



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

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

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

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
- IV. Special Presentations by Staff Members or Invited Consultants**
- V. Public Comments (Agenda Items Only)**
- VI. Reports**
 - a. Mayor
 - b. Council Members
 - c. Finance Director
 - d. Law Director
 - e. City Manager

Changes To Tonight's Agenda

- VII. Approval of Previous Minutes**
 - Regular Meeting Minutes June 21, 2023
 - Special Meeting Minutes June 27, 2023
 - Regular Meeting Minutes July 5, 2023

- VIII. Public Hearings**
 - 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

- IX. Unfinished Business**
 - 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

X. New Business

RESOLUTION 26-2023

Sponsor: Councilperson Spletzer

A RESOLUTION ADOPTING THE TAX BUDGET OF THE VILLAGE OF NEWTON FALLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AND SUBMITTING THE SAME TO THE COUNTY AUDITOR

ORDINANCE 2023-21

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE

ORDINANCE 2023-22

Sponsor: Councilperson Spletzer

AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE

ORDINANCE 2023-23

Sponsor: Councilperson Fetterolf

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

RESOLUTION 27-2023

Sponsor: Councilpersons Baryak, Spletzer

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XI OF THE CHARTER, TITLED CHARTER REVIEW, THAT PROVIDES DISCRETION TO COUNCIL AS TO WHETHER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMISSION ARE SUBMITTED TO THE BOARD OF ELECTIONS FOR CONSIDERATION BY THE ELECTORATE

RESOLUTION 28-2023

Sponsor: Councilpersons Fetterolf, Spletzer

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

RESOLUTION 29-2023

Sponsor: Councilpersons Fetterolf, Spletzer

A RESOLUTION AUTHORIZING THE ISSUANCE AND SERVICE OF CHARGES PURSUANT TO CHARTER ARTICLE III, SECTION 4 AGAINST MAYOR

KENNETH KLINE SEEKING HIS REMOVAL AS MAYOR AND SCHEDULING A
PUBLIC HEARING ON THE CHARGES

MOTION

A Motion to Authorize the Mayor to Retain Counsel in His Capacity as Mayor to Represent Him at a Reasonable and Customary Rate in Connection with Any Charges for Removal Filed Against Him by Village Council Pursuant to Charter Article III, Section 4.

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



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 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**
 Mayor Kline called the meeting to order at 6:02 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)**
 Judy Zimomra – Board Member Heritage Accord
 She spoke in support of Resolution 25-2023. She stated the goal of Heritage Accord is to save the structure and to get it back into service.

 David McKinstry – Newton Township Resident
 Mr. McKinstry read the position of the Heritage Accord into the record. A copy of the letter was provided to all members of Council, the City Manager, and the Clerk.

 Mark Stimpert
 Mr. Stimpert asked about the resolutions on the agenda and wondered how they could be on the agenda without a previous meeting to place them on the agenda. He asked Ms. Spletzer to provide a reason for her absence at the last meeting.

 Julie Lemon – 609 Ridge Road
 She thanked Councilpersons Stimpert and Rufener for their sponsorship of the CRC resolutions. She asked for them to be bundled and put forth to the board of elections.

John Richards

He spoke in support of the Charter Review Commission and the support of Council for the Commission.

Rick Kerlin – 1009 Woodglen

He spoke in support of Resolution 25-2023. He spoke about the work that was done recently at the Community Center and shared his concern about so many shingles missing from the roof and laying in the flower beds. He urged Council to determine whether an insurance claim has been placed for storm damage, and if not, to investigate making a claim and who is responsible for filing it.

Anna Eby – 50 W. 9th Street

She cautioned Council about filing an insurance claim on the Community Center. She spoke against Ordinance 2023-18. She spoke in support of the CRC resolutions.

VI. Reports

- a. Mayor – Mayor Kline – He attended several events including one at the school regarding the Unknown Soldier. He attended HS Graduation. He spoke on Memorial Day and volunteered to clean up the community. He participated in the selection of the new schools Treasurer.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – No report
 - ii. Ward 2 – Mr. Baryak – He stated that he was not present at the prior meeting due to a medical appointment and gave the Mayor plenty of notice.
 - iii. Ward 3 – Ms. Spletzer announced the next Parks and Recreation Meeting and the upcoming breakfast fund raiser to held on Saturday. Mayor Kline asked Ms. Spletzer to have Parks and Recreation to address the lack of mulch in the playgrounds.
 - iv. Ward 4 – Mr. Rufener – He attended a Utility Appeals meeting today. Two cases were referred to the next level.
 - v. A Fire Board meeting was held last night. She stated that the number of runs is increasing and staffing is short. The Chief has met with the City regarding upcoming community events to ensure communication with the Sheriff's Department during those events. A work session on July 8 will be held. She stated that the sale of First Street is moving forward.
- c. Finance Director – Mr. Housley - May has been closed and reconciled. Reports are posted online. He announced a new online posting that can answer frequent questions. Income tax collections were \$62,000 higher than this time last year. He has contacted RITA and this year's delinquent tax filer program will begin in July.
- d. Law Director – Mr. Bryan – No Report.
- e. City Manager – Ms. Priddy – She spoke on several topics including the Sheriff's call report. She announced that poles are set, and wires are run for Dunkin Donuts. ODOT was asked about the intersection, and they refused to lower the speed limit citing insufficient supporting data. A review of the yellow and red clearance intervals has resulted in changes taking place immediately to increase

safety. A traffic study will be conducted by Dunkin Donuts. It will \$39,000 to mulch the playgrounds in question. Alternatives are being considered. She announced a meeting took place for the July 4 Celebration with the Sheriff Department. Deputy Foor attended and provided good information. The Village will allow for 6 additional deputies the night of July 4 at a cost not to exceed \$1600 for the entire night, as needed. She announced the alternative parade route to increase safety. Mr. Baryak asked for clarification about lighting the Dunkin Donuts intersection, Ms. Priddy confirmed it will happen. Ms. Stimpert asked about the light interval changes and asked if warning lights would be installed for impending light changes once implemented. Ms. Priddy will investigate.

Changes To Tonight's Agenda

Mr. Baryak made a motion to add to the agenda a Motion to schedule a Special Meeting on June 27 at 6:00pm to review and understand the charter Review Commission's recommendations to amend the village charter. Seconded by Mr. Fetterolf.

