



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, June 21, 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**
- 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

Caucus Minutes May 3, 2023
 Regular Meeting Minutes May 17, 2023

VIII. Public Hearings

ORDINANCE 2023-18

Sponsor: Councilperson Baryak

AN ORDINANCE ESTABLISHING SECTION 141.07 OF THE ADMINISTRATIVE CODE
 PERTAINING TO THE POLICE CHIEF

IX. Unfinished Business

ORDINANCE 2023-18

Sponsor: Councilperson Baryak

AN ORDINANCE ESTABLISHING SECTION 141.07 OF THE ADMINISTRATIVE CODE
 PERTAINING TO THE POLICE CHIEF

X. New Business

RESOLUTION 25-2023

Sponsor: Councilpersons Fetterolf, Baryak

A RESOLUTION OF SUPPORT FOR RESTORING, REOPENING, AND PRESERVING THE NEWTON FALLS COMMUNITY CENTER

RESOLUTION 09-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE I, SECTION 6 DEFINING THE WORD SHALL

RESOLUTION 10-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 3 OF THE CHARTER PERTAINING TO THE PROCEDURES FOR FILLING COUNCIL VACANCIES

RESOLUTION 11-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 4 OF THE CHARTER PERTAINING TO THE COUNCIL VOTE THRESHOLD NECESSARY FOR THE REMOVAL OF A COUNCILPERSON

RESOLUTION 12-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 10 OF THE CHARTER PERTAINING TO A COUNCILMEMBER'S ABILITY TO HAVE ITEMS PLACED ON COUNCIL MEETING AGENDAS

RESOLUTION 13-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 11 OF THE CHARTER MANDATING THAT COUNCIL REVIEW AND EVALUATE THE PERFORMANCE OF THE CITY MANAGER ANNUALLY AND THAT THE CITY MANAGER'S APPOINTMENT AUTOMATICALLY EXPIRE 3 YEARS FROM THEIR APPOINTMENT DATE UNLESS THEY ARE REAPPOINTED WITHIN THE 6 MONTHS PRIOR TO THE EXPIRATION OF THE APPOINTMENT'S 3 YEAR AUTOMATIC EXPIRATION DATE

RESOLUTION 14-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 12 OF THE CHARTER TO PERMIT COUNCILMEMBERS TO DIRECTLY REQUEST INFORMATION FROM DEPARTMENT HEADS AND MODIFY AND ESTABLISH PROCEDURES AND PENALTIES FOR COUNCILPERSONS WHO INTERFERE WITH THE APPOINTMENT OR REMOVAL OF ADMINISTRATIVE EMPLOYEES OR GIVE ORDERS TO SUBORDINATES OF THE CITY MANAGER

RESOLUTION 15-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 16 OF THE CHARTER REQUIRING ALL ORDINANCES, EXCEPT EMERGENCY ORDINANCES, TO HAVE AN ADDITIONAL THIRD READING WHEN COUNCIL HAS A VACANCY UNLESS THE ORDINANCE IS ADOPTED ON THE SECOND READING BY AN AFFIRMATIVE VOTE OF AT LEAST FOUR-FIFTHS OF THE CURRENT MEMBERS OF COUNCIL

RESOLUTION 16-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 21 OF THE CHARTER MODIFYING THE COUNCIL VOTE THRESHOLD NECESSARY FOR THE PASSAGE OF EMERGENCY ORDINANCES FROM A TWO-THIRDS TO A FOUR-FIFTHS VOTE OF THE MEMBERS ELECTED TO COUNCIL

RESOLUTION 17-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 2 OF THE CHARTER REGARDING THE DUTIES OF THE CITY MANAGER TO REQUIRE THE CITY MANAGER TO NOTIFY COUNCIL IN WRITING WITHIN ONE BUSINESS DAY OF SUSPENDING AN EMPLOYEE WITHOUT PAY AND NOTIFY COUNCIL IN WRITING BEFORE SUSPENDING AN EMPLOYEE WITH PAY OR TERMINATING AN EMPLOYEE

RESOLUTION 18-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE IV, SECTION 3 PERTAINING TO THE ACKNOWLEDGEMENT OF AND UPDATES ON THE STATUS OF PUBLIC RECORDS REQUESTS

RESOLUTION 19-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE V, SECTION 1 OF THE CHARTER PERTAINING TO THE DEPARTMENT OF LAW TO ADD LANGUAGE REFERENCING SECTIONS 733.56 TO 733.58 OF THE OHIO REVISED CODE AND TAXPAYER'S DEMANDS AND SUITS

RESOLUTION 20-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VI, SECTION 1 OF THE CHARTER PERTAINING TO THE CIVIL SERVICE COMMISSION CLARIFYING THAT WHILE NEWTON FALLS IS A VILLAGE, THE COMMISSION SHALL HAVE NO AUTHORITY OVER OR ROLE IN THE HIRING OR PROMOTION OF EMPLOYEES BUT SHALL CONTINUE TO HAVE ALL POWERS AND DUTIES GRANTED TO OHIO MUNICIPAL CIVIL SERVICE COMMISSIONS WITH RESPECT TO APPEALS OF EMPLOYMENT DECISIONS BY EMPLOYEES IN THE NEWTON FALLS CLASSIFIED CIVIL SERVICE

RESOLUTION 21-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE CHARTER PERTAINING TO THE PARKS AND RECREATION BOARD REQUIRING: THE CITY MANAGER TO SUPERVISE THE REC. BOARD BUDGET AND PURCHASING FUNCTIONS; THE BOARD TO BE CONSULTED ON ITS BUDGET BEFORE IT IS FORMULATED BY COUNCIL; THE FINANCE DIRECTOR TO PROVIDE MONTHLY BUDGET REPORTS TO THE BOARD; AND THE BOARD TO DEVELOP AN ANNUAL PLAN FOR THE USE OF ITS APPROPRIATED FUNDS

RESOLUTION 22-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VI, SECTION 4 OF THE CHARTER PERTAINING TO THE TREASURY INVESTMENT BOARD TO CHANGE THE COMPOSITION OF THE BOARD FROM THE FINANCE DIRECTOR, CITY MANAGER, LAW DIRECTOR, AND 2 MEMBERS OF COUNCIL TO THE FINANCE DIRECTOR, CITY MANAGER, 1 MEMBER OF COUNCIL, AND 2 ELECTORS WHO DO NOT HOLD ANY OTHER CITY OFFICE OR APPOINTMENT

RESOLUTION 23-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE VI, SECTION 7 REQUIRING THE CLERK OF COUNCIL TO ADVERTISE FOR AND MAINTAIN LISTS OF QUALIFIED ELECTORS WHO ARE INTERESTED AND WILLING TO BE APPOINTED TO VACANCIES ON CITY BOARDS AND COMMISSIONS

RESOLUTION 24-2023

Sponsor: Councilpersons Rufener, Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE VI, SECTION 8 REQUIRING THE PROVISION OF SUFFICIENT ACCOMMODATIONS AND THE APPROPRIATION OF SUFFICIENT FUNDS TO ALL CITY COMMISSIONS AND BOARDS THAT ARE REASONABLY NECESSARY FOR THE PARTICULAR COMMISSION OR BOARD TO CARRY OUT ITS DUTIES AND FUNCTIONS

MOTION

Sponsor: Councilperson Spletzer

A Motion to Appoint Village Finance Director Sean Housley as the Village RITA RCOG Delegate and City Manager Pamela Priddy as the Village RITA RCOG Alternate Delegate.

ORDINANCE 2023-19

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

ORDINANCE 2023-20

Sponsor: Councilperson Spletzer

AN ORDINANCE ESTABLISHING SECTION 153.01 OF THE ADMINISTRATIVE CODE PERTAINING TO ADVERTISING OR SOLICITING FOR CANDIDATES FOR SUPERVISORY POSITIONS

- XI. Public Comments**
- XII. Closing Remarks**
- XIII. Motion to Recess into Executive Session (If Necessary)**
- XIV. Adjournment**



NEWTON FALLS CITY COUNCIL
CAUCUS MINUTES
Wednesday, May 3, 2023; 5:00 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 5:01 pm

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer, Councilperson Stimpert, Mayor Kline

Council Absent:

Staff Present: Clerk Acomb, Law Director Bryan, Finance Director Housley

Staff Absent: City Manager Priddy

IV. Unfinished/New Business

Ms. Spletzer recused herself from the meeting because her mother bought a condo with this association several weeks ago.

Mayor Kline stated that the Council will caucus regarding the Verlay Condominium's request for the private road to become a dedicated Village Street and that the Village erect streetlights.

Mr. Young, Managing agent for Verlay 1 and Kenny Layshock, Managing agent for Verlay 2 were in attendance with 4 additional representatives from the association. Mr. Young provided information to council including:

1. Mr. Lynch previously encouraged them to complete a petition and bring the issue to Council.
2. The association wishes to enhance security with streetlights and improve the road itself.
3. The Council received the information before the meeting.
4. Mr. Young worked with Ms. Priddy and Ms. Spletzer to bring the issue forward to the Council. At that time, Ms. Priddy recommended waiting until a permanent City Manager could be hired. Recently, she brought the issue forward for a vote and it did not pass.
5. He summarized the information provided to Council (attached) and asked for reconsideration of the most recent vote against the project, including consideration for the list of concessions that Verlay offers if street dedication is approved.

6. He stated that street dedication would lighten the burden of 43 homeowners who pay taxes on their condos.

Mr. Baryak asked if the street lighting would be paid by Verlay. Mr. Young said “no”, if dedication occurs then the Village should pay for the lighting. Mr. Baryak spoke against that idea stating that the project was never completed properly. Mr. Young stated that the Village Law Director should address any perceived deficiencies with the completion of the project that occurred 18 years ago.

Mr. Baryak asked for a list of improvements that have been made since completion. Mr. Young stated that only the asphalt has been maintained. Ms. Stimpert stated that the packet of information was provided by Mr. Young to the Council on April 24 and the Council only received it tonight. Mr. Young agreed. Ms. Stimpert asked for clarification regarding the dedication program and requirements. Mr. Bryan stated that certain things have to be done prior to the dedication. He stated that he does not know all of the requirements but would be able to research those and present them to Council.

It was stated by Mr. Young that other roads that did not meet those requirements have been dedicated.

Mr. Fetterolf stated the roads are in bad shape and the proposed improvements seem insufficient. He expressed concerns that curbing is absent, and a dedication would likely bring more traffic. Mr. Young responded that they have performed 1 mill and overlay and that all maintenance efforts have been conducted according to industry standards. He believes the road has a standard base and in 2024 it will receive a mill and overlay. The Association has worked hard to ensure no special assessments will be part of the project completion. Mr. Fetterolf spoke against the efforts of the property owner’s association to maintain the property stating that they have not done enough.

Mr. Baryak advocated that the association must ensure that everything that needs to be fixed, must be fixed prior to earning his vote. Mr. Young stated that this process, coming before Council, is what the previous City Manager had asked them to do.

Mr. Rufener asked if any feedback from the Superintendents has been received. Mr. Housley shared the following on behalf of the Superintendents: (1) The sewer line will be maintained by Verlay; (2) Regarding streets and storm sewers, it is unclear sure if streets meet specifications of the city. It has been suggested that a to bore study be conducted to determine the base thickness. A formal study of the streets needs to be conducted, and (3) Mr. George has stated that the Village should not be installing poles and lights.

Mr. Rufener reminded all of the history from the original time: Verlay was given the choice to meet city requirements or establish a private development. An agreement was made, and Verlay chose to become a private development by not meeting the city requirements of the time. Mr. Housley stated that no superintendent saw a benefit to the community, but they also do not have the packet from Mr. Young.

Mrs. DeAngelo, resident, stated that they pay taxes and receive nothing in return. She stated that other properties don’t meet the requirements. She asked for consideration so that their tax money can go for something. She said she will provide a list of roads that did not meet the city requirements and were still dedicated by Council. Mr. Baryak asked Mrs. DeAngelo if the city

mowed the grass. She said yes and that she did not learn that the road had never been dedicated until after she bought.

Mr. Layshok spoke that Mr. Eberhart, previous City Manager, had permitted Harding Avenue Prospect Street, each 16-18 feet wide to be dedicated. The Verlay street is 26 feet wide. He argued that all utility installations were up to code and the streets were built to the city code of the time. He maintains that the property was built correctly and up to city requirements. Mr. Baryak stated that he knew it was put in cheap so they could sell the units. Mr. Layshok stated that Baryak was correct, with the exception of the utilities, expenses were kept low so that units could be sold at the low price point that was necessary for success in Newton Falls.

Mr. Fetterolf addressed the tax issue. He stated that residents pay an association fee and the County assesses a property tax based on the land value of the individual condo.

Mr. Housley asked some questions about the information packet, particularly the expenditures report. He wanted to know if any cash reserves exist for the future expenditures. Currently there is \$140,000 in reserves. Is the association willing to dedicate a portion of that money towards the street lights? Mr. Young said they are willing to work out a mutually beneficial deal. How much of the reserves can be set to bring streets up to code? Mr. Young stated that the association will not have the money to do that. It was stated that most property taxes go to the schools. The city only has a 1% income tax with forgiveness. Mr. Housley advised the Council that there is no financial benefit to the city to dedicate the street.

Ms. Stimpert asked if Council could conduct a study with a five to ten year plan? Mr. Housley stated that no superintendent sees value in the project. The law director stated that a process probably exists to install streetlights without the village owning the poles, but the project is best viewed as a whole rather than in parts. There are immediate maintenance costs associated with this project.

Mr. Baryak reminded the Council that the developers chose their path and do not deserve special consideration with respect to the rest of the community. At the time of development, the superintendents of the time didn't support the development as it was being done and now the developers want special consideration when they made their own choice to become a private development.

V. Adjournment

Mayor Kline called for a motion to adjourn the caucus at 5:49 pm.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion.

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

The motion passed 4-0. The meeting was adjourned.

APPROVED:

ATTEST:

Kenneth Kline, Mayor

Michael Acomb, Council Clerk



Young's Property Management

INC.

1461 South Blvd.

Kent, OH 44240-6233

April 24, 2023

330-297-1696

City of Newton Falls
612 W. Broad Street
Newton Falls, OH 44444

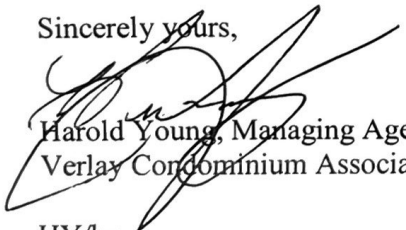
To Whom It May Concern:

I represent the Verlay Condominium Association, and on the Association's behalf, I am contacting you regarding the dedication of East River Road.

As I believe you are aware, East River Road is a private road that crosses several parcels, most of which are the Association's Common Element property. As submitted to Pamela S. Priddy, City Manager, on November 30, 2022, I have again enclosed a petition to dedicate East River Road containing the signature of every Association member, along with the three additional owners of parcels on which East River Road is constructed. In preparation of my attendance of the caucus on May 3, 2023 at 5:30 p.m., prior to the regular Council meeting, I have also attached information I feel will be beneficial in the decision making process.

I would like to thank you for taking the time to review this information and for helping to facilitate the dedication process. Should you have any questions or wish to further discuss this matter prior to the meeting, please do not hesitate to telephone me. Otherwise, I look forward to answering any questions you may have at the upcoming meeting.

Sincerely yours,



Harold Young, Managing Agent
Verlay Condominium Association

HY/by
Enclosure

cc: Mayor, Ken Kline

City Manager, Pamela S. Priddy

Zoning Administrator, John Spelich

Council Members: Tesa Spletzer, Julie Stimpert,

John Baryak, Keven Rufener, and Gideon Fetterolf

Finance Director, Sean Housley

Electric Dept. Superintendent, William George

Street & Maintenance Dept., Crew Chief, Rich Coss

Board of Directors, Verlay Condominium Association

L&V Associates, LLC & Verlay II Condo. Assoc., Ken Layshock

file

Wastewater Superintendent, Mike Novotny

Law Director, Brad Bryan

City Clerk

Specializing in Condominium & Homeowner Association Management

April 24, 2023

Association/Owner Concessions:

Snow Plowing and Salting
Sewer Service lines up to Lift Station
Secondary Water Lines
Storm Water Lines
City Sidewalk Installation – if required by City

City Responsibilities:

Roadway Preventative Maintenance and Replacement
Catch Basin Maintenance and Capital Repairs
Street Light Installation, Maintenance and Capital Repairs

In order to accurately fund Association reserve accounts for Capital Improvements, the Association has completed a Reserve Analysis performed by Architectural Engineering Consulting Firm, Reserve Advisors, Inc. on April 26, 2021. Below is their Life Analysis of the property elements which includes the Private Roadway (East River Road). Below are the costs anticipated for the next 30 years in the attached Reserve Expenditures spreadsheet.

