



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, January 17, 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	
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**

Organizational Meeting Minutes January 3, 2024
 Regular Meeting Minutes January 3, 2024
- IX. **Public Hearings**

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

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

X. Unfinished Business

ORDINANCE 2024-01

Sponsor: Councilpersons Rufener, Stimpert

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

ORDINANCE 2024-02

Sponsor: Councilpersons Rufener, Stimpert

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

REQUEST FOR QUALIFICATIONS ADDITIONAL PERFORMANCE AUDIT PROJECT

XI. New Business

ORDINANCE 2024-03

Sponsor: Councilperson Axiotis

AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE
RELATING TO THE RULES OF CONDUCT AND PROCEDURE OF REGULAR
COUNCIL MEETINGS

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
ORGANIZATIONAL MEETING MINUTES
Wednesday, January 03, 2024; 5:00 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	
Finance Director	Sean Housley
City Clerk	Michael Acomb

I. Call to Order

Mayor Hanson called the meeting to order at 5:09 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Mayor Hanson asked Mr. Acomb to call the roll.

Council Present: Councilperson Axiotis, Councilperson Benetis, Councilperson Persino
Councilperson Rufener, Councilperson Stimpert.

Council Absent: None.

Staff Present: City Manager Priddy, Clerk Acomb.

Staff Absent: Finance Director Housley.

IV. Public Comments (Agenda Items Only)

Rick Kerlin – 1009 Woodglen

He offered congratulations to all. He wanted to know if they would vote on each of the commissions and boards, etc... individually, including the Ad-Hoc Meetings. He noted 17 boards, commissions, and committees.

V. New Business

APPOINTMENT OF A MEMBER OF COUNCIL TO THE POSITION OF VICE
PRESIDENT OF COUNCIL.

Ms. Benetis made a motion to appoint Ms. Stimpert to the position of Vice President of Council. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

APPOINTMENTS OF MEMBERS OF COUNCIL TO THE OPEN SEATS ON COMMISSIONS, BOARDS, COUNCIL STANDING COMMITTEES, AND COMMUNITY BOARDS, COMMITTEES, AND/OR COMMISSIONS.

Ms. Stimpert made a motion to place appointments to the Planning and Zoning Commission on the floor for discussion. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

A mixed discussion occurred centered around the interest of Mr. Rufener and Mr. Axiotis in serving on this commission.

Ms. Stimpert made a motion to appoint Mr. Axiotis to the commission with Mr. Rufener as the alternate. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Rufener made a motion to place appointments to the Civil Service Commission on the floor for discussion. Seconded by Ms. Stimpert.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

A mixed discussion occurred centered around the interest of Mr. Rufener and Ms. Persino in serving on this commission.

Ms. Stimpert made a motion to appoint Ms. Persino to the commission with Mr. Rufener as the alternate. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Axiotis made a motion to place appointments to the Parks and Recreation Commission on the floor for discussion. Seconded by Ms. Stimpert.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

A mixed discussion occurred centered around the interest of Ms. Persino and Ms. Benetis in serving on this commission.

Mr. Axiotis made a motion to appoint Ms. Persino to the commission with Ms. Benetis as the alternate. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to suspend Council rules so that all appointments could be discussed and determined and then voted on individually. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council rules were suspended.

A mixed discussion occurred, and the Council determined who they thought should serve on each commission, committee, and board.

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

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to appoint Mr. Axiotis to the Treasury Investment Board. Seconded by Ms. Persino.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Axiotis made a motion to appoint Ms. Stimpert to the Fire District Board with Ms. Persino as the alternate. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Axiotis made a motion to appoint Ms. Benetis to the Finance/Administration/ Audit Committee with Mr. Rufener as the alternate. Seconded by Ms. Persino. Ms. Stimpert made a motion to amend the motion to appoint Mr. Axiotis to the committee with Mr. Rufener as the alternate citing that Mr. Axiotis was appointed to the Treasury Investment Board and thereby must by Charter Article VI. Section 4 be the Chair of this committee. Seconded by Mr. Rufener.

No discussion.

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

The motion as amended passed 5-0.