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 Motion was added to the agenda as the last item in New Business.

Mr. Fetterolf made a motion to suspend Council rules to allow Mr. Brian Gorog of OHM Advisers to make a presentation to Council. Seconded by Mr. Baryak.

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. Council rules were suspended.

Brian Gorog – OHM Advisers – He spoke about the Appalachian Community Grant Program as a “once in a lifetime” opportunity. Trumbull county is eligible for the grant program and Mr Gorog supports it for Newton Falls. The Newton Falls Community Center project was selected as one of the contenders for this highly competitive grant. He explained that this grant allows for the application of various more multi-state grants. The deadline for submittals is Fall, 2023. Ms. Priddy asked Mr. Gorog to further explain that the planners are excited about the restoration of the existing building. Mr. Gorog stated that a historical building carries a lot of weight in the competition for grant money which is \$5,000,000 grant with eligibility for multi-state grants in PA and WV. There were over 300 applicants. Mr. Baryak asked for clarification; this is not a matching grant and Mr. Gorog agreed and added that other add-on projects could be pond dredging and dock building for fishermen. Mr. Fetterolf expressed his support for the Village owning the Community Center property, and a second property, not owned by the CIC and he stated his belief that otherwise the grants cannot be received. Mr. Bryan stated that Council needs to make a recommendation to the CIC to transfer the titles of the properties back to the Village.

Mr. Fetterolf made a motion to resume Council rules. Seconded by Mr. Rufener.

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. Council rules were resumed.

Mr. Fetterolf made a motion to add a Motion to the agenda to recommend to the CIC that it transfer ownership of any and all real property held by the CIC to the Village. Seconded by Mr. Baryak.

Ms. Stimpert asked if Heritage Accord had been involved in the process. Ms. Priddy stated that she and Ms. Zimomra spoke. She expressed concern about the playground and Ms. Priddy stated that additional grants can help offset the expense to improve the grounds, including the mulch. She asked for clarification on the process to transfer the property. Mr. Bryan stated that a recommendation and property transfer would not affect the Heritage Accord lease. But, the Council must recommend, and the CIC must meet to accept the recommendation and act. Mr. Rufener asked about the application process. Mr. Gorog stated that this project appears in the top 8 within the ranking process. Mr. Baryak stated that this is a major achievement and he applauded Mr. Gorog. Mayor Kline expressed support for the grants and urged the Village to work with the Heritage Accord on any improvements. The Mayor asked Mr. Stimpert to speak. He spoke about the grant and his belief that the river and water fronts were the only things that could be improved. Mr. Gorog corrected him to that this program totally separate and the Mr. Stimpert might be referring to the Mahoning River Revitalization Program.

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

The motion passed 5-0. The Motion was added to the agenda as the last item in New Business.

VII. Approval of Previous Minutes

Caucus Minutes May 3, 2023

Mayor Kline called for a motion to adopt the minutes.

Moved by: Mr. Rufener

Seconded by: Ms. Stimpert

No discussion.

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

The motion passed 4-0. The minutes were approved.

Regular Meeting Minutes May 17, 2023

Mayor Kline called for a motion to adopt the minutes.

Moved by: Ms. Spletzer

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 minutes were approved.

VIII. Public Hearings

ORDINANCE 2023-18

Sponsor: Councilperson Baryak

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

No public comments.

IX. Unfinished Business

ORDINANCE 2023-18

Sponsor: Councilperson Baryak

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

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Rufener spoke against the ordinance. Mr. Bryan stated that this was discussed fully in executive session. Mr. Baryak stated the Chief of Police will remain, but is not needed as is currently. Ms. Stimpert spoke against the ordinance. Mr. Fetterolf asked Ms. Stimpert to elaborate. Mr. Bryan advised Ms. Stimpert not to answer. Mayor Kline spoke against the ordinance. Mr. Baryak spoke in support of the ordinance citing an undue burden on the budget.

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

The motion passed 3-2. The ordinance was adopted. Final Reading.

X. New Business

RESOLUTION 25-2023

Sponsor: Councilpersons Fetterolf, Baryak

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

Mayor Kline called for a motion to adopt the resolution.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Mr. Fetterolf spoke in support of the resolution citing urgency to receive the grant money.

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

The motion passed 5-0. The resolution was adopted.

Mayor Kline called for a motion to combine Resolutions 09-24 in one Resolution for passage.

Moved by Ms. Stimpert

Seconded by: Mr. Rufener

Mr. Baryak stated his belief that the CRC would want everyone to understand the recommendations, including interested members of the public. He urged Council to schedule a special meeting to discuss them. Ms. Spletzer requested the entire body of work from the secretary and chairperson (e.g. meeting minutes, recordings, etc...) for Council's consideration. Mr. Fetterolf spoke in support of Ms. Spletzer's request. Mr. Bryan added that the CRC had a final meeting in May and submitted their recommendations which were created by the end of May.

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

The motion failed 3-2.

Ms. Stimpert made a motion to suspend council rules to allow members of the CRC to address Council now to answer Council's questions. No second was heard.

Ms. Spletzer made a motion to table Resolutions 09-24 until the special meeting.

Seconded by Mr. Baryak.

Ms. Stimpert reminded that no special meeting has been scheduled at this point. Mr. Rufener stated that all meetings were public, and members of Council did not attend those meetings or the public forums. He stated that Council has no choice but to accept the recommendations. Mr. Baryak spoke in support of the motion to table and spoke in support of Council gaining full understanding. Mr. Bryan stated that a revision cannot occur to these by Council; but Council can draft their own amendments and submit them to the board of elections. Mayor Kline spoke in support of Mr. Rufener's comments about transparency. He urged Council to

accept the recommendations as stated in the Charter.
Roll Call Vote: Mr. Rufener-no; Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes.
The motion passed 3-2. Resolutions 4-24 were tabled.

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. Mayor Kline called for a motion to pass the motion.

Moved by: Mr. Baryak

Seconded by Ms. Spletzer.

Mayor requested a motion to change the alternate delegate from the City Manager to the Mayor. No second. Mr. Rufener asked for an explanation. The Mayor made a second motion. No second was heard.