<u>Asphalt Pavement, Streets, Mill and Overlay</u>	\$ 78,795.00 - recommend schedule for mill and overlay 2024
<u>Asphalt Pavement, Streets, Total Replacement</u>	\$232,579.00 – recommend schedule for total replacement 2042
<u>Asphalt Pavement, Streets, Estimated Costs for Crack Fill & Minor Asphalt Repair</u>	\$ 2,500.00 – Annually
<u>Catch Basins, Inspections and Capital Repairs</u>	\$ 5,731.00 – recommend schedule 2024

In order to provide Council with Street Lighting options I have attached a formal proposal from Thompson Electric, Inc. to supply and install (9) LED post toppers on fiberglass poles. Additionally, I have enclosed a site map depicting proposed street light locations and post topper data information.

<u>Street Light Cost</u>	\$ 36,000.00 – (9) LED toppers and poles
--------------------------	---

Issues that will require additional discussion, if approved:

Property Survey, Plat and Legal description and County filing of City Ordinance.

PETITION

City of Newton Falls, Ohio

JUNE 22, 2021

To the Council of the City of Newton Falls, Ohio:


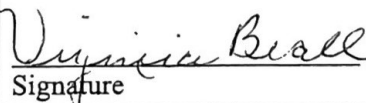
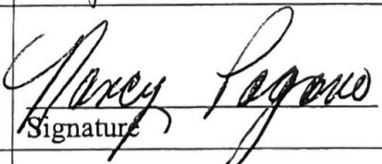
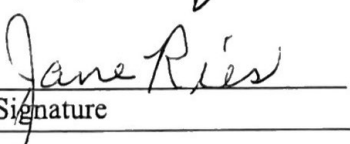
We are owners of 100% of the area and lots and lands to be transferred to the City through dedication as the road currently exists. We petition the Council to accept title to the entire length of East River Road AS-IS.

We, individually, and collectively, and for our successors and assigns, further consent and request that all legislation required to be enacted to permit the road dedication to commence immediately to be enacted at one City Council meeting.

We, individually and collectively, agree that we will not contest, in a judicial or administrative proceeding, the dedication of our property to the City.

We further represent and agree that the signatories to this Petition have full right and authority to sign this Petition and no other signatures or approvals are required.

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Petitioner (Property Owner)	Signature (and Title if Petitioner is not an Individual)	Parcel Number(s)
Daniel + Earla Dionisio	 Signature	2033 East River Rd #2 Parcel #53-265187
Virginia Beall	 Signature	2033 East River Rd #4 Parcel #53-265188
Angelo + Nancy Pagano	 Signature	2033 East River Rd #1 Parcel #53-265189
Jane Ries	 Signature	2033 East River Rd #3 Parcel #53-265190

Ron + Carol Platt	<u>Carol A. Platt</u> Signature	2033 East River Rd #5 Parcel #53-265226
Lewis + Valerie Myers	<u>Lewis Myers</u> Signature	2033 East River Rd #7 Parcel #53-265227
Rita Sano	<u>Rita Sano</u> Signature	2033 East River Rd #13 Parcel #53-265228
James + Barbara Hash	<u>James Hash</u> Signature	2033 East River Rd #15 Parcel #53-265229
Evelyn Antal	<u>Evelyn P. Antal</u> Signature	2033 East River Rd #17 Parcel #53-265230

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Don Baker	<u>Don Baker</u> Signature	2033 East River Rd #19 Parcel #53-265231
Bob + Carol Nagy	<u>Carol Nagy</u> Signature	2033 East River Rd #12 Parcel #53-265225
Alton + Emilia Cooley	<u>Alton Cooley</u> Signature	2033 East River Rd #26 Parcel #53-265224
Alberta Sabo	<u>Alberta Sabo</u> Signature	2033 East River Rd #22 Parcel #53-265238
Paul + Yvonne Almashy	<u>Paul Almashy</u> Signature	2033 East River Rd #30 Parcel #53-265239

Gary + Mary Ann Pavlik	<u>Gary Pavlik</u> <u>Mary Ann Pavlik</u> Signature	2033 East River Rd #42 Parcel #53-265240
Doris McCollum	<u>Doris McCollum</u> Signature	2033 East River Rd #21 Parcel #53-265241
Eleanor Benich	<u>Eleanor S. Benich</u> Signature	2033 East River Rd #23 Parcel #53-265242
Carol King	<u>Carol King</u> <u>Carol King</u> Signature	2033 East River Rd #46 Parcel #53-265243

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Ronald + Janet Reid	<u>Janet Reid</u> Signature	2033 East River Rd #47 Parcel #53-265244
Michael Hodgkiss	<u>Michael Hodgkiss</u> Signature	2033 East River Rd #48 Parcel #53-265245
Patricia Moorehead	<u>Patricia Moorehead</u> Signature	2033 East River Rd #49 Parcel #53-265246
Madeline Hoffman	<u>Madeline Hoffman</u> Signature	2033 East River Rd #25 Parcel #53-265248
Dollie Ronyak	<u>Dollie Ronyak</u> Signature	2033 East River Rd #27 Parcel #53-265249

Brenda Cadle	<u>Brenda Cadle</u> Signature	2033 East River Rd #44 Parcel #53-265252
Robert Smith	<u>Robert Smith</u> Signature	2033 East River Rd #38A Parcel #53-265267
Donna Manovich	<u>Donna Manovich</u> Signature	2033 East River Rd #32 Parcel #53-265254
Richard + Marie Monteville	<u>R. & M. Monteville</u> Signature	2033 East River Rd #34 Parcel #53-265234
Thomas + Sally De Angelo	<u>Sally J. De Angelo</u> Signature	2033 East River Rd #36 Parcel # 53-265262
Jean Taylor	<u>Jean Taylor</u> Signature	2033 East River Rd #11 Parcel # 53-265236
George + Betty Kreimbrenk	<u>Wenson Trehaner</u> <u>Betty Kreimbrenk</u> Signature George	2033 East River Rd #9 Parcel # 53-265235
Kenneth Layshock Charles Verbanic L&V Associates	<u>Kenneth Layshock</u> Signature	State Route 534 Parcel # 53-264990
Janet Watters Donna Swope	<u>Janet R Watters</u> Signature	2033 East River Rd #37A Verlay II Parcel # 53-265292
Joyce Almasby	<u>Joyce Almasby</u> Signature	2033 East River Rd #37B Verlay II Parcel # 53-265295

Gary + Amy Martin	<u>Gary & Amy</u> Signature	2033 East River Rd #29 Parcel #53-265280
Kenneth Pigott	<u>Kenneth Pigott</u> Signature	2033 East River Rd #31 Parcel #53-265281
Patricia Chepke	<u>Patricia Chepke</u> Signature	2033 East River Rd #24 Parcel #53-264263
Jennifer Russ	<u>J Russ</u> Signature	2033 East River Rd #33 Parcel #53-265264

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Rachel Brown	<u>Rachel Brown</u> Signature	2033 East River Rd #35 Parcel #53-265265
James + Belinda Lazor	 Signature	2033 East River Rd #20 Parcel #53-265266
Bob + Marianne Cabosky	<u>Robert Cabosky/mc Marianne Cabosky</u> Signature	2033 East River Rd #50 Parcel #53-265250
John Gordon	<u>John Gordon</u> Signature	2033 East River Rd #51 Parcel #53-265251
Marilyn Bates	<u>Marilyn Bates</u> Signature	2033 East River Rd #45 Parcel #53-265253

Gary + Amy Martin	_____ Signature	2033 East River Rd #29 Parcel #53-265280
Kenneth Pigott	_____ Signature	2033 East River Rd #31 Parcel #53-265281
Patricia Chepke	_____ Signature	2033 East River Rd #24 Parcel #53-264263
Jennifer Russ	_____ Signature	2033 East River Rd #33 Parcel #53-265264

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Rachel Brown	_____ Signature	2033 East River Rd #35 Parcel #53-265265
James + Belinda Lazor	<i>Belinda A Lazor</i> <i>James A Lazor</i> _____ Signature	2033 East River Rd #20 Parcel #53-265266
Bob + Marianne Cabosky	_____ Signature	2033 East River Rd #50 Parcel #53-265250
John Gordon	_____ Signature	2033 East River Rd #51 Parcel #53-265251
Marilyn Bates	_____ Signature	2033 East River Rd #45 Parcel #53-265253

RESERVE EXPENDITURES

DRAFT 9-2-21

VerLay

Condominium Association

Newton Falls, Ohio

Line Item	Total Quantity	Per Phase Quantity	Units	Reserve Component Inventory	Estimated 1st Year of Event	Life Analysis, Years		Costs, \$			Percentage of Future Expenditures	16 2037	17 2038	18 2039	19 2040	20 2041	21 2042	22 2043	23 2044	24 2045	25 2046	26 2047		
						Useful	Remaining	Unit (2021)	Per Phase (2021)	Total (2021)														
Exterior Building Elements																								
1.153	2,650	1,325	Square Feet	Decks, Composite, Phased	2030	20 to 25	9 to 10	35.00	46,375	92,750	3.5%													
1.240	8,550	1,638	Linear Feet	Gutters and Downspouts, Aluminum, Phased	2024	15 to 20	3 to 6	10.00	16,375	65,500	6.6%								25,822	26,336	26,865	27,402		
1.260	156	156	Each	Light Fixtures	2028	to 25	7	90.00	14,040	14,040	0.5%													
1.274	800	400	Linear Feet	Railings and Columns, Vinyl, Stoops and Patios, Phased	2030	to 25	9 to 10	43.00	17,200	34,400	1.3%													
1.280	1,000	250	Squares	Roofs, Asphalt Shingles, Phased	2024	15 to 20	3 to 6	410.00	102,500	410,000	34.4%								161,632	164,865	168,162	171,525		
1.860	59,000	14,750	Square Feet	Walls, Siding, Vinyl, Phased	2044	to 40	23 to 26	5.00	73,750	295,000	14.8%								116,296	118,622	120,995	123,415		
Property Site Elements																								
4.041	4,860	2,425	Square Yards	Asphalt Pavement, Driveways, Total Replacement, Phased	2028	15 to 20	7 to 8	31.00	75,175	150,350	13.4%													
4.120	3,600	270	Square Feet	Concrete Driveways, Partial	2029	to 65	8 to 30+	12.00	3,240	43,200	0.6%					4,814						5,422		
4.130	18	1	Each	Concrete Patios, Partial	2029	to 65	8 to 30+	1,800.00	1,800	32,400	0.5%					2,675		2,838				3,012		
4.140	7,700	340	Square Feet	Concrete Sidewalks, Partial	2028	to 65	5 to 30+	12.00	4,080	92,400	1.6%		5,713			6,063		6,434				6,828		
4.170	39	3	Each	Concrete Stoops, Partial	2032	to 65	11 to 30+	3,500.00	10,500	136,500	1.9%		14,703					16,557						
4.260	350	350	Linear Feet	Fences, Vinyl, Perimeter	2027	15 to 20	6	47.00	16,450	16,450	1.4%											27,528		
4.500	1	1	Allowance	Landscape, Partial Replacements, Initial	2022	ongoing	1	9,000.00	9,000	9,000	3.1%													
4.501	1	1	Allowance	Landscape, Partial Replacements, Subsequent	2032	to 3	11	3,000.00	3,000	3,000	1.8%		4,201			4,458		4,731				5,020		
4.560	22	22	Each	Light Poles and Fixtures	2032	to 30	11	1,350.00	29,700	29,700	1.1%													
4.600	39	39	Each	Mailboxes	2030	to 25	9	150.00	5,850	5,850	0.2%													
Shared Elements																								
5.043	350	350	Square Yards	Asphalt Pavement, Parking Areas and Water Treatment, Total Replacement	2024	15 to 20	3	31.00	10,850	10,850	0.9%						18,446							
5.044	4,960	4,950	Square Yards	Asphalt Pavement, Streets, Mill and Overlay	2024	15 to 20	3	15.00	74,250	74,250	2.4%													
5.045	4,950	4,950	Square Yards	Asphalt Pavement, Streets, Total Replacement	2042	15 to 20	21	31.00	153,450	153,450	7.2%						232,579							
5.100	6	6	Each	Catch Basins, Inspections and Capital Repairs	2024	15 to 20	3	900.00	5,400	5,400	0.4%						8,185							
5.700	3	3	Each	Ponds, Aeration	2036	10 to 15	15	1,500.00	4,500	4,500	0.4%													
5.710	700	700	Linear Feet	Ponds, Erosion Control, Rip Rap Replenishment	2036	to 15	15	21.00	14,700	14,700	1.4%													
5.730	800	800	Square Yards	Ponds, Sediment Removal	2051	to 30	30	30.00	27,000	27,000	1.8%													
5.800	1	1	Allowance	Signage, Property Identification, Renovation	2023	15 to 20	2	7,300.00	7,300	7,300	0.8%							11,286						
5.997	1	1	Allowance	Water Treatment Building, Exterior Renovation	2026	to 20	5	3,500.00	3,500	3,500	0.3%										5,742			
Anticipated Expenditures, By Year (\$3,237,791 over 36 years)												0	24,617	0	0	18,010	257,209	11,286	334,310	309,825	321,764	370,152	1	

RESERVE EXPENDITURES

DRAFT 9-2-21
VerLay
Condominium Association
Newton Falls, Ohio

Explanatory Notes:

- 1) 2.0% Is the estimated inflation Rate for estimating Future Replacement Costs.
2) FY2021 is Fiscal Year beginning January 1, 2021 and ending December 31, 2021

Line Item	Total Quantity	Per Phase Quantity	Units	Reserve Component Inventory	Estimated 1st Year of Event	Life Analysis, Years Remaining	Unit (2021)	Per Phase (2021)	Total (2021)	Percentage of Future Expenditures	RUL = 0 FY2021	1 2022	2 2023	3 2024	4 2025	5 2026	6 2027	7 2028	8 2029	9 2030	10 2031	11 2032	12 2033	13 2034	14 2035	15 2036	
Exterior Building Elements																											
1.153	2,650	1,325	Square Feet	Decks, Composite, Phased	2030	20 to 25 9 to 10	35.00	46,375	92,750	3.5%										55,422	56,531						
1.240	8,550	1,638	Linear Feet	Gutters and Downspouts, Aluminum, Phased	2024	15 to 20 3 to 8	10.00	16,375	65,500	8.5%				17,377	17,725	18,079	18,441										
1.280	158	158	Each	Light Fixtures	2028	to 25 7	90.00	14,040	14,040	0.9%								18,128									
1.274	800	400	Linear Feet	Railings and Columns, Vinyl, Stoops and Patios, Phased	2030	to 25 9 to 10	43.00	17,200	34,400	1.3%										20,558	20,967						
1.280	1,000	250	Squares	Roofs, Asphalt Shingles, Phased	2024	15 to 20 3 to 8	410.00	102,500	410,000	34.4%				108,774	110,949	113,168	115,432										
1.860	58,000	14,750	Square Feet	Walls, Siding, Vinyl, Phased	2044	to 40 23 to 26	5.00	73,750	295,000	14.8%																	
Property Site Elements																											
4.041	4,850	2,425	Square Yards	Asphalt Pavement, Driveways, Total Replacement, Phased	2028	15 to 20 7 to 8	31.00	75,175	150,350	13.4%								88,352	88,079								
4.120	3,600	278	Square Feet	Concrete Driveways, Partial	2029	to 65 8 to 30+	12.00	3,240	43,200	0.8%									3,798						4,275		
4.130	18	1	Each	Concrete Patios, Partial	2029	to 65 8 to 30+	1,800.00	1,800	32,400	0.5%									2,109						2,375		
4.140	7,700	348	Square Feet	Concrete Sidewalks, Partial	2028	to 65 5 to 30+	12.00	4,080	92,400	1.6%						4,505			4,780			5,073			5,383		
4.170	39	3	Each	Concrete Stoops, Partial	2032	to 65 11 to 30+	3,500.00	10,500	136,500	1.9%												12,056					
4.260	350	358	Linear Feet	Fences, Vinyl, Perimeter	2027	15 to 20 8	47.00	16,460	16,460	1.4%							18,825										
4.500	1	1	Allowance	Landscape, Partial Replacements, Initial	2022	ongoing 1	9,000.00	9,000	9,000	3.1%	9,180	9,364	9,551	9,742	9,937	10,135	10,338	10,545	10,758	10,971							
4.501	1	1	Allowance	Landscape, Partial Replacements, Subsequent	2032	to 3 11	3,000.00	3,000	3,000	1.0%											3,730				3,958		
4.560	22	22	Each	Light Poles and Fixtures	2032	to 30 11	1,350.00	29,700	29,700	1.1%												38,928					
4.600	39	39	Each	Mailboxes	2030	to 25 9	150.00	5,850	5,850	0.2%										8,991							
Shared Elements																											
5.043	350	350	Square Yards	Asphalt Pavement, Parking Areas and Water Treatment, Total Replacement	2024	15 to 20 3	31.00	10,850	10,850	0.9%				11,914													
5.044	4,950	4,950	Square Yards	Asphalt Pavement, Streets, Mill and Overlay	2024	15 to 20 3	15.00	74,250	74,250	2.4%				78,795													
5.045	4,950	4,950	Square Yards	Asphalt Pavement, Streets Total Replacement	2042	15 to 20 21	31.00	153,450	153,450	7.2%																	
5.100	8	8	Each	Catch Basins, Inspections and Capital Repairs	2024	15 to 20 3	900.00	5,400	5,400	0.4%				5,731													
5.700	3	3	Each	Ponds, Aerators	2036	10 to 15 15	1,500.00	4,500	4,500	0.4%																	
5.710	700	700	Linear Feet	Ponds, Erosion Control, Rip Rap Replenishment	2036	to 15 15	21.00	14,700	14,700	1.4%																8,058	
5.730	800	800	Square Yards	Ponds, Sediment Removal	2051	to 30 30	30.00	27,000	27,000	1.9%																19,784	
5.800	1	1	Allowance	Signage, Property Identification, Renovation	2023	15 to 20 2	7,300.00	7,300	7,300	0.8%			7,595														
5.997	1	1	Allowance	Water Treatment Building, Exterior Renovation	2026	to 20 5	3,500.00	3,500	3,500	0.3%						3,864											
Anticipated Expenditures, By Year (\$3,237,791 over 30 years)											0	9,180	16,959	231,742	138,416	149,553	162,533	112,818	109,309	93,725	88,469	56,788	0	0	15,991	25,840	

