



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, January 03, 2024; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Patricia Benetis
Ward 2	Brian Axiotis
Ward 3	Brenda Persino
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Mayor	David Hanson

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Bradric Bryan
Finance Director	Sean Housley
Clerk of Council	Michael Acomb

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
- IV. Changes To Tonight's Agenda**
- V. Special Presentations by Staff Members or Invited Consultants**
- VI. Public Comments (Agenda Items Only)**
- VII. Reports**
  - a. Mayor
  - b. Council Members
  - c. Finance Director
  - d. Law Director
  - e. City Manager
- VIII. Approval of Previous Minutes**
  - Special Meeting Minutes December 19, 2023
  - Regular Meeting Minutes December 19, 2023
- IX. Public Hearings**
  - ORDINANCE 2023-51 *Sponsor: Councilperson Rufener*  
 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF HILSCHER-CLARK ELECTRIC FOR TREE TRIMMING SERVICES
  
  - ORDINANCE 2023-54 *Sponsor: Councilpersons Rufener and Stimpert*  
 AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED DIRECTOR OF LAW AGREEMENT WITH DIRECTOR OF LAW BRADRIC BRYAN
- X. Unfinished Business**
  - ORDINANCE 2023-51 *Sponsor: Councilperson Rufener*  
 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF HILSCHER-CLARK ELECTRIC FOR TREE TRIMMING SERVICES

ORDINANCE 2023-54                      *Sponsor: Councilpersons Rufener and Stimpert*  
AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER  
INTO AN AMENDED DIRECTOR OF LAW AGREEMENT WITH DIRECTOR OF LAW  
BRADRIC BRYAN *(second of three readings)*

REQUEST FOR QUALIFICATIONS ADDITIONAL PERFORMANCE AUDIT PROJECT

**XI. New Business**

MOTION    *Sponsor: Councilperson Rufener*  
A Motion to appoint Condie Bright to the Planning and Zoning Commission for the term  
beginning 01/01/2024 and ending 12/31/2028.

MOTION    *Sponsor: Councilperson Rufener*  
A Motion to appoint Denny Cottrill to the Planning and Zoning Commission for the term  
beginning 01/01/2024 and ending 12/31/2024.

MOTION    *Sponsor: Councilperson Stimpert*  
A motion to appoint Julie Lemon to the Community Services and Activities Ad-Hoc  
Committee.

MOTION    *Sponsor: Councilperson Stimpert*  
A motion to appoint Ashley Placer to the Community Services and Activities Ad-Hoc  
Committee.

APPOINTMENTS TO THE POLICE SERVICES AD-HOC COMMITTEE

APPOINTMENTS TO THE TREASURY INVESTMENT BOARD

ORDINANCE 2024-01                      *Sponsor: Councilpersons Rufener and Stimpert*  
AN ORDINANCE REPEALING CHAPTER 144 OF THE ADMINISTRATIVE CODE  
TITLED DEPARTMENT OF HISTORIC SITES AND STRUCTURES

ORDINANCE 2024-02                      *Sponsor: Councilpersons Rufener and Stimpert*  
AN ORDINANCE AMENDING SECTION 133.03 OF THE ADMINISTRATIVE CODE  
PERTAINING TO THE CITY MANAGER'S CONTRACT AUTHORITY THRESHOLD

RESOLUTION 01-2024                      *Sponsor: Councilpersons Rufener, Stimpert, Persino*  
A RESOLUTION AUTHORIZING ALL CHARTER OR COUNCIL ESTABLISHED  
BOARDS, COMMISSIONS, AND COMMITTEES, OR INDIVIDUAL COUNCIL  
MEMBERS, TO USE THE VILLAGE HALL GREAT ROOM TO CONDUCT MEETINGS  
AS LONG AS THOSE MEETINGS DO NOT CONFLICT WITH PREVIOUSLY  
SCHEDULED MEETINGS OR EVENTS

DISCUSSION OF EMPLOYEE HEALTHCARE OPTIONS MOVING FORWARD

**XII. Public Comments**

**XIII. Closing Remarks**

- a. Mayor

- b. Council Members
- c. Finance Director
- d. Law Director
- e. City Manager

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

**XV. Adjournment**



NEWTON FALLS CITY COUNCIL  
**SPECIAL MEETING MINUTES**  
 Tuesday, December 19, 2023; 5:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Patricia Benetis
Ward 2	John Baryak
Ward 3	VACANT
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Acting Mayor	John Baryak

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

This meeting was requested via emails from Ms. Stimpert and Mr. Rufener on 12/12/2023.

**I. Call to Order**

Mr. Bryan advised Ms. Stimpert, as the senior member of Council in attendance, to call the meeting to order. Ms. Stimpert called the meeting to order at 5:01 pm.

**II. Pledge of Allegiance / Silent Prayer**

**III. Roll Call**

Mr. Rufener made a motion to appoint Ms. Stimpert as presiding officer for this meeting. Seconded by Ms. Benetis.

No discussion.

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

The motion passed 3-0.

Ms. Stimpert asked Mr. Acomb to call the roll.

Council Present: Councilperson Benetis, Councilperson Rufener, Councilperson Stimpert

Council Absent: Acting Mayor/Councilperson Baryak,

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

Staff Absent: City Manager Priddy

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

None.

**V. Old Business**

None.

**VI. New Business**

Ms. Stimpert read the new business item.

Interviews and consideration of candidates for the vacant Ward 3 council seat, in or out of executive session, as determined by Council.

**VII. Motion to Recess into Executive Session (if necessary).**

Mr. Rufener made a motion to enter executive session for the purpose of considering the appointment of a public official. Ms. Benetis seconded the motion.

No discussion.

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

The motion passed 3-0. The council entered executive session at 5:04 pm and adjourned to the conference room.

The Council returned to chambers. Ms. Stimpert made a motion to adjourn the executive session and resume the regular session. Seconded by Ms. Benetis.

No discussion.

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

The motion passed 3-0. The council adjourned executive session and resumed the regular session at 5:41 pm.

Motion to make an appointment for the vacant Ward 3 seat.

Mr. Rufener made a motion to appoint Ms. Brenda Persino to the vacant seat on Council for Ward 3. Seconded by Ms. Benetis

No discussion.

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

The motion passed 3-0.

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

None.

**IX. Adjournment**

Ms. Stimpert made a motion to adjourn the meeting. Seconded by Ms. Benetis

No discussion.

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

The motion passed 3-0. The meeting adjourned at 5:41 pm.