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

The motion passed 4-1.

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Baryak

Moved by: Ms. Spletzer

Ms. Spletzer stated the change in line 517 is due to an early pay off of debt. Mr.

Housley added that expenses for July 4 and personnel costs related to pension costs were included, as well. A server was purchased. Appropriations were made for legal costs related to extra meetings.

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

The ordinance passed 5-0. First Reading.

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Baryak

Moved by: Ms. Spletzer

Ms. Spletzer explained that this ordinance is based on respect for employees and not advertising positions until notice of separation is given or the position is vacated. Mr. Rufener spoke against the ordinance citing the need to have a viable pool of qualified candidates in the event that anticipated openings will occur. Mr. Baryak spoke in support of the ordinance. Ms. Stimpert spoke against the ordinance citing concerns that it ties Council's hands. Mr. Fetterolf spoke against the ordinance citing it as an interference with administrative functions. Mr. Bryan

Mr. Rufener made a motion to amend the ordinance to exclude any employee or officials appointed by Council. Ms. Stimpert seconded.

No discussion.

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

The motion to amend failed 3-2.

Mr. Baryak spoke in support of the ordinance as written.

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

The ordinance failed 3-2. First Reading.

MOTION (added)

A Motion to hold a special meeting on June 27 at 6:00 pm to review, understand, and act on the recommendations from the Charter Review Commission.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Ms. Spletzer requested the meeting minutes and full body of work from the CRC. Mr. Fetterolf spoke in support of a public meeting for the charter review commission to explain their reasoning. Ms. Stimpert spoke against the motion as an insult to the Commission. She urged Council to request what they need, to attend meetings, and to send the recommendations to the board of elections. Rufener spoke against the motion as the CRC already held two town hall meetings that were not attended by members of Council.

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

The motion passed 3-2.

MOTION (added)

A Motion to recommend the CIC to transfer ownership of any and all real property held by the CIC to the Village.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Ms. Stimpert stated that the lease would still be in effect. Mr. Rufener asked Mr. Bryan if the Council has directive authority over the CIC. Mr. Bryan stated that the CIC is an entity of the Village, but ultimately it is up to them to act of their own accord. He recommended that Council support the action, if they take it. Mr. Baryak spoke in support of the Motion.

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

The motion passed 4-1.

XI. Public Comments

Condie Bright – 326 Washington

He spoke against the video and audio quality of this meeting. He spoke against Council's action to table the resolutions and schedule a special meeting. He stated his belief that changes in the makeup in Council are imminent because of actions like this. He admonished most of Council for not attending the CRC meetings and town hall meetings.

John Richards – 212 Albert Street

He spoke as chairperson of the CRC and stated that no person has refused to answer questions. They solicited feedback from the public, administration, and Council. No feedback was received. He spoke against the notion that any of these recommendations were intentionally biased and he assured Council that he worked to eliminate it. He spoke against the special meeting and stated that the members of the CRC may not be available for that meeting. The CRC listened to the Law Director and he believes there was no bias. He urged Council to adhere to their duty to pass them on to the board of elections.

Julie Lemon - 609 Ridge Road

She asked someone to contact the State of Ohio about the weeds at the house on the corner of 534 and 14. She spoke about her experience as a volunteer and Secretary of the CRC. She urged Council to adhere to the meaning of the word "shall" and send the amendments to the board of elections. She spoke in support of recalls and term limits.

Pat Benetis – 70 West 8th Street

She shared her observations of tonight's meeting. She posed various questions to Council. She read a prepared statement.

Craig Womer – 322 Morrison Avenue

He stated his participation in the CRC as the first time he's volunteered. He admonished Council for their treatment of commissions and their volunteers.

Rick Kerlin – 1009 Woodglen

He spoke in support of all the economic development that is happening in the Village. He urged everyone to recognize the good things that are happening in the Village.

Judy Zimomra

She thanked Council for passing Resolution 2023-25. She congratulated Council on the qualification of the grant. She spoke in support of the river project as part of Friends of the Mahoning River.

Dave McKinstry

He spoke on behalf of Heritage Accord to thank those who appeared on June 3 to beautify the grounds of the Community Center. Feedback on the event has been very positive.

Mark Stimpert

He admonished Council for their behavior tonight. He called for the sanctioning of Mr. Fetterolf for his cell phone ringing during the meeting. He applauded the efforts of the CRC. He defined the word *hypocrite* and he threatened the law director with a phone call to the bar association.

XII. Closing Remarks

Ward 1 – Mr. Fetterolf – He reminded the CRC that their service is required until the next general election. He reminded all that when Council calls for a meeting, then they are expected to attend.

Ward 2 – Mr. Baryak – He stated his respect for the charter. He also defended his need to understand the amendments. He admonished the vocal minority for undermining progress. He spoke in support of the successes of the current Council and administration. He spoke against corruption in the community.

Ward 3 – Ms. Spletzer – She reiterated her previous remarks in Opening Comments.

Ward 4 – Mr. Rufener – No comments

City Manager - Ms. Priddy – A wastewater employee is needed. Jeff Hawkins is retiring from the water treatment plant. He thanked SCOPE for a donation of a steam table to the senior kitchen. Ronald Lang passed away, a former police officer of the Village. She offered condolences to the family.

At-Large – Ms. Stimpert – No comments

Mayor Kline – He apologized to the CRC and the citizens. He spoke in support of cooperation among the Village and Heritage Accord. He urged Council to be prepared for the Special Meeting with focused questions.

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

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



NEWTON FALLS CITY COUNCIL
SPECIAL MEETING MINUTES
 Tuesday, June 27, 2023; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

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

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

I. Call to Order

Mayor Kline called the meeting to order at 6:05 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

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

Council Absent: None

Staff Present: City Manager Priddy, Law Director Bryan

Staff Absent: Clerk Acomb, Finance Director Housley

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

Unidentified Speaker

She spoke in support of the charter amendments and the process the CRC followed. She spoke against this special meeting stating it to be unnecessary.

Julie Lemon – 609 Ridge Road

She spoke as the secretary of the CRC. She urged Council to send the charter amendments to the board of elections and allow the people a chance to vote on them in November. She urged Council to read the meeting minutes of the CRC.