Proposal**THOMPSON ELECTRIC, INC.**

49 Northmoreland Avenue
MUNROE FALLS, OH 44262
(330)686-2300
Fax (330) 686-2362

www.thompsonelectric.com

PROPOSAL SUBMITTED TO Young's Property Management	PHONE _____ CELL _____	DATE 10/13/2022 BL
STREET _____	EMAIL ADDRESS ypmnc@aol.com	
CITY, STATE and ZIP CODE _____	JOB LOCATION Verlay Condominiums	

We hereby submit specifications and estimates for:

- Supply and install (9) LED post toppers on fiberglass poles

\$36,000.00

(This does not include any permits if required)

See attached

FBO= Furnished by Owner

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows:

PAID IN FULL UPON COMPLETION

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within **90** days.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____

American Revolution LED

Series 247L

PRODUCT OVERVIEW



Applications:

Streetscapes
Walkways
Pathways
Parks



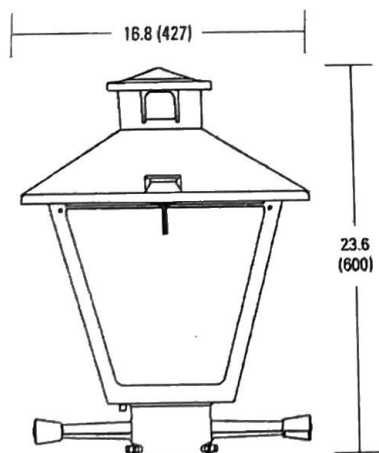
Features:

- Colonial LED lantern, replaces up to 250W HID models for street and area lighting applications
- Fifteen (15) LED performance packages deliver just the right amount of light for any given application up to 9,000 lumens
- Available in color temperature choices of 2700K, 3000K and 4000K
- Four (4) distinct light distribution options provide design flexibility, available in Type II, Type III, Type IV, and Type V
- Available with acrylic or polycarbonate lens
- Die-cast aluminum housing, engineered for sturdy lifelong performance
- Luminaire is rated for 3g vibration per ANSI C136.31
- Die-cast aluminum hood features a trigger latch (TL) option and captive thumb screws for fast, easy electrical and optical chamber access
- Standard paint finish is smooth gloss
- Housing is tenon pole-mounted and designed for use with a 3" tall by 2-3/8" to 3" diameter tenon, and secured by three set screws
- Rated LED and driver life greater than 100,000 hours at 25°C
- Surge protection device (standard) exceeds ANSI/IEEE C62.41-2002 Category C High (10kV/10kA) and ANSI C136.2-2015 Enhanced (10kV/5kA). 20KV Option exceeds ANSI/IEEE C62.41-2002 Category C High (10kV/10kA) and ANSI C136.2-2015 Extreme (20kV/10kA)
- Equipped with LED electronic 0-10V dimmable driver with DALI driver option

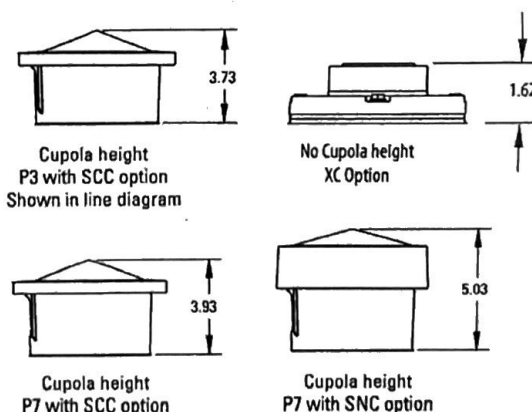
Standards:

- Complies with all applicable ANSI C136 standards.
- CSA listed and suitable for up to 40°C ambient
- DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

DIMENSIONS



Effective Projected Area (EPA)
The EPA for the American Revolution Series 247 is 1.6 sq. ft.
Fixture weight = 36 lbs.



All dimensions are inches (millimeters) unless otherwise noted.

American Revolution LED

Series 247L

PROJECTED LED LUMEN MAINTENANCE

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 6,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11). For other lumen maintenance values, contact factory.

LED Lumen Maintenance							
Performance Package	Initial	25k hours	36k hours	50k hours	60k hours	75k hours	100k hours
P101, P102, P151, P300	1.00	0.96	0.94	0.92	0.90	0.88	0.85
P103, P152	1.00	0.95	0.93	0.91	0.90	0.87	0.84
P153, P301, P302	1.00	0.95	0.93	0.91	0.89	0.87	0.83
P104, P154, P201, P303	1.00	0.95	0.93	0.90	0.89	0.86	0.82
P155, P202	1.00	0.94	0.92	0.89	0.88	0.85	0.80

LUMEN AMBIENT TEMPERATURE (LAT) MULTIPLIERS

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Luminaire Ambient Temperature (LAT) Multiplier								
0°C	5°C	10°C	15°C	20°C	25°C	30°C	35°C	40°C
1.04	1.03	1.02	1.02	1.01	1.00	0.99	0.98	0.97



AEL Headquarters, 3825 Columbus Road, Granville, OH 43023
www.americanelectriclighting.com

© 2019-2022 Acuity Brands Lighting, Inc. All Rights Reserved. 247L Rev. 09/12/22

Warranty Five-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/resources/terms-and-conditions
Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

Please contact your sales representative for the latest product information.

American Revolution LED

Series 247L

OPERATING CHARACTERISTICS

Performance Package	Wattage	CCT	AY Optic							
			R2		R3		R4		R5	
			Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW
P101	20	2700K	2,182	109	2,169	108	2,130	107	2,240	112
		3000K	2,277	114	2,264	113	2,224	111	2,338	117
		4000K	2,376	119	2,362	118	2,320	116	2,440	122
P102	30	2700K	2,954	98	2,937	98	2,885	96	3,034	101
		3000K	3,083	103	3,066	102	3,011	100	3,166	106
		4000K	3,217	107	3,199	107	3,142	105	3,304	110
P103	40	2700K	3,794	95	3,772	94	3,705	93	3,896	97
		3000K	3,960	99	3,937	98	3,867	97	4,066	102
		4000K	4,132	103	4,108	103	4,035	101	4,243	106
P104	49	2700K	4,506	91	4,480	91	4,400	89	4,627	94
		3000K	4,703	95	4,676	95	4,593	93	4,830	98
		4000K	4,908	99	4,880	99	4,793	97	5,039	102
P151	30	2700K	3,329	111	3,310	110	--	--	3,419	114
		3000K	3,475	116	3,455	115	--	--	3,569	119
		4000K	3,626	121	3,606	120	--	--	3,724	124
P152	40	2700K	4,040	101	4,017	100	--	--	4,149	104
		3000K	4,217	105	4,193	105	--	--	4,331	108
		4000K	4,400	110	4,375	109	--	--	4,519	113
P153	50	2700K	4,883	98	4,855	97	--	--	5,014	100
		3000K	5,096	102	5,067	101	--	--	5,233	105
		4000K	5,318	106	5,288	106	--	--	5,461	109
P154	60	2700K	5,645	94	5,613	94	--	--	5,797	97
		3000K	5,892	98	5,858	98	--	--	6,050	101
		4000K	6,148	102	6,113	102	--	--	6,314	105
P155	70	2700K	6,402	91	6,366	91	--	--	6,574	94
		3000K	6,682	95	6,644	95	--	--	6,862	98
		4000K	6,973	100	6,933	99	--	--	7,160	102
P201	70	2700K	6,925	99	6,885	98	6,763	97	7,111	102
		3000K	7,228	103	7,187	103	7,059	101	7,422	106
		4000K	7,542	108	7,499	107	7,366	105	7,745	111
P202	80	2700K	7,597	95	7,554	94	7,419	93	7,801	98
		3000K	7,929	99	7,884	99	7,744	97	8,143	102
		4000K	8,274	103	8,227	103	8,080	101	8,497	106
P300	41	2700K	4,494	111	4,468	110	--	--	4,615	114
		3000K	4,690	116	4,664	115	--	--	4,816	119
		4000K	4,894	121	4,866	120	--	--	5,026	124
P301	60	2700K	6,544	109	6,507	108	--	--	6,720	112
		3000K	6,831	114	6,792	113	--	--	7,014	117
		4000K	7,128	119	7,087	118	--	--	7,319	122
P302	70	2700K	7,310	104	7,269	104	--	--	7,507	107
		3000K	7,630	109	7,587	108	--	--	7,835	112
		4000K	7,962	114	7,917	113	--	--	8,176	117
P303	80	2700K	8,064	101	8,018	100	--	--	8,281	104
		3000K	8,417	105	8,369	105	--	--	8,643	108
		4000K	8,783	110	8,733	109	--	--	9,019	113

Optic	Factor
AY	1.00
PY	.92

AEL American Electric Lighting

AEL Headquarters, 3825 Columbus Road, Granville, OH 43023
www.americanelectriclighting.com

© 2019-2022 Acuity Brands Lighting, Inc. All Rights Reserved. 247L Rev. 09/12/22

Warranty Five-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/resources/terms-and-conditions
Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

Please contact your sales representative for the latest product information.

American Revolution LED

Series 247L

OPTIONS MATRIX

		Voltage			Distribution				Cupola			Receptacle			Photocontrol					Other				
		MVOLT	HVOLT	XVOLT	R2	R3	R4	R5	SCC	SNC	XC	PR3	PR7	NR	PCLL	PCSS	P34	P48	SH	AO	DALI	20KV	QHV	XL
Lumen Package	P101	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y
	P102	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P103	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P104	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P151	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P152	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P153	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P154	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P155	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P201	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P302	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P300	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P301	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P302	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	P303	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
Voltage	MVOLT				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	HVOLT				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y	Y	Y	Y	RFD	Y	Y	Y
	XVOLT				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
Cupola	SCC	Y	Y	Y	Y	Y	Y	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	SNC	Y	Y	Y	Y	Y	Y	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	XC	Y	Y	Y	Y	Y	Y	Y				Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
Receptacle	PR3	Y	Y	Y	Y	Y	Y	Y	Y		Y				Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	PR7	Y	Y	Y	Y	Y	Y	Y	Y	Y					Y	Y	Y	Y	Y	Y	RFD	Y	Y	Y
	NR	Y	Y	Y	Y	Y	Y	Y	Y	Y										Y	RFD	Y	Y	Y
Photocontrol	PCLL	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							Y	RFD	Y	Y	Y
	PCSS	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							Y	RFD	Y	Y	Y
	P34		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							Y	RFD	Y	Y	Y
	P48		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							Y	RFD	Y	Y	Y
	SH	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							Y	RFD	Y	Y	Y
Other	AO	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y	Y	Y
	DALI	RFD			Y	Y	Y	Y	Y	Y	Y	RFD	RFD	RFD	RFD	RFD	RFD	RFD	RFD		RFD	RFD	RFD	
	20KV	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD		Y	Y
	QHV	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y		
	XL	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RFD	Y		

MATRIX KEY

Y = Option combination is available

N = Option combination is not available

RFD = Option combination is available but additional information required. Consult factory.



AEL Headquarters, 3825 Columbus Road, Granville, OH 43023
www.americanelectricleighting.com

© 2019-2022 Acuity Brands Lighting, Inc. All Rights Reserved. 247L Rev. 09/12/22

Warranty Five-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/resources/terms-and-conditions. Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

Please contact your sales representative for the latest product information.

American Revolution LED

Series 247L

ORDERING INFORMATION

Example: 247L P155 MVOLT 40K R3 AY BK SCC PR7

Series

247L American Revolution LED

Performance Package		
---------------------	--	--

Package	Input Watts	Lumens (nominal)
P101	20	2,300
P102	30	3,000
P103	40	4,000
P104	49	4,700
P151	30	3,500
P152	40	4,200
P153	50	5,100
P154	60	5,900
P155	70	6,600
P201	70	7,200
P202	80	7,900
P300	41	4,700
P301	60	6,800
P302	70	7,600
P303	80	8,400

Voltage

MVOLT 120-277V
 HVOLT 347-480V
 XVOLT 277-480V
 with enhanced power quality protection

Color Temperature (CCT)

27K 2700K
 30K 3000K
 40K 4000K

Distribution

R2 Type II
 R3 Type III
 R4 Type IV
 R5 Type V

Optics

AY Acrylic
 PY Polycarbonate

Paint (smooth gloss)

BK Black
 GY Gray
 DDB Dark Bronze
 WH White
 BZ Bronze

Cupola

SCC Standard cupola
 SNC Smart node cupola
 XC No cupola

Photocontrol Receptacle

NR No photocontrol receptacle
 PR3 3 pin NEMA photocontrol
 PR7 7 pin NEMA photocontrol

Options

Options

PCLL Solid State Long Life Photocontrol, 120-277V (fail off)
 P34 Solid State Long Life Photocontrol, 347V (fail off)
 P48 Solid State Long Life Photocontrol, 480V (fail off)
 PCS5 Solid state photocontrol, 120-277V (Not CSA Listed) (fail on)
 SH Shorting cap
 AO Field adjustable output module
 DALI DALI driver (RFD required)

Miscellaneous

SS Stainless steel hardware
 TL Tool-less trigger latch entry
 NL1X1 1" x 1" NEMA label
 NL2X2 2" x 2" NEMA label
 XL Not CSA Listed
 LDR Ladder Rest
 CR Epoxy Pre-Coat Finish
 20kV 20kV/10kA surge protection device
 CNV Field convertible to full cutoff

House-Side Shields

HSB House Side Black
 HSW House Side White

Prewired leads

L1H 1.5 ft. prewire leads
 L03 3 ft. prewire leads
 L10 10 ft. prewire leads
 L20 20 ft. prewire leads
 L25 25 ft. prewire leads
 L30 30 ft. prewire leads

Special Packaging

SSP Sample pack (UPS)

Accessories (ship separately):

247LFHSW Field installable white shield (HSW)
 247LFHSB Field installable black shield (HSB)
 247LFAY Field installable acrylic (AY) optic
 247LFPP Field installable polycarbonate (PY) optic

Note: Check the OPTIONS MATRIX on Page 3 for compatibility & restrictions

AEL American Electric Lighting

AEL Headquarters, 3825 Columbus Road, Granville, OH 43023
 www.americanelectricalighting.com