APPROVED:

\_\_\_\_\_  
David Hanson, Mayor

ATTEST:

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



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING MINUTES**  
 Tuesday, December 19, 2023; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Patricia Benetis
Ward 2	John Baryak
Ward 3	Brenda Persino
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Acting Mayor	John Baryak

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

- I. Call to Order**  
 Mr. Baryak called the meeting to order at 6:00 pm.
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**  
 Mr. Baryak asked Mr. Acomb to call the roll.  
 Council Present: Acting Mayor/Councilperson Baryak, Councilperson Benetis, Councilperson Rufener, Councilperson Stimpert  
 Council Absent: Councilperson Persino  
 Staff Present: Finance Director Housley, Clerk Acomb, Law Director Bryan  
 Staff Absent: City Manager Priddy  
  
 Mr. Rufener made a motion to excuse Ms. Persino from the meeting. Seconded by Ms. Stimpert.  
 No discussion.  
 Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
 The motion passed 4-0. Ms. Persino was excused.
- IV. Changes To Tonight's Agenda**  
 Mr. Baryak made a motion to add Ordinance 2023-55 to the agenda, correcting the published number to 2023-55 and announcing himself as sponsor for the proposal of OHM Advisers for Engineering Services 2024 Paving Program.  
  
 Mr. Bryan clarified that the agenda shows two (2) items listed as Ordinance 2023-54, Mr. Baryak's motion would correct the clerical error and add the item to the agenda as Ordinance 2023-55. The item as listed is not considered to be on the agenda because there is no sponsor listed. Mr. Baryak's motion would require a second and an affirmative vote to be added to the agenda properly. Seconded by Mr. Rufener.  
 No discussion.  
 Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
 The motion passed 4-0. The item was added to the agenda in New Business.
- V. Special Presentations by Staff Members or Invited Consultants**  
 Brian Gorog – OHM Advisers. Mr. Gorog stated that the 2024 Paving Program has secured Ohio Public Works funding and grants in 2023 awarded by Eastgate. Engineering services are needed at this point

to prepare for the public bidding process in the Spring. He summarized the streets that would be paved as part of the project. The proposal includes engineering design services to be bid in March, 2024 in order to gain first-mover advantage with paving to begin in May, 2024. Council asked no questions.

## **VI. Public Comments (Agenda Items Only)**

Brian Kropp – 247 Elizabeth Street

He spoke against the addition of Ordinance 2023-55 and asked Council to suspend Council rules to allow for discussion. He wanted several questions answered, which were not answered today, as he made multiple requests for public records to determine how this item was listed in the agenda packet without a sponsor. Why are administrators putting legislation on the agenda? He traded emails with Mr. Acomb, spoke with Ms. Priddy on the phone, and had not heard a response from Mr. Bryan to his email to him. Key questions he wanted answered is why and how administrators can place legislation onto the agenda for consideration without a sponsor and how is that legislation being written without a sponsor to start. He stated belief that administration can only assist the members of Council in writing the legislation and submitting that legislation prior to the established deadline for inclusion on the agenda. He spoke against Mr. Baryak's "last-minute" sponsorship of the ordinance and wondered why he wasn't involved in the writing of the legislation or asking questions about the legislation the past week and a half.

Ms. Stimpert made a motion to suspend Council rules. Seconded by Ms. Benetis.

No discussion.

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

The motion passed 4-0. Council rules were suspended.

Mr. Kropp addressed Mr. Acomb directly and alleged that despite multiple communications, Mr. Acomb, in two emails to Mr. Kropp, failed to provide information requested and admitted that a clerical error was made which explained how the ordinance ended by being on the agenda and misnumbered without a sponsor. Mr. Bryan interjected and stated that he was asked to prepare the legislation by the city manager on Tuesday, which he prepared, and sent it to the clerk, city manager, and finance director. The ordinance was placed on the draft agenda for members of Council with a request for a sponsor (standard practice since Mr. Bryan began his employment with the Village). Mr. Kropp chastised Mr. Bryan for writing legislation when he is not an elected legislator and stated belief that a member of Council is expected to write the legislation with Mr. Bryan's assistance. Mr. Bryan continued to explain that his job, as law director, is to draft legislation for Council's consideration, particularly when there are legal considerations to be included within that legislation. He stated that some legislation is generated and initiated by members of Council, who are part-time employees, with the law director. There is also legislation that is initiated by the City Manager, drafted by the law director, and presented to Council for sponsorship. Sometimes that sponsorship is requested by the City Manager and other times, it is requested by the Clerk, usually via the draft agenda that is received only by Council. Mr. Bryan further explained that when a sponsor is not identified by the Clerk prior to the Monday release of the public agenda, then the Clerk is supposed to remove items without a sponsor. In this case, the clerk admitted that he forgot to do so with Ordinance 2023-55. He explained further that an announcement was made at the beginning of this meeting that this item should not have been on the agenda, and later, a motion was made to add it to the agenda with that person making the motion to be the sponsor. Council voted to accept the motion and the item was added properly to the agenda. Mr. Kropp asserted that no legislation can appear on the agenda without a sponsor per the Village administrative code. Mr. Bryan agreed. Mr. Kropp asked to know why, if the mistake was known, was a revised public agenda not issued prior to the meeting with Ordinance 2023-55 removed. Mr. Bryan stated that a mistake was made, and his belief that the mistake was minor and of no consequence. Mr. Kropp continued to argue that administrators, including the law director, are not permitted to draft legislation. Mr. Bryan disagreed and stated an example being that Mr. Housley is the only person who can properly write the legislation for appropriations amendments. No member of Council is qualified to do so nor do they have the knowledge to do so. Mr. Housley, in this example, writes the legislation, secures a sponsor, and places it before the Council for their consideration. Mr. Kropp continued to argue that legislation must be submitted by a deadline to be placed on an agenda, presumably to mean that Mr. Baryak's motion to add Ordinance 2023-55 to the agenda was improper. Mr. Baryak explained all members of the

Council are part-time employees and that he has always sponsored legislation such as Ordinance 2023-55. Mr. Baryak attempted to speak further with additional questions for Mr. Kropp. Mr. Kropp interrupted Mr. Baryak and rejected his questions as irrelevant. Mr. Baryak continued to explain that the error in the agenda is a very one and should not warrant this discussion. Mr. Kropp explained to Council that rules exist and they must be followed. He chastised the Council and the law director for doing this incorrectly. Mr. Bryan disagreed. Mr. Kropp demanded to know if a sponsor was secured by the deadline to submit legislation for the agenda stating belief that the Charter says it must. Mr. Bryan disagreed. Mr. Kropp expressed frustration and alleged that the administrators do not care about doing the right thing and following rules. He thanked Council for the their time and sat down.

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

No discussion.

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

The motion passed 4-0. Council rules were resumed.

Lyle Waddell – Myrtle Beach

He spoke about the meeting minutes for the November 6 meeting, stating that he has made requests for the budgets from October and November and has not received them. He threatened lawsuits if he does not receive them. He spoke against the assistant to the city manager being paid as a full-time employee. He stated that the City Clerk is supposed to do all the work that is being done by Ms. Smeiles, as the assistant to the city manager. He spoke in support of the canoe launches; but against using upfront money, including reimbursement grants, for purposes other than the police. He wanted to know where the money would come from to improve the property when the Village cannot fund a police department.