Bruce Moore – E. Broad Street

He thanked Mr. Rufener and Stimpert for their sponsorship. He announced that the commission worked without political motivation. He asked that all of Council send the amendments to the electorate.

V. New Business

Mr. Baryak made a motion to suspend Council rules to allow Mr. Richards, Chair of the CRC, to speak to Council. 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. Council rules were suspended.

Mr. Richards approached Council. He urged Council to ask questions of him outside of the meeting; but intends to answer no questions this evening. Ms. Spletzer asked him why he didn't respond to her emailed request for documents. She challenged Mr. Richards for missing documents within the packet the Law Director provided to Mrs. Spletzer. Ms. Lemon stated that she submitted all documents to Mr. Bryan and she admonished Council for their actions toward the CRC.

An unidentified resident admonished Council for not sending the recommendations to the board of elections and holding this meeting. She urged Council to vote. Mr. Baryak spoke against sixteen (16) amendments stating them to be burdensome and overly involved. Mr. Fetterolf spoke in support of this meeting. He stated that the CRC is active until November and Council is questioning the validity of the amendments citing a lack of meeting minutes or roll call vote from the CRC that certifies that a majority of the CRC has approved the amendments for presentation to Council. Mr. Bright defended the actions of the CRC. It was stated that a quorum of the CRC is present. Mr. Bryan, at the request of Ms. Stimpert, confirmed that Council needs to send the recommendations on to the board of elections and he has participated in their process, and reviewed, their work. He stated further that no legal issues exist regarding their process or the content of their work. Mr. Baryak stated his intent was to create an opportunity for himself and the rest of Council to understand the content of the recommendations better.

Mr. Baryak asked a question about Resolution 10-2023. Mrs. Lemon clarified that the intent is to enforce a reasonable time period to fill vacancies by giving the Mayor authority to act if the time period lapses.

Ms. Stimpert made a motion to resume Council rules. Seconded by Mr. Rufener.

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. Council rules were resumed.

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

Mayor Kline called for a Motion to group all the Resolutions together as a “slate”.

Moved by: Mr. Rufener

Seconded by Ms. Stimpert.

Mr. Bryan confirmed, at the request of Mr. Fetterolf, that the CRC, at this point, cannot change or modify any of the recommendations as they have been legally submitted to the Council for passage to the board of elections. However, Council can create their own amendments and send those to the board of elections with a 4/5 vote of Council and members of Council are permitted to campaign against amendments they do not support and Council can appoint new members to the Commission.

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

The motion passed 4-1.

Mr. Bryan read all the resolutions by name only.

Mayor Kline called for a Motion to pass on the slate of recommendations to the board of elections for submission to the electorate.

Moved by: Ms. Stimpert

Seconded by: Mr. Rufener

Ms. Spletzer made a motion to ask Council to vote to allow her to abstain from voting on the main motion. Ms. Spletzer asked permission to abstain citing a lack of complete records from the commission. She stated her belief that she has been denied information that pertains to her vote. Mr. Bryan clarified the reasons for abstaining under the charter. Mr. Bryan stated that if she abstains, that a majority vote would still prevail. Permission was not granted to abstain. Mr. Baryak announced that he intends to vote for the slate; but expects Council to submit their own recommendations to the electorate. No second was heard.

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

The motion passed 4-1.

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

Condie Bright – 326 Washington

He stated his desire to sit with anyone, including Councilmembers, to explain each item. He stated they represent the culmination of the desires of the community over the past six years that could not previously make it out of the committee. He stated that no recommendation was made personally against anyone. They made very attempt to include anyone who wished to participate.

Julie Lemon – 609 Ridge Road

She spoke in support of the CRC and its process. She stated that 13 amendments were submitted in 2003.

Tracy Hurst

She urged Council to attend all future meetings of the CRC and become participants in the process so as to avoid unnecessary special meetings.

John Richards – 212 Albert Street

He thanked Council for their support in sending the recommendations of the CRC to the board of elections.

Brenda Persino –

She spoke in support of the CRC and expressed confusion about the purpose of all the issues at this meeting. She admonished Council for not participating in the process and for not showing proper support and engagement with the process and the people.

Bruce Moore – 348 E. Broad

He thanked Council for their “yes” votes and the CRC for their non-partisan discussions. He thanked the law director for his efforts to support the CRC. He reminded Council that the electorate now gets a chance to contemplate these amendments and to engage the community in more discussion.

Craig Womer

He thanked Council for his appointment to the CRC. He shared his concern that Newton Falls distinguishes itself from other communities by engaging in unnecessary and petty conflict. He stated that tonight’s meeting is great example of that problem.

VII. Adjournment

Mayor Kline called for a motion to adjourn the meeting.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion.

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

The motion passed 5-0. The meeting was adjourned at 7:01 pm.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, Council Clerk



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, July 5, 2023; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

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

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

- I. **Call to Order**
 Mayor Kline called the meeting to order at 6:01 pm.
- II. **Pledge of Allegiance / Silent Prayer**
- III. **Roll Call**
 Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson 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 2023-20 and asked for the reasons for the reconsideration.

Rick Kerlin – 1009 Woodglen

He spoke about the minutes of the previous meetings. He spoke to clarify that Heritage Accord was warned that an inspection would take place. He spoke against the report of a break-in at the Community Center stating that city officials legally entered the property and discovered the property was in poor condition. He asked for clarification regarding how the property has been permitted to fall into such disrepair.

Jamie Kline – 312 Ridge Road

She spoke in support of Heritage Accord and surmised that the damage to the community center had been caused in the time between the Christmas events and the recent inspection.

Steve Simpson – 420 Ravenna Road

He spoke to say that damage was caused on Friday by the city officials and spoke against the City entering the property. He stated that the City has neglected the property. He cited a \$16,000 report that Council should read. He said Heritage Accord paid \$48,000 for a full report on the condition of the building. He stated that city officials broke down doors and cut locks without calling him.

Matthew Meszaros – 4383 McClure East Road

He spoke about how he was called on October 28 to address the floor of the community center. He stated that his company installed the jacks as a temporary measure to save the floor which had dropped 8 inches at that time. He believes the floor continues to sink. He advised that no one should be in the building until it is repaired. He spoke against Heritage Accord and stated his belief they neglected the floor's condition.