© 2019-2022 Acuity Brands Lighting, Inc. All Rights Reserved. 247L Rev. 09/12/22

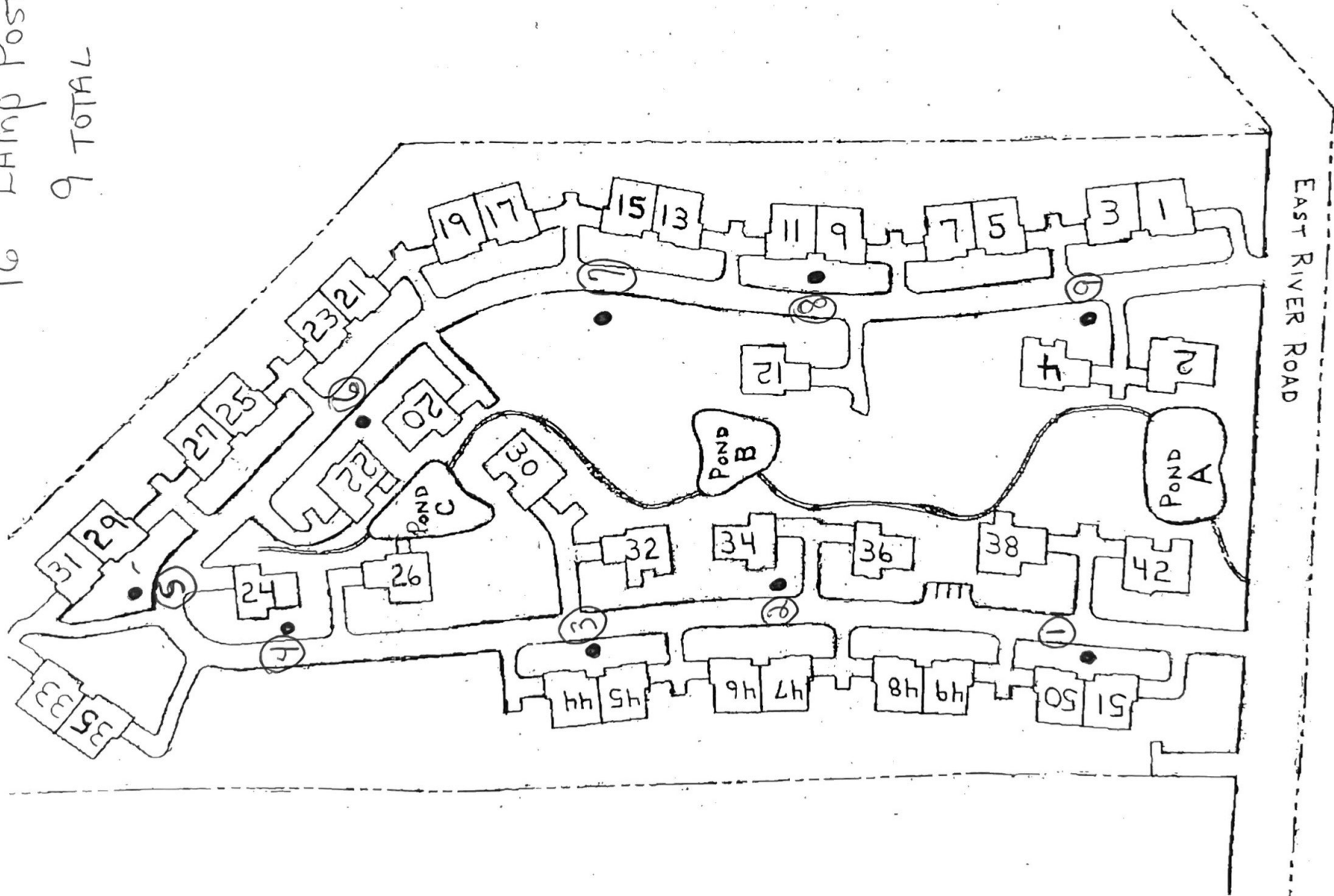
Warranty Five-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/resources/terms-and-conditions
 Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

Please contact your sales representative for the latest product information.

(LED)
16' Lamp Post & HEADS
9 TOTAL

VERLAY CONDOMINIUMS

2033 E. RIVER ROAD
NEWTON FALLS, OH. 44444





NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, May 17, 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 6:04 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
 Staff Absent: None
- IV. **Special Presentations by Staff Members or Invited Consultants**
 none
- V. **Public Comments (Agenda Items Only)**
 Julie Lemon – 609 Ridge Road
 She spoke against the motions on the agenda. She contends that a motion cannot overrule an ordinance. She stated that Mr. Fetterolf's motion is overly aggressive. She addressed Ms. Spletzer and asked several questions, including (1) Why are you questioning the validity of the CIC and (2) Why are you attacking the Heritage Accord when you previously supported them? She urged Council to work with caution on this topic. She spoke against 2023-18 and spoke against the city manager.

 Ana Eby – 50 W. 9th Street
 She spoke in support of Heritage Accord and asked for an explanation for wanting control of the community center. She also asked for the reasons there should be a part-time chief?

 Pat Benetis – 70 W 8th Street

She spoke against Council and asked several questions related to the police department, the current chief, the proposed part-time chief, and his duties. She spoke in support of the community center and against Mr. Baryak's stance on the community center issue.

Brenda Persino – 226 Oak Knoll

She sought clarification for the sudden interest in the community center and spoke in support of Heritage Accord. She spoke against 2023-18 and sought clarification from Mr. Baryak about the intent of the ordinance if the police department no longer exists and there is no money to fund it. She wondered if the ordinance means that the police department will return and how it will be paid for.

Adam Zimmermann – 515 Lemae Avenue

He spoke against Ms. Spletzer's motion. He held up what he stated were copies of the certificates and articles of incorporation for the CIC. He held up a copy of the lease. He spoke against Ordinance 2023-18 citing it as an unnecessary expense if it will be filled by another retired officer.

Jamie Kline – 312 Ridge Road

She spoke against Ms. Spletzer's motion and the need for specialized legal counsel. She addressed Mr. Baryak directly regarding his treatment of opposing candidates for City Council. She urged the firing of the Ms. Smeiles by the city manager.

Mr. Harnichar – 308 Elizabeth Street

He spoke about the need for a park bench. He was told that Parks and Recreation are working on it.

Judy Zimomra – representing Heritage Accord

She introduced herself as a new board member for Heritage Accord. She presented a packet of information that she seeks to address Council's questions and concerns about the community center building, including a letter from the Jeffries Family Foundation inviting Heritage Accord to the next round of a prestigious competition for funding and an Executive Summary of the New Falls Historic Structural Report. She addressed the issue of progress reports and provided five (5) dates that written reports were sent to Council between January 1, 2020 and today. She introduced a new board member with extensive experience in public service, David McKinstry, a long time Newton Falls resident who is now returning Newton Falls to live in retirement.

David McKinstry – representing Heritage Accord

He announced that posters will be hung regarding a Community Workday and he invited everyone to participate on June 3, 2023. The rain date is June 7 in the late afternoon.

Steve Simpson – 420 Ravenna Road

He spoke regarding the water leak at the community center. He described how the leak was discovered and how he isolated the 2-inch water line. He announced that he attempted to engage a repairman to assist with the repair and no damage was caused by the leak.

Rick Kerlin – 1009 Woodglen

He spoke on several topics, including his support for Heritage Accord. He provided history on the CIC stating that the Village does not own the property. He spoke in support of investigating the CIC for legitimacy. He spoke in support of Ordinance 2023-18 and defended the decisions of the Council with respect to the police department. He urged all residents to come to any upcoming meetings. He spoke in support of the Sherriff Department and the quality of their work.

VI. Reports

- a. Mayor
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf - He attended the TIB Meeting and understood that high interest rates benefit the city investments. He questioned the existence of quarterly reports or otherwise from the CIC and wondered why Ms. Stimpert should be receiving the reports and he wondered where they might be. The CIC holds a quit claim deed for the property and he wondered if the CIC was legitimate. He stated that a lack of progress in the community center development has caused the Council to want control so it can get grants to benefit it. Mayor Kline stated that he has received reports from the CIC. Ms. Priddy clarified that quarterly reports were requested by her and the law director; but they have not been received as expected.
 - ii. Ward 2 – Mr. Baryak – He did not attend the utility appeal meeting and thanked Mr. Rufener for doing so.
 - iii. Ward 3 – Ms. Spletzer – She attended the TIB Meeting. She stated that 80% of investments are in the 1-3 year range. They are working to improve the position of the 4-year range investments. Star Ohio investments are yielding 5%. The city earned nearly \$55,000 last year and is projected to earn about \$96,000 on the overall investment portfolio. A Parks and Recreation meeting will be held at 6:00 pm on May 23.
 - iv. Ward 4 – Mr. Rufener – He attended the utility appeals meeting and felt they were very fair and productive.
 - v. At-Large – Ms. Stimpert – She attended the Fire Board meeting last night. She stated they may sell the First Street property. Two men received promotions.
- c. Finance Director – The Sherriff has been paid. The last day of employment for the SRO was March 31. The utility department / finance department cross training is working well. He announced a new delinquent tax collections program will begin this summer. Mayor Kline asked for information about the part-time officers. Mr. Housley clarified the Chief and SRO were the only employees. The part-time officer is handling ongoing court cases, evidence collection and handling, records requests to be filled. Mr. Baryak asked how the payment worked for the Sherriff Department. Ms. Stimpert asked to know how the part-time officer was hired. Mrs. Priddy stated that he was recommended and had the necessary experience. It was also stated that the SRO resigned.
- d. Law Director – no report
- e. City Manager – She spoke on the following:
 - i. She attended the utility appeals meeting as an alternate.

- ii. The police town hall is an example of the Council following through on their promise to hold these meetings. There are no new funds for the police department.
- iii. AMVETS is planting flowers tomorrow and needs help.
- iv. The Senior Service Day was a success.
- v. She went to the Dairy Queen ribbon cutting.
- vi. She attended the TIB meeting and the investments are doing well.
- vii. The tree removal bids were received and processed for the Dunkin Donuts project.
- viii. A mosquito grant was received for two sprayings this summer.
- ix. The electric rate study has begun. One debt will be paid and might have a positive impact on the rates.
- x. She contacted the state regarding SR 534 and reducing the speed limits. A study will be conducted.
- xi. The Scott Street forgiveness loan application has been approved.
- xii. She applied for a NOPEC grant for roughly \$12,000 to be used for lighting in the downtown area.
- xiii. The trash contract is moving forward for August 1. Notices will come in the utility bills to communicate the schedule, etc....
- xiv. The Neptune Equipment Company (NECO) will begin installing larger water meters. There is no update for the smaller meters.
- xv. She signed an agreement with Sudsina and Associates to review the city's financial records. They will assist the Village by providing debt related financial planning and possibly assistance with control services. The Finance Director spoke in support of the work to clearly provide the community with an understanding of their current debt load. He recommended against the Charter Review Commission putting expectations for such in the Charter. Sudsina will provide a thorough audit of the city finances. Mr. Baryak spoke about Dunkin Donuts and his support for the clearing of the trees at a nearly \$20,000 savings. He also defended his position on the CIC. Ms. Stimpert asked about the financial cost of the study and was told that it is roughly \$7000-9000. She asked if it was true that the NOPEC grant had not been applied for since 2020.

Mr. Baryak asked Mayor Kline for a five-minute recess, and it was granted at 7:09 pm.

The meeting resumed at 7:15 pm.

Mayor Kline expressed frustration that his previous request for legislation was not placed on a regular meeting agenda. He asked if the city manager has an agreement with a company to produce video. Ms. Priddy stated that a contract has been signed with ARC Electronics. She added that the council was advised on May 9 and Mayor Kline responded to that message. The contract amount is within the city manager's spending limit.

The Mayor gave his report:

1. He spoke at the school banquet for students
2. He honored the Broken Leaf Café with Mayor's Choice.

Ms. Stimpert mentioned that Tom Colosimo has started the process to get the downtown on the registry of historic places.

Changes To Tonight's Agenda

VII. Approval of Previous Minutes

Regular Meeting Minutes May 3, 2023

Mr. Rufener made a motion to amend the draft meeting minutes to accurately reflect his comments that a planning and zoning meeting was cancelled, not a utility appeal meeting. Seconded by: Mr. Baryak.

Mr. Fetterolf said that Ms. Stimpert was receiving reports from the CIC and wanted to know if that was true. Ms. Stimpert said yes and that all of the council is getting the same information via email.

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

The motion to amend the minutes was passed 5-0.

The draft meeting minutes were amended.

Mr. Rufener made a motion to approve the draft meeting minutes as amended. Seconded by Ms. Spletzer.

No discussion.

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

The motion passed 5-0. The minutes were approved as amended.

VIII. Public Hearings

ORDINANCE 2023-16

Sponsor: Councilpersons Rufener and Stimpert

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF KIMBLE RECYCLING AND DISPOSAL, INC. ("KIMBLE") FOR THE NEW VILLAGE SOLID WASTE COLLECTION AND DISPOSAL CONTRACT, WITH RECYCLING, AND ENTER INTO A THREE-YEAR AGREEMENT WITH KIMBLE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND BID SPECIFICATIONS ISSUED BY THE VILLAGE AND BID PROPOSAL SUBMITTED BY KIMBLE

No public comments.

ORDINANCE 2023-17

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

Julie Lemon – 609 Ridge Road

She noted the \$220,000 difference for the police budget. She urged the Council to list the actual amendments in the ordinance in the future.

Adam Zimmermann – 515 Lemae Avenue

He spoke against the extra \$220,000 in the police fund. He noted the severance payments to a former employee. Why is the money available now; but wasn't in 2022?

IX. Unfinished Business

ORDINANCE 2023-16

Sponsor: Councilpersons Rufener and Stimpert

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF KIMBLE RECYCLING AND DISPOSAL, INC. ("KIMBLE") FOR THE NEW VILLAGE SOLID WASTE COLLECTION AND DISPOSAL CONTRACT, WITH RECYCLING, AND ENTER INTO A THREE-YEAR AGREEMENT WITH KIMBLE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND BID SPECIFICATIONS ISSUED BY THE VILLAGE AND BID PROPOSAL SUBMITTED BY KIMBLE

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Rufener

Seconded by Ms. Stimpert.

Mr. Baryak spoke in support of Kimble citing their transparency, their price for three years, and their willingness to meet all of the Village demands.

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

The motion passed 5-0. The ordinance was adopted. Final Reading.

ORDINANCE 2023-17

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.

Ms. Stimpert asked the administration to respond to the resident concerns made during public comments. Mr. Housley stated adjustments were made to the budget and those monies came from a planned street project that came in under budget and cuts were made to the city manager's budget. He clarified that the cost of the SRO was not being fully funded by the school and backpay for the previous Chief is being made this year due to delays in documentation. Ms. Stimpert asked if the ordinance could be amended to list the actual amendments. Mr. Bryan said that was unrealistic to put all that information in the title and that the exhibit contains all the information. Mr. Rufener asked Mr. Housley to clarify, within the exhibit, that bracketed numbers are reductions and unbracketed numbers are not reductions. Mr. Housley said yes. Mr. Rufener asked if this ordinance represents a dangerous "shell game" with money. Mr. Housley stated that the budget is never a shell game, the Village spends within its budget, but the reserves are designed to protect against overspending. The current state of the reserves is dangerous to the Village as they are too low. The city manager spoke in support of a third-party evaluator of the Village finances. Mr. Baryak spoke in support of the current approach that the administration is taking with the Village finances. Ms. Stimpert asked if the city manager receives benefits. Mr. Housley stated that she does not take health or dental insurance. She does receive life insurance, by law. Mayor Kline asked for clarification about the general fund. Mr. Housley explained that the police fund shares money with all other funds in the general fund, by law.

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

The motion passed 5-0. The ordinance was adopted. Final Reading.

X. New Business

MOTION

Sponsor: Councilperson Fetterolf

A Motion to direct the City Manager to require all departments and employees to take any necessary actions for the return of sole control of the Community Center.

No discussion.

Ms. Spletzer made a motion to amend the previous motion as noted in the MOTION TO AMEND THE MOTION as stated on the agenda. Seconded by Mr. Baryak.

