



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, August 2, 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**

Changes To Tonight's Agenda

- 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

- VII. Approval of Previous Minutes**
 Regular Meeting Minutes July 5, 2023
 Special Meeting Minutes July 8, 2023
 Regular Meeting Minutes July 19, 2023

- VIII. Public Hearings**
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

IX. Unfinished Business

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

X. New Business

RESOLUTION 30-2023

Sponsor: Councilperson Baryak

A RESOLUTION CERTIFYING THE MUNICIPAL INCOME TAX INCREASE AMENDMENT ADOPTED IN VILLAGE ORDINANCE NO. 2023-21 TO THE TRUMBULL COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT FOR CONSIDERATION OF THE ELECTORATE AT THE NOVEMBER 7, 2023 MUNICIPAL ELECTION

RESOLUTION 31-2023

Sponsor: Councilperson Spletzer

A RESOLUTION CERTIFYING THE MUNICIPAL INCOME TAX INCREASE AMENDMENT ADOPTED IN VILLAGE ORDINANCE NO. 2023-22 TO THE TRUMBULL COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT FOR CONSIDERATION OF THE ELECTORATE AT THE NOVEMBER 7, 2023 MUNICIPAL ELECTION

RESOLUTION 32-2023

Sponsor: Councilperson Spletzer

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE TRUMBULL COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

ORDINANCE 2023-25

Sponsor: Councilperson Fetterolf

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT FOR PROSECUTION SERVICES

ORDINANCE 2023-26

Sponsor: Councilperson Spletzer

AN ORDINANCE ESTABLISHING CHAPTER 144 OF THE ADMINISTRATIVE CODE
AND THE DEPARTMENT OF HISTORIC SITES AND STRUCTURES

ORDINANCE 2023-27

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPOINT AN ASSISTANT
ZONING ADMINISTRATOR

ORDINANCE 2023-28

Sponsor: Councilperson Fetterolf

AN ORDINANCE DECLARING THE WINDHAM STREET PERMANENT PARCEL NO.
53-055300 AND 53-055400 PROPERTIES NO LONGER NEEDED FOR PUBLIC USE
AND AUTHORIZING THE CITY MANAGER TO ADVERTISE THE PROPERTIES FOR
SALE AND REQUEST SEALED BIDS FOR THE PURCHASE OF THE PROPERTIES

ORDINANCE 2023-29

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

MOTION

Sponsor: Councilperson Spletzer

A motion to appoint John Donato to the Parks and Recreation Commission for the term
expiring on 12/31/2025.

MOTION

Sponsor: Councilperson Spletzer

A Motion to Cancel the August 16, 2023 Regular Council Meeting as Authorized by
Article III, Section 6 of the Charter

- 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, 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 at 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.

At the beginning of the regular meeting held on July 19, 2023, Mayor Kline announced that Robert's Rules of Order require that a meeting that is adjourned prematurely must be resumed at the point of adjournment. There was no objection.

VII. Approval of Previous Minutes

Regular Meeting Minutes June 21, 2023

Special Meeting Minutes June 27, 2023

Mayor Kline called for a motion to approve the minutes of both meetings.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

No discussion.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-no; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes.
The motion passed 5-0.

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

No public comments.

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

No discussion.

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

The ordinance passed 5-0.

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

Mayor Kline called for a motion to pass the resolution.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer stated that this resolution represented a typical “housekeeping” issue and is done every year.

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

The resolution passed 5-0.

XI. Public Comments

No public comments were heard.

XII. Closing Remarks

No closing remarks were made.

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

XIV. Adjournment

Mayor Kline called for a motion to adjourn the meeting.

Moved by: Mr. Baryak

Seconded by: Ms. Stimpert

No discussion.
Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-no; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes.
The motion passed 5-0. The meeting was adjourned at 6:20pm.

APPROVED:

ATTEST:

Michael Acomb, Council Clerk

Kenneth Kline, Mayor

DRAFT



NEWTON FALLS CITY COUNCIL
SPECIAL MEETING MINUTES
 Saturday, July 8, 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 approximately 5:00 pm.
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
 Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer, Councilperson Rufener, Councilperson Stimpert, Mayor Kline
 Council Absent: None
 Staff Present: City Manager Priddy, Law Director Bryan, Finance Director Housley
 Staff Absent: Clerk Acomb
- IV. Public Comments (limited to those items on the agenda)**
 Adam Zimmermann – 515 Lemae Avenue
 He pointed out that the agenda is not compliant with what was listed in the public notice citing Article VII. Section III. Special Meetings. He spoke against the Motions listed on the agenda as being improper and not reflected in the public notice. He also spoke against the removal of items by the sponsor of those items stating his belief that doing so is improper and goes against what the Mayor or Vice President of Council has specified as the purpose of the meeting. He asked for the items that were removed to be placed back on the agenda and discussed.

 Julie Lemon – 609 Ridge Road
 She spoke against the agenda and past actions that Council have taken with regard to the community center, Heritage Accord, and the CIC. She spoke against the recent update to the Articles of Incorporation of the CIC stating her belief that current members of the CIC are not legitimate members of the CIC and therefore cannot act on behalf of the CIC as voting members. She alleged that the actions of the CIC on June 26 were illegal and invalid. She made allegations that the city manager has acted improperly in applying for the Appalachian Grant.

 Vonda Vencel – 5223 Taylor Avenue

She stated that four different groups have wanted to save the community center. She stated that there were problems with each group and past city managers did not want to deal with the problem, so it was leased to Heritage Accord. She spoke against Heritage's Accord's ability to raise money for the purpose as being unprepared and unable to organize for such an effort; but many townspeople responded and assisted with the fundraising event. At that time, the conditions of the building were horrid and she listed many problems, including undrinkable water, unusable toilets, and the sinking floor. She stated that all but one member of Heritage Accord were absent during any efforts to improve the building, until the day of the fundraising event when they all showed up. A total of \$30,000 was raised. She spoke in support of Ms. Priddy as the only city manager who has showed care about the building. She spoke in support of the city taking back control of the building. She spoke against those that are resisting the efforts of the city manager and city-control of the building as "killing the town".

