and political subdivision organized and existing under the Constitution and laws of the State of Ohio, and Neighborhood Development Services, Inc., a private 501(c) 3 nonprofit corporation (hereinafter referred to as NDS, Inc.).

**WITNESSETH:**

**WHEREAS**, the City of Newton Falls Revolving Loan Fund (RLF) exists to maintain and administer all RLF funds as recaptured income from various sources; and

**WHEREAS**, the parties desire to increase the community's tax base, improve residential property conditions, and support the City's community development objectives; and

**WHEREAS**, the City of Newton Falls City Council, by **Ordinance No.** \_\_\_\_\_ , has agreed to enter into an agreement; and

**WHEREAS**, the City and NDS, Inc. desire to enter into this agreement to set out their respective covenants and understandings;

**NOW THEREFORE**, in consideration of the promises and covenants contained herein, the parties hereto agree as follows:

**Section 1. Services to be Provided**

- A. NDS, Inc. shall serve as the Administrator of the following City of Newton Falls RLF
  1. City of Newton Falls CDBG Based Housing
- B. NDS, Inc. shall maintain and administer all RLF funds as recaptured from various sources including principal and interest from loans made from CDBG Based Grants, previous RLF loans, and interest on account in the City Treasury.
- C. NDS, Inc. shall perform any and all necessary responsibilities regarding soliciting, accepting, packaging and processing loan applications.
- D. The RLF Administrator's function as defined will involve properly establishing and executing all application materials, compiling backup and supporting documentation, and ensuring that all security instruments, closing papers, and related documentation fall within compliance guidelines as specified by the respective grants as well as the City of Newton Falls. The RLF Administrator will also ensure that all loan terms and repayment requirements meet the stated policies, terms and guidelines of the respective RLF and all other applicable policies.

- E. NDS, Inc. shall assure that all instruments granting a security interest to City of Newton Falls are properly executed, and name City of Newton Falls as the secured party Mortgagee. NDS, Inc. shall cause all such instruments to be timely and properly filed pursuant to law such that City of Newton Falls' security interests in each transaction is properly established.
- F. NDS, Inc. shall perform any and all duties, responsibilities and functions necessary to service all loans, collections of and accounting for all repayments of interest and principal, and amending, execution and filing of approved security instruments.
- G. NDS, Inc. shall meet all required reporting functions of the City and the Ohio Department of Development's Office of Community Development (OCD) on or about February 15 and August 15 of each year, or upon request by the City. Reports shall contain portfolio status, loan status summaries and outstanding loan lists, or any other information as requested by the City.
- H. NDS, Inc. shall maintain all necessary records regarding the RLF portfolio, program compliance, individual loan information and repayment (program income) information.
- I. NDS, Inc. shall comply with 2 CFR Part 215 and OMB circular A-133, A-128,, A-87 and any other applicable accounting regulations.
- J. NDS, Inc. shall assure that all other program requirements are met as required by the City's RLF Plans, OCD policy memoranda, and various federal guidelines including but not limited to: The Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act 1974, Executive Order 11246, Section 3 of the Housing and Community Development Act 1968, 24 CFR Part 570, 24 CFR Part 135, National Environmental Policy Act, as amended.
- K. NDS, Inc. shall provide and maintain appropriate insurance bonding on all staff members receiving or disbursing RLF funds, at a minimum of \$250,000 per staff member for this contract.
- L. NDS, Inc. shall service all loans made from any City RLF, in accordance and compliance with this Administrative Agreement, and the RLF plan directly corresponding to each loan fund.
- M. NDS, Inc. shall employ the necessary personnel to adequately carry out the services to be provided.

## **Section 2. Consideration**

- A. NDS, Inc., for consideration of this agreement, shall be paid an amount that shall not exceed the appropriate percentage of program income as specified in the RLF Plan and further determined by the Office of Community Development.
- B. All expenses shall be specifically itemized and supported by invoices or other source documentation maintained in the RLF files. Personnel costs must be supported by detailed time sheets also kept in the RLF files.

### **Section 3. Term of Agreement**

This contract shall remain in effect for Five (5) years from the date the agreement is executed by the parties.