MOTION TO AMEND THE MOTION

Sponsor: Councilperson Spletzer

A Motion to Amend the previous Motion to direct the City Manager to (1) Verify the legitimacy of the Newton Falls Community Improvement Corporation and to make sure that it is a viable entity in accordance with State and Federal guidelines; (2) To communicate with Heritage Accord regarding the "significant" water line break and to verify that any water damage has been mitigated and to verify that Heritage Accord continues to maintain insurance on the Community Center for potential claim against the policy; and (3) To gain access to evaluate the building and to seek specialized legal counsel if deemed necessary and within the City Manager's spending authority.

Mr. Rufener spoke against the need for specialized legal council if the goal is to remove the CIC from the situation. He asked what risk exists that the CIC will resist the Council? What is the benefit of this action? The law director stated that the CIC presents an unnecessary layer of bureaucracy, and it does not comply with laws related to non-profit status. He added that the CIC provides no observable benefit to the Village. The Heritage Accord attorney does not contest the move so long as the leaseholder rights aren't violated. State Auditors told the Village in 2015 to dissolve the CIC due to violations with state and federal filings. Mayor Kline asked if the CIC can be dissolved without affecting Heritage Accord's lease. The law director gave a preliminary opinion that the lease will not be affected if the contract holder changes from the CIC to the Village. Mr. Baryak advised the Mayor to abstain from the discussion due to his position on the CIC. Ms. Stimpert asked if a point of order needs a second. The law director stated that it does not. Ms. Stimpert asked what has been done since the prior meeting to gather information and to speak with Heritage Accord. It was stated that a conversation has not occurred; but will happen after this motion. Mr. Fetterolf stated that the CIC is the Mayor, the City Manager, and an appointee. He said the CIC is the contract holder, is non-compliant with legal obligations, and does not have an active board of directors. Ms. Priddy will not accept her position on the CIC. Ms. Spletzer said that she attended a CIC meeting in 2020 but it was not an active entity for many years. Ms. Stimpert asked if this motion is necessary. Mr. Bryan stated that his direction was to research the issue and write legislation as directed by Council. Mayor Kline asked if he has the power to dissolve the entity but was advised that the CIC must follow the rules established for it.

Mr. Rufener made a motion to amend the motion to strike items 2 and 3 from it and to read as follows: A motion to direct the City Manager to verify the legitimacy of the Newton Falls Community Improvement Corporation and to make sure that it is a viable entity in accordance with State and Federal guidelines. Ms. Spletzer seconded the motion

and added to it "...and provide a report from the staff by the second meeting on June 21." Ms. Stimpert asked if access was given to the City over the winter. Ms. Priddy stated that she went in to decorate. Mr. Housley spoke against striking out number 3. Ms. Spletzer spoke in support of specialized legal counsel as it relates to real estate contracts.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-no; Mr. Baryak-no; Ms. Spletzer-yes.

The motion passed 3-2. The amended motion was amended.

Mr. Rufener made a motion to pass the amended motion. Seconded by Ms. Speltzer. It was stated that the motion as written would not hurt the law director's efforts. Mr. Fetterolf spoke against the current state of the motion. Mr. Baryak spoke against the current state of the motion. Mayor Kline spoke in support of the current state of the motion.

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

The motion passed 5-0.

RESOLUTION 08-2023

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL ("NOPEC") 2023 ENERGIZED COMMUNITY GRANT FUNDS

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak said that this grant is \$12,000 and he spoke in support of it.

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

The resolution passed 5-0.

ORDINANCE 2023-18

Sponsor: Councilperson Baryak

AN ORDINANCE ESTABLISHING SECTION 141.07 OF THE ADMINISTRATIVE CODE PERTAINING TO THE POLICE CHIEF

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak said that a Chief has not been in place for months. He spoke in support of the Ordinance citing a lack of need for a full-time chief. Mr. Fetterolf said that the Sheriff's department was told they would not work under the NF Chief. He spoke in support as this being the cheapest course of action. Mr. Rufener asked if the current contract with Chief Fixler would be violated if this ordinance passed. Ms. Spletzer stated that the contracts at that time were rescinded by Council. Mr. Bryan advised for a discussion in a different forum. Mayor Kline asked about the value of this ordinance. Mr. Baryak stated that it saves the Village money and spoke in support of the ordinance.

Mr. Rufener made a motion to postpone the vote on Ordinance 2023-18 until it could be discussed in executive session contingent on a second motion to amend the order of the agenda to move the executive session to this point is successful. Seconded by Ms. Stimpert.

No discussion.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-no; Mr. Baryak-no; Ms. Spletzer-yes.

The motion passed 3-2. The vote was postponed.

Ms. Stimpert made a motion to amend the order of the agenda to move the executive session to this point. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Baryak-no; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-no.

The motion failed 3-2.

Mayor Kline called for a motion to adopt the ordinance.

Roll Call Vote: Ms. Spletzer-yes; Mr. Rufener-no; Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes.

The ordinance passed 3-2. First Reading.

XI. Public Comments

Judy Zimomra - 4718 St. Andrews Drive, Grove City OH

She applauded and thanked Council for their service and passion for this community.

She appreciates the conflict over how to save the property. She expressed interest in working with whomever to improve the property. She said that the CIC is a Village entity and the noncompliance issues belong to the Village, not the CIC.

Steve Simpson – 420 Ravenna Road

He stated that anyone who wants to come look at the community center property is welcomed. No one has asked. But, anyone is welcome.

Ana Eby – 50 W. 9th Street

She asked if the city has a key to the building. She reminded all that only 24 hours' notice is required for the landlord to enter the building. She addressed Mr. Housley and admonished him for increasing the budget of the city manager.

John Richards – 212 Albert Street

A charter review public information meeting will be held on May 30, 2023. He spoke in support of a third -party to perform the financial review of the city.

Pat Benetis –

She spoke against Ordinance 2023-18. She spoke in support of the senior lunches. She advocated for a janitor to handle the removal of tables and chairs and spoke against residents or visitors assisting with setup, cleanup, etc... for events.

Julie Lemon – 609 Ridge Road

She spoke about a phone call being made to the police on Election Day. She played the recording of the phone call. The police responded to that call. She and Jamie Kline made public records requests and she alleges that no one made complaints to the Board of Election. She called for Julie Smeiles to be fired alleging that she filed a false police report.

Jamie Kline –

She spoke in support of Ms. Lemon's statements and alleged that Julie Smeiles made a false allegation against her and Ms. Lemon with the Sheriff's Department. She addressed Mr. Housley and asked why an outside entity is needed to review Village finances. She asked Mr. Housley not to speak during Council proceedings.

Chelsea Harper – 515 High Street

She spoke against the Council addressing people directly during meetings. She spoke against the use of a third party to study the Village finances. She spoke against Ordinance 2023-18 stating it as a bad move with pending litigation.

Adam Zimmermann – 515 Lemae Avenue

He stated that the city manager is listed on the website as a member of the CIC alongside the zoning inspector and the mayor. He stated that a NOPEC grant was applied for in February, 2021 and passed by Council. He spoke against Ordinance 2023-18.

Dave Hanson – 20 S. Canal

He asked for the finance director and the clerk to return to full-time employment, on-site.

XII. Closing Remarks

Ward 1 – Mr. Fetterolf - No report.

Ward 2 – Mr. Baryak - He said that a replacement finance director is being trained in-house. He spoke in support of Mr. Housley's efforts to improve the Village's financial position from potential state receivership. He spoke in support of the Heritage Accord and being a steward of the Village monies.

Ward 3 – Ms. Spletzer – The Parks and Recreation Meeting will be held on May 23 at 6:00 pm at the Municipal Center.

Ward 4 – Mr. Rufener – He reminded about The Community Volunteer Day – He urged all resident to come together and work for the benefit of the Village.

At-Large – Ms. Stimpert – She invited everyone to come to the Fire Board Meetings. She appreciates the professionalism of the Fire Board and the way they conduct business. The next meeting is June 20.

City Manager – Ms. Priddy spoke on several topics including, the annual bridge inspection has been received from the Trumbull County Engineers Office and will be provided to the Council. She spoke about the truck that caused damage at the Wastewater Department. A claim will be filed against the trucking company. Flowers will be planted for Memorial Day this weekend. On Memorial Day, the road will be closed at Ridge Road and the bridge will be closed for the safety of all. She addressed Ms. Benetis and stated that SCOPE is responsible for moving the tables and chairs and she will speak with the SCOPE leaders. SCOPE has a new director.

Mayor Kline- He thanked the public and Council for their input tonight.

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

A Motion enter into executive session to discuss pending and imminent court action.

Moved by: Ms. Stimpert

Seconded by: Mr. Fetterolf

No discussion.

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

The motion passed 5-0. The executive session began at 9:23 pm.

A motion to exit executive session and resume the regular meeting.

Moved by: Ms. Stimpert

Seconded by: Mr. Fetterolf

No discussion.

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

The motion passed 5-0. The executive session ended at 10:00 pm and the regular session resumed.

XIV. Adjournment

Mayor Kline called for a motion to adjourn the regular meeting.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

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 at 10:01 pm.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, Council Clerk



Please join us!!

COMMUNITY WORK DAY

Sponsored by Heritage Accord

**NEWTON FALLS
COMMUNITY CENTER**

52 East Quarry Street

**SATURDAY
JUNE 3, 2023**

9:00AM - 1:00PM

OUTDOOR BEAUTIFICATION

Rain Date:

**Wednesday June 7th
3:00PM - 7:00PM**

**For Additional
Information**

Call 330-646-2239

or Email

heritageaccord@gmail.com



Join in the spring beautification of the Community Center grounds. We will be planting flowers and mulching around the building.

WHAT TO BRING:

**your gloves, rakes, shovels
and help make our
Community Center grounds
beautiful for the summer months.**



NEWS RELEASE

FOR IMMEDIATE RELEASE

Heritage Accord - Newton Falls, Ohio Community Center Restoration Project

Contact: HeritageAccord@gmail.com

Judie Zimomra 1-239-770-0013 (text or cell)

May 6, 2023

David McKinstry joins Heritage Accord Inc. (the Newton Falls, Ohio Community Center Renovation & Preservation Project) Board of Directors

David McKinstry, of Newton Falls, has joined the Board of Directors of the non-profit Heritage Accord Inc. David McKinstry is a third-generation resident of Newton Falls, his paternal grandmother's family moving to the village of Newton Falls in the 1910s. Graduating from Newton Falls High School in 1974, David attended Youngstown State University (YSU), graduating in 1978 with his Bachelor of Arts Degree in Political Science. While attending YSU, he was elected by the public to the Newton Falls Ohio School Board, winning a seat in 1975, the youngest elected School Board member in the State of Ohio at the time, at the age of 18. He went on to serve as a member of the Newton Falls Board of Education for 19 years, elected for 3 additional terms and appointed for one. McKinstry was a member of the School Board that brought the District through recovery following the devastating 1985 tornado.

After working in the banking sector for 10 years, McKinstry returned to YSU to earn a second degree in 1990, a Bachelor of Science Degree in Education. Thereafter McKinstry served as a teacher in the Trumbull County School Districts. In 1995, David began a different career as a Health and Safety Plant Manager at KraftMaid Cabinetry, where he spent the next 20 years. Before retiring in 2021, he spent 5 years in Lancaster Ohio as an Environmental, Health, Safety, and Security (EHSS) Plant Manager before returning to Newton Falls.

- More -

McKinstry has become involved with the Newton Falls Area Commerce Association and with the local alumni association, Newton Falls Schoolmates and Friends, where he currently serves on the Board of Trustees and as Treasurer.

"David McKinstry's lifetime commitment to Newton Falls, preserving history and public service is a great asset to our town and to the Community Center renovation and restoration project" stated Connie Smith Talcott, President of the Heritage Accord, Inc Board. In addition to Talcott, McKinstry joins Steve Simpson, Doug Fuller, E.V. Smith and Judith Ann Zimomra as members of the Heritage Accord Board, Inc. of Directors.

McKinstry added, "I am extremely pleased and honored to be allowed to be provided the opportunity to continue to serve the Newton Falls community. The restoration of our historic Community Center is a monumental task, but one which will honor those in our community who came before us while enriching our community for future generations."

The Newton Falls Community Center, located at 52 East Quarry Street, was originally dedicated in 1942 as a United Services Organization (U.S.O.) facility. The Newton Falls U.S.O. was the first facility in the country specifically designed and constructed to serve not only the military personnel but also the civilian defense workers, primarily those working at the Ravenna Ordnance Plant (also known locally as the Ravenna Arsenal).

The 10,800 square foot Newton Falls Community Center is owned by the Village of Newton Falls and leased to the Heritage Accord. Heritage Accord is a 501(c)(3) non-profit, incorporated and registered with the State of Ohio. The sole mission of Heritage Accord is to restore, renovate and preserve the Newton Falls Community Center such that it can be reopened and made available for public use.

This prominent structure is a nationally recognized landmark property and it is now listed on the National Register of Historic Places. As such, the renovations will be completed consistent with the U. S. Department of Interior's Standards and Guidelines for historic properties. Also, in 2017, the Newton Falls Community Center was recognized by both the Ohio Historical Society and the Trumbull County Historical Society for the historical significance of the structure.

Donations for the project may be made to Heritage Accord, P.O. 82, Newton Falls, Ohio 44444 or at any branch of Huntington Banks.

-END -

NEWS RELEASE

FOR IMMEDIATE RELEASE

Heritage Accord - Newton Falls, Ohio Community Center Restoration Project

Contact: HeritageAccord@gmail.com

Judie Zimomra 1-239-770-0013 (text or cell)

May 15, 2023

Volunteer to Show Love to historic

Newton Falls Community Center

Saturday, June 3rd

9 am to 1 pm

Outdoor Beautification Day

Citizens and all those who love Newton Falls Community Center are invited to participate in the Saturday, June 3rd Spring Beautification project of the outdoor grounds of the historic structure located at 52 East Quarry Street, Newton Falls, Ohio. Starting at 9 am and until 1 pm volunteers will be planting flowers and mulching the exterior planting beds.

There will be tasks available for volunteers of all abilities and skill levels. Those volunteering are requested to bring their gloves, rakes and shovels. The event is sponsored by the non-profit Heritage Accord Inc. For additional information call 330-646-2239 or email: heritageaccord@gmail.com.

The Newton Falls Community Center was originally dedicated in 1942 as a United Services Organization (U.S.O.) facility. The Newton Falls U.S.O. was the first facility in the country specifically designed and constructed to serve not only the military personnel but also the civilian defense workers, primarily those working at the Ravenna Ordnance Plant (also known locally as the Ravenna Arsenal).

The 10,800 square foot Newton Falls Community Center is owned by the Village of Newton Falls and leased to the Heritage Accord. Heritage Accord is a 501(c)(3) non-profit, incorporated and registered with the State of Ohio. The sole mission of Heritage Accord is to restore, renovate and preserve the Newton Falls Community Center such that it can be reopened and made available for public use.

This prominent structure is a nationally recognized landmark property and it is now listed on the National Register of Historic Places. As such, the renovations will be completed consistent with the U. S. Department of Interior's Standards and Guidelines for historic properties. Also, in 2017, the Newton Falls Community Center was recognized by both the Ohio Historical Society and the Trumbull County Historical Society for the historical significance of the structure.

Donations for the project may be made to Heritage Accord, P.O. 82, Newton Falls, Ohio 44444 or at any branch of Huntington Banks.

-END -

The Jeffris
Family Foundation

Dedicated to Midwestern
History Preservation

P.O. Box 1160 Janesville, WI 53547-1160

(608) 757-1039 Fax (608) 757-2352 info@jeffrisfoundation.org

May 15, 2023

Connie Smith Talcott, President
Heritage Accord
PO Box 82
Newton Falls, Ohio 44444

Pamela S. Priddy, City Manager
City of Newton Falls, OH
Municipal Center
612 West Broad Street
Newton Falls, OH 44444

Dear Connie and Pamela,

We are pleased to extend an invitation to your organization to submit a proposal for a Capital Campaign Challenge Grant from the Jeffris Family Foundation for 2023 to support the restoration of the Newton Falls Community Center in Newton Falls, Ohio. You have earned this opportunity by completing quality research and thoughtful planning for your project, and by preparing your community for a capital campaign.

Our Directors have been working with you to understand your needs and intentions to find a fit to the grant monies we have available this year. In our recent preliminary review of potential applicants in 2023, we undertook an approximate allocation of available grant monies to establish limits for each applicant. Please structure your proposal so your request is in the \$400,000 range, with your required match twice that sum, around \$800,000, to be raised by 6/30/2026. If you have questions, you should contact Nancy Finegood or me.