VI. Reports

Ward 1 – Mr. Fetterolf – He attended the inspection on June 30 of the community center. Heritage Accord was notified beforehand. Village officials were given an incorrect building code for the security system. He was accompanied by various city officials from public works and safety. Locked doors were found. Heritage Accord has been informed of the inspection and should have unlocked the doors. He cited several violations that were found, including those related to fire safety. He stated that it was discovered that Heritage Accord carries no liability insurance on the building. He denied that the inspection team did damage to the floor or building other than to the doors so they could conduct a proper investigation. The roof is leaking into the building. He again stated that Heritage Accord knew about the inspection and replied to the email notification. He stated the building is unsafe and the damage has occurred over time due to neglect. He stated that duct tape was used to repair the floors. He stated the tenant ignored the lease and recommended Heritage Accord be evicted.

Ward 2 – Mr. Baryak – He gave an update on Dunkin Donuts. Electric lines have been installed. He did not attend the inspection. He wondered why damage was never reported to the Village by the lease holder. He stated that the city has funding to save the building and the people should let the city do it. He spoke against false reports. He spoke in support of the city saving the building and making it available to everyone in town. He spoke of his past support of Heritage Accord.

Ward 3 – Ms. Spletzer – A parks and recreation meeting was not held on the 27th due to the special council meeting. They will meet in July. She attended the inspection and referenced the comprehensive report produced because of the inspection that is certified by city officials. She worked with the zoning administrator to resolved sign issues. She walked in the parade with the veterans.

Ward 4 – Mr. Rufener – no report

At-Large – Ms. Stimpert – no report

Finance – Mr. Housley – He stated that May is closed and reconciled. June reports are posted to the website.

Law – Mr. Bryan - no report. Mayor Kline asked if the CIC meeting was a legitimate meeting due to Mr. Spelich not being present or Mr. Housley being properly voted into the position by

Council. Mr. Bryan stated the meeting was legal. Records show that Mr. Spelich was never appointed, but his name somehow appears on the website. Ms. Priddy issued a letter appointing Mr. Housley and that was done legally and within her authority. Ms. Stimpert asked about the Appalachian Community Grant Guidelines and if the CIC can apply for the grant. Mr. Bryan said the grant writer decided to list the city as the applicant and it was a sound decision. He opined that the CIC would have been a weak applicant for the grant due to a lack of records of prior activity. She stated that false statements were made on-record regarding the need to move the property from the CIC to the City. Mr. Bryan clarified that the grant writer said many times...the property needed to be moved in order to get the grant and that this strategy to move the property from the CIC to the Village was the best strategy to compete to receive \$5,000,000 through the grant. The CIC has never handled money or performed projects. Mr. Bryan stated that in response to a question of Mr. Fetterolf that the Village applied for the grant, not the CIC. The CIC could have applied but did not. It would have been a weak applicant due to a lack of activity history. It was confirmed the Village has applied for the grant and has passed the first step. Now, Eastgate and the grant writers need to submit the next phase of the application. Mr. Bryan confirmed for Mr. Baryak that the Village is ranked #8 in the list of applications.

Throughout the meeting, members of audience had been making noise, clapping, cheering, and talking over the council proceedings. Several times, Mr. Baryak called for a point of order from the Mayor. Each time, the Mayor declined to recognize Mr. Baryak and/or did not respond to Mr. Baryak's call. Eventually, Mr. Baryak called for another point of order and was told by the Mayor to stop disrupting the meeting. Mr. Baryak made a motion to overrule the Mayor's decision to ignore Mr. Baryak's point of order. Mr. Fetterolf seconded the motion. The Clerk called the roll. Mr. Fetterolf voted yes. Mr. Baryak voted yes. The Clerk was interrupted several times from calling the roll as the Mayor refused to acknowledge the motion that had been placed on the floor. He attempted to remove both Mr. Fetterolf and Mr. Baryak from the meeting.

Eventually, Mr. Fetterolf made a motion to adjourn the meeting. Mr. Baryak seconded. 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 meeting was adjourned at 6:41 pm.

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. 2023-19
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
RESOLUTION NO.: 26-2023
SPONSOR: Councilperson Spletzer

**A RESOLUTION ADOPTING THE TAX BUDGET OF THE VILLAGE OF
NEWTON FALLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024
AND SUBMITTING THE SAME TO THE COUNTY AUDITOR**

WHEREAS, the Director of Finance, has prepared a tentative tax budget for the Village of Newton Falls for the fiscal year beginning January 1, 2024 showing: (1) detailed estimates of all balances that will be available at the beginning of the year 2024; (2) all revenues expected to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites, and all other types of classes of revenues; and (3) estimates of all expenditures or charges in or for the purposes of such fiscal year to be paid or met from said revenues or balances and otherwise conforming with the requirements; and

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

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

SECTION 1. That the attached tentative tax budget of the Village of Newton Falls, as prepared by Director of Finance for the fiscal year beginning January 1, 2024, copies of which are on file at the office of the Director of Finance and have been submitted to Council, is hereby adopted.

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

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

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

RESOLUTION NO. 26-2023
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

ALTERNATIVE TAX BUDGET INFORMATION

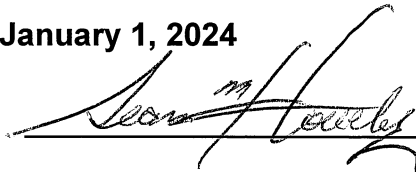
TRUMBULL COUNTY

Name of Village

Village of Newton Falls

For the Fiscal Year Commencing January 1, 2024

Fiscal Officer Signature



Date

6/29/2023

NEWTON FALLS

VILLAGE

Schedule 1

STATEMENT OF FUND ACTIVITY

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

FUND: GENERAL

DESCRIPTION	Actual Jan 1-Dec. 31 2022	Budgeted FY Jan 1-Dec. 31 2023 Estimate	Budgeted FY Jan 1-Dec. 31 2024 Estimate
Beginning Unencumbered Fund Balance	\$ 276,300.35	\$ 12,145.62	\$ 213,395.65
Revenues:			
Health Department			
Property Taxes	\$ 122,119.31	\$ 115,500.00	\$ 115,500.00
Local Government	\$ 117,941.40	\$ 126,108.00	\$ 126,108.00
All Other Receipts	\$ 1,632,760.98	\$ 2,108,298.54	\$ 2,009,127.54
Total Resources	\$ 2,149,122.04	\$ 2,362,052.16	\$ 2,464,131.19
Total Expenditures & Encumbrances	\$ 2,136,976.42	\$ 2,148,656.51	\$ 2,296,853.18
Ending Unencumbered Fund Balance	\$ 12,145.62	\$ 213,395.65	\$ 167,278.01