Mr. Axiotis made a motion to appoint Mr. Rufener to the Utilities/Public Works Committee with Ms. Stimpert as the alternate. Seconded by Ms. Benetis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to appoint Mr. Rufener to the Public Safety Committee, with Mr. Axiotis as the alternate. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Axiotis made a motion to appoint Mayor Hanson to the EASTGATE, Regional Council of Governments Commission, with Ms. Stimpert as the alternate. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to appoint Mr. Axiotis to the Tax Review Board and Enterprise Zone Commission, with Ms. Benetis as the alternate. Seconded by Ms. Persino.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to appoint Ms. Benetis to the Utility Appeals Board, with Mr. Rufener as the alternate and Mr. Terry Wentworth as the resident member. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Axiotis made a motion to appoint Ms. Stimpert to the Local Board of Tax Review, with Ms. Benetis as the alternate. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to appoint Mr. Rufener to the Economic Development Commission, with Mr. Axiotis as the alternate. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Mr. Rufener made a motion to appoint Ms. Persino and Ms. Stimpert to the Community Services and Activities Committee. Seconded by Ms. Benetis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Stimpert made a motion to appoint Ms. Benetis and Ms. Persino to the Police Services Committee. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

VI. Public Comments

No public comments.

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

No motion.

VIII. Adjournment

Mr. Axiotis made a motion to adjourn the meeting. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The meeting was adjourned at 5:43 pm.

APPROVED:

David Hanson, Mayor

ATTEST:

Michael Acomb, Clerk of Council



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
Wednesday, January 03, 2024; 6:00 PM
COUNCIL CHAMBERS
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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	
Finance Director	Sean Housley
Clerk of Council	Michael Acomb

I. Call to Order

Mayor Hanson called the meeting to order at 6:02 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Mayor Hanson asked Mr. Acomb to call the roll.

Council Present: Councilperson Axiotis, Councilperson Benetis, Councilperson Persino
Councilperson Rufener, Councilperson Stimpert.

Council Absent: None.

Staff Present: City Manager Priddy, Clerk Acomb.

Staff Absent: Finance Director Housley, Law Director.

IV. Changes To Tonight's Agenda

Mr. Axiotis made a motion to adjourn to executive session after Public Comments and before Reports for personnel matters of employment, appointment, compensation, and dismissal or discipline and Council may or may not take action following the executive session. Seconded by Ms. Stimpert. Mr. Acomb clarified that the motion was a motion to add a motion after Public Comments. Mr. Axiotis agreed.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Ms. Persino made a motion to add a motion to consider Rick Kerlin for a seat on the Community Services Ad-Hoc Committee. Seconded by: Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

V. Special Presentations by Staff Members or Invited Consultants

None

VI. Public Comments (Agenda Items Only)

Julie Lemon – 609 Ridge Road – Ms. Lemon began her comments by reading from a prepared statement regarding Ordinance 2023-36 and its alleged violation against the Charter. Ms. Stimpert pointed out that this topic is not on the agenda and Ms. Lemon announced that Mayor Hanson had previously granted 10 minutes to speak. She continued to read from a prepared statement. Enclosed.

Unidentified

She welcomed the new Council and Mayor and urged the Council to deliver on the campaign promises and to have a mind of their own. She asked them to vote no on giving the Community Center back to Heritage Accord. She applauded the progress that has been made. She urged Council to develop a plan to keep the building in working order. She asked Council to give the City at least one year to let the committee and administration do their work. She spoke in support of the committee as being action-oriented. She spoke in support of the interest the city manager has taken in the building and asked Council for time to let her finish the work.

Phillip Beer - 509 Ravenna Road

He asked for Council to give the community center back to Heritage Accord. He spoke against the city spending money on the building citing more important needs, like street paving and a police department. He spoke in support of a Heritage Accord spending the money to save the building.

Adam Zimmermann – 515 LeMae Avenue

He spoke against the RFQ on the agenda stating belief that the RFQ was intended for a forensic audit rather than a performance audit. He wanted an explanation for the switch. He spoke about Resolution 01-2024 and urged support for using Council Chambers for meetings stating that the Great Room is already being used. He spoke in support of Ordinance 2024-02; but urged to look out for ways that a city manager might try to circumvent that spending authority alleging this was done with recent roofing projects.

Lisa Herrick – Ravenna Road

She spoke in support of the community center and its past activities. She recalled the day the community center was closed and how it hurt the seniors. She recalled that Mr. Lynch met with her, and others and her belief is that Mr. Lynch never wanted it to be a community center. She wants to save the building and she spoke in support of the committee that is trying to get the building open again.

Kathy Rapsack – 4197 Fairview Avenue

She is a member of the preservation foundation. She remembered the past meeting with Mr. Lynch. She spoke against the efforts of Heritage Accord and their failure to improve the building. She wants the building saved for its historical value.

Nancy Picano - 2033 East River Road

She spoke against Heritage Accord and their failure to improve the condition of the Community Center. She spoke confidently that the building could be re-opened in a year.

Matthew Meszaros –Newton Falls

He offered congratulations to the Mayor and Council. He expressed hope that everyone could work together. He spoke in support of the community center. He spoke against Ordinance 2024-01. He stated that he does a lot of community service in the Village to benefit the public but will stop working for the people if it is passed.