#### **A. Renewal**

1. Thereafter each renewal of this Agreement shall be for the term of Five (5) years and shall be reviewed, updated and approved by Ordinance of the City.
2. Each renewal of this Agreement shall be only be by written mutual agreement of the parties.

### **Section 4. RLF Board**

#### **A. The Board of Directors of NDS, Inc. shall act as the RLF Board so long as the following are observed:**

1. The committee maintains membership of individuals with a financial background or experience, such as lending or banking.
2. The committee maintains membership of individuals with demonstrated interest in activities at a community level.
3. The committee maintains membership, which represents active economic development interests, and/or other identifiable community segments.

#### **B. The RLF Board members shall serve on a voluntary basis and receive no compensation.**

#### **C. The RLF Board shall comply with all federal, state, and local regulations regarding the implementation, administration of the Revolving Loan Funds as well as the conflict of interest and such conflict of interest policies as stated in this plan and in State and Federal law.**

### **Section 5. Conditions**

#### **A. Equal Opportunity.**

NDS, Inc. agrees to comply with the following:

1. Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and the HUD regulations under 24 CFR Part 1 that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance by way of grant, loan or contract and will immediately take any measures necessary to effectuate this Agreement. If any real property or structure thereof is provided or improved with the aid of federal financial assistance extended to City of Newton Falls this assurance shall extend to any of NDS subcontractors, or in the case of any transfer of such property or structure, this

assurance is extended or for another purpose involving the provisions of similar services or benefits.

2. Title VIII of the Civil Rights Act of 1968 (P.L. 90- 284), as amended by the Housing and Community Development Acts of 1974 and 1977, and will administer all programs and activities relating to housing and community development in a manner to affirmatively further fair housing throughout the United States.
3. Section 109 of the Housing and Community Development Act of 1974 and 1977, as amended, and in conformance with all requirements imposed by or pursuant to the Regulations of the Department of HUD (24 CFR Part 570.601) issued pursuant to that Section; and in accordance with Equal Opportunity obligations of that Section, no person in the United States, shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied benefits of, be subjected to discrimination under, any program or activity funded in whole or in part with the community development funds.
4. Executive Order 11063 on equal opportunity in housing and related facilities owned or operated by the Federal Government or provided with federal financial assistance.

B. Interest of Certain Officials

1. No member of, or Delegate to the Congress of the United States shall be admitted to any part of the agreement or to any benefit to arise there from.
2. No elected official of the City, who exercises functions or responsibilities in connection with the carrying out of the work to which this agreement would pertain, and no other officer or employee of NDS, Inc. who exercises any such functions or responsibilities shall have any private interest, direct or indirect, in the proposed agreement incompatible or in conflict with the discharge or fulfillment of his functions and responsibilities in connection with the carrying out of the work to which the agreement would pertain. If, in the interest of the purposes of the program it becomes advisable, prior approval must be received by the City of Newton Falls.
3. No elected official or employee of the City who exercises or has exercised any function or responsibility with respect to CDBG activities or who is in position to participate in a decision- making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from a CDBG assisted activity, or have an interest in any contract, subcontract or agreement for CDBG activities, or funds related to the execution of those activities, or the proceeds there under, either for themselves or those with whom they have a business or immediate family ties during their tenure or for one year thereafter. This includes any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or sub recipients which are receiving funds and to which the recipient delegates the administrative authority for maintaining the standards set forth for the CDBG and RLF programs. Specifically, it will include all NDS, Inc. executive staff, the NDS,

Inc. Board of Directors (RLF Board) and the CEO of the political subdivision involved.

4. NDS, Inc. and those in direct or indirect employ shall not have any private interest, direct or indirect in the proposed agreement, which is incompatible or in conflict with the discharge of work related to this agreement.
- C. All program income shall be administered in accordance with applicable State and Federal regulations and shall become the property of the City of Newton Falls and a part of the Revolving Loan Fund (RLF) portfolio.