Steve Simpson – 420 Ravenna Road

He spoke on three topics: (1) He acknowledged the condition of the floor and the temporary fix. He spoke in support of the temporary fix. (2) He stated that Heritage Accord held as much insurance on the property as was permitted to them by law given their status as a lessee. He quoted the lease stating that the city, as the legal owner, was responsible for having insurance on the building and its contents. He urged the city to file insurance claims. (3) He attempted to dispel the rumor that Heritage Accord knew that an inspection was taking place last Friday. He read the letter that was received by Heritage Accord from the city manager and pointed out that the word "inspection" was never used and that it only stated that one person would be entering the building, the city manager. He agreed that an inspection is their right; but Heritage Accord didn't know about it.

David McKinstry – Heritage Accord

He presented a letter to Council in response to recent events and defended Heritage Accord's position. He asserted that the representatives of the city fail to understand key provisions of the lease, including the paragraph that addresses insurance. He stated his belief that Heritage Accord could not legally obtain insurance and the previously city manager assured them that the building was adequately covered via blanket and umbrella policies. He urged the city to file an insurance claim for the damaged roof.

Rick Kerlin – 1009 Woodglen

He read Section 16 of the contract and indicated that the tenant, Heritage Accord, was responsible for carrying the appropriate insurance coverages as specified in that section. He alleged that Heritage Accord violated the lease by not adhering to the section. He asserted that many companies could have helped Heritage Accord acquire insurance on the contents of the buildings, etc.... He also asserted that any agreements made between Heritage Accord and the previous city manager do not exist in writing, and therefore, cannot be proven to be accurate or in existence. He admonished Heritage Accord for signing something they may have had no intention of honoring and for defending their own inaction the past three years to save the building.

Matthew Mezsaros

He spoke in support of the potential grant to renovate the community center. He spoke against the previous city manager, the existence of the CIC, and the lease with Heritage

Accord. He alleged that the former city manager just simply tried to dump the building from the responsibility of the city and let down the community and is responsible for this entire mess. He urged Council to vote yes to cancel the community center lease.

V. New Business

MOTION

Sponsor: Councilperson Fetterolf

A Motion to Authorize the City Manager to Take Actions Related and Necessary to Cancel the Community Center Lease with Heritage Accord

Mayor Kline called for a motion to pass the Motion.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Mr. Rufener made a motion to postpone any discussion of or action on this motion until an executive session can be held. Seconded by Ms. Stimpert

No discussion.

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

The motion to postpone failed 2-3.

Mr. Rufener spoke against the main motion to pass the Motion. He stated that there are problems but COVID has to be recognized as a barrier to Heritage Accord's progress. He suggested that ulterior motives might be at play by the city and he urged Council to not pass the motion or else those who vote yes are knowingly and willingly subjecting the city to another lawsuit. Ms. Stimpert recounted that a member of Council at the last meeting stated that the law director didn't agree with the action, but he didn't care. She called that foolish and believes that an executive session is warranted to hear the law director. Mayor Kline asked to know what the actions are that would be taken place and called the motion dangerous as he spoke against it.

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

The motion passed 3-2.

MOTION

Sponsor: Councilperson Fetterolf

Motion to Authorize the City Manager to Retain Specialized Legal Counsel for the Village Pertaining to Matters Related to Heritage Accord and the Heritage Accord Community Center Lease

Mayor Kline called for a motion to pass the Motion.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Ms. Stimpert asked why this is necessary. Mr. Bryan stated that Council may choose to hire additional counsel if it chooses. Mr. Rufener stated his belief that a lawsuit will be forthcoming, that it will be a strong case against the city, and specialized counsel will not be necessary because the city will almost certainly lose. Mayor Kline asked to know the approximate cost of this motion when the city cannot afford mulch for the parks. Mr. Bryan stated that the city manager's has a spending allowance, but any proposal that exceeds the spending limit would have to be brought before Council for approval.

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

The motion passed 3-2.

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

No motion was made.

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

Julie Lemon – 609 Ridge Road

She spoke against the actions of Council on the motions and urged the townspeople to raise money to support the lawsuit against the city. She cursed at Councilperson Baryak.

Unidentified Resident

He stated his belief that Council is doing the right thing to bring the community center back into the control of the city. He noted that the President of Heritage Accord did not attend tonight's meeting and wondered about how much she cares about the building. He noted that she lives in North Carolina and is seldom seen in town. He spoke in support of City Manager Priddy and her efforts to acquire the funding to repair the building for the community to use.

David McKinstry – Heritage Accord

He assured Council that Heritage Accord wishes to work collaboratively and cooperatively with the city to reach reasonable solutions to benefit the building and the city. He pledged their cooperation in acquiring the Appalachian Grant Funding. He warned that any pending litigation on this matter will likely be very long and very expensive and that working together could avoid all of that.

Unidentified Resident

She stated her wish that this situation could be handled without lawsuit and worried that the legal insurance carrier may drop the city. She admonished council for not listening to the law director's opinion.

Steve Simpson – 420 Ravenna Road

He defended Ms. Talcott as a resident of the city. He stated his belief that the odds of the city getting the \$5M grant for the community is a long shot and the steps to acquire it are too complicated for the city to follow. He stated his belief that the city has no intentions of working with Heritage Accord on this grant. He alleged possible conflicts of interest as barriers to getting the grant.

Adam Zimmermann – 515 Lemae Avenue

He spoke against the motion to authorize the retention of specialized council and wondered why Mr. Fetterolf did not explain the reason for it as the sponsor. He alleged the possibility of the violation of sunshine laws and admonished members of Council for not asking questions or using an executive session to inform their decision.

Rick Kerlin – 1009 Woodglen

He spoke against Heritage Accord's ability to raise any amount of money comparable to the Appalachian Grant. He stated his belief that Heritage Accord has no intention or no ability to fix the building.

VIII. Adjournment

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

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

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 approximately 5:50pm.