Condie Bright – 326 Washington Street

He stated belief that no more tax money should go into the community center until the Village has the other things it needs, like a dam and good parks for the kids. The Community Center is the last thing the City needs to spend money on compared to the other things.

Rick Kerlin – 1009 Woodglen

He spoke in support of the Board of Elections decision supported by attorneys. He spoke in support of the community center, but against how it has been cared for in the past. He spoke in support of the Nemeth Family Market and their desire to expand. He spoke against the agenda as presented stating belief that all items on the agenda need a co-sponsor according to the new charter amendment. He spoke further against Ordinance 2024-01, stating that the committee has fixed plumbing and the roofs in a very short time when Heritage Accord failed to fix anything properly in several years.

MOTION

Motion to enter executive session for personnel matters of employment, appointment, compensation, and dismissal or discipline and Council may or may not take action following the executive session.

Moved by Mr. Axiotis

Seconded by: Ms. Benetis

Mr. Axiotis re-read his motion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The council entered executive session at 6:40 pm.

Mr. Axiotis made a motion to adjourn the executive session and return to regular session. Seconded by: Ms. Stimpert

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council adjourned executive session and resumed regular session at 7:46 pm.

Ms. Benetis made a motion to re-enter executive session for the purpose of considering the appointment of Jeff Limbian as Interim Law Director and Prosecutor. Council may or may not take action afterwards. Seconded by: Mr. Axiotis

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council entered executive session and resumed regular session at 7:47 pm.

Ms. Stimpert made a motion to adjourn executive session and return to regular session. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council adjourned executive session and resumed regular session at 8:23 pm.

Mr. Axiotis made a motion to appoint Jeff Limbian to the position of Interim Law Director for no compensation for the month of January, 2024. Seconded by Ms. Benetis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-abstain. The motion passed 5-0. Ms. Stimpert stated that she abstained because she has ongoing litigation with the City.

VII. Reports

- a. Mayor – No report.
- b. Council Members
 - i. At-Large – Ms. Stimpert – She welcomed all the gallery and also the new council members. She could not attend the last Fire Board meeting but provided a summary of their performance for last year, including 2232 runs, (1099 in the Village) 0 BWC claims, and 1 fire loss of less than \$10,000. Chief Williamson has invited all the Council to visit the station and hear the Chief talk about the District.
- c. City Manager – She relayed on behalf of the Finance Director that end of the month reports have been sent to all of Council, 2023 is closed, November is reconciled, December will be reconciled soon, and 2024 has been opened. She read a prepared statement, including letters to Council from various department heads. Enclosed.

VIII. Approval of Previous Minutes

Mayor Hanson called for a motion to approve the Special Meeting Minutes of December 19, 2023. Moved by Mr. Rufener. Seconded by Ms. Benetis.

No discussion.

Roll Call Vote: Mr. Axiotis-abstain; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 4-0. The minutes were approved.

Mayor Hanson called for a motion to approve the Regular Meeting Minutes of December 19, 2023. Moved by Ms. Stimpert. Seconded by Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-abstain; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 4-0. The minutes were approved.

IX. Public Comments

ORDINANCE 2023-51

Sponsor: Councilperson Rufener

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

No public comments.

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

Julie Lemon – 609 Ridge Road

She thanked the Council for complying with the Charter and hiring Mr. Limbian. She wanted to know if he would also be the prosecutor.

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

Mayor Hanson read the ordinance by title only and called for a motion to adopt the ordinance. Moved by: Mr. Rufener. Seconded by: Ms. Benetis.

No discussion

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The ordinance was adopted 5-0. Second and Final Reading.

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)*

Mayor Hanson read the ordinance by title only and called for a motion to adopt the ordinance. No motion was made. The ordinance failed.

REQUEST FOR QUALIFICATIONS ADDITIONAL PERFORMANCE AUDIT PROJECT

Ms. Stimpert made a motion to postpone or table to the next regular meeting to allow time for the members of Council to review the information completely and allow the Interim Law Director to do the same. Seconded by Ms. Benetis.

No discussion

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

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.

Mayor Hanson read the motion and called for a motion to pass the motion. Moved by Mr. Rufener. Seconded by: Ms. Persino.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

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.

Mayor Hanson read the motion and called for a motion to pass the motion. Moved by Mr. Rufener. Seconded by: Ms. Stimpert.

Ms. Stimpert stated her appreciation for a nice response for the position and also the Planning and Zoning seat just voted on. She is thankful for these people to step forward.

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

Stimpert-yes. The motion passed 5-0.