Compose and format your proposal as best it supports your project, but please briefly address the following:

1. Describe how the successful completion of your challenge grant will lead to a usable restored historic resource, or portion thereof, that will profoundly impact the community's perception of the site. Articulate the improved functionality and capacity this specific project will enable. If this project is one of several phases, articulate how this project fits into your larger vision.
2. List or describe the scope of work for this specific project and its probable cost, drawing directly upon the historic structure report and other planning documents. That scope should accomplish the goals you articulate above.

May 15, 2023

Page: 2

3. Summarize your campaign strategy, describing how the challenge will be met, and the anticipated date for completion of the project once the challenge has been met (not to exceed five years). Summarize your experience with capital fundraising, provide copies of any fundraising feasibility analysis, and identify professional fundraising counsel if such professionals will be used.

Your final proposal is due on July 20, 2023.

Please email your proposal to each of us by July 1, 2023. That will allow us time to review and suggest any changes, if necessary. If you do not hear back from us by July 15, your proposal is considered to be final. Please mail a hard copy of your proposal, along with any supporting documentation you wish to submit, to our office in Janesville.

Tom@JeffrisFoundation.org

Royce@JeffrisFoundation.org

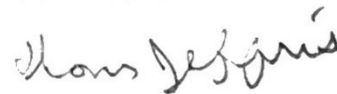
Nancy@JeffrisFoundation.org

Our annual board meeting this year will be on August 9, 2023. We will inform you of our decision shortly thereafter. If we approve, we will forward a formal grant agreement for your consideration and signature. Your fundraising in pursuit of your challenge goal can begin from the date of our annual meeting. Any money formally secured prior to approval at our annual meeting will be factored out of your required match of our challenge grant. Please note any funds raised towards our challenge must clearly specify that the gift is towards the Jeffris Family Foundation challenge grant for the project we approved. If you have any questions on this, please do not hesitate to ask.

We are happy to be able to extend this opportunity. We much appreciate the dedication of preservationists in small towns and cities across the Midwest to assure the character and landmarks that define their community are passed on to subsequent generations. About 90% of our challenge grants have been successfully met. We look forward to receipt of your proposal, and ultimately, to being a part of your success.

Sincerely,

JEFFRIS FAMILY FOUNDATION



Thomas M. Jeffris
President

TMJ:PJS

c: Mr. Royce Yeater (via email)
Ms. Nancy Finegood (via email)
Ms. Connie Smith Talcott (via email)

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-18
SPONSOR: Councilperson Baryak

**AN ORDINANCE ESTABLISHING SECTION 141.07 OF THE ADMINISTRATIVE
CODE PERTAINING TO THE POLICE CHIEF**

WHEREAS, the Council desires to establish Section 141.07 of the Village Administrative Code that designates the Police Chief position as a part-time, 20 hour per week position.

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

SECTION 1. That Council hereby and herein enacts Section 141.07 of the Village Administrative Code pertaining to the position of Village Police Chief, as set forth in the attachment hereto that is incorporated herein by reference. The salary for the part-time position of Police Chief shall be \$36,000 per annum, prorated based upon the effective date of this Ordinance.

SECTION 2. That any portions of any ordinances that are in conflict herewith are hereby repealed.

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

SECTION 4. That this Ordinance shall be effective as of the earliest date permitted by law.

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

141.07 POLICE CHIEF.

The position of Police Chief shall be a part-time twenty hour per week position. The salary for the position shall be as provided by Council.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 25-2023
SPONSOR: Councilpersons Fetterolf and Baryak

**A RESOLUTION OF SUPPORT FOR RESTORING, REOPENING, AND
PRESERVING THE NEWTON FALLS COMMUNITY CENTER**

WHEREAS, the Newton Falls Community Center was built in 1941 and dedicated in 1942 as a United States Service Organization (U.S.O.) facility; and

WHEREAS, the Newton Falls U.S.O was the first facility in the country specifically designed and constructed to serve not only military personnel but also the civilian defense workers in the area; and

WHEREAS, after WWII, in 1947, the facility was purchased by Newton Falls for use as a Community Center; and

WHEREAS, the Newton Falls Community Center is a nationally recognized landmark property that is listed on the National Register of Historic Places; and

WHEREAS, in 2015, the Community Center was closed to the public due to its need for repairs and the lack of funds to make those repairs; and

WHEREAS, the Village of Newton Falls is seeking grant funding avenues to repair, restore, reopen, and preserve the Newton Falls Community Center consistent with the U.S. Department of Interior's Standards and Guidelines for Historic Properties.

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

SECTION 1. That the Council of the Village of Newton Falls adopts the within Resolution of Support for restoring, reopening, and preserving the Newton Falls Community Center, all efforts to obtain the grant money necessary to accomplish the forgoing, and more specifically the Village's efforts to obtain an Appalachian Community Grant for this purpose.

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 25-2023
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

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 09-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE I, SECTION 6
DEFINING THE WORD SHALL**

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

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a Section 6 in Article I that defines the word 'shall'; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter designated as Article I, Section 6 of the Charter that defines the word 'shall'. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL THE CHARTER BE AMENDED TO ADD AN ARTICLE I,
SECTION 6 THAT STATES THE WORD 'SHALL' HAS A DEFINITIVE
LEGAL DEFINITION THAT MEANS MUST AND IMPOSES A
MANDATORY LEGAL OBLIGATION?

YES: _____

NO: _____

RESOLUTION NO. 09-2023
PAGE TWO

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

<p style="text-align: center;">CERTIFICATE</p> <p>I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.</p> <p style="text-align: center;">_____ City Clerk</p>
--

Article I

INCORPORATION, POWERS AND FORM OF GOVERNMENT

*

*

*

SECTION 6. DEFINITION; SHALL MEANS MUST.

As used in this Charter, the word 'shall' has a definitive legal definition that means must and imposes a mandatory legal obligation.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 10-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE III, SECTION 3 OF THE CHARTER PERTAINING TO
THE PROCEDURES FOR FILLING COUNCIL VACANCIES**

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 3 of the Charter be amended to modify the procedures for filling Council vacancies; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 3 of the Charter pertaining to the procedures for filling Council vacancies. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 3 OF THE CHARTER BE AMENDED TO:
MODIFY THE TIMEFRAME FOR COUNCIL TO FILL A VACANCY ON
COUNCIL FROM 60 TO 45 DAYS AND THE TIMEFRAME FOR THE
MAYOR TO FILL THE VACANCY IF COUNCIL FAILS TO ACT FROM 5
DAYS TO 15 DAYS; REQUIRE THE CLERK OF COUNCIL TO
ADVERTISE FOR INTERESTED QUALIFIED CANDIDATES AND
PROVIDE COUNCIL WITH A LIST OF QUALIFIED CANDIDATES THAT
APPLIED; RESTRICT COUNCIL TO ONLY SELECTING CANDIDATES
FROM THE LIST PROVIDED BY THE CLERK; AND NOT RESTRICT

RESOLUTION NO. 10-2023
PAGE TWO

THE MAYOR TO SELECTING CANDIDATES FROM THE LIST
PROVIDED BY THE CLERK?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

<p style="text-align: center;">CERTIFICATE</p> <p>I do hereby certify that the foregoing</p> <p>is a true and correct copy of</p> <p>Resolution No. _____ duly</p> <p>passed by the Council of the Village</p> <p>of the City of Newton Falls, Ohio on</p> <p>_____, 20_____.</p> <p>_____ City Clerk / Council Clerk</p>
--

Article III

CITY COUNCIL

*

*

*

SECTION 3. VACANCIES.

(a) Any vacancy in the office of Councilman ~~shall~~ may be filled within ~~60~~ 45 days of the creation of the vacancy by a majority vote of the remaining Councilmen. Upon failure to make such appointment for the vacant office of Councilman within ~~sixty (60)~~ 45 days, the Mayor ~~shall~~ must make such appointment within 5 15 days of the expiration of the 45 day period within which Council has the authority to make the appointment. A qualified elector as defined in Article III; Section 2 of the affected ward within the City shall fill vacancies of the office of Councilman. The individual filling the vacancy shall be appointed only until a general election can be held for the office. Should an incoming member die, resign, or be disqualified between the election and the time of taking office, the position shall be vacant until filled under the provisions of this section.

(b) Upon the existence of a vacancy in the office of Councilman, the Clerk of Council shall advertise for interested qualified candidates to fill the vacant Council position and provide Council with a list of the interested eligible candidates who applied. Council may only select candidates from the list provided by the Clerk of Council. If the appointment is made by the Mayor, the Mayor is not restricted to appointing a candidate from the list provided to Council by the Clerk.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 11-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE III, SECTION 4 OF THE CHARTER PERTAINING TO
THE COUNCIL VOTE THRESHOLD NECESSARY FOR THE REMOVAL OF A
COUNCILPERSON**

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 4 of the Charter be amended to modify the Council vote threshold for the removal of a Councilperson; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 4 of the Charter pertaining to the Council vote threshold for the removal of a Councilperson. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 4 OF THE CHARTER BE AMENDED TO
INCREASE THE COUNCIL VOTE THRESHOLD FOR THE REMOVAL
OF A COUNCILPERSON PURSUANT TO THAT SECTION FROM A
MAJORITY VOTE TO AT LEAST A FOUR-FIFTHS VOTE OF THE
MEMBERS OF COUNCIL ENTITLED TO VOTE ON THE QUESTION?

RESOLUTION NO. 11-2023
PAGE TWO

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct copy of
Resolution No. _____ duly
passed by the Council of the Village
of the City of Newton Falls, Ohio on
_____, 20____.

City Clerk / Council Clerk

Article III

CITY COUNCIL

* * *

SECTION 4. REMOVAL.

The office of an elective officer of the City shall be declared vacant by resolution of Council upon determination that the elective officer:

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

Council shall be the judge of the election and qualification of its own members. In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three consecutive regular meetings.

The decision of Council to remove an elected officer shall be made only upon the affirmative vote of ~~a majority~~ at least four-fifths of the members of Council entitled to vote on such question after a public hearing upon the charge or charges brought, and provided further, that the accused officer shall have been notified in writing of the charge or charges against him at least fifteen days in advance of such public hearing; and provided further, that he or his counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. An accused Member of Council shall not vote on the question of his removal, and the decision of Council after compliance with this section shall be final. Upon the removal of such officer, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

Once a member of Council is removed from office under this section he cannot run for office for two years from the date of removal.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 12-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE III, SECTION 10 OF THE CHARTER PERTAINING
TO A COUNCILMEMBER'S ABILITY TO HAVE ITEMS PLACED ON COUNCIL
MEETING AGENDAS**

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 10 of the Charter be amended to clarify the rules relating to a Councilmember's ability to have items placed on Council Meeting agendas; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 10 of the Charter clarifying the rules relating to a Councilmember's ability to have items placed on Council Meeting agendas. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 10 OF THE CHARTER BE AMENDED TO
REQUIRE THAT INDIVIDUAL COUNCILMEMBERS HAVE THE RIGHT
TO HAVE THEIR ITEMS OF INTEREST AND PROPOSED
ORDINANCES, RESOLUTIONS, OR MOTIONS PLACED ON COUNCIL
MEETING AGENDAS AS LONG AS THE ITEM IS SUBMITTED IN A
TIMELY MANNER AND ANOTHER MEMBER OF COUNCIL INDICATES
THEY ARE WILLING TO COSPONSOR THE ITEM?

RESOLUTION NO. 12-2023
PAGE TWO

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing

is a true and correct copy of

Resolution No. _____ duly

passed by the Council of the Village

of the City of Newton Falls, Ohio on

_____, 20_____.

City Clerk / Council Clerk

Article III

CITY COUNCIL

* * *

SECTION 10. PROCEDURE OF COUNCIL.

The Council shall determine its own rules and order of business insofar as they are not set forth in this Charter. The Council shall keep a journal of its proceedings which shall be a public record open to public inspection.

All legislative action shall be by ordinance or resolution, except when otherwise required by the Constitution or the laws of the State of Ohio, but departmental procedure and administrative matters may be transacted by motion recorded on the journal.

Each individual member of Council must have their items of interest or proposed ordinance, resolution, or motion placed on the agenda for any Regular Council Meeting if that item is submitted in a timely manner and another member of Council indicates they are willing the co-sponsor the item. Non-emergency ordinances that are previously submitted but not submitted in a timely manner must be added to a Council Meeting agenda if a Councilperson requests the addition of that ordinance to the agenda and that request is seconded by another Councilperson. Other agenda items not submitted in a timely manner may be added to a Council Meeting agenda in accordance with the Rules of Council in place at the time.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 13-2023
SPONSOR: Councilpersons Rufener and Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 11 OF THE CHARTER MANDATING THAT COUNCIL REVIEW AND EVALUATE THE PERFORMANCE OF THE CITY MANAGER ANNUALLY AND THAT THE CITY MANAGER'S APPOINTMENT AUTOMATICALLY EXPIRE 3 YEARS FROM THEIR APPOINTMENT DATE UNLESS THEY ARE REAPPOINTED WITHIN THE 6 MONTHS PRIOR TO THE EXPIRATION OF THE APPOINTMENT'S 3 YEAR AUTOMATIC EXPIRATION DATE

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 11 of the Charter be amended to mandate that Council review and evaluate the performance of the City Manager annually and that the City Manager's appointment automatically expire 3 years from their appointment date unless they are reappointed within the 6 months prior to the expiration of the appointment's 3 year automatic expiration date; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 11 of the Charter mandating that Council review and evaluate the performance of the City Manager annually and that the City Manager's appointment automatically expire 3 years from their appointment date unless they are reappointed within the 6 months prior to the expiration of the appointment's 3 year automatic expiration date. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 13-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 11 OF THE CHARTER BE AMENDED TO MANDATE THAT COUNCIL REVIEW AND EVALUATE THE PERFORMANCE OF THE CITY MANAGER ANNUALLY AND THAT THE CITY MANAGER'S APPOINTMENT AUTOMATICALLY EXPIRE 3 YEARS FROM THEIR APPOINTMENT DATE UNLESS THEY ARE REAPPOINTED WITHIN THE 6 MONTHS PRIOR TO THE EXPIRATION OF THE APPOINTMENT'S 3 YEAR AUTOMATIC EXPIRATION DATE?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Bradric T. Bryan, Law Director

<p style="text-align: center;">CERTIFICATE</p> <p>I do hereby certify that the foregoing</p> <p>is a true and correct copy of</p> <p>Resolution No. _____ duly</p> <p>passed by the Council of the Village</p> <p>of the City of Newton Falls, Ohio on</p> <p>_____, 20_____.</p> <p>_____ City Clerk / Council Clerk</p>

Article III

CITY COUNCIL

* * *

SECTION 11. APPOINTMENT OF THE CITY MANAGER.

The Council shall appoint an officer of the City who shall have the title of City Manager and shall have the powers and perform the duties provided in this Charter ~~provided~~. The Council shall set the terms and conditions of employment prior to the appointment of the City Manager, and such Manager may be removed only in accordance with such terms and conditions.

Council shall develop a method for reviewing and evaluating the performance of the City Manager, review and evaluate the performance of the City Manager pursuant to that method each year, and enter the results of that performance review and evaluation into the Council record each September.