APPROVED:

ATTEST:

Kenneth Kline, Mayor

Michael Acomb, Council Clerk

DRAFT



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 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**
 Mayor Kline called the meeting to order at 6:21 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)**
 Tracy Hurst – 613 Ophelia Street
 She spoke against the Motion to remove the Mayor from office. She reminded Ms. Spletzer that she was against this kind of action when it came up with the previous administration. She stated her belief that the people select the Mayor, not Council. She requested it be removed and that Mr. Baryak must abstain as he has a conflict of interest since he would become Mayor.

Julie Lemon – 609 Ridge Road
 She spoke on several topics including Resolutions 27 and 28 which she spoke against citing her belief that Council should not be trying to take away the rights of the people. She spoke against Resolution 29 citing that it would further divide the community and demonstrated inconsistency on the part of the current Council compared with their past actions. She asked for the meeting minutes from July 8 and wondered when they would be provided to the public.

John Richards – 212 Albert Street

He spoke about the meeting minutes from June 27 and stated that a member of Council violated an oath of office by voting “no” on sending the charter amendment recommendations to the board of elections. He spoke against the Motion against the Mayor citing (1) “dirty politics” and his belief that this action by Council would overturn an election, (2) it would make Mr. Baryak the Mayor and that presents conflicts of interest, and (3) it interferes with the upcoming election because the Mayor is on the ballot but it would automatically make Mr. Hanson mayor, if Mayor Kline is removed. He spoke in support of the Mayor and against the subjective charges against the mayor which are not currently supported by a court. He spoke against Resolution 27-2023 wondering why council would ask the people to give up their rights. He spoke against Resolution 28-2023 citing a conflict with the charter.

Adam Zimmermann – 515 Lemae Avenue

He spoke in support of Resolution 29-2023, but wanted to know “why now?” He stated his belief that malfeasance occurred when the Law Director advised against the action by Council that made the police chief part-time. He called for resignations if any of them vote yes to oust the mayor. He spoke against the charter amendments submitted by Council. He spoke also against the income tax ordinances on this agenda.

Brenda Persino – Oak Knoll – Ward 3

She spoke against Resolution 29-2023 citing that this action divides the community and is an example of this Council doing what they have condemned past Council’s for doing.

VI. Reports

- a. Mayor – Mr. Kline – He asked for Mr. Fetterolf’s report. Mr. Baryak made a point of order to have the mayor follow the agenda as published. Mayor Kline continued. Then, Mr. Baryak made a motion to overrule the Chair. Mr. Fetterolf seconded. Mr. Bryan advised that the OAC specifies the order list on the agenda. The Mayor complied. He spoke against the current condition of the parks.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – He attended a meeting regarding the insurance carrier and the City now carries insurance on the Community Center.
 - ii. Ward 2 – Mr. Baryak – no report
 - iii. Ward 3 – Ms. Spletzer – She attended the meeting with Mr. Fetterolf and stated that \$115,000 was the level of insurance and the level was increased to \$2.5 million which is the recommended amount for that property.
 - iv. Ward 4 – Mr. Rufener – no report
 - v. At-Large – Ms. Stimpert – She attended the Fire Board Meeting and announced the next meeting. She gave kudos to a local mercantile store.
- c. Finance Director – Mr. Housley – He spoke on several topics. He stated that the .25% of income tax would generate about \$212,000 per year. He clarified that any money from Ordinances 2023-21 and 2023-22 would be set into special funds with special use rules and regulations. He also advised that the auditors could be asked to review those funds each year. He also advised Council that these ordinances would free up an equal amount of money within the general fund to be used for other important uses, such as parks. He reminded the parks fund

currently serves the community center. He added that a couple town hall meetings gave the impression that these two increases would be supported. He went on to state that income tax collections are up \$95,000 for this year and he stated that this results in \$886,000 as the estimated revenues for next fiscal year. Compared to last year, the cash position of the village has improved from a balance of (-)\$227,000 to a new balance of (+)\$426,000. This means the Village gained (+)\$653,000 in cash income over the past year. The income tax collection procedures are working and cuts have been tough but seemed necessary. He believes, even with the lawsuits, a full-time city manager, law director, and finance director can be realized next year. Regarding statement of cash position, he pointed out that it is the third column from the right on his reports. He clarified that having a negative cash balance and continuing to spend money is improper. He advised the passage of the income tax ordinances. Mayor Kline asked about a special account for the senior lunches. It was stated that a separate account exists within the general fund so that it can be tracked more easily.

- d. Law Director – Mr. Bryan – no report – He asked to be heard regarding Resolution 29-2023 prior to any vote tonight.
- e. City Manager – Ms. Priddy – She spoke on several topics: 1. 1800 tax letters were sent in 2022 and is down to 1100 in 2023. People are now paying their taxes at a better rate. 2. The Scott Street sewer project will move forward but the award date has been moved to October. 3. August 2 there will be a meeting about the dams. She asked members of council to attend. One of the dams cannot be repaired. Funding options for viable solutions will be discussed. There is a new superintendent at the water plant and he is using the consultants previously approved by Council. He plans to take his licensure test soon and has recommended a crew chief. 4. Administrative staff meetings are continuing to be held. The superintendents are asking for some changes regarding call outs. 5. The insurance adjuster regarding 5 buildings that have roof damage was engaged. One claim will be filed for all 5 damaged roofs. Building limits were increased on the community center because it was grossly under-insured according to the insurance company. The roof repair estimate is \$82,500 for the community center. Ms. Stimpert asked about Scott Street and Ms. Priddy confirmed that the county plans to give \$900,000 for connections, which will be provided to residents based on income. She continued and asked if insurance has been held on the building...Ms Priddy stated yes. She asked to know what the city pays for each lawsuit and heard that \$25,000 per lawsuit per deductible and that only one lawsuit has been charged to the city for \$7000 by the insurance company. Mr. Baryak asked about the transition for Kimble. Ohio Valley will pickup their cans after July 31. Mayor Kline asked about the covered bridge. Ms. Priddy stated that work was supposed to begin in June but has held up for lack of parts. She has no update at this time. Mayor asked about the status of the railroad overpasses. Ms. Priddy stated that the village needs to talk to the railroad association, but expects those talks to go nowhere. She is working with the Trumbull County Engineer who is lobbying at the federal level. Mr. Baryak commented on the overpasses and spoke against CSX allowing the condition of these to be so poor. He asked for advice and Mr. Bryan recommended political pressure be applied to CSX through federal senators and representatives. Mayor Kline asked about the drainage

issues on Ophelia Street. He wants a city official to investigate the issue with the affected residents.