## **Section 6. Records and Reports**

- A. NDS, Inc. shall submit to the City, monthly summary reports detailing the progress of each City RLF under its administration and any additional reports containing such information as the City may from time to time require.
- B. All NDS, Inc. records shall be maintained for a length of time that is in compliance with auditing requirements and the City's Record Retention Policy.
- C. The authorized representative and agent of the Department of Housing and Urban Development shall be permitted to inspect all records relevant to the agreement.
- D. No record, books, documents, whether written or computer generated, shall be subject to copyright in the United States or in any other City.
- E. The Parties shall have unrestricted authority to publish, disclose, distribute and otherwise use any reports, data or other materials prepared under this agreement, in compliance with all Federal and State confidentiality and public record statutes.
- F. All record, books, documents, whether written or computer generated, shall be public records for purposes of R.C. 149.43, unless otherwise exempted in accordance with State and Federal Law.
- G. NDS, Inc. shall have available to the City a list of all RLF personnel, approved contractor list, and any other files as may be requested.
- H. Conditions under which subordination may occur are shown in Appendix A, Subordination Policy.

## **Section 7. Covenant of Cooperation**

- A. Each party shall cooperate with and provide necessary information to the other to enable the parties, to review and determine periodically while this Agreement is in effect, each party's compliance with the terms of this Agreement.

- B. The parties shall perform all such acts and deeds as may be necessary or appropriate to effect, claim, reserve and maintain this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary documentation required in connection with the Agreement.
- C. NDS, Inc. shall, upon reasonable notice and during usual business hours, provide to the City access to and a right to examine any and all books, documents and records necessary to insure or review compliance with this agreement.

### **Section 8. Assignment**

- A. Neither this Agreement nor any rights, duties or obligation described herein shall be assigned by either party hereto without the prior express written consent of the other party:
  - 1. Such prohibition against the assignment of this agreement is not intended to prevent either party, with the approval of the other, from entering into a subcontract with a third party to provide administration and implementation services in accordance with the terms of this agreement.

### **Section 9. Governing Law and Severability**

- A. This Agreement shall be construed, interpreted, and the rights of the parties determined in accordance with the laws of the State of Ohio.
- B. A determination that any part of this Agreement is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation on the part so declared invalid.
- C. The captions and headings in this Agreement are solely for convenience of reference and shall in no way defer, limit or describe the scope or intent of any provision or sections of this Agreement.

### **Section 10. Termination**

- A. The City may terminate this agreement with 30 days written notice as the result of serious non-performance.
- B. Either party may terminate this agreement with or without cause, with a six month written notice.

### **Section 11. Entire Agreement; Amendment**

- A. This Agreement contains the entire agreement of the parties, and it may not be effectively amended, changed, modified or altered, except by written mutual agreement of the parties. .



1. NDS, Inc. will make available requested records five calendar days after a request for review is made. In any instance in which there appears to be reasonable cause for immediate inspection of the financial records, such inspection may occur.

**Section 12. Miscellaneous**

- A. The parties agree that in every instance that consent is required to be obtained under any section of this Agreement, it is understood that no such consent shall be unreasonably withheld.
- B. This Agreement may be executed in a number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.
- C. The parties agree to use their best and reasonable efforts and to take such actions as are necessary to maintain each parties' respective eligibility for the grants referenced above.
- D. NDS, Inc. will take all actions required to assure performance of the obligations of all other contracting parties, during implementation of the grant, so as to protect the interest of the City under this agreement.
- E. The RLF Plan is part of this agreement and is attached hereto. It may be changed and enhanced by the City, as they desire, and/or as is necessary to meet any changes in Ohio regulations and State agency rules and policies that pertain to the administration, reporting on, and distributions of Revolving Loan Fund monies.

**Section 14. Notice**

- A. Any reporting under this agreement by either party to the other shall be given or delivered to:
  1. In the case of the City to:  
  
City of Newton Falls  
612 West Broad Street  
Newton Falls, OH 44444
  2. In the case of NDS, Inc., to:  
  
Neighborhood Development Services, Inc.  
Attn: Stacy Brown, Executive Director  
120 E. Main St.  
Ravenna, Ohio 44266

**IN WITNESS WHEREOF**, the City and NDS, Inc. have caused this Agreement to be executed in their respective names by their duly authorized officers, as of the date hereinabove written.

CITY OF NEWTON FALLS

NEIGHBORHOOD  
DEVELOPMENT SERVICES, INC.