The City Manager's appointment shall automatically expire three years from the effective date of their appointment unless they are reappointed as City Manager within six months prior to the appointment's three year automatic expiration date. The City Manager may not be reappointed as City Manager prior to six months before any applicable three year automatic appointment expiration date.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 14-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE III, SECTION 12 OF THE CHARTER TO PERMIT
COUNCILMEMBERS TO DIRECTLY REQUEST INFORMATION FROM
DEPARTMENT HEADS AND MODIFY AND ESTABLISH PROCEDURES AND
PENALTIES FOR COUNCILPERSONS WHO INTERFERE WITH THE
APPOINTMENT OR REMOVAL OF ADMINISTRATIVE EMPLOYEES OR GIVE
ORDERS TO SUBORDINATES OF THE CITY MANAGER**

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 12 of the Charter be amended to permit Councilmembers to directly request information from Department Heads and modify and establish procedures and penalties for Councilpersons who interfere with the appointment or removal of administrative employees or give orders to subordinates of the City Manager; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 12 of the Charter to permit Councilmembers to directly request information from Department Heads and modify and establish procedures and penalties for Councilpersons who interfere with the appointment or removal of administrative employees or give orders to subordinates of the City Manager. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 14-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 12 OF THE CHARTER BE AMENDED TO PERMIT COUNCILMEMBERS TO DIRECTLY REQUEST INFORMATION FROM DEPARTMENT HEADS AND MODIFY AND ESTABLISH PROCEDURES AND PENALTIES FOR COUNCILPERSONS WHO INTERFERE WITH THE APPOINTMENT OR REMOVAL OF ADMINISTRATIVE EMPLOYEES OR GIVE ORDERS TO SUBORDINATES OF THE CITY MANAGER?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Article III

CITY COUNCIL

* * *

SECTION 12. INTERFERENCE WITH APPOINTMENTS.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. The Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately, except that a Councilperson shall be permitted to request information from Department Heads that is related to the performance of their Council duties. ~~Any Councilman charged with violating the provisions of this section upon conviction thereof, shall be guilty of a misdemeanor and shall thereby cease to be a councilman.~~

Charges against a Councilperson for violating this Section shall be requested by at least two Councilpersons during a Regular Meeting of Council. The details of the charges shall be presented in writing to the Director of Law and discussed in an open Council Meeting. Thereafter, the Director of Law shall draft the charges against the accused official, and the matter shall be placed on the agenda for the next Regular Council Meeting. If a majority of the non-accused Councilpersons vote to proceed with the charges at the Council Meeting at which the charges drafted by the Director of Law are presented, the Mayor, or the Vice-President of Council if the Mayor is the person charged, shall schedule a Special Council Meeting, open to the public, to be held within 15 days, to hear testimony regarding the charges. At that Special Council Meeting, the accused shall have the opportunity to cross examine all witnesses and present a defense. At the conclusion of the Special Council Meeting, Council shall vote whether to Censure the accused based upon the charges and evidence presented. A censure motion shall pass by a minimum of a four-fifths vote of the non-accused members of Council. If the Censure motion is adopted by Council, the Director of Law shall prepare a written public reprimand of the offending official to be delivered by the Mayor or Director of Law at the next Regular Council Meeting after the passage of the Censure motion. In addition to being censured and publicly reprimanded, persons who are censured a second time shall be subject to a loss of Council pay for a period of 3 months. In addition to being censured and publicly reprimanded, persons who are censured a third or subsequent time shall be subject to a loss of Council pay for a period of 4 months. A censured Councilmember shall continue to serve on Council and vote on any other proceedings.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 15-2023
SPONSOR: Councilpersons Rufener and Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 16 OF THE CHARTER REQUIRING ALL ORDINANCES, EXCEPT EMERGENCY ORDINANCES, TO HAVE AN ADDITIONAL THIRD READING WHEN COUNCIL HAS A VACANCY UNLESS THE ORDINANCE IS ADOPTED ON THE SECOND READING BY AN AFFIRMATIVE VOTE OF AT LEAST FOUR-FIFTHS OF THE CURRENT MEMBERS OF COUNCIL

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 16 of the Charter be amended to require all ordinances, except emergency ordinances, to have an additional third reading when Council has a vacancy unless the ordinance is adopted on the second reading by an affirmative vote of at least four-fifths of the current members of Council; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 16 of the Charter requiring all ordinances, except emergency ordinances, to have an additional third reading when Council has a vacancy unless the ordinance is adopted on the second reading by an affirmative vote of at least four-fifths of the current members of Council. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 15-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 16 OF THE CHARTER BE AMENDED TO REQUIRE ALL ORDINANCES, EXCEPT EMERGENCY ORDINANCES, TO HAVE AN ADDITIONAL THIRD READING WHEN COUNCIL HAS A VACANCY UNLESS THE ORDINANCE IS ADOPTED ON THE SECOND READING BY AN AFFIRMATIVE VOTE OF AT LEAST FOUR-FIFTHS OF THE CURRENT MEMBERS OF COUNCIL?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Article III

CITY COUNCIL

*

*

*

SECTION 16. PROCEDURE FOR PASSAGE OF ORDINANCES AND FIRST READING.

Every ordinance, except emergency ordinances, shall be introduced in writing in the form in which it is to be finally passed, and after passage on first reading shall be published by title only, at least once, in a newspaper of general circulation in the City, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for the public hearing.

When Council has a vacancy, every ordinance, except emergency ordinances, must have an additional third reading with two weeks between the first and second readings and two weeks between the second and third readings, unless the ordinance is adopted on the second reading by an affirmative vote of at least four-fifths of the current members of Council.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 16-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE III, SECTION 21 OF THE CHARTER MODIFYING
THE COUNCIL VOTE THRESHOLD NECESSARY FOR THE PASSAGE OF
EMERGENCY ORDINANCES FROM A TWO-THIRDS TO A FOUR-FIFTHS VOTE OF
THE MEMBERS ELECTED TO COUNCIL**

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

WHEREAS, the Charter Review Commission recommended that Article III, Section 21 of the Charter be amended to modify the Council vote threshold for the passage of emergency ordinances from a two-thirds to a four-fifths vote of the members elected to Council; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article III, Section 21 of the Charter modifying the Council vote threshold for the passage of emergency ordinances from a two-thirds to a four-fifths vote of the members elected to Council. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE III, SECTION 21 OF THE CHARTER BE AMENDED TO
MODIFY THE COUNCIL VOTE THRESHOLD NECESSARY FOR THE
PASSAGE OF EMERGENCY ORDINANCES FROM A TWO-THIRDS
VOTE OF THE MEMBERS ELECTED TO COUNCIL TO A FOUR FIFTHS
VOTE OF THE MEMBERS ELECTED TO COUNCIL?

RESOLUTION NO. 16-2023
PAGE TWO

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20_____.

City Clerk / Council Clerk

Article III

CITY COUNCIL

*

*

*

SECTION 21. EMERGENCY ORDINANCES.

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

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

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 17-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE IV, SECTION 2 OF THE CHARTER REGARDING
THE DUTIES OF THE CITY MANAGER TO REQUIRE THE CITY MANAGER TO
NOTIFY COUNCIL IN WRITING WITHIN ONE BUSINESS DAY OF SUSPENDING AN
EMPLOYEE WITH PAY AND NOTIFY COUNCIL IN WRITING BEFORE
SUSPENDING AN EMPLOYEE WITHOUT PAY OR TERMINATING AN EMPLOYEE**

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

WHEREAS, the Charter Review Commission recommended that Article IV, Section 2 of the Charter regarding the duties of the City Manager be amended to require the City Manager to notify Council in writing within one business day of suspending an employee with pay and notify Council in writing before suspending an employee without pay or terminating an employee; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article IV, Section 2 of the Charter regarding the duties of the City Manager to require the City Manager to notify Council in writing within one business day of suspending an employee with pay and notify Council in writing before suspending an employee without pay or terminating an employee. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 17-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE IV, SECTION 2 OF THE CHARTER REGARDING THE DUTIES OF THE CITY MANAGER BE AMENDED TO REQUIRE THE CITY MANAGER TO NOTIFY COUNCIL IN WRITING WITHIN ONE BUSINESS DAY OF SUSPENDING AN EMPLOYEE WITH PAY AND NOTIFY COUNCIL IN WRITING BEFORE SUSPENDING AN EMPLOYEE WITHOUT PAY OR TERMINATING AN EMPLOYEE?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20_____.

City Clerk / Council Clerk

ARTICLE IV CITY MANAGER

* * *

SECTION 2. DUTIES.

The City Manager shall be the administrative head of the City.

- a. He shall in accordance with the law appoint, supervise, suspend and remove all officers and employees of the City under his jurisdiction.
- b. He shall see that the contracts and ordinances of the City and the laws of the State of Ohio are enforced.
- c. He shall make such recommendations to the Council concerning the affairs of the City as may seem to him desirable, keep Council advised of the financial condition and future needs of the City, prepare and submit an annual report, and such other reports as may be required by Council, issue all licenses and permits pursuant to ordinance, and perform all other duties prescribed for him in this Charter, or imposed upon him by any measure of Council.
- d. The City Manager, together with such subordinates as he shall designate, shall be entitled to sit with Council and all of the City's boards and commissions, and to take part in any discussion, but shall have no vote; except as may be otherwise set forth in this charter.
- e. Specifically, however, the City Manager shall not be entitled to sit with the Civil Service Commission.
- f. The City Council shall appoint any qualified individual to perform the duties of City Manager during the City Manager's temporary absence or disability. Such approval shall be given, by motion, to the City Clerk.
- g. He shall prepare and submit to Council with the assistance of the Finance Director, a budget no later than November 15 of each year to be adopted by Council prior to December 31.
- h. He shall act as purchasing agent for the City and shall sign all contracts, bonds and notes on behalf of the City.
- i. He shall act as supervisor and chief administrator to the Charter listed Department Heads and maintains the right to discipline, short of termination, those Department Heads provided the discipline is within the bounds of any employment contract in place and assuring all City Charter prescribed duties of Department Heads remain in full force and effect.
- j. In the event the City Manager suspends any employee with pay, the City Manager shall notify Council of such suspension in writing within one business day of the issuance of the suspension.
- k. The City Manager is required to notify Council in writing before suspending any employee without pay or terminating any employee.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 18-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE IV, SECTION 3
PERTAINING TO THE ACKNOWLEDGEMENT OF AND UPDATES ON THE STATUS
OF PUBLIC RECORDS REQUESTS**

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

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a Section 3 in Article IV that requires requests for public records to be acknowledged within 2 business days of the date on which they were received and the provision of a written status update for all pending requests at least once every 3 weeks; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter designated as Article IV, Section 3 that requires requests for public records to be acknowledged within 2 business days of the date on which they were received and the provision of a written status update for all pending requests at least once every 3 weeks. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 18-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL THE CHARTER BE AMENDED TO ADD AN ARTICLE IV,
SECTION 3 THAT REQUIRES PUBLIC RECORDS REQUESTS TO BE
ACKNOWLEDGED WITHIN 2 BUSINESS DAYS OF THE DATE ON
WHICH THEY WERE RECEIVED AND THE PROVISION OF A WRITTEN
STATUS UPDATE FOR ALL PENDING REQUESTS AT LEAST ONCE
EVERY THREE WEEKS?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and
correct copy of Resolution No. _____ duly
passed by the Council of the Village of the City of
Newton Falls, Ohio on _____,
20_____.

City Clerk / Council Clerk

Article IV

CITY MANAGER

*

*

*

SECTION 3. REQUESTS FOR PUBLIC RECORDS.

The receipt of all requests for public records shall be acknowledged by the City within two business days of the date on which they were received. If a public records request is not completely fulfilled, responded to, and/or denied within three weeks of the date on which it is received, the requester shall receive written correspondence regarding the status of the request at least once within every three week interval until such time the request is completely fulfilled, responded to, and/or denied.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 19-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE V, SECTION 1 OF THE CHARTER PERTAINING TO
THE DEPARTMENT OF LAW TO ADD LANGUAGE REFERENCING SECTIONS
733.56 TO 733.58 OF THE OHIO REVISED CODE AND TAXPAYER'S DEMANDS
AND SUITS**

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

WHEREAS, the Charter Review Commission recommended that Article V, Section 1 of the Charter pertaining to the Department of Law be amended to add language referencing Sections 733.56 to 733.58 of the Ohio Revised Code and Taxpayer's Demands and Suits; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article V, Section 1 of the Charter pertaining to the Department of Law be amended to add language referencing Sections 733.56 to 733.58 of the Ohio Revised Code and Taxpayer's Demands and Suits. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE V, SECTION 1 OF THE CHARTER PERTAINING TO
THE DEPARTMENT OF LAW BE AMENDED TO ADD LANGUAGE
REFERENCING SECTIONS 733.56 TO 733.58 OF THE OHIO REVISED
CODE AND TAXPAYER'S DEMANDS AND SUITS?

RESOLUTION NO. 19-2023
PAGE TWO

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Article V

DEPARTMENTS

SECTION 1. DEPARTMENT OF LAW.

There shall be a Department of Law, the head of which shall be the Director of Law, who shall be appointed and removed by Council and shall serve under the supervision of the City Manager.

The Director of Law shall be an attorney-at-law who shall have practiced in this State for at least five years.

The Director of Law shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the City in all legal proceedings, unless otherwise authorized by City Council, necessitated by contractual obligations, or as required by law. It shall be his duty to perform all services incident to the Department of Law as may be required by statute, or by ordinance or resolution of the eCouncil.

In case the Director of Law, upon the written request of any taxpayer of the City, fails to make any application provided for in Sections 733.56 to 733.58 of the Ohio Revised Code, the taxpayer may institute suit in the taxpayer's own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the Director of Law shall first have been made, nor until the taxpayer gives security for the cost of the proceeding.

If the court hearing any such action is satisfied that the taxpayer had good cause to believe the taxpayer's allegations were well founded, or if they are sufficient in law, it shall make such order as the equity of the case demands. In such case the taxpayer shall be allowed the taxpayer's costs, and if judgment is finally ordered in the taxpayer's favor, the taxpayer may be allowed, as part of the costs, a reasonable compensation for the taxpayer's attorney.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 20-2023
SPONSOR: Councilpersons Rufener and Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VI, SECTION 1 OF THE CHARTER PERTAINING TO THE CIVIL SERVICE COMMISSION CLARIFYING THAT WHILE NEWTON FALLS IS A VILLAGE, THE COMMISSION SHALL HAVE NO AUTHORITY OVER OR ROLE IN THE HIRING OR PROMOTION OF EMPLOYEES BUT SHALL CONTINUE TO HAVE ALL POWERS AND DUTIES GRANTED TO OHIO MUNICIPAL CIVIL SERVICE COMMISSIONS WITH RESPECT TO APPEALS OF EMPLOYMENT DECISIONS BY EMPLOYEES IN THE NEWTON FALLS CLASSIFIED CIVIL SERVICE

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

WHEREAS, the Charter Review Commission recommended that Article VI, Section 1 of the Charter pertaining to the Civil Service Commission be amended to clarify that while Newton Falls is a Village, the Commission shall have no authority over or role in the hiring or promotion of employees but shall continue to have all powers and duties granted to Ohio municipal civil service commissions with respect to appeals of employment decisions by employees in the Newton Falls classified civil service; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article VI, Section 1 of the Charter pertaining to the Civil Service Commission to clarify that while Newton Falls is a Village, the Commission shall have no authority over or role in the hiring or promotion of employees but shall continue to have all powers and duties granted to Ohio municipal civil service commissions with respect to appeals of employment decisions by employees in the Newton Falls classified civil service. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the

RESOLUTION NO. 20-2023
PAGE TWO

November 7, 2023 Municipal Election.

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE VI, SECTION 1 OF THE CHARTER PERTAINING TO THE CIVIL SERVICE COMMISSION BE AMENDED TO CLARIFY THAT WHILE NEWTON FALLS IS A VILLAGE, THE COMMISSION SHALL HAVE NO AUTHORITY OVER OR ROLE IN THE HIRING OR PROMOTION OF EMPLOYEES BUT SHALL CONTINUE TO HAVE ALL POWERS AND DUTIES GRANTED TO OHIO MUNICIPAL CIVIL SERVICE COMMISSIONS WITH RESPECT TO APPEALS OF EMPLOYMENT DECISIONS BY EMPLOYEES IN THE NEWTON FALLS CLASSIFIED CIVIL SERVICE?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE
I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Article VI

COMMISSIONS AND BOARDS

SECTION 1. CIVIL SERVICE COMMISSION.

The Civil Service Commission shall consist of three members, who shall be qualified electors of the City and shall be appointed for terms of six years each by a majority vote of the members elected to Council; provided that the first persons appointed by Council pursuant to this section shall be appointed as follows: one member shall be appointed for a two year term, one member shall be appointed for a four year term, and one member shall be appointed for a six year term and thereafter each member shall be appointed for a six year term and shall continue in office until his successor is appointed.

The Commission members shall designate one of the three as chairman and one of the three as secretary. No member of the Civil Service Commission shall hold any other office or employment with the City and not more than two members shall be members of the same political party. Each member of the Civil Service Commission shall be paid \$10.00 per meeting, not to exceed \$100.00 per year and to be paid on or before December 31.

The civil service of the Municipality is hereby divided into unclassified and classified service. The unclassified service shall include;

City Manager	City Clerk
Director of Law	All other employees of Council
Director of Finance	All temporary employees
Police Chief	All part-time employees
Unskilled Labor	All employees of the Newton Falls Municipal Court System
Emergency Management Director	
Zoning Administrator	All elected officials and their secretaries
Members of Boards and Commissions established by this Charter or ordinance	
All employees with professional qualifications engaged as consultants	

The classified civil service shall comprise of all positions not specifically included by this section in the unclassified service. Only during times in which Newton Falls is a City pursuant to the laws of Ohio, The Civil Service Commission may certify the top three candidates from a promotional exam to the appointing officer for promotion to any position within the classified service.