FUND: SPECIAL LEVY POLICE

DESCRIPTION	Actual Jan. 1-Dec. 31 2022	Budgeted FY Jan 1-Dec. 31 2023 Estimate	Budgeted FY Jan. 1-Dec. 31 2024 Estimate
Beginning Unencumbered Fund Balance	\$ 16.99	\$ -	\$ -
Revenues:			
Property Taxes	\$ 13,795.21	\$ 18,795.00	\$ 18,795.00
All Other Receipts	\$ -	\$ -	\$ -
Total Resources	\$ 13,812.20	\$ 18,795.00	\$ 18,795.00
Total Expenditures & Encumbrances	\$ 13,812.20	\$ 18,795.00	\$ 18,795.00
Ending Unencumbered Fund Balance	\$ -	\$ -	\$ -

STATEMENT OF FUND ACTIVITY

(Funds with Revenue Other Than Local Taxes)

Add Additional Funds as Necessary

FUND NAME	Beginning Estimated Unencumbered Fund Balance	2024 Total Estimated Receipts	Total Resources Available For Expenditure	Total Estimated Expenditures and Encumbrances
STREET CMR	\$ 16,706.00	\$ 478,281.00	\$ 494,987.00	\$ 478,224.00
STATE HIGHWAY IMPRO	\$ 61,699.00	\$ 22,977.00	\$ 84,676.00	\$ 7,000.00
PERMISSIVE AUTO	\$ 35,001.00	\$ 101,020.00	\$ 136,021.00	\$ 108,850.00
PARK AND RECREATION	\$ 6,594.00	\$ 27,858.00	\$ 34,452.00	\$ 28,670.00
DRUG LAW ENFORCEMEN	\$ 12,384.00	\$ 2,257.00	\$ 14,641.00	\$ 1,000.00
SR CITIZEN VAN	\$ 1,108.00	\$ -	\$ 1,108.00	\$ -
INDIGENT DRIVERS	\$ 14,666.00	\$ 1,225.00	\$ 15,891.00	\$ 7,000.00
ECONOMIC DEVELOPMEN	\$ 256.00	\$ -	\$ 256.00	\$ -
HOME IMPROVEMENT LO	\$ 138,776.00	\$ 23,670.00	\$ 162,446.00	\$ 20,000.00
LAW LIBRARY	\$ 4,731.00	\$ 17,800.00	\$ 22,531.00	\$ 15,000.00
ENFORCEMENT AND EDU	\$ 28,162.00	\$ 7,535.00	\$ 35,697.00	\$ 8,500.00
INCOME TAX	\$ 176,234.00	\$ 1,117,485.00	\$ 1,293,719.00	\$ 941,251.00
COURT COMPUTERIZATI	\$ 382,225.00	\$ 59,680.00	\$ 441,905.00	\$ 117,000.00
COURT GENERAL SPECI	\$ 940,908.00	\$ 91,070.00	\$ 1,031,978.00	\$ 102,518.00
COURT SECURITY/DIVE	\$ 1.00	\$ 5,026.00	\$ 5,027.00	\$ 5,010.00
INDIGENT DRIVERS AL	\$ 192,537.00	\$ 16,025.00	\$ 208,562.00	\$ 10,000.00
PROBATION IMPROVEME	\$ -	\$ -	\$ -	\$ -
PROBATION INCENTIVE	\$ -	\$ -	\$ -	\$ -
JUSTICE REINVESTMEN	\$ -	\$ -	\$ -	\$ -
DRUG DIVERSION HALO	\$ -	\$ -	\$ -	\$ -
JUSTICE REINVESTMEN	\$ 10,791.00	\$ 10,791.00	\$ 21,582.00	\$ -
COVID-19 FED CARES	\$ -	\$ -	\$ -	\$ -
COURT COVID-19 TECH	\$ -	\$ -	\$ -	\$ -
ARPA LOCAL FISCAL R	\$ -	\$ -	\$ -	\$ -
ONE OHIO OPIOID SET	\$ 10,655.00	\$ 10,655.00	\$ 21,310.00	\$ 3,155.00
CAPITAL IMPROVEMENT	\$ 7,392.00	\$ 366,878.00	\$ 374,270.00	\$ 61,229.00
ROAD BUIDLING AND E	\$ 365.00	\$ -	\$ 365.00	\$ -
FUTURE BUILDING FUN	\$ 4,561.00	\$ -	\$ 4,561.00	\$ -
CITY HALL BROAD ST	\$ -	\$ -	\$ -	\$ -
PARK FENCE CAPITAL	\$ -	\$ -	\$ -	\$ -
MEDLEY SEWER CAPITA	\$ 2,714.00	\$ -	\$ 2,714.00	\$ -