MOTION

Sponsor: Councilperson Stimpert

A motion to appoint Julie Lemon to the Community Services and Activities Ad-Hoc Committee.

Mayor Hanson read the motion and called for a motion to pass the motion. Moved by Ms. Benetis. Seconded by: Mr. Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

MOTION

Sponsor: Councilperson Stimpert

A motion to appoint Ashley Placer to the Community Services and Activities Ad-Hoc Committee.

Mayor Hanson read the motion and called for a motion to pass the motion. Moved by Ms. Stimpert. Seconded by: Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Appointments to the Police Services Ad-Hoc Committee

Ms. Stimpert opened the discussion and stated that there are 3 seats and 8 applicants. She explained 6 applicants as Ms. Persino is on Council and Mr. Bright is now on the Planning and Zoning Commission. She asked the Council for directions in how to select from the applicants. Ms. Stimpert asked Mr. Acomb if they are listed in the order of application and he answered yes. Stimpert urged to fill the seats or setup interviews at the next meeting. Mr. Axiotis suggested interviews to get to know the applicants and expressed preference to have members with experience in law enforcement. Mr. Limbian was asked to be seated in the law director's seat. Ms. Stimpert made a motion to direct Clerk Acomb to set up meetings with all remaining applicants at the January 17 meeting. Seconded by Mr. Axiotis.

No further discussion. Mr. Acomb repeated the motion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

Appointments to the Treasury Investment Board

Ms. Stimpert opened the discussion and that announced no applicants exist with whom she wishes to move forward. Mr. Acomb asked if Council had all the applicants. Ms. Stimpert stated that there is one candidate, and she does not support that candidate. No further discussion. Applications will continue to be received as the opening remains advertised on the Village website.

ORDINANCE 2024-01

Sponsor: Councilpersons Rufener and Stimpert

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

Mayor Hanson read the ordinance by title only and called for a motion to adopt the ordinance. Moved by Mr. Rufener. Seconded by Ms. Stimpert.

Ms. Persino expressed concerns about her having a conflict of interest related to this ordinance. She sat on the committee and attended one meeting. She expressed her intent to abstain. Mr. Rufener spoke in support of the ordinance as

it has no useful benefit to bring back the community center; but rather it has been divisive in the Village. He expressed a belief that no progress has been made despite the taxpayer expenses. He wants to see it restored; but does not support the use of taxpayer dollars. He stated a belief that once a judge make a decision about the status of the lease; the city can move forward and nowhere does the ordinance say the city loses it or Heritage Accord gets it back. The ordinance only dissolves the Department. He urged people to work together. He attended meetings of this department and determined that they were unproductive and “a blame game”. The city neglected the building from 2015-2020. Ms. Priddy suggested placing the building in a trust and keep it separate from the action of City Council. The members of community can decide what to do with it.

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

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

Mayor Hanson read the ordinance by title only and called for a motion to adopt the ordinance. Moved by Mr. Rufener. Seconded by Ms. Stimpert.

Mr. Axiotis agreed with Ms. Priddy’s statements regarding employee licensures. He spoke against the ordinance and suggested re-writing with an exemption for the utility departments so the superintendents are not prevented from performing necessary work and incurring undue liability. Ms. Persino agreed.

Mr. Rufener made a motion to suspend council rules to discuss the ordinance in more detail. Seconded by Ms. Stimpert.

No further discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed was adopted 5-0. Council rules were suspended.

Mr. Persino spoke in support of rethinking the ordinance so that things can get fixed during an emergency. She spoke to Mr. George, and she is concerned about the amount of time it takes to solve an emergency. She suggested amending it to exclude utilities or rewrite it altogether. Mr. Rufener spoke in support of the ordinance and shares the concerns of the department heads. However, he suggested a 10-hour notice for an emergency meeting, which can quickly alleviate the problem through emergency legislation giving the Council the opportunity to promptly approve the expense. He stated that his role is to provide budget oversight and a belief that this ordinance achieves that. Ms. Benetis agreed with Mr. Rufener.

Mr. Rufener made a motion to resume Council Rules. Seconded by Mr. Axiotis

No further discussion.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed was adopted 5-0. Council rules were resumed.

No further discussion.

Roll Call Vote: Mr. Axiotis-no; Ms. Benetis-yes; Ms. Persino-no; Mr. Rufener-yes; Ms. Stimpert-yes. The ordinance was adopted 3-2. First Reading.

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

Mayor Hanson read the resolution by title only and called for a motion to pass the resolution. Moved by Mr. Rufener. Seconded by Ms. Benetis.