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Pamela S. Priddy, City Manager

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Stacy Brown, Executive Director

**CITY OF NEWTON FALLS**  
**REVOLVING LOAN FUND (RLF) PLAN for**  
**CDBG HOUSING RLF**

**MISSION STATEMENT:**

The City of Newton Falls Revolving Loan Fund (RLF) exists to provide financial assistance in the City of Newton Falls for the following purposes including, but not limited to, facilitating housing rehabilitation, homeownership assistance, and housing construction, primarily for the benefit of low and moderate-income persons.

**PART I - REVOLVING LOAN FUND STRUCTURE**

Section 1 Administrator

The City of Newton Falls RLFs shall be administered by Neighborhood Development Services, Inc., a private 501(c)3 nonprofit corporation (hereinafter referred to as NDS, Inc.) as per agreement with the City of Newton Falls.

Section 2 Loan Servicing

Neighborhood Development Services, Inc. will service loans made from the City of Newton Falls RLF. All recaptured funds (principal, interest, interest on account, late fees) will be retained by the fund for future housing loans and administrative expenses as specified in Section 4, Administrative Expenses.

Section 3 RLF Attorney

The attorney for the Newton Falls RLF shall be the RLF Administrator's attorney. The attorney shall be responsible to protect the City's security interest in loans made from this RLF in bankruptcy, foreclosure and other legal actions. Expenses for such services shall be paid by NDS, Inc. from its earned Administrative Fees as described in Section 4 below.

Section 4 Administrative Expenses

Specific eligible and reasonable RLF administration and loan servicing costs incurred by the RLF Administrator shall be allowable up to 20% of the annual calendar year program income (recaptured principal, loan interest, interest on account, late fees) not to exceed \$50,000. All expenses shall be specifically itemized and supported by invoices or other source documentation maintained in the RLF files. Personnel costs must be supported by detailed time sheets also kept in the RLF files.

## **PART II - RLF PROGRAM DESCRIPTION**

### Section 1 Eligible Activities

Eligible activities are only those activities eligible under Title I of the Housing and Community Development Act of 1974 (as amended), 24 CFR Part 570 (Final Rule, November 9, 1992), the Ohio Department of Development, Office of Community Development (OCD) Residential Rehabilitation Handbook, and various U.S. Department of Housing and Urban Development, and OCD Policy Memoranda that may be promulgated from time to time.

### Section 2 Policies

This RLF Plan and the activities enabled herein are governed by the policies as stated herein as well as those set forth by the Housing and Community Development Act of 1974, as amended; 24 CFR Part 570; the State of Ohio CDBG Administrative Plan, as amended from year to year; Policy Memoranda issued from time to time by OCD, which may be used to modify plan guidelines and/or local plans, or to further define OCD's interpretation of the Act or HUD regulations, and pertain to loans dealing with only program income.

All activities shall follow and be implemented according to all applicable rules and regulations contained in the OCD Residential Rehabilitation Handbook, OCD Policy Memoranda, US Department of HUD Memoranda, and any applicable Federal, State, and Local laws and regulations.

### Section 3 Loan Processing

The RLF Administrator will be responsible for processing all applications. While processing all loan applications, the Administrator will assure compliance with all program requirements as well as secure all necessary documentation. During processing, the administrator will establish loan terms and repayment requirements as indicated in the City of Newton Falls's CHIP Policy and Procedure Manual for housing activities. The Administrator will properly establish and execute all application materials, backup and supporting documentation, security instruments, closing papers, and compliance assurances and documentation. Security, where applicable, will be a mortgage lien with a corresponding promissory note.

### Section 4 Subordinations

See Appendix A

### Section 5 Collections

Loan delinquencies shall be processed as follows:

- 11 days late: Letter
- 30 days late: Letter
- 60 days late: Letter
- 90 days late: Letter to RLF attorney with a copy to customer. Foreclosure will proceed if a resolution is not reached within 2 weeks of the letter.

## **PART III- MISCELLANEOUS PROVISIONS**

### **Section 1 Conflict of Interest**

No member of, or Delegate of the Congress of the United States shall participate in or have any financial interest, direct or indirect in any loan or entity receiving a loan made from the RLF.