AMI METERING PROJEC	\$ 679,155.00	\$ 24,558.00	\$ 703,713.00	\$ 150,000.00
WATER OPERATING	\$ 617,596.00	\$ 1,886,877.00	\$ 2,504,473.00	\$ 2,281,811.00
SEWER OPERATING	\$ 427,720.00	\$ 1,700,215.00	\$ 2,127,935.00	\$ 1,457,986.00
ELECTRIC OPERATING	\$ 1,414,391.00	\$ 5,948,440.00	\$ 7,362,831.00	\$ 5,907,856.00
STORMWATER OPERATIN	\$ 250,040.00	\$ 101,151.00	\$ 351,191.00	\$ 103,789.00
WATER OPWC ISSUE 1	\$ 19,802.00	\$ -	\$ 19,802.00	\$ -
SEWER OPWC ISSUE 1	\$ 7,009.00	\$ -	\$ 7,009.00	\$ -
ELECTRIC REPLACEMEN	\$ 48,685.00	\$ -	\$ 48,685.00	\$ -
GUARANTEE TRUST	\$ 229,089.00	\$ 35,190.00	\$ 264,279.00	\$ 33,500.00
REFUSE	\$ 24,628.00	\$ 330,400.00	\$ 355,028.00	\$ 334,600.00
UTILITY OFFICE	\$ 53,264.00	\$ 258,316.00	\$ 311,580.00	\$ 258,316.00
SEWER DEBT SERVICE	\$ 213,638.00	\$ 38,532.00	\$ 252,170.00	\$ 184,596.00
ELECTRIC DEBT SERVI	\$ 201,935.00	\$ 148,150.00	\$ 350,085.00	\$ 300,000.00
WATER DEBT SERVICE	\$ 112,022.00	\$ 266,630.00	\$ 378,652.00	\$ 258,555.00
SEWER RESERVE	\$ 465,314.00	\$ -	\$ 465,314.00	\$ -
DEBT RETIRE 2020 BO	\$ 740.00	\$ 385,199.00	\$ 385,939.00	\$ 385,199.00
EMPLOYEE BENEFITS	\$ 630,765.00	\$ 1,028,800.00	\$ 1,659,565.00	\$ 1,000,000.00
TRUMBULL COUNTY CAP	\$ 1,653.00	\$ 10,220.00	\$ 11,873.00	\$ 9,201.00
UNCLAIMED MONIES	\$ 19,902.00	\$ -	\$ 19,902.00	\$ -
FIRE CLAIMS	\$ 3,410.00	\$ -	\$ 3,410.00	\$ -
SUMMER CONCERT SERI	\$ 3,250.00	\$ -	\$ 3,250.00	\$ -
FLOWER FUND	\$ 4,474.00	\$ 9,480.00	\$ 13,954.00	\$ 5,000.00
BASKETBALL HOOP FUN	\$ 475.00	\$ -	\$ 475.00	\$ -
FIRE/TWNSP FUEL	\$ 1.00	\$ 41,250.00	\$ 41,251.00	\$ 33,800.00
TOTAL	\$ 7,477,424.00	\$ 14,573,641.00	\$ 22,051,065.00	\$ 14,618,616.00

Schedule 3

[illegible]

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-21
SPONSOR: Councilperson Baryak

**AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF
SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE
NEWTON FALLS MUNICIPAL INCOME TAX RATE**

WHEREAS, Council has determined that additional revenues are necessary to increase the number of Sheriff's Department Deputies assigned to the Village and/or increase police staffing beyond 2023 staffing levels; and

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

WHEREAS, Council desires to amend Section 191.01(B)(1) and the preamble of Section 191.03 of the Newton Falls Tax Code to raise the Newton Falls municipal income tax rate from one percent to one point two five percent with the revenues from the additional point two five percent tax increase to be utilized to pay for additional Sheriff's Department Deputies being assigned to the Village and/or additional police staffing beyond 2023 staffing levels and be placed in a special revenue fund for that purpose; and

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

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

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

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

SECTION 3. That the tax rate amendments set forth in this Ordinance shall become effective January 1, 2024, upon approval of the amendments by the electorate at the November 7, 2023 Municipal Election.

SECTION 4. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action

ORDINANCE NO. 2023-21
PAGE TWO

were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. 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

191.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

**ORD 2023-21
Exhibit A
Page 1 of 1**

* * *

(B)(1) The annual tax is levied at a rate of one point two five percent (1.0% 1.25%). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Newton Falls. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 191.03 and other sections as they may apply. A minimum of point two five percent of the total municipal income tax revenues generated by this one point two five percent (1.25%) tax shall be utilized to pay for additional Sheriff's Department or police staffing beyond 2023 staffing levels and be placed in a special revenue fund for that purpose.

* * *

191.03 IMPOSITION OF TAX.

The income tax levied by Newton Falls at a rate of one point two five percent (1.0 1.25%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in Newton Falls. A minimum of point two five percent of the total municipal income tax revenues generated by this one point two five percent (1.25%) tax shall be utilized to pay for additional Sheriff's Department or police staffing beyond 2023 staffing levels and be placed in a special revenue fund for that purpose.

* * *

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-22
SPONSOR: Councilperson Spletzer

**AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF
SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE
NEWTON FALLS MUNICIPAL INCOME TAX RATE**

WHEREAS, Council has determined that additional revenues are necessary to fund the general construction, reconstruction, resurfacing, and repair of Village streets and roads; and

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

WHEREAS, Council desires to amend Section 191.01(B)(1) and the preamble of Section 191.03 of the Newton Falls Tax Code to add an additional point two five percent income tax, with the revenues from that additional point two five percent tax to be utilized solely to pay for the general construction, reconstruction, resurfacing, and repair of Village streets and roads and be placed in a special revenue fund for that purpose; and

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

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

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

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

SECTION 3. That the tax rate amendments set forth in this Ordinance shall become effective January 1, 2024, upon approval of the amendments by the electorate at the November 7, 2023 Municipal Election.

SECTION 4. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action

ORDINANCE NO. 2023-22
PAGE TWO

were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. 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

191.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

**ORD 2023-22
Exhibit A
Page 1 of 1**

* * *

(B)(1)

(a) The annual tax is levied at a rate of one percent (1.0%). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Newton Falls. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 191.03 and other sections as they may apply.

(b) An annual tax in addition to that set forth in subsection (a) of this ordinance is levied at a rate of point two five percent (.25%). This additional annual tax is levied at a uniform rate on all persons residing in or earning or receiving income in Newton Falls. The additional annual tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided. This additional point two five percent (.25%) annual tax shall be utilized solely for the purpose of general construction, reconstruction, resurfacing, and repair of Village streets and roads and be placed in a special revenue fund for that purpose.

* * *

191.03 IMPOSITION OF TAX.

The income tax levied by Newton Falls at a rate of one percent (1.0%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in Newton Falls. An annual income tax in addition to that set forth in the preceding sentence of this ordinance is also levied by Newton Falls at a rate of point two five percent (.25%) on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in Newton Falls. This additional point two five percent (.25%) annual tax shall be utilized solely for the purpose of general construction, reconstruction, resurfacing, and repair of Village streets and roads and be placed in a special revenue fund for that purpose.