Ana Eby – 50 W. 9<sup>th</sup> Street

She stated that the sound on YouTube is not working. Why is there money for roads when the levy did not pass? She stated belief that if the Council has the money for roads, then you could have tried to put a full percentage of income tax on the ballot for the police.

Rick Kerlin – 1009 Woodglen

He spoke against the items that are on the agenda without two sponsors, citing the new charter amendment requires co-sponsors on all legislation. He read the charter amendment to Council. He also spoke against the motion for a forensic audit citing extensive costs of \$20-50K and a lack of parameters or scope of work. He stated that Council cannot direct a department head to do anything, but rather they can only direct the City Manager to direct other employees, including the law director. He spoke against the manner in which Council added Ordinance 2023-55 to the agenda.

## **VII. Reports**

- a. Acting Mayor – Baryak – He attended a meeting about the Community Center and believes everyone wants it to be open.
- b. Council Members
  - i. Ward 1 – Benetis – No report.
  - ii. Ward 2 – Baryak – No report.
  - iii. Ward 4 – Rufener – No report.
  - iv. At-Large – Stimpert – Fire Board meeting is tonight.
- c. Finance Director – Housley – November is closed and reconciled. He stated that at a previous meeting he made a remark about the health benefits and wanted to correct the record. He stated that the policies were rate guaranteed and term guaranteed. This policy is rate guaranteed but not term guaranteed; so, re-negotiating the term is something that, if allowed, may result in an extra fee. He met with Mr. Rufener on Saturday to discuss the budget materials. Today, he met with Mr. Rufener and Ms. Stimpert to discuss the budget materials and benefits.
- d. Law Director – Bryan – He replied to Mr. Kerlin's comment regarding the charter amendment and the intent of the charter commission. He clarified the additional language is intended to



address and overrule a City Manager who may block the placement of an item on the agenda by any Councilperson. It does not require two sponsors for all pieces of legislation. He also stated that Council has the authority and can make requests for proposals. The council can direct an administrator to do whatever they wish if that direction is passed by motion on the floor of legal meeting of Council. Mr. Baryak asked if it was a new charter amendment. Mr. Bryan stated yes and re-explained that two sponsors are only necessary is the city manager attempts to block a piece of legislation or item of interest from a member of Council from being on the agenda.

e. City Manager – Priddy – Absent. No report.

#### **VIII. Approval of Previous Minutes**

Mr. Baryak made a motion to adopt the minutes separately. Seconded by Ms. Stimpert.

No discussion.

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

The motion passed 4-0.

Mr. Baryak made a motion to approve the Regular Meeting Minutes of November 15, 2023. Seconded by Ms. Stimpert.

No discussion.

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

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

Mr. Baryak called for a motion to approve the Special Meeting Minutes of December 6, 2023. Moved by Mr. Rufener. Seconded by Ms. Stimpert.

No discussion.

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

The motion passed 3-0. The minutes were approved.

Mr. Baryak made a motion to approve the Regular Meeting Minutes of December 6, 2023. Seconded by Ms. Stimpert.

No discussion.

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

The motion passed 3-0. The minutes were approved.

#### **IX. Public Hearings**

None.

#### **X. Unfinished Business**

ORDINANCE 2023-45 (Version 2)

*Sponsor: Councilperson Baryak*

AN ORDINANCE AMENDING THE ELECTRIC RATES

Mr. Baryak called for a motion to adopt the ordinance.

Moved by Mr. Rufener

Seconded by: Ms. Stimpert

Mr. Rufener stated that he spoke to Mr. George at length and learned the actual increase is 1 cent per kWh. The debt service was removed, but the purpose of the \$4.75 service charge that is being added is to provide revenue to the Electric Fund, which is necessary to build a reserve to fund future projects. He stated that millions of dollars are needed for updates to necessary infrastructure (e.g. substations and transmission lines) and the service charge is the funding for those future upgrades and expansions. Ms. Stimpert agreed that the updates and upgrades are needed because the current infrastructure is in poor condition. The hope is that the upgrades can begin to happen sometime in 2024. Mr. Baryak stated that \$460K was taken from the Electric Fund previously and \$4M was spent on electric smart meters. These two decisions have severely hurt the Village. The substations need to be updated and upgraded and the service

charge is needed to fund the Electric Fund.  
Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted 4-0. Final Reading.

ORDINANCE 2023-46

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS SPECIFIED HEREIN FOR THE PURCHASE OF CHEMICALS NEEDED BY THE VILLAGE OF NEWTON FALLS WATER PLANT FOR THE CALENDAR YEAR 2024.

Mr. Baryak called for a motion to adopt the ordinance.

Moved by Mr. Rufener

Seconded by: Ms. Stimpert

No discussion.

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

The ordinance was adopted 4-0. Second and Final Reading.

ORDINANCE 2023-47

*Sponsor: Councilperson Rufener*

AN EMERGENCY 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

Mr. Baryak made a motion to adopt the ordinance. Seconded by Mr. Rufener.

Mr. Rufener stated that this closes out the FY2023 budget. He explained that the appropriations represent a statutory limit of money to which each line item can be spent up to. He used Fund 204 as the example and stated that you “have to have a bucket that matches the size of the revenue”. That fund contains a \$20K transfer from the general fund and a \$64K deposit from the insurance company for a roof. A fund, or bucket, that is sized for \$50K cannot hold \$64K and must be appropriated to a larger size to match or exceed the current size or anticipated size of that fund, or bucket. These adjustments are made throughout the year as circumstances change, seen or unforeseen. Mr. Housley concurred. Mr. Rufener continued; The Senior Kitchen collected \$14K in donations, but only had a “bucket” the size of \$12K, so that line item was increased \$2K. He noted that the unspent donations will rollover to the next year and be added to the anticipated collections for the new fiscal year; which results in a larger appropriation in FY2024 compared to FY2023. Mr. Baryak asked Mr. Housley if he had any further comments.

Mr. Housley declined.

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

The ordinance was adopted 4-0. First Reading.

Mr. Baryak called for a motion to adopt the ordinance on second and final reading.

Moved by: Mr. Rufener

Seconded by: Ms. Stimpert.

No discussion.

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

The ordinance was adopted 4-0. Second and Final Reading.

ORDINANCE 2023-48 (Version 2)

*Sponsor: Councilperson Rufener*

AN EMERGENCY ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET AND SETTING FORTH THE APPROPRIATIONS FOR 2024

Mr. Acomb read the ordinance by title only.

Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Mr. Rufener

Seconded by Mr. Baryak.