The Commission shall have all powers and duties granted and imposed by the general laws of the State of Ohio to civil service commissions with respect to appeals of employment decisions pertaining to and affecting employees in the Newton Falls classified civil service; and shall be controlled by such statutes except where the same are in conflict with this Charter. While Newton Falls is a Village pursuant to the laws of Ohio, the Commission shall have no authority over or role in connection with the hiring or promotion of Newton Falls employees.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 21-2023
SPONSOR: Councilpersons Rufener and Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE CHARTER PERTAINING TO THE PARKS AND RECREATION BOARD REQUIRING: THE CITY MANAGER TO SUPERVISE THE REC. BOARD BUDGET AND PURCHASING FUNCTIONS; THE BOARD TO BE CONSULTED ON ITS BUDGET BEFORE IT IS FORMULATED BY COUNCIL; THE FINANCE DIRECTOR TO PROVIDE MONTHLY BUDGET REPORTS TO THE BOARD; AND THE BOARD TO DEVELOP AN ANNUAL PLAN FOR THE USE OF ITS APPROPRIATED FUNDS

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

WHEREAS, the Charter Review Commission recommended that Article VI, Section 3 of the Charter pertaining to the Parks and Recreation Board be amended to require: the City Manager to supervise the Rec. Board budget and purchasing functions; the Board to be consulted on its budget before it is formulated by Council; the Finance Director to provide monthly budget reports to the Board; and the Board to develop an annual plan for the use of its appropriated funds; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article VI, Section 3 of the Charter pertaining to the Parks and Recreation Board to require: the City Manager to supervise the Rec. Board budget and purchasing functions; the Board to be consulted on its budget before it is formulated by Council; the Finance Director to provide monthly budget reports to the Board; and the Board to develop an annual plan for the use of its appropriated funds. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 21-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE VI, SECTION 3 OF THE CHARTER PERTAINING TO THE PARKS AND RECREATION BOARD BE AMENDED TO REQUIRE: THE CITY MANAGER TO SUPERVISE THE REC. BOARD BUDGET AND PURCHASING FUNCTIONS; THE BOARD TO BE CONSULTED ON ITS BUDGET BEFORE IT IS FORMULATED BY COUNCIL; THE FINANCE DIRECTOR TO PROVIDE MONTHLY BUDGET REPORTS TO THE BOARD; AND THE BOARD TO DEVELOP AN ANNUAL PLAN FOR THE USE OF ITS APPROPRIATED FUNDS?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

CERTIFICATE
I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Bradric T. Bryan, Law Director

Article VI

COMMISSIONS AND BOARDS

* * *

SECTION 3. PARKS AND RECREATION BOARD.

The Parks and & Recreation Board shall consist of three (3) members, who shall be qualified electors of the City, appointed for staggered terms of three (3) years. The initial Parks and & Recreation Board shall be appointed as follows: Beginning in 2019 one term expires at the end of 2019, one term expires at the end of 2020, and one term expires at the end of 2021, thereafter to be three-year terms. Members of the Parks and & Recreation Board shall be appointed by a majority of Council. Each appointed member of the Parks and & Recreation Board shall be paid \$10.00 per meeting, not to exceed \$100.00 per year to be paid on or before December 31 of each year. Any vacancy during the unexpired term of an appointive member shall be filled by the Council for the remainder of the terms.

The Parks and Recreation Board shall provide for the development, maintenance, and operation of the parks, playgrounds, Community Center and recreational facilities and programs of the City. The Parks and Recreation Board shall have a general policy making authority, subject to the appropriations and approval of Council, ~~and under the supervision of the City Manager.~~

Labor and equipment to perform the work of the Parks and Recreation Board shall be supplied in accordance with the appropriations of Council and under the supervision of the City Manager, who shall also be responsible for the purchasing functions.

The Director of Finance shall provide the Parks and Recreation Board with a monthly detailed accounting of all funds appropriated to and expended from the Parks and Recreation budget.

Within 30 days of the adoption of the annual appropriations for the following year, the Director of Finance shall notify the Parks and Recreation Board as to the amount of money appropriated for parks and recreation for that year. Before the budget is formulated, the Parks and Recreation Board shall be consulted as to the amount to be allocated for the development, maintenance, and operation of the parks, playgrounds, Community Center, recreational facilities, and recreational programs. The Parks and Recreation Board shall develop an annual plan for the most effective and beneficial use of the funds appropriated by Council and submit that plan to the City Manager and Council. The Parks and Recreation Board shall consult with the Director of Finance and Council about establishing funds to be used for seeking grants to assist with fulfilling the responsibilities of the Parks and Recreation Board.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 22-2023
SPONSOR: Councilpersons Rufener and Stimpert

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE VI, SECTION 4 OF THE CHARTER PERTAINING TO THE TREASURY INVESTMENT BOARD TO CHANGE THE COMPOSITION OF THE BOARD FROM THE FINANCE DIRECTOR, CITY MANAGER, LAW DIRECTOR, AND 2 MEMBERS OF COUNCIL TO THE FINANCE DIRECTOR, CITY MANAGER, 1 MEMBER OF COUNCIL, AND 2 ELECTORS WHO DO NOT HOLD ANY OTHER CITY OFFICE OR APPOINTMENT

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

WHEREAS, the Charter Review Commission recommended that Article VI, Section 4 of the Charter pertaining to the Treasury Investment Board be amended to change the composition of the Board from the Finance Director, City Manager, Law Director, and 2 members of Council to the Finance Director, City Manager, one member of Council; and 2 electors who do not hold any other City office or appointment; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to Article VI, Section 4 of the Charter pertaining to the Treasury Investment Board be amended to change the composition of the Board from the Finance Director, City Manager, Law Director, and 2 members of Council to the Finance Director, City Manager, one member of Council; and 2 electors who do not hold any other City office or appointment. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 22-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL ARTICLE VI, SECTION 4 OF THE CHARTER PERTAINING TO THE TREASURY INVESTMENT BOARD BE AMENDED TO CHANGE THE COMPOSITION OF THE BOARD FROM THE FINANCE DIRECTOR, CITY MANAGER, LAW DIRECTOR, AND 2 MEMBERS OF COUNCIL TO THE FINANCE DIRECTOR, CITY MANAGER, 1 MEMBER OF COUNCIL, AND 2 ELECTORS WHO DO NOT HOLD ANY OTHER CITY OFFICE OR APPOINTMENT?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

CERTIFICATE
I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Bradric T. Bryan, Law Director

Article VI

COMMISSIONS AND BOARDS

* * *

SECTION 4. TREASURY INVESTMENT BOARD.

The Treasury Investment Board shall consist of 5 members: the Finance Director, City Manager, ~~Law Director, and two~~ one members of Council, and two qualified electors of the City, who do not hold any other City office or appointment. Starting in 2024, one of the qualified electors shall be appointed to a 3 year term ending on December 31, 2026, and the other qualified elector shall be appointed to a 2 year term ending on December 31, 2025. As of the expiration of each of those terms and each succeeding term thereafter, the qualified electors shall be appointed to 3 year terms. Appointments to the qualified elector positions shall be made by a majority vote of Council. Council's representatives to the Treasury Investment Board shall ~~include be the Chairman of the Finance Committee and one other member chosen by a majority vote of Council. Each Council representative's term on the Treasury Investment Board shall be the same as his term on Council.~~

The Treasury Investment Board shall supervise and control the direction of the investments of any surplus, reserve, or inactive funds of the City and shall direct the investments as are permitted to fiduciaries by general law.

The Treasury Investment Board shall hold a quarterly meeting and submit a written report to City Council following each meeting of the Board.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 23-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE VI, SECTION 7
REQUIRING THE CLERK OF COUNCIL TO ADVERTISE FOR AND MAINTAIN LISTS
OF QUALIFIED ELECTORS WHO ARE INTERESTED AND WILLING TO BE
APPOINTED TO VACANCIES ON CITY BOARDS AND COMMISSIONS**

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

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a Section 7 in Article VI that requires the Clerk of Council to advertise for and maintain lists of qualified electors who are interested in and willing to be appointed to vacancies on City Boards and Commissions; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter designated as Article VI, Section 7 that requires the Clerk of Council to advertise for and maintain lists of qualified electors who are interested in and willing to be appointed to vacancies on City Boards and Commissions. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 23-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL THE CHARTER BE AMENDED TO ADD AN ARTICLE VI,
SECTION 7 THAT REQUIRES THE CLERK OF COUNCIL TO
ADVERTISE FOR AND MAINTAIN LISTS OF QUALIFIED ELECTORS
WHO ARE INTERESTED AND WILLING TO BE APPOINTED TO
VACANCIES ON CITY BOARDS AND COMMISSIONS?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

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

CERTIFICATE

I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.

City Clerk / Council Clerk

Article VI

COMMISSIONS AND BOARDS

* * *

SECTION 7. APPOINTMENT LISTS.

The Clerk of Council shall, at least once every three months, advertise and solicit for qualified electors who are interested and willing to be appointed to vacancies on City Boards and Commissions to submit their names and addresses to the Clerk along with the Board(s) and/or Commission(s) upon which they are interested in serving. The Clerk shall at all times maintain a list of interested and qualified persons for each City Board and Commission. Once an individual has submitted their name and address and their Commission(s) and/or Board(s) of interest, their name shall remain on the list(s) until they are appointed to a Board or Commission, they ask for their name to be removed, or they become ineligible for appointment, whichever occurs first.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 24-2023
SPONSOR: Councilpersons Rufener and Stimpert

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO THE CHARTER DESIGNATED AS ARTICLE VI, SECTION 8
REQUIRING THE PROVISION OF SUFFICIENT ACCOMMODATIONS AND THE
APPROPRIATION OF SUFFICIENT FUNDS TO ALL CITY COMMISSIONS AND
BOARDS THAT ARE REASONABLY NECESSARY FOR THE PARTICULAR
COMMISSION OR BOARD TO CARRY OUT ITS DUTIES AND FUNCTIONS**

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

WHEREAS, the Charter Review Commission recommended that the Charter be amended to include a Section 8 in Article VI that requires the provision of sufficient accommodations and the provision of sufficient funds to all City Commissions and Boards that are reasonably necessary for the particular Commission or Board to carry out its duties and functions; and

WHEREAS, Council desires to submit the within amendment to a vote of the electorate at the November 7, 2023 Municipal Election.

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

SECTION 1. That Council hereby and herein submits for consideration by the electorate, an amendment to the Charter designated as Article VI, Section 8 that requires the provision of sufficient accommodations and the provision of sufficient funds to all City Commissions and Boards that are reasonably necessary for the particular Commission or Board to carry out its duties and functions. A copy of said amendment is attached hereto and incorporated herein by reference.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, make all the necessary arrangements with the Board of Elections, and provide the required notice to the Village's electors for the proper placement of this amendment on the ballot for the November 7, 2023 Municipal Election.

RESOLUTION NO. 24-2023
PAGE TWO

SECTION 3. That the question presented to the voters is recommended to read as follows:

SHALL THE CHARTER BE AMENDED TO ADD AN ARTICLE VI,
SECTION 8 THAT REQUIRES THE PROVISION OF SUFFICIENT
ACCOMMODATIONS AND THE APPROPRIATION OF SUFFICIENT
FUNDS TO ALL CITY COMMISSIONS AND BOARDS THAT ARE
REASONABLY NECESSARY FOR THE PARTICULAR COMMISSION
OR BOARD TO CARRY OUT ITS DUTIES AND FUNCTIONS?

YES: _____

NO: _____

SECTION 4. 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 5. That this Resolution shall be effective upon its adoption pursuant to Article III, Section 22 of the Newton Falls Charter.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

<p style="text-align: center;">CERTIFICATE</p> <p>I do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ duly passed by the Council of the Village of the City of Newton Falls, Ohio on _____, 20____.</p> <p style="text-align: center;">_____ City Clerk / Council Clerk</p>

Bradric T. Bryan, Law Director

Article VI

COMMISSIONS AND BOARDS

*

*

*

SECTION 8. APPROPRIATIONS AND ACCOMODATIONS.

Council must provide sufficient accommodations and appropriate sufficient funds to all City Commissions and Boards that are reasonably necessary for the particular Commission or Board to carry out its duties and functions, including, but not limited to office supplies and copying services. Such accommodations shall include, at a minimum, a ready to be used meeting room in a municipal building that can be used on a regular schedule with adequate seating, tables, and Wi-Fi and internet access.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-19
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**

WHEREAS, as a result of certain occurrences, information, and expenditures, amendments to the Year 2023 Appropriations and transfers of items already appropriated for the Year 2023 are desired and required; and

WHEREAS, this Ordinance incorporates funding sources and expenditures that originated after the most recent Certificate of Resources was issued; and

WHEREAS, the appropriation amendments authorizes an update of the Certificate of Resources to be filed with the Trumbull County Auditor.

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

SECTION 1. That the Exhibit attached hereto hereby amends the current appropriations for fiscal year 2023. Any funds not listed in this exhibit shall remain intact as previously listed and appropriated.

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

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

SECTION 4. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

ORDINANCE NO. 2023-17
PAGE TWO

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CITY OF NEWTON FALLS		2023 Current Appropriations	2023 Proposed Appropriations	Difference
100	General Fund			
POLICE				
Personal Services	Legal Level	284,484.12	286,284.12	1,800.00
Other Operations	Legal Level	437,900.00	441,200.00	3,300.00
	Total:	722,384.12	727,484.12	5,100.00
CITY ADMINISTRATION				
Personal Services	Legal Level	62,385.45	62,385.45	-
Other Operations	Legal Level	58,609.95	60,701.53	2,091.58
	Total:	120,995.40	123,086.98	2,091.58
FINANCE				
Personal Services	Legal Level	98,799.96	99,126.24	326.28
Other Operations	Legal Level	34,463.58	34,468.47	4.89
	Total:	133,263.54	133,594.71	331.17
LAW				
Other Operations	Legal Level	4,915.66	17,933.98	13,018.32
	Total:	68,732.42	81,750.74	13,018.32
BUILDING & LANDS MAINTENANCE				
Personal Services	Legal Level	32,158.00	32,158.00	-
Other Operations	Legal Level	66,400.02	103,400.02	37,000.00
	Total:	98,558.02	135,558.02	37,000.00
100	Total:	2,091,115.44	2,148,656.51	57,541.07
201	STREET CMR			
Personal Services	Legal Level	396,550.00	400,750.00	4,200.00
201	Total:	473,600.00	477,800.00	4,200.00
517	ELECTRIC DEBT			
Other Operations	Legal Level	260,500.00	483,801.67	223,301.67
517	Total:	260,500.00	483,801.67	223,301.67
705	TRUMBULL COUNTY CAPI			
Other Operations	Legal Level	8,500.00	9,201.00	701.00
705	Total:	8,500.00	9,201.00	701.00
Grand Total:		16,719,066.33	17,004,810.07	285,743.74

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-20
SPONSOR: Councilperson Spletzer

**AN ORDINANCE ESTABLISHING SECTION 153.01 OF THE ADMINISTRATIVE
CODE PERTAINING TO ADVERTISING OR SOLICITING FOR CANDIDATES FOR
SUPERVISORY POSITIONS**

WHEREAS, Council desires to maintain stability with respect to the Village's Supervisory employees such as the City Manager, Department Heads, and Department Supervisors and demonstrate respect for those employees; and

WHEREAS, in furtherance of that goal, Council desires to enact Section 153.01 of the Administrative Code, which prohibits Council and/or the City Manager from advertising (or requesting the placement of an advertisement) or soliciting for candidates for any supervisory position when the position being advertised or solicited for is not presently vacant, or certain to be vacant within the next 60 days, as a result of a resignation, retirement, leave of absence or ill health, or termination.

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

SECTION 1. That Council hereby and herein enacts Section 153.01 of the Village Administrative Code, 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 _____, 2023.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

**153.01 ADVERTISING OR SOLICITING FOR CANDIDATES FOR
SUPERVISORY POSITIONS.**

Neither Council nor the City Manager shall advertise or request the placement of an advertisement, or solicit for candidates, for any supervisory position, which shall include the City Manager, Department Heads, and Department Supervisors, when the position being advertised or solicited for is not presently vacant, or certain to be vacant within the next 60 days, as a result of a resignation, retirement, leave of absence or ill health, or termination.