Mr. Axiotis expressed concerns about the definition of the Great Room. Mr. Rufener stated it is not Council Chambers. Mr. Axiotis said that the public are already authorized to use the space. Ms. Priddy agreed. Mr. Rufener explained that this would formally establish the Great Room as the established place of meeting and give the boards and commissions preference over other groups and allows scheduling via the calendar. The clerk will handle the calendar appointments so that everyone can view the online calendar.

Roll Call Vote: Mr. Axiotis-yes; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The resolution was adopted 5-0.

MOTION

A Motion to consider Rick Kerlin for a seat on the Community Services Ad-Hoc Committee. Moved by Ms. Stimpert. Seconded by Mr. Axiotis.

Mr. Rufener stated that Mr. Kerlin submitted his application after the deadline to place the item on the agenda and should be considered. Ms. Persino stated that there are 5 seats.

Mr. Rufener made a motion to appoint Mr. Kerlin to the committee. Seconded by Ms. Benetis.

No further discussion.

Roll Call Vote: Mr. Axiotis-no; Ms. Benetis-yes; Ms. Persino-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion was passed 4-1.

DISCUSSION OF EMPLOYEE HEALTHCARE OPTIONS MOVING FORWARD

Ms. Stimpert asked Ms. Priddy about an email Ms. Priddy sent stating she had “washed her hands” of this issue. Ms. Stimpert urged Ms. Priddy to propose a different alternative. She stated further that the policy is good, the rate is good, but administration of the policy is poor. She stated that many employees are struggling to get bills paid and doctors are refusing to see employees and their families. She expressed concern that Ms. Priddy has been contacted to rectify claim issues. Ms. Priddy stood by her recommendation based her discussion with superintendents, department heads. She stated that many of the issues were either caused by medical provider error in billing or times when the employee doesn’t provide their insurance card to the medical provider. She stated that she has helped employees with these issues and found that many of the issues are not the fault of the insurance carrier. Ms. Priddy further denied any association with WJL and stated that she doesn’t need the harassment about it...so she “washed her hands” and decided to no longer help the employees with their insurance problems.

Mr. Axiotis asked why this was held until the last minute and why was no time given to provide Council with details and to ask questions over time. He also recounted that the last time a person spoke out at the podium; they were fired. She stated that she presented the ordinance to Council on December 3, 2023. Mr. Axiotis disagreed that it was enough time. Ms. Priddy stated that Council should choose the plan they want; but she stands by her recommendation because the other plans will be financially detrimental to the Village. Mr. Axiotis stated that he wished communication was better to Council so they could understand how the recommendation was made. He wants to do

well by the employees; but does not want to rush a decision. The current state of coverage is that Ms. Priddy used her emergency powers to continue the coverage. The insurance carrier had shut off their debit cards, but as of yesterday afternoon, they were turned back on so they were able to use them because they do have a deductible reimbursement that was turned back on for them yesterday afternoon.

XII. Public Comments

David McKinstry – Heritage Accord

He congratulated the Mayor and Council on behalf Heritage Accord. He stated that Newton Falls politics is difficult and warned them about it. He stated the Heritage Accord remains committed to the preservation, restoration, and reopening of the historic community center for the citizens of Newton Falls area and the surrounding communities. Because it was not only a community center for the city, it was used as a community center for the surrounding areas. Heritage Accord is committed to working with the Village.

Julie Lemon – 609 Ridge Road

She spoke in support of employee insurance and agreed that this issue should have been resolved months ago. She spoke against the way Ms. Priddy spoke to Council tonight. She urged for Council to demand respect.

Rick Kerlin – 1009 Woodglen

He spoke against the decision to dissolve the committee for the community center. He spoke against Heritage Accord and expressed disappointment in Council's actions to that end. He spoke in support of the committee and their efforts absent of politics.

Ana Eby

She welcomed the new Council. She asked to have the podium back for public comments.

Phillip Beer – 509 Ravenna Road

He encouraged Council for their efforts and expressed trust in the members of council. He spoke in support of employees who, he believes, are afraid to speak up regarding their experiences with the insurance. He urged Council to exert their authority over the City Manager.

Adam Zimmermann – 515 Lemae Avenue

He wondered if the City has a license for the kitchen or not and where does that leave the Village in being able to provide lunches. He agreed with Council's actions on the committee. He urged that Council spend money on more important things like the roads and parks. He spoke in support of the spending limit on the city manager. He urged Council to take the raise given to the CM or the money to hire her assistant and use it to improve the infrastructure. He urged Council to continue to lead in the right direction.

Denny Cottrill – 16 Grant Street

He offered congratulations to the new Mayor and Council. He urged council to write legislation to address the marijuana problem for the Village