Mr. Rufener spent 6 hours on Saturday learning about the budget. He suggested that he would like to make several amendments. He encouraged all of Council to sit with Mr. Housley the same way he did. He spoke in support of Mr. Housley's work and ability to create the budget accurately. Mr. Rufener He urged each member of Council to meet with Mr. Housley as he did. He explained that "Legal Level Personal Services" represents general supplies, etc... and that the actual budget outlines in detail. He made a motion to amend the ordinance as follows, based on his conversations with Mr. Housley as a starting point for FY2024. The proposed amendments were as follows (enclosed): (1) Change on Page 1 of the exhibit, General Fund 100 ZONING Personal Services from \$80,513.00 to \$64,983 and the Total in same from \$125,431 to \$109, 901, (2) Change on Page 2 of the exhibit, Fund 100 BUILDING MAINTENANCE Other Operations from \$574,060.02 to \$479,060.02 and the Total is same from \$608,515.69 to \$513,515.69, and (3) Change on Page 6 of the exhibit, the Grand Total from \$20,433,534.21 to \$20,323,004.21. Mr. Baryak asked Mr. Housley if the amendments were necessary. He replied Yes and that he agrees with Mr. Rufener's recommendation. He explained that he had two zoning administrators allocated for 30 hours/week each instead of 20 hours/week each and a potential kayak grant and a separate paddle grant was removed because it hasn't been awarded yet, although it is expected. Seconded by: Ms. Stimpert

No discussion.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was amended 4-0.

Mr. Baryak called for a motion to adopt the ordinance as amended on first reading.  
Moved by: Mr. Rufener. Seconded by: Mr. Baryak.

No discussion.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted as amended 4-0. First Reading

Mr. Baryak made a motion to adopt the ordinance as amended on second and final reading. Seconded by: Mr. Rufener.

No discussion.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted as amended 4-0. Second and Final Reading

ORDINANCE 2023-49

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT PURCHASE A 2023 FORD F-350 TRUCK FROM SARCHIONE FORD LINCOLN FOR USE BY THE WASTEWATER DEPARTMENT

Mr. Acomb read the ordinance by title only.

Mr. Baryak made a motion to adopt the ordinance on first reading. Seconded by: Mr. Rufener.

Mr. Baryak stated that our trucks are old and the employees need updated equipment. This truck will replace an older van; a truck is better suited for the work that our men perform.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted as amended 4-0. First Reading

ORDINANCE 2023-50

*Sponsor: Councilpersons Stimpert and Rufener*

AN EMERGENCY ORDINANCE AMENDING CHAPTER 191 OF THE VILLAGE'S ADMINISTRATIVE CODE (THE VILLAGE TAX CODE) TO CONFORM TO THE REQUIREMENTS SET FORTH IN OHIO HOUSE BILL 33

Mr. Acomb read the ordinance by title only.

Mr. Baryak called for a motion to adopt the ordinance on first reading.

Moved by: Ms. Stimpert

Seconded by: Ms. Benetis.

Ms. Stimpert stated that this brings the tax code to compliance. Mr. Bryan stated it is required

and we must comply with the changes. He stated further that no rates are being raised; it mostly applies to those who work remotely and prohibits taxing those under age 18. Mr. Housley stated that a limit is placed on late filing fees and penalties, as well, for delinquent filers.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted 4-0. First Reading

Mr. Baryak called for a motion to adopt the ordinance on second and final reading.  
Moved by: Ms. Stimpert  
No discussion. Seconded by: Ms. Benetis.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted 4-0. Second and Final Reading

ORDINANCE 2023-51 *Sponsor: Councilperson Rufener*  
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF HILSCHER-CLARK ELECTRIC FOR TREE TRIMMING SERVICES

Mr. Acomb read the ordinance by title only.  
Mr. Baryak called for a motion to adopt the ordinance.  
Moved by Mr. Rufener  
Seconded by: Mr. Baryak  
Ms. Benetis asked for the number of bids that were received. Mr. Bryan stated it was publicly advertised and was unsure how many were received. Ms. Stimpert asked why all bids are not in the council packet for review. Mr. Bryan stated his belief that all bids should be received by Council. Mr. Baryak spoke in support of Mr. George's recommendation but agreed that the bids should be included for Council to review. Ms. Benetis agreed and requested that all bids be included in the future.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted 4-0. First Reading.

ORDINANCE 2023-52 *Sponsor: Councilpersons Stimpert and Rufener*  
AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TRUMBULL COUNTY SHERIFF FOR POLICE PROTECTION SERVICES

Mr. Acomb read the ordinance by title only.  
Mr. Baryak called for a motion to adopt the ordinance on first reading.  
Moved by Mr. Rufener  
Seconded by: Mr. Baryak  
Ms. Benetis asked for the length of the term. Mr. Bryan stated the term is for calendar year 2024 but can be cancelled with 60 days' notice with no penalty. Mr. Baryak spoke in support of the protection until something else could be figured out. He spoke in support of the failed income tax levy and suggested a joint police district might be a viable option for the future. Mr. Rufener stated that this does not stifle the future work of the new committee. It ensures continuity of services while that committee works. The 60-day termination clause can be expected to be used if other solutions are identified that are effective and affordable.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted 4-0. First Reading.

Mr. Baryak called for a motion to adopt the ordinance on second and final reading.  
Moved by Mr. Rufener  
No discussion. Seconded by: Ms. Stimpert

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The ordinance was adopted 4-0. Second and Final Reading.

ORDINANCE 2023-53 (Version1) *Sponsor: Councilperson Stimpert*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE VARIOUS CONTRACTS WITH PAN AMERICAN INSURANCE GROUP FOR EMPLOYEE HEALTH CARE INSURANCE AND BENEFITS

Mr. Acomb read the ordinance by title only.

ORDINANCE 2023-53 (Version2)

*Sponsor: Councilperson Stimpert*

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE VARIOUS CONTRACTS WITH PAN AMERICAN INSURANCE GROUP FOR EMPLOYEE HEALTH CARE INSURANCE AND BENEFITS

Mr. Acomb read the ordinance by title only.

Mr. Bryan advised the Council to choose the version of Ordinance 2023-53 they wish to introduce. Mr. Baryak asked if an emergency clause is needed. Mr. Bryan stated that, according to the city manager, the contract needs to be in place for continuity in coverage for the employees as of January 1, 2024, and it is recommended by the city manager and finance director.

Mr. Baryak made a motion to adopt Ordinance 2023-53 (Version 2) on first reading. No second. The ordinance failed.

Mr. Baryak made a motion to adopt Ordinance 2023-53 (Version 1) on first reading. No second. The ordinance failed.

**XI. New Business**

MOTION

*Sponsor: Councilperson Stimpert*

A Motion to direct the Law Director to request proposals from qualified professionals to conduct a full forensic financial audit of the Village of Newton Falls and to present those proposals to the Council at the next regular meeting of the Council.