* * *

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-23
SPONSOR: Councilperson Fetterolf

**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.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 27-2023
SPONSOR: Councilpersons Baryak, Spletzer

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF
AN AMENDMENT TO ARTICLE XI OF THE CHARTER, TITLED CHARTER REVIEW,
THAT PROVIDES DISCRETION TO COUNCIL AS TO WHETHER AMENDMENTS
RECOMMENDED BY THE CHARTER REVIEW COMMISSION ARE SUBMITTED TO
THE BOARD OF ELECTIONS FOR CONSIDERATION BY THE ELECTORATE**

WHEREAS, Article X of the Charter provides that Council may, by affirmative vote of four-fifths or more of its members, submit to the electors any proposed amendment or amendments to the Charter; and

WHEREAS, Council, by an affirmative vote of four-fifths or more of its members, 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 XI of the Charter, titled Charter Review, providing discretion to Council as to whether amendments recommended by the Charter Review Commission are submitted to the Board of Elections for consideration by the electorate. 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 XI OF THE CHARTER BE AMENDED TO PROVIDE
DISCRETION TO COUNCIL AS TO WHETHER AMENDMENTS
RECOMMENDED BY THE CHARTER REVIEW COMMISSION ARE
SUBMITTED TO THE BOARD OF ELECTIONS FOR CONSIDERATION
BY THE ELECTORATE?

YES: _____

NO: _____

RESOLUTION NO. 27-2023
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

Article XI

RES 27-2023
Exhibit A
Page 1 of 1

CHARTER REVIEW

At the first regular Council meeting in February 1998, and similarly each five years thereafter, Council shall appoint a commission of seven qualified electors, whom shall hold no other office or appointment in the City at the time of their appointment, to serve as a Charter Review Commission. The seven shall be chosen from a list submitted of available citizens and voted on by a majority vote of Council. The top seven vote getters will be on the Commission. The appointed members will elect their own chairman. Within four calendar months of the date of their appointment said Commission shall recommend to Council such alterations, revisions, and amendments, if any, to this Charter as in the judgment of a majority of said Commission are desirable. City Council ~~shall~~ may, by a majority vote of its members, submit to the electors ~~all~~ any such proposed alterations, revisions, or amendments, ~~not later than to be voted on at~~ the next general election. Each said commission shall cease to function on the day of the next general election following its appointment.

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 28-2023
SPONSOR: Councilpersons Fetterolf, Spletzer

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

WHEREAS, Article X of the Charter provides that Council may, by affirmative vote of four-fifths or more of its members, submit to the electors any proposed amendment or amendments to the Charter; and

WHEREAS, Council, by an affirmative vote of four-fifths or more of its members, 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, titled Parks and Recreation Board, removing the Community Center from the Board's sphere of responsibilities; requiring the City Manager to supervise the Rec. Board budget before it is formulated by Council; requiring the Board to be consulted on its budget before it is formulated by Council; requiring the Finance Director to provide monthly budget reports to the Board; and requiring the Board to develop an annual plan for the use of 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. 28-2023
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, TITLED PARKS AND RECREATION BOARD, BE AMENDED TO REMOVE THE COMMUNITY CENTER FROM THE BOARD'S SPHERE OF RESPONSIBILITIES; REQUIRE THE CITY MANAGER TO SUPERVISE THE REC. BOARD BUDGET AND PURCHASING FUNCTIONS; REQUIRE THE BOARD TO BE CONSULTED ON ITS BUDGET BEFORE IT IS FORMULATED BY COUNCIL; REQUIRE THE FINANCE DIRECTOR TO PROVIDE MONTHLY BUDGET REPORTS TO THE BOARD; AND REQUIRE 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.

Bradric T. Bryan, Law Director

Article VI

RES 28-2023

Exhibit A

Page 1 of 1

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, 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.: 29-2023
SPONSOR: Councilpersons Fetterolf and Spletzer

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SERVICE OF
CHARGES PURSUANT TO CHARTER ARTICLE III, SECTION 4 AGAINST
MAYOR KENNETH KLINE SEEKING HIS REMOVAL AS MAYOR AND
SCHEDULING A PUBLIC HEARING ON THE CHARGES**

WHEREAS, Article III, Section 4 of the Charter provides, in pertinent part, that the office of an elective officer of the City shall be declared vacant by resolution of Council upon determination by a majority of the members of Council (after a public hearing on the charges brought) that the elected officer is guilty of gross misconduct, gross neglect of duty, malfeasance in office; or has persistently failed to abide by the rules of Council; and

WHEREAS, Council desires to authorize, issue, and serve charges against Mayor Kenneth Kline seeking his removal as Mayor and schedule a public hearing on the charges.

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

SECTION 1. That Council hereby authorizes, issues, and serves the charges attached hereto and incorporated herein by reference on Mayor Kenneth Kline pursuant to Article III, Section 4 of the Charter seeking that the Mayor's office be declared vacant due to gross misconduct, gross neglect of duty, malfeasance in office; and/or persistent failure to abide by the rules of Council. A public hearing on the attached charges is hereby scheduled for Monday August 7, 2023 at 6:00 p.m. in the Council Chambers.

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.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

RESOLUTION NO. 29-2023
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Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CHARGES

1. Mayor Kline has committed gross misconduct by not properly enforcing the rules of debate contained in Ordinance Section 121.03 (j)(1) by persistent violations of Rules of Debate speaking without the same limitations imposed on voting members of Council and continuous violations of Rules of Debate by making comments between Council members' comments, and not allowing Council Members 3 uninterrupted minutes to make comments. The gross misconduct occurred on June 21, 2023 and July 5, 2023.
2. Mayor Kline has committed gross neglect of duty by not properly preserving order during meetings as prescribed in Ordinance Section 121.03(e)(1) by allowing abusive language at Council meetings regardless of the source of this language; and allowing accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature during meetings. Gross neglect of duty by Mayor Kline took place on June 21, 2023 and July 5, 2023.
3. Mayor Kline committed malfeasance when he failed to follow Ordinance Sections 121.03(n)(2) and 121.01(b) when he refused to accept a motion and a second to overturn the decision of the Chair on July 5, 2023, he refused to acknowledge pleas from the Law Director to follow proper procedure under Robert's Rules of Order; and conducted a public meeting in the City Administration building after public notification of building closure by City Administration on April 5, 2023.