Changes To Tonight's Agenda

Ms. Spletzer asked for Ordinance 2023-24 to be added to the agenda.

Moved by: Mr. Baryak

Seconded by Ms. Stimpert.

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. Ordinance 2023-24 was added to the agenda as the last item in New Business.

Ms. Stimpert asked for a Motion be added to the agenda as a Motion to request the Municipal Court Judge to appoint a special prosecutor to investigate and initiate criminal charges where appropriate for the June 30, 2023 events at the Newton Falls Community Center and or related in any way to those events including the filing of any reports concerning those events. Seconded by Mr. Rufener.

No discussion.

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

The motion failed 2-3.

VII. Approval of Previous Minutes

Regular Meeting Minutes July 5, 2023

No motion was made.

VIII. Public Hearings

None

IX. Unfinished Business

None

X. New Business

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

Mayor Kline asked for a motion to pass the Ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak spoke in support of the ordinance stating the intent to be that 1/4 percent of income tax be placed before the people to support proper law enforcement coverage. Mr. Rufener asked the law director to clarify "additional police staffing" and would this money be used for a Newton Falls Police Department should Council reinstate the department? Mr. Bryan confirmed that to be true and this issue would on the November ballot.

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

Mr. Rufener-yes.
The Ordinance passed 5-0. First Reading.

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

Mayor Kline asked for a motion to pass the Ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Ms. Spletzer stated that this ordinance is like 2023-21. She spoke strongly about supporting the roads and maintenance department. She stated that ¼ percent would be placed in a special fund with special regulations. This money would also support OHM in pursuing matching grants. Mr. Housley stated that the street fund has a negative balance. He spoke in support of the ordinance and the segregated cash that it would create for its specific purpose. Mr. Baryak spoke in support of the ordinance citing increased expenses that have resulted in less staff. This ordinance would provide a chance to insert new cash into this important fund. Mr. Rufener spoke in support of road repairs; but he wants to see a 5 year/10 year/15 year plan so the public can be informed when/if they vote. Ms. Priddy stated that the past has been devoid of any records. OHM is working to evaluate the current state of all roads so that the plan can be developed. Past records do not exist regarding when and which roads were worked on. She agreed that a plan needs to be and will be created. Mr. Housley stated that OHM has assured the administration that a plan is being developed. Currently, the general fund will have to pay for the roads. He spoke in support of this ordinance because the street fund really needs it.

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

The Ordinance passed 5-0. First Reading.

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

Mayor Kline asked for a motion to pass the Ordinance.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Mayor noted that this is the same ordinance that previously failed. Citing parliamentary procedures, he stated his belief that this ordinance cannot be added to a new agenda or reconsidered by Council unless it is done on the same night on which it originally failed. Mr. Bryan stated agreement with the Mayor regarding the Motion to Reconsider that appeared on a previous agenda. But, he advised that this ordinance is being re-introduced with a new number, with a new sponsor, and is a proper ordinance.

Mr. Rufener made a motion to amend the ordinance to exclude the position of city manager from the ordinance altogether. Mr. Bryan clarified the amendment for everyone and Mr. Rufener stated that the amendment allows the council to always have a pool of candidates, if they choose, because the city manager position is so important to the Village. Seconded by: Ms. Stimpert.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes.
The motion to amend passed 5-0.

The Ordinance passed as amended, 5-0. First Reading.

Regular Meeting MINUTES, July 19, 2023 | Page 6 of 11

clarified that this resolution is a prelude to a future resolution to create the board of directors which will help to keep the community center from being used as a political pawn. The grantors require this kind of action to “insure” the property remains a community center and guarantees the long-term use of the anticipated grant. Ms. Stimpert stated frustration with OHM and all actions taken by Council against the Community Center. Mr. Fetterolf clarified that this is the Council’s request for a charter change which will allow the Village to appoint a specially qualified board of directors to oversee the community center.

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

The Resolution passed 4-1.

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

Mayor Kline asked for a motion to pass the Resolution.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Mr. Fetterolf spoke in support of the resolution based on the language in the charter that allows this action by Council given the specific list of charges provided in the Exhibit. He stated his belief that Mr. Kline’s control over meetings has worsened over time and it resulted in a premature adjournment of the July 5 regular meeting. Mr. Baryak asked Mr. Bryan if a resignation would interfere with the election. Mr. Bryan stated that Mr. Kline could remain on the ballot if Council does not proceed with this resolution and the Mayor chose to resign.

Mr. Bryan advised that his comments tonight on this topic are highly unusual. He advised that this matter cannot be discussed in executive session. He recounted that he had advised council against taking action to change the contract of the police chief to part-time, his recommendation ignored, and it resulted in a lawsuit, which he predicted. He also recounted that he advised council to not take action against Heritage Accord, his recommendation was ignored, and he expects a lawsuit in that matter soon, which will place the award of a \$5 million grant in jeopardy.

He has advised that this resolution not be pursued and that this section of the charter is unusual, but was approved by the electorate. Nonetheless, these charges are not consistent with the intent of the charter and are dangerous. He recommended this section be removed by the Charter Review Commission, but instead, they chose to raise the voting threshold. He advised that a public hearing must be held, and the mayor is entitled to legal representation as an elected official of the Village. He stated specifically what this lengthy and expensive process would entail at the village expense and that a full resolution of the matter could take a year. He stated that it seems unlikely a court would agree the charges reach the

necessary level to warrant removal. He recommended that the Council remove this resolution from the agenda and utilize the conflict resolution services that he has advised council to use via the Ohio Supreme Court, free of charge.