Mr. Baryak called for a motion to pass the Motion.

Moved by: Ms. Stimpert

Seconded by: Mr. Rufener

Ms. Stimpert spoke in support of a full financial forensic audit but stated she is open to other options. Ms. Benetis asked Mr. Housley what is the difference between a regular audit and a forensic audit; which is better? ...and is there a different type audit between those two. He stated that the Council would need to design a specific scope for the forensic audit with Mr. Bryan's assistance, in order to get quotes. He also suggested a performance audit as another option, where recommendations can be made regarding existing policies, procedures, and fund balances. He recommended a performance audit be conducted alongside the upcoming state audit. The difference between a state audit and a performance audit is simple. State auditors pull samples and identify any misappropriations of funds and put their opinion on it. A performance audit is one where the Council gives specific direction to the hired auditors to evaluate specific things, such as evaluating the income rate structure and cash balances in various funds. He advised the Council that a forensic audit can cost hundreds of thousands of dollars vs. a performance audit at around \$25,000 vs. a state audit which is free. He advised Council of their duty to report suspected fraud, etc.... and that a forensic audit is the most thorough but also the most expensive. Mr. Baryak asked Ms. Stimpert for her reason for sponsorship; she stated she believes a forensic audit is needed. Mr. Baryak spoke against it citing extensive costs and no specific reason cited for the work. Mr. Housley stated that the state can do a full, comprehensive audit. He advised that a forensic audit should not be done to do the work the state audit already did; but the forensic team should be directed specifically in what to evaluate. Mr. Rufener asked if there is another option between the state and the performance audits that can handle a thorough evaluation. Mr. Housley stated that Council can ask the state for "additional agreed upon procedures". Those procedures can be forensic in nature, and it can cost up to \$500/hour. Mr. Baryak stated his belief that if he knows of fraud then he must report

it. Mr. Bryan agreed with Mr. Baryak. Mr. Rufener clarified that this motion is to ask for proposals; not act. Mr. Bryan summarized that Council is asking him to solicit proposals and present those at the next meeting.

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

**MOTION**

*Sponsor: Councilperson Stimpert*

A Motion to appoint Heidi Zimmermann to the Parks and Recreation Commission for the term beginning 01/01/2024 and ending 12/31/2026.

Ms. Stimpert spoke in support of Mrs. Zimmermann

Mr. Baryak called for a motion to pass the Motion.

Moved by: Ms. Benetis

Seconded by: Ms. Stimpert

Ms. Stimpert recommended Mrs. Zimmermann because she has served very well already. Mr. Acomb clarified that this is the only open seat and Mrs. Zimmermann is the only applicant and that it has been advertised for several weeks.

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

The motion passed 4-0.

**ORDINANCE 2023-54**

*Sponsor: Councilpersons Rufener and Stimpert*

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED DIRECTOR OF LAW AGREEMENT WITH DIRECTOR OF LAW BRADRIC BRYAN

Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Mr. Rufener

Seconded by: Mr. Baryak

Ms. Benetis asked for an explanation of the ordinance. Mr. Bryan stated that his contract expires on December 31, 2023, this reappoints him at the same terms until a replacement is found. He added that an advertisement is currently on the Village website. Ms. Benetis read the title and asked for the length of the terms of the agreement. Mr. Bryan stated that it is continual and that either party can give 30 days' notice to terminate the agreement. Ms. Stimpert confirmed the advertisement is currently posted and Mr. Bryan has agreed to stay until a replacement is found. Mr. Baryak spoke in support of the ordinance to ensure continuity of services. The Village needs a law director.

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

Mr. Baryak asked Ms. Benetis to explain her reason for abstaining. She stated that she has many questions. Mr. Baryak offered to have her questions answered. Ms. Benetis declined. The ordinance was adopted 3-0 but failed as an emergency. First Reading.

**Scheduling of 2024 Council Organizational Meeting**

Mr. Baryak called for a motion to open the discussion. Moved by Ms. Benetis. Seconded by Mr. Rufener. Mr. Bryan noted that Ordinance 2023-55 had been skipped. He advised addressing the ordinance and coming back to the scheduling of the organizational meeting afterwards.

**ORDINANCE 2023-55**

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF OHM ADVISORS FOR ENGINEERING SERVICES FOR THE NEWTON FALLS 2024 PAVING PROGRAM

Mr. Acomb read the ordinance by title only.

Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Mr. Rufener

Seconded by: Mr. Baryak

Mr. Rufener asked for an estimate for the cost of actual engineering services and if any additional costs exist. Mr. Housley asked for more time to prepare the ordinance so that he could properly answer questions.

Mr. Rufener made a motion to lay Ordinance 2023-55 on the table. Seconded by Mr. Baryak.

No discussion.

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

The ordinance was tabled.

#### Scheduling of 2024 Council Organizational Meeting

Mr. Baryak called for a motion to open the discussion. Moved by Mr. Rufener. Seconded by Ms. Stimpert. Ms. Stimpert suggested Wednesday, January 3, 2024 at 5:00 pm. Mr. Bryan provided explanation stating that this would be a proper way of handling the scheduling of the meeting consistent with the charter.

## **XII. Public Comments**

Tarry Alberini – 820 West Broad

He commended Council for pursuing a forensic audit to clear the names of good people who have been accused of past wrongdoings, including himself and Mr. Waddell. He also commended the Council for requesting to see the bids for review on the employee insurance. He suggested that the auditors should look into it, as well.

Condie Bright – 326 Washington

He spoke in support of the audit suggesting a 6-year lookback and that it not be performed by someone who works for the state. He called for a moratorium on spending towards non-essential costs until the police department is back. He asked to know how equipment has been inventoried, maintained, and evaluated for their condition. He stated belief that the Sheriff cannot enforce city ordinances. He asked for a copy of the records retention schedule for the Village. He stated concern about trouble from the residents of a rehabilitation houses and that business owners are concerned that it hurts their business. He spoke against those houses having any benefit to the Village, other than the owners of the homes. He urged Council to make the police department number its one priority.

Adam Zimmermann – 515 Lemae Avenue

He asked Mr. Bryan to speak about the reasons that records requests are not being fulfilled. He stated belief that records requests are required to be fulfilled within 2 days per the new charter amendment. He spoke in support of a forensic audit and stated that cost should not be a factor. He urged Council to look deeply and clear the names of those who have been accused of past wrongdoings.

Phillip Beer – 509 Ravenna Road

He spoke in support of the forensic audit stating the belief that the outgoing Council has mismanaged money. He spoke in support of the police department and urged the Council to put a new ballot measure on the May ballot to support the return of the police department. He stated belief that it will pass with anew Council in place.