No elected official of the City, who exercises functions or responsibilities in connection with the carrying out of the work to which the RLF Plan would pertain, and no other official or employee of the City who exercises any such functions or responsibilities in connection with RLF Plan shall have any private interest, direct or indirect, in the RLF Plan which is incompatible or in conflict with the discharge or fulfillment of his functions and responsibilities in connection with the carrying out of the work to which the RLF Plan would pertain.

Those in direct or indirect employment of NDS, Inc. shall not have any private interest, direct or indirect in the RLF Plan, which is incompatible or in conflict with the discharge of work related to this RLF Plan.

### **Section 2 Reporting**

The Administrator shall aid in preparing and submitting, at a minimum, a RLF Summary Report (for each RLF required by the State) every six months, and any other reports as requested by the community from time to time. The report formats shall follow the guidelines as specified on OCD's report forms. Further, a monthly status report shall be provided to the City that shall include at least; monthly trial balance, monthly general ledger, periodic listing of loan recipients, bank statements or community fund report, bank reconciliation, and loan receivable summary.

### **Section 3 Disbursements**

Disbursements shall be made by the City of Newton Falls's Finance Department and follow the City's standard policies and procedures for disbursements.

### **Section 4 Audit**

The RLF Administrator shall be required to undergo and submit a SOC-1 and agency Audit annually to the City.

### **Section 5 Nondiscrimination Statement**

No applicant will be denied an RLF loan based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity.

### **Section 6 Amendments**

There will be occasions that require modifications to all or any of this Plan. The RLF Board shall review such changes then recommend them to the City of Newton Falls for approval. The date of the revision shall be applied to the bottom of the page changed.

## Section 7 Community Revolving Loan Fund Certification

The City of Newton Falls certifies that it will comply with all the provisions and regulations set forth by the RLF program. The City of Newton Falls Government fully understands that even though it has delegated most of the responsibility for administering this RLF as per OCD guidelines and the RLF Plan, the City of Newton Falls Government ultimately retains full responsibility for ensuring compliance with all RLF requirements.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 07-2023  
SPONSOR: Councilperson Spletzer

**A RESOLUTION SETTING FORTH AND ADOPTING A MEMORANDUM OF UNDERSTANDING FOR THE MAINTENANCE AND USE OF THE VILLAGE BALL FIELDS**

WHEREAS, the NFYBSL is one of the longest standing organizations, if not the longest standing organization, in Newton Falls and has traditionally been in charge of the maintenance and scheduling for the Village ball fields; and

WHEREAS, the Outsiders group was recently formed and also desires to have access to and use of the Village ball fields; and

WHEREAS, the Village desires for both organizations to have access to the Village ball fields and understand the maintenance responsibilities for them; and

WHEREAS, Council desires to establish that the NFYBSL has priority for the use of the Village ball fields and the authority and responsibility to schedule field use for all organizations, with the understanding that the NFYBSL will act in good faith to provide for access to the fields by all organizations; and

WHEREAS, with the assistance of the Recreation Board or a member or members thereof, the NFYBSL and the Outsiders have come to an understanding as to the maintenance and use of the Village ball fields; and

WHEREAS, Council desires to memorialize and adopt the terms of that understanding for the scheduling, maintenance, and use of the Village ball fields.

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

SECTION 1. That Council hereby sets forth and adopts the terms of the attached memorandum of understanding for the scheduling, maintenance, and use of the Village ball fields that was reached between the NFYBSL and the Outsiders with the assistance of the Recreation Board or a member or members thereof.

SECTION 2. 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 3. That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

RESOLUTION NO. 07-2023  
PAGE TWO

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

Attest:

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

Approved as to Legal Form.

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



MEMORANDUM OF UNDERSTANDING RELATING TO VILLAGE BALL FIELDS

1. Megan with the NFYBSL will handle the field schedule on a first come first served basis via a field schedule form. All coaches will have access to view the form, and all scheduling requests will go through Megan.
2. Megan will also schedule use of the fields for the Newton Falls Schools.
3. The NFYBSL will be primarily responsible for field preparation and field maintenance.
4. The NFYBSL will advise the Outsiders when field clean up days are scheduled so that the Outsiders have the opportunity to participate in that work.
5. The Outsiders will line and screen the fields for its games and practices and use its own bases.
6. The Outsiders will make an appropriate proportional contribution to the NFYBSL for the cost of and use of the port-o-potties.