Mr. Baryak spoke in support of the resolution citing that Mayor Kline ignored the pleas of the law director on July 5 and Mayor Kline stated such in that open meeting. Mr. Fetterolf spoke in support of the resolution citing that the charter takes precedent over state law and believes that this resolution will serve to immediately address the issue. He spoke against the use of conflict resolution services. Mr. Rufener expressed appreciation for Mr. Bryan. He spoke against the resolution citing it as wrong and the result of a “personality conflicts”. Ms. Stimpert expressed appreciation for Mr. Bryan. She will continue to follow his advice. Mayor Kline summarized that the law director does not support the resolution and that the village must provide him with legal counsel if the resolution passes tonight. Mr. Bryan agreed that both statements are true and that personal liability for damages to Mr. Kline by those who vote yes may be at stake, as well.

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

The Resolution passed 3-2.

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.

Mayor Kline asked for a motion to pass the Motion.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Mr. Baryak spoke against the motion citing that past councilmembers were not provided counsel but the Mayor can be reimbursed if he wins against the Village. Ms. Spletzer asked Mr. Housley if this would be a proper use of public funds. Mayor Kline advised Ms. Spletzer to direct this question to the law director. She did. Mr. Bryan stated “yes”. Mr. Fetterolf asked for written legal language to support the use of a village hired attorney to defend him for breaking his oath. Mr. Fetterolf suggested that the mayor can ask for legal fees if he wins the case. Mr. Housley clarified that Mr. Bryan is the only person that can answer the question regarding proper public use of funds. Ms. Stimpert asked Mr. Bryan to clarify, and Mr. Bryan stated that the mayor is entitled to legal representation at the expense of the Village due to his current position as an elected official of the Village.

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

The Resolution failed 2-3.

ORDINANCE 2023-24

Sponsor: Councilperson Spletzer

AN ORDINANCE TRANSFERRING THE SUM OF \$35,000 FROM THE GENERAL FUND (100) TO THE PARK AND RECREAT FUND (204).

Mayor Kline asked for a motion to pass the Ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer asked Ms. Priddy to explain the details of this ordinance. Ms. Priddy stated that the insurance company has required the floor of the Community Center be fixed (\$17,500) before anything else can be done with the property. It is expected that insurance will not cover the expense. Ms. Priddy stated that any of the damage would be hard to prove as insurable, according to the insurance company. If caused by the windows, then yes, and it can be proved, then insurance will cover the expense. Mr. Rufener spoke against the use of taxpayer funds before the insurance company has decided.

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

The Ordinance failed 2-3.

XI. Public Comments

Julie Lemon – 609 Ridge Road

She spoke against the actions of council tonight regarding the community center. She spoke in support of Mayor Kline.

Point of order to address the chair.

Ms. Spletzer chose to leave the meeting citing abusive language by the speaker. Mr. Fetterolf made a point of order. Mayor Kline defended the right of the speaker to say what she likes. Mr. Fetterolf cited the charter prohibiting insults, attacks, etc.... Mr. Bryan reminded the Council that the Village signed a consent order to not enforce that provision of the charter.

Jamie Kline – 312 Ridge Road

She asked for the name of the zoning director and complained about her neighbor's yard.

Condie Bright – Washington Street

He spoke in support of the law director citing the third time that Council has not taken his advice and that they are willingly taking on unnecessary lawsuits. He called it malfeasance. He asked for an explanation by Council for their illegal actions.

Charlotte Simmons

She addressed Mr. Baryak directly regarding underpasses and the height of the grass on Warren Road citing unsafe conditions. She spoke against Mr. Baryak as a representative of Ward 2.

Brenda Persino – Oak Knoll

She spoke to Mayor Kline and shared that her husband advised her to stay away because the Council will do what they want no matter what. She referred to the village seal and urged Council to remove it from the building. She is disappointed that Council continues to ignore the law director's advice.

Tracy Hurst – Ophelia Street

She spoke on many topics, including her disbelief that Council ignored the opinion of the law director, her belief that Mr. Baryak should have abstained from the vote against the mayor, her disappointment that the charter was not followed with regard to allowing the public to speak on legislation that is introduced the agenda at the last minute, and her lack of support for the numerous lawsuits that Council has brought on to the city. She spoke about what she had learned about bridge construction within the city that she had to call the contractor herself as opposed to getting information from the city manager. She spoke against the current culture of the Council and likened it to the same culture held by the previous councils and administrations.

Adam Zimmermann – 515 LeMae Avenue

He thanked Council for perfect example of malfeasance when they chose to ignore the law director. He stated his belief that two members of Council should have abstained from vote on Ms. Stimpert's motion to hire a special prosecutor because they would have been investigated. He spoke about several topics including a lack of records for street improvements and the need for the village have a full-time city manager.

Don Placer – 342 Oak Knoll Avenue

He asked if Ms. Spletzer was excused from the meeting. He asked if the Village operates a drug free workplace and stated his belief that there is reasonable suspicion against Ms. Spletzer for having confused the finance director and law director. He wanted to know who pays for the damages to the community center and he admonished Council for their behavior towards Mayor Kline.

Rick Kerlin - 1009 Woodglen

He thanked Ms. Priddy for her efforts as a city manager to help seniors, improve park benches, and get flowers for the bridge. He stated that there are many things that she has improved for the Village. She is hardly a part-time administrator in his opinion.

XII. Closing Remarks

- a. Mayor – Mr. Kline – He spoke about his lack of surprise with tonight's actions by Council. He professed his love for the community and being a servant to it. He defended his actions of the past and stated his appreciation for the experience of being the Mayor.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – no report
 - ii. Ward 2 – Mr. Baryak – He spoke to Ms. Simmons and defended the efforts of the Village to improve those situations of which she spoke. He also stated that Ms. Persino and Ms. Kline chose not to work with him. He stated that the village doesn't have the manpower to do what is needed, so priorities must be set.
 - iii. Ward 3 – Ms. Spletzer – no report (absent)

- iv. Ward 4 – Mr. Rufener – no report
- v. At-Large – Ms. Stimpert – no report
- c. City Manager – Ms. Priddy – no report

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

XIV. Adjournment

Mayor Kline asked for a motion to adjourn the meeting.