Lyle Waddell – Myrtle Beach

Mr. Waddell spoke against the way this meeting was conducted by Mr. Baryak. He spoke in support of the incoming Council and Mayor. He said that all Board and Commissions must be filled with qualified voters from the community and urged that only city residents to be appointed. He spoke against the Community Center stating that it's time to move on from it.

Chelsea Harper

She spoke in support of a forensic audit and urged Council to follow-through because it has been suggested before. She spoke in support of the sober houses and their residents. She stated the businesses are struggling for other reasons; and not one group of people.

Ana Eby – 50 W. 9<sup>th</sup> Street

She applauded Council for tabling something they didn't understand. She asked if bids were taken for the truck. She wanted to know the price of the truck.

Denny Cottrill – Grant Street

He spoke about problems with the zoning committee. He stated that he is being harassed about needing a permit; but no one can tell him what he needs and why. He urged Council to consider how to stop the harassment by the zoning department. He believes there is no violation at his home and wants the harassment to stop unless evidence of violation can be presented to him. He spoke in support of stopping marijuana use and sales in the community. He stated that no one feels safe around the rehabilitation houses.

Brian Kropp – 247 Elizabeth Street

He made an appeal to the Council to represent constituents properly and to the best of their ability. He wants to see collaboration between the Council and Administration and the Community. He wants to see the community move forward. He urged the Council to strive to articulate reasons for why they do what they do. He urged Council to take their time and do things correctly by gathering all the information possible and then waiting to bring it to the public once they understand it and can make a recommendation. He expressed his passion for the community and urged the members of Council to demonstrate their due diligence.

Rick Kerlin – 1009 Woodglen

He spoke against the proposed forensic audit citing that an audit is already being scheduled and that it should suffice. What is the budget for the audit? How far are you going back? He urged Council to be thorough in thinking through the goals of a forensic audit, including the length of time to complete and the cost. He spoke about the love of the Community Center by the residents. He spoke against Heritage Accord and their inability to move the building forward. He spoke in support of the community committee to support the Community Center; but acknowledged that residents do not want to spend money to make it a showcase, they just want it open to host their events.

### **XIII. Closing Remarks**

- a. Acting Mayor – Baryak – He thanked Ward 2 for its support through two recalls. He summarized that he only missed 3 meetings in 8 years and worked hard for the Village. He stated several of his accomplishments, including the Scott Street Sewer project at no cost, Dunkin Donuts, a fair rubbish contract, and better relationships with Newton Township and Braceville. He stated his greatest honor has been to serve the people. He urged the new Council to take careful consideration of the Village money. He spoke in support of the new grant writing company. He offered an apology for missing the past two meetings due to health concerns.
- b. Council Members
  - i. Ms. Stimpert – She offered happy holidays to everyone.
  - ii. Ms. Benetis – She wished a Merry Christmas and expressed hope that her ward is happy with their choice to elect her.
  - iii. Mr. Rufener – He reminded that this Friday is the final Late Night in the Falls. The NF Area Chamber of Commerce has a meeting in January. He offered a happy holidays.
- c. Finance Director – Mr. Housley – no remarks.
- d. Law Director – Mr. Bryan – no remarks.

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

No Motion was made.



**XV. Adjournment**

Mr. Baryak made a motion to adjourn the meeting. Seconded by Ms. Stimpert.  
No discussion.

Roll Call Vote: Ms. Benetis-yes; Mr. Baryak-yes; Mr. Rufener-yes; Ms. Stimpert-yes.  
The meeting was adjourned at 8:11 pm.

APPROVED:

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David Hanson, Mayor

ATTEST:

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Michael Acomb, Clerk of Council

DRAFT

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2023-51  
SPONSOR: Councilperson Rufener

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF  
HILSCHER-CLARK ELECTRIC FOR TREE TRIMMING SERVICES**

WHEREAS, on October 26, 2023, the Village advertised for bids for tree trimming services for work on certain specified trees throughout the Village; and

WHEREAS, the Village Electric Department Supervisor and City Manager have determined that Hilscher-Clark Electric submitted the lowest and best bid for the project.

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 accept the attached bid from Hilscher-Clark Electric in the amount of \$34,502.60 for tree trimming services for work on certain specified trees throughout the Village.

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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
David Hanson, Mayor

Attest:

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

Approved as to Legal Form.

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



**Hilscher-Clarke Electric**

Wanton, Akron, Coshocton, Massillon, Central Ohio, Tri-State

October 26, 2023

**Re: Newton Falls**

Bill,

As per your request, we are submitting the pricing to perform the above-listed project. This quote is based on the following:

1. Line clearance trimming of non-established wood performed in 52 "hot spot" locations including removal of 3 full trees, stump grinding and lawn repair identified by Newton Falls Electric Department.
2. **\*Please note this amount is also contained in the total bids for the full trimming of the three circuits. This quote would be for this work to be completed prior to any additional circuit trimming and the price for the remaining work would be adjusted if awarded to Hilscher-Clarke.**
3. Ohio State sales tax has been excluded on labor.
4. Premium time has been excluded in the cost below.
5. **Due to the current global climate, material pricing and lead times will be evaluated at the time project is awarded.**

Total Construction Cost.....\$34,502.60

Please call if you have any questions.

Sincerely,  
Cliff Perren  
**HILSCHER-CLARKE ENERGY**

## NFED Key target points Tree Trimming 2023

- Milton Blvd
- 2025 East River Road (American Legion)
- Right away from Milton Blvd to the school
- 9 Mahoning Court
- Entrance to 700 Newton Drive and 1<sup>st</sup> tree on Trumbull Court
- Entrance of 800 Newton Drive
- In between 800 and 900 Newton Drive
- 1007 Woodglen
- 1013 Woodglen
- 1019 Woodglen
- 1004 Palge Court
- 1012 Paige Court
- 303 Mayhill
- 217 Ashlynn Court
- Feed to the right of 2200 Milton Blvd heading West
- 4599 Newton Tomlinson
- 233 East Broad
- 309 East Broad
- NE Corner of Lincoln and East Broad
- NE Corner of Oak Knoll
- 312 Oak Knoll
- 253 Arlington
- 609 Arlington
- 619 Arlington
- 114 Kendall
- Corner of Bellevue and Newton Bailey
- 4335 Newton Bailey and East of this address
- 4249 Newton Balley
- 4227 Newton Bailey
- Across from 335 Warren Road
- 337 Columbia \*Cut and remove 3 trees – grind stumps - reseed
- 617 Columbia
- 621 Columbia
- Right Away Crossing on Columbia to Kendall
- 4484 Columbia
- 4456 Columbia
- 324 Ophelia
- 532 Russell St
- 711 Russell St

10/26/23

**LEGAL NOTICE**

The Village of Newton Falls will be accepting Sealed Bids for tree trimming services for various locations within the Village. Bids will be received in the City Clerk's office, 612 West Broad Street, Newton Falls, Ohio 44444 until 11:00 a.m. on Thursday, November 16, 2023, at which time they will be opened and publicly read.