Moved by: Mr. Baryak

Seconded by: Ms. Stimpert

No discussion.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-not present; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes.

The Motion passed 4-0. The meeting was adjourned at 9:00pm.

APPROVED:

ATTEST:

Kenneth Kline, Mayor

Michael Acomb, Council Clerk

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 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, with the exception of the City Manager, 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 Department Heads and Department Supervisors but not the City Manager, 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.: 30-2023
SPONSOR: Councilperson Baryak

**A RESOLUTION CERTIFYING THE MUNICIPAL INCOME TAX INCREASE
AMENDMENT ADOPTED IN VILLAGE ORDINANCE NO. 2023-21 TO THE
TRUMBULL COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT
FOR CONSIDERATION OF THE ELECTORATE AT THE NOVEMBER 7, 2023
MUNICIPAL ELECTION**

WHEREAS, Council has adopted Ordinance No. 2023-21 that amends 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 1.0% to 1.25%, with the revenues from the tax increase to be utilized to assign additional Sheriff's Department Deputies to the Village and/or add additional police staffing beyond 2023 staffing levels; and

WHEREAS, pursuant to Article VIII, Section 2 of the Newton Falls Charter and State law, an increase in the Newton Falls municipal income tax rate to a rate in excess of 1.0% requires approval by the Village electorate before it can go into effect; and

WHEREAS, Council desires to certify the municipal income tax increase provided in Village Ordinance No. 2023-21 to the Trumbull County Board of Elections for consideration by the electorate.

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

SECTION 1. That Council hereby and herein certifies the municipal income tax increase amendment provided in Village Ordinance No. 2023-21, a copy of which is attached hereto and incorporated herein by reference, to the Trumbull County Board of Elections for placement on the ballot for consideration of the electorate at the November 7, 2023 Municipal Election.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution with an attached signed copy of Village Ordinance No. 2023-21 to the Trumbull County Board of Elections, make all the necessary arrangements with the Board of Elections, and provide any required notice to the Village's electors for the proper placement of this municipal income tax rate increase on the ballot for consideration of the electorate at the November 7, 2023 Municipal Election.

RESOLUTION NO. 30-2023
PAGE TWO

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

SHALL SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE BE AMENDED TO RAISE THE NEWTON FALLS MUNICIPAL INCOME TAX RATE FROM 1.0% TO 1.25%, WITH THE REVENUES FROM THE ADDITIONAL 0.25% TAX INCREASE TO BE UTILIZED TO PAY FOR THE ASSIGNMENT OF ADDITIONAL SHERIFF'S DEPARTMENT DEPUTIES TO THE VILLAGE AND/OR TO ADD ADDITIONAL POLICE STAFFING BEYOND 2023 LEVELS?

FOR THE TAX INCREASE: _____

AGAINST THE TAX INCREASE: _____

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</p> <p>No. _____ duly passed by the Council of the Village of the City of</p> <p>Newton Falls, Ohio on _____, 20_____.</p> <p style="text-align: center;">_____ City Clerk</p>
--

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

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.

* * *

(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
RESOLUTION NO.: 31-2023
SPONSOR: Councilperson Spletzer

**A RESOLUTION CERTIFYING THE MUNICIPAL INCOME TAX INCREASE
AMENDMENT ADOPTED IN VILLAGE ORDINANCE NO. 2023-22 TO THE
TRUMBULL COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT
FOR CONSIDERATION OF THE ELECTORATE AT THE NOVEMBER 7, 2023
MUNICIPAL ELECTION**

WHEREAS, Council has adopted Ordinance No. 2023-22 that amends 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 by an additional 0.25% (the Village municipal income tax rate is presently 1.0%), with the revenues from the tax increase 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 Newton Falls Charter and State law, an increase in the Newton Falls municipal income tax rate to a rate in excess of 1.0% requires approval by the Village electorate before it can go into effect; and

WHEREAS, Council desires to certify the municipal income tax increase provided in Village Ordinance No. 2023-22 to the Trumbull County Board of Elections for consideration by the electorate.

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

SECTION 1. That Council hereby and herein certifies the municipal income tax increase amendment provided in Village Ordinance No. 2023-22, a copy of which is attached hereto and incorporated herein by reference, to the Trumbull County Board of Elections for placement on the ballot for consideration of the electorate at the November 7, 2023 Municipal Election.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution with an attached signed copy of Village Ordinance No. 2023-22 to the Trumbull County Board of Elections, make all the necessary arrangements with the Board of Elections, and provide any required notice to the Village's electors for the proper placement of this municipal income tax rate increase on the ballot for consideration of the electorate at the November 7, 2023 Municipal Election.

RESOLUTION NO. 31-2023
PAGE TWO

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

SHALL SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE BE AMENDED TO RAISE THE NEWTON FALLS MUNICIPAL INCOME TAX RATE BY 0.25% (THE TAX RATE IS PRESENTLY 1.0%), WITH THE REVENUES FROM THE ADDITIONAL 0.25% TAX INCREASE TO BE UTILIZED SOLELY TO PAY FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF VILLAGE STREETS AND ROADS?

FOR THE TAX INCREASE: _____

AGAINST THE TAX INCREASE: _____

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

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

RES 31-2023
Exhibit A
Page 1 of 3

**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

RES 31-2023
Exhibit A
Page 2 of 3

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.

* * *

(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
RESOLUTION NO.: 32-2023
SPONSOR: Councilperson Spletzer

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
DETERMINED BY THE TRUMBULL COUNTY BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO
THE COUNTY AUDITOR**

WHEREAS, the Village, in accordance with the provisions of law, has adopted a tax budget for the next succeeding fiscal year commencing January 1, 2024; and

WHEREAS, the Budget Commission of Trumbull County has certified to Council its action as to the amounts and rates of Village tax levies together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within, the 10 mill limitation.

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

SECTION 1. That the amounts and rates as indicated by the Budget Commission and County Auditor, which are attached hereto and incorporated herein by reference, are hereby accepted.

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

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

RES 32-2023
Exhibit A
Page 1 of 4

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

The Council of the City of NEWTON FALLS, TRUMBULL
County, Ohio, met in _____ session on the _____ day of _____,
20____, at the office of _____ with the following members
present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council, in accordance with the provisions of Section 5705.281 R.C., previously
provided the Alternative Tax Budget Information for the next succeeding fiscal year commencing
January 1, 2024; and

WHEREAS, The Budget Commission of TRUMBULL County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Auditor of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part
within the ten mill limitation; therefore, be it

RESOLVED, By the Council of the City of NEWTON FALLS, TRUMBULL,
County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and
the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax
necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES

RES 32-2023
Exhibit A
Page 2 of 4

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10M. Limitation	County Estimate Rate to be	Auditor's of Tax Levied
			Inside 10 M. Limit	Outside 10M. Limit
	Column I	Column II	Column III	Column IV
General Fund (includes County Health)	138,469 50		2.20* 0.15	
Road and Bridge Fund				
Cemetary Fund				
Lighting Fund				
Police Pension Fund	19,097		0.30	
Fire District Fund				
Road District Fund				
Park Levy Fund				
Miscellaneous Funds (Fire Equipment)				
Amb. & Emergengy Medical Services Fund				
General (Note) Bond Retirement Fund				
Twp. Motor Vehicle License Fund				
Special Levy Fund				
Capital Equipment Fund				
Permanent Improvement Fund				
Total	157,616	0	2.50	0.00
Tangible Reimbursement from State		0		
Total		157,616		

TOTAL MILLAGE 2.65

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to be levied	County Auditor's Est. of Yeild of Levy (Carry to Schedule A,Column II)
------	--	---

General Fund:
Current Expense Levy authorized by voters on
not to exceed 5 years

Special Levy Funds:
Levy authorized by voters on

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this
Resolution to the County Auditor of Said County.

_____ seconded the Resolution and the roll being called
upon its adoption the vote resulted as follows:

_____,
_____,
_____,
_____,
_____,
_____,

Adopted the _____ day of _____, 20_____.

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

RES 32-2023
Exhibit A
Page 4 of 4

The State of Ohio, TRUMBULL County, ss.

I, _____, Clerk of the Council of the City of
NEWTON FALLS, within and for said County, and in whose custody the Files
and Records of said Council are required by the laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original of _____

now on file, that the foregoing has been compared by me with said original document, and that the same is a
true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20_____.

Clerk of Council

NEWTON FALLS, City.

1. A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R.C. or at such later date as may be approved by the Board of Tax Appeals.

No.

COUNCIL OF THE CITY OF
NEWTON FALLS
TRUMBULL, County, Ohio

RESOLUTION

ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR.

(City Council)

Adopted _____, 20_____

Clerk of Council

Filed _____, 20_____

County Auditor

By _____

Deputy

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-25
SPONSOR: Councilperson Fetterolf

**AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AMENDED AGREEMENT FOR PROSECUTION SERVICES**

WHEREAS, the current Newton Falls Prosecutor has been on the job for several months and now has an understanding of the time commitment necessary to perform the job functions; and

WHEREAS, the Village Prosecutor has accepted additional part-time work with another community and desires to amend his contract with Newton Falls to constitute a contract with his firm rather than him as an individual so as to ensure that all Village prosecution matters are covered by an experienced prosecutor.

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

SECTION 1. That Council hereby authorizes the City Manager to enter into the attached Agreement, or an agreement substantially similar thereto, with the law firm of Reeves, Fink & Knabb Co., LPA, that sets forth the terms and conditions for the provision of Prosecutor services to the Village, retroactive to August 1, 2023.

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

SECTION 3. That this Ordinance is declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason the Village needs at all times to have a competent Prosecutor available to handle its criminal matters, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Art. III, Sec. 21.

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

AMENDED PROSECUTOR AGREEMENT

This Agreement is entered into this ____ day of August, 2023, by and between Newton Falls, Ohio (“Newton Falls”), an Ohio municipal corporation, and the law firm of Reeves, Fink & Knabb Co., LPA (“the Law Firm”), which address is 11 River Street, Kent, Ohio 44240, collectively referred to as the “Parties”.

WHEREAS, the Village requires prosecution services; and

WHEREAS, the Law Firm has the interest, expertise, and experience to serve as the Village Prosecutor.

NOW, THEREFORE, Newton Falls and the Law Firm hereby enter into the within Agreement for the Law Firm to serve as the Newton Falls Prosecutor, on an independent contractor basis, under the supervision of the City Manager and the following terms and conditions.

1. Scope of Work and Compensation. The Law Firm shall handle all Prosecution matters on behalf of the Village of Newton Falls and any townships within the jurisdiction of the Newton Falls Municipal Court for which Newton Falls is required to handle Prosecution matters by law. The Prosecutor may also assist the Director of Law with Village legal matters as determined by the Director of Law and City Manager. As compensation for undertaking the duties of Prosecutor, the Law Firm shall be paid \$3,466 per month (\$41,600 per year), as an independent contractor, starting in the month of August 2023.

2. Effective Date and Termination. This Agreement shall be effective as of August 1, 2023, and this Agreement may be terminated by either party: (a) immediately for cause; or (b) at will and without cause with the provision of thirty (30) days’ written notice to the other party.