Specifications are available in the Clerk's office, Monday through Friday 8:30 a.m. to 4:00 p.m.

Each bid must be accompanied by a certified check or (bid bond) in the amount of \$100.00 (One Hundred Dollars).

The Village will accept the lowest/best bid. The Village of Newton Falls reserves the right to reject any/all bids.

Any questions regarding tree trimming services may be directed to Bill George, Electric Department Superintendent at [electric@ci.newtonfalls.oh.us](mailto:electric@ci.newtonfalls.oh.us) or 330-872-7711.

Please publish: 11-01-23 and 11-08-23

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2023-54  
SPONSOR: Councilpersons Rufener and Stimpert

**AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED DIRECTOR OF LAW AGREEMENT WITH DIRECTOR OF LAW BRADRIC BRYAN**

WHEREAS, Mr. Bryan was hired as the Newton Falls Director of Law, effective April 14, 2022, pursuant to an Agreement that was authorized by Council and executed by the City Manager in accordance with Ordinance No. 2022-19; and

WHEREAS, the above agreement was amended pursuant to Ordinance No. 2023-30, and that amended agreement expires by its terms on December 31, 2023; and

WHEREAS, in order to allow the City Manager and Council to have additional time to identify and hire a new Director of Law and maintain legal representation for the Village while that process continues, the City Manager and Council are requesting Mr. Bryan to continue to serve as the Village Director of Law after the first of the year at the same rate of compensation until a new Director of Law can be identified, hired, and commence work for the Village.

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 enter into the attached Amended Director of Law Agreement.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Newton Falls for the reason that it is necessary for the Village have a Director of Law while the search for a replacement Director of Law is conducted to ensure that upcoming, continuing, and arising legal matters are promptly handled. Therefore, this Ordinance shall take immediate effect upon its passage pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ORDINANCE NO. 2023-54  
PAGE TWO

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David Hanson, Mayor

Attest:

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Michael Acomb, Clerk of Council

Approved as to Legal Form.

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Bradric T. Bryan, Law Director

## AMENDED DIRECTOR OF LAW AGREEMENT

This Agreement is effective this 1st day of January, 2024, by and between the Village of Newton Falls, Ohio (“Newton Falls”), an Ohio municipal corporation, and Bradric Bryan (“Attorney”), 22050 Mastick Road, Fairview Park, Ohio 44126, an attorney licensed to practice law in the State of Ohio, collectively referred to as the “Parties”.

WHEREAS, Attorney was hired as the Newton Falls Director of Law, effective April 14, 2022, pursuant to an Agreement that was authorized by Council and executed by the City Manager in accordance with Ordinance No. 2022-19; and

WHEREAS, the above agreement was amended pursuant to Ordinance No. 2023-30, and that amended agreement expires by its terms on December 31, 2023; and

WHEREAS, in order to allow the City Manager and Council to have additional time to identify and hire a new Director of Law and maintain legal representation for the Village while that process continues, the City Manager and Council are requesting Attorney to continue to serve as the Village Director of Law after December 31, 2023 at the same rate of compensation until a new Director of Law can be identified, hired, and commence work for the Village.

NOW, THEREFORE, Newton Falls and Attorney hereby enter into the within Agreement for Attorney to serve as its Director of Law under the supervision of the City Manager in accordance with the provisions of the Newton Falls Charter and the following terms and conditions.

1. Scope of Work and Compensation. Mr. Bryan shall regularly attend Regular Council Meetings and Special and other meetings requested by the City Manager and Council and perform all other necessary legal work within the scope of duties for the Director of Law set forth in the Newton Falls Charter, unless otherwise authorized by Council or required by law and with the exception of matters necessitated by contractual obligations (including litigation matters for which insurance counsel has been appointed). As compensation for undertaking the duties of the Director of Law, Attorney shall be paid a fixed monthly salary of \$7,750 per month, with Attorney being included in the Ohio Public Employees Retirement System. Attorney shall be considered a part-time employee and shall not be entitled to any other employee benefits except as specified herein. Attorney shall cover his own expenses in the performance of his duties with the exception of expenses approved in advance by the City Manager or Council such as court or other government filing fees, court reporter or deposition costs, expert fees, and the like.

2. Term and Termination. This Agreement shall be effective as of January 1, 2024 until a new Director of Law can be identified, hired, and commence work for the Village. In the absence of the hiring of a new Director of Law, 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.

**Attorney**

**Newton Falls**

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Bradric T. Bryan

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Pamela S. Priddy, City Manager



**VILLAGE OF NEWTON FALLS  
REQUEST FOR QUALIFICATIONS  
ADDITIONAL PERFORMANCE AUDIT PROJECT  
January \_\_, 2024**

The Village of Newton Falls is seeking a qualified accounting firm to perform a performance audit relating to the Village's finances for the years 2019 through 2023. This Project is in addition to the regular State mandated audits performed by the Ohio Auditor of State's Office. The present expectation for this Project is that the consultant firm would evaluate the sufficiency of the Village's financial operations, employee pay scales, income tax rate, Village general fund balances and revenues, and certain special spending line items specifically identified by the Village as being part of this Project. It is also contemplated that the final audit report would include recommendations to the Village based upon any findings stemming from this Project. The expected scope of services and agreed upon timeline for the Project will be specifically identified in a scope of services agreement that will be negotiated with and entered into with the successful candidate.

**VILLAGE RESPONSIBILITY**

Village Council shall:

- Designate a Project Manager who shall be the primary contact point for the consultant firm; and
- Ensure that the Project Manager provides background information and records to the consultant firm that are requested and may be relevant to the project.

**SUBMITTAL REQUIREMENTS**

Interested firms shall submit one electronic PDF format copy of their Statement of Qualifications that does not exceed thirty pages. Proposers should not feel compelled to reach the thirty page limit if their Statement of Qualifications can be presented in a more concise manner. Proposers should provide the following:

- The Project Team – A brief description of the primary consultant firm, and any sub-consultant (if applicable), team members, along with an organization chart of the project team. Describe the role and relevant background experience of the primary individuals involved in the project, qualifications of key personnel, and their responsibilities. Clearly identify the primary consultant and primary day-to-day contact individual.
- Statement of Understanding – Provide a brief discussion of the approach to the performance of the work requested that illustrates the proposer's understanding of the nature of the work being requested. Proposers may suggest alternatives to the requested tasks or deliverables that improve upon the achievement of the project objectives.
- Scope of Work – Provide a proposed scope discussing the approach, methodology, personnel assigned to these tasks, proposed project time line, and any other deliverables.
- Relevant Examples of Previous Work – Describe relevant and significant representative examples of your firm's work on a project similar to this Additional Performance Audit. Include the project name, project description, location, role, and level of involvement of the primary firm as well as any sub-consultants, and client references with the name, phone number, and e-mail address of the contact person for the client.