Reeves, Fink & Knabb Co., LPA

Village of Newton Falls

Jordan Knabb, Partner

Pamela S. Priddy, City Manager

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-26
SPONSOR: Councilperson Spletzer

**AN ORDINANCE ESTABLISHING CHAPTER 144 OF THE ADMINISTRATIVE CODE
AND THE DEPARTMENT OF HISTORIC SITES AND STRUCTURES**

WHEREAS, Council desires to establish a Department of Historic Sites & Structures that is entrusted to: protect Village history and ensure that sites and structures owned by the Village remain historically intact and well maintained for future generations; make certain historically registered or listed sites and structures comply with Federal, State, and Local laws, regulations, and guidelines when being repaired or restored; set guidelines and rates for renting properties; handle advertising and public relations functions; and provide plans and recommendations for the proper allocation of funds and/or ensuring properties and sites are financially sustainable.

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

SECTION 1. That Council hereby and herein enacts Chapter 144 of the Administrative Code, titled Department of Historic Sites & Structures, 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

CHAPTER 144

Department of Historic Sites & Structures

144.01 Purpose.

144.02 Composition.

144.03 Advisory Board.

144.01 PURPOSE.

This Department is entrusted to protect Village history, ensure that sites and structures owned by the Village remain historically intact and well maintained for future generations, and make certain that historically registered or listed sites and structures comply with Federal, State and Local laws, regulations, and guidelines when being repaired or restored, including compliance with all permit requirements. In addition, the Department shall set guidelines and rates for renting properties, handle advertising and public relations functions, and provide plans and recommendations for the proper allocation of funds and/or ensuring properties and sites are financially sustainable.

144.02 COMPOSITION.

The Department shall be composed of a Director of the Department of Historic Sites & Structures (“DHSS Director”), who shall be appointed by an affirmative vote of at least a majority of the members of Village Council. The DHSS Director may agree to serve without pay or be entitled to compensation as established by Council and may hold other employment with the Village. The DHSS Director shall be subject to removal for just cause by at least a four-fifths vote of the members of Council. Additional members of the Department may be appointed by the DHSS Director upon approval from Council for the creation of such positions and serve under the supervision of the DHSS Director.

144.03 ADVISORY BOARD.

The Department shall be assisted in performing its duties by the Department of Historic Sites & Structures Advisory Board that shall be comprised of persons with relevant professional expertise or business experience. The Advisory Board shall consist of seven members, all of whom shall not hold any office with the Village that is elected by the voters. Advisory Board members shall not be required to be Village residents or electors. The DHSS Director shall be the Chairperson of the Advisory Board and appoint the other six members of the Board. One Board Member shall be appointed for a 5 year term, two Board members shall be appointed for 3 year terms, and the 3 other Board members shall be appointed for 1 year terms. At the expiration of each of the above terms, appointments shall be made for a new 5 year term for the 5 year Board position, new 3 year terms for the 3 year Board positions, and new 1 year terms for the 1 year Board positions. Board members may be removed for just cause during their term by the DHSS Director. Any vacancy occurring during an unexpired term of a Board member shall be filled through an appointment by the DHSS Director for the remainder of the vacating member’s unexpired term. The Advisory Board shall regularly meet on at least a quarterly basis. All meetings shall be open to the public unless an executive session is authorized pursuant to Section 121.22 (G) of the Ohio Revised Code. The Advisory Board shall be tasked with engaging in research and assisting with and providing professional and technical assistance, inspections, recommendations, plans, studies, and reports to the Director.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-27
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPOINT AN
ASSISTANT ZONING ADMINISTRATOR**

WHEREAS, Council has determined the Zoning Department needs an Assistant Zoning Administrator in order to help with the performance of the duties of the Department.

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

SECTION 1. That Council hereby and herein authorizes the City Manager to appoint an Assistant Zoning Administrator, whose work schedule shall be determined by the City Manager after consultation with the Zoning Administrator. The rate of pay for the position shall be \$20.00 per hour, and the Assistant Zoning Administrator shall not work more than an average of 20 hours per week in any calendar year.

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

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-28
SPONSOR: Councilperson Fetterolf

AN ORDINANCE DECLARING THE WINDHAM STREET PERMANENT PARCEL NO. 53-055300 AND 53-055400 PROPERTIES NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE CITY MANAGER TO ADVERTISE THE PROPERTIES FOR SALE AND REQUEST SEALED BIDS FOR THE PURCHASE OF THE PROPERTIES

WHEREAS, Council hereby determines the residential zoned, vacant, Windham Street Permanent Parcel No. 53-055300 and 53-055400 properties are no longer needed for public use and the Village's cost of maintaining the properties outweighs the benefits of owning the properties; and

WHEREAS, Section 121.05 of the Village Administrative Code permits the Village to sell property meeting the above criteria by advertising the property for sale and requesting sealed bids for the property; and

WHEREAS, Council desires to authorize the City Manager to advertise the properties for sale, request sealed bids for the purchase of the properties, and set the County total appraised value of the properties as the minimum bid amount.

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

SECTION 1. That Council hereby and herein authorizes the City Manager to advertise the Windham Street Permanent Parcel No. 53-055300 and 53-055400 properties for sale, request sealed bids for the purchase of the properties, and set the County total appraised value of the properties as the minimum bid amount.

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

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

ORDINANCE NO. 2023-28
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
ORDINANCE NO.: 2023-29
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. 2023-29
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			
GENERAL ADMINISTRATION				
Personal Services	Legal Level	-	-	-
Other Operations	Legal Level	-	25,000.00	25,000.00
	Total:	-	25,000.00	25,000.00
TRANSFERS / ADVANCES OUT				
Other Operations	Legal Level	35,500.00	78,500.00	43,000.00
	Total:	35,500.00	78,500.00	43,000.00
100	Total:	2,148,656.51	2,216,656.51	68,000.00
503	ELECTRIC OPERATING			
Personal Services	Legal Level	516,400.00	516,400.00	-
Other Operations	Legal Level	5,547,400.00	5,897,428.00	350,028.00
503	Total:	6,063,800.00	6,413,828.00	350,028.00
709	FLOWER FUND			
Other Operations	Legal Level	5,000.00	6,400.00	1,400.00
709	Total:	5,000.00	6,400.00	1,400.00
Grand Total:		17,004,810.07	17,424,238.07	419,428.00