## **EVALUATION PROCESS**

A Review Panel comprised of three members of Village Council, in consultation with the City Manager, the Director of Finance, and Director of Law, will review and evaluate all of the submitted proposals based upon:

- The proposal team's experience with projects of similar type and scale and the references of its clients;
- The qualifications of the project team and its anticipated fit and working relationship with Village Staff and other Village officials and consultants;
- The demonstrated understanding of the project and the Village's intended outcome;
- The proposer's effective allocation of time and resources.

The Review Panel shall select and rank those proposers it considers to be the most qualified to provide the required services. Up to three finalists may be invited for an interview. The terms and conditions of a scope of services agreement shall be negotiated with the proposer ranked most qualified to perform the required services. Contract negotiations shall be directed toward: (a) insuring the proposer and the Village have a mutual understanding of the essential requirements involved in providing the required services; (b) determining the proposer will make available the necessary personnel and resources to perform the services on a timely basis; and (c) determining the compensation to be paid to the proposer for the required services is fair, reasonable, and in the best interests of the Village.

Upon failure to negotiate a contract with the proposer ranked most qualified, the Village shall inform the proposer of the termination of negotiations and enter into negotiations with the proposer ranked next most qualified. If negotiations again fail, the same procedure shall be followed with each next most qualified proposer until a contract is negotiated, provided that the Village may elect to reject all proposals at any time.

## **NOTICE TO PROPOSERS**

This Request for Qualifications does not constitute a contract or offer of employment. The cost of preparation of proposer's qualifications shall be the sole obligation of the consultant firm. All proposals, whether accepted or rejected, shall become the property of the Village. The Village reserves the right to reject any and all proposals. Elements and/or tasks may be added or deleted at the discretion of the Village pending negotiation of the scope of work and compensation. All completed work, whether in written or electronic format, becomes the property of the Village at the end of the project.

Interested firms or teams are invited to submit their Statements of Qualifications as described above by email to: Village of Newton Falls Clerk of Council, Michael Acomb, 612 West Broad Street, Newton Falls, Ohio 44444, at [cityclerk@newtonfallsoh.gov](mailto:cityclerk@newtonfallsoh.gov).

**Submissions must be received on or before February \_\_\_\_\_, 2024 at 4:00 p.m.** Submissions received thereafter will be disqualified. Submissions that are incomplete may be rejected as non-responsive. The Village reserves the right to waive informalities in the responses. **Clear and concise responsive submissions are preferred rather than elaborate promotional materials.** Candidates will be notified of the Village's decision following its review and evaluation of qualifications received. The highest ranked firms may be invited to a follow-up interview. Questions regarding this RFQ shall be submitted to the Village Clerk of Council at [cityclerk@newtonfallsoh.gov](mailto:cityclerk@newtonfallsoh.gov).

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2024-01  
SPONSOR: Councilpersons Rufener and Stimpert

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

WHEREAS, Council feels the Village Department of Historic Sites and Structures is wholly unnecessary; constitutes an additional, unneeded, duplicitous, and confusing layer of administration; and provides no value toward the restoration of the Community Center, protection of Village history, or preservation of other Village owned historic sites and structures beyond preexisting efforts; and

WHEREAS, Council desires to eliminate this Department and accomplish the above goals through the collaborative efforts of other long-existing Village Departments, the City Manager, Council, Planning Commission, Recreation Board, and non-profit entities focused on such efforts.

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

SECTION 1. That Council hereby and herein repeals Chapter 144 of the Administrative Code, titled Department of Historic Sites & Structures, in its entirety, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
David Hanson, Mayor

Attest:

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

Approved as to Legal Form.

\_\_\_\_\_  
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.: 2024-02  
SPONSOR: Councilpersons Rufener and Stimpert

**AN ORDINANCE AMENDING SECTION 133.03 OF THE ADMINISTRATIVE CODE  
PERTAINING TO THE CITY MANAGER’S CONTRACT AUTHORITY THRESHOLD**

WHEREAS, in order to promote fiscal responsibility and protect the Village treasury in the current economic climate, Council determines it is necessary for it to approve all contract expenditures over \$10,000; and

WHEREAS, in light of the above, Council desires to amend Section 133.03 of the Village Administrative Code pertaining to the City Manager’s contract authority threshold.

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

SECTION 1. That Council hereby and herein amends Section 133.03 of the Administrative Code pertaining to the contract authority threshold of the City Manager, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
David Hanson, Mayor

Attest:

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

Approved as to Legal Form.

\_\_\_\_\_  
Law Director

### **133.03 CONTRACT AUTHORITY.**

The City Manager may enter into a contract to purchase goods or services without the necessity of public bids, on behalf of the City, if the amount of the contract is less than that prescribed in Ohio R.C. 731.14, and as it is amended from time to time, provided that prior approval of Council is obtained for expenditures in excess of ~~twenty-five~~ ten thousand dollars (~~\$25,000~~ 10,000). No one project can be paid or contracted for in such manner that a bid is divided so as to avoid the ~~twenty-five~~ ten thousand dollar (~~\$25,000~~ 10,000) limit.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 01-2024  
SPONSOR: Councilpersons Rufener, Stimpert, and Persino

**A RESOLUTION AUTHORIZING ALL CHARTER OR COUNCIL ESTABLISHED  
BOARDS, COMMISSIONS, AND COMMITTEES, OR INDIVIDUAL COUNCIL  
MEMBERS, TO USE THE VILLAGE HALL GREAT ROOM TO CONDUCT MEETINGS  
AS LONG AS THOSE MEETINGS DO NOT CONFLICT WITH PREVIOUSLY  
SCHEDULED MEETINGS OR EVENTS**

WHEREAS, Charter and Council established Boards, Commissions, and Committees require an appropriate place to hold meetings, and Councilmembers need a suitable location to hold constituent meetings or meetings related to their duties; and

WHEREAS, Council desires to designate the Village Hall Great Room as the suitable and official location for such meetings.

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

SECTION 1. That Council hereby designates the Village Hall Great Room as the suitable and official location for meetings of all Charter or Council established Boards, Commissions, or Committees, or constituent or other Village related meetings scheduled by Village Councilmembers, as long as those meetings do not conflict with previously scheduled meetings and events. All scheduling shall be made by and through the Clerk of Council, who shall act and process scheduling requests in consultation with the City Manager. The Clerk of Council shall be responsible for ensuring that an updated Great Room Meeting Calendar is maintained on the Village website.

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

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

RESOLUTION NO. 01-2024  
PAGE TWO

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David Hanson, Mayor

Attest:

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Michael Acomb, Clerk of Council

Approved as to Legal Form.

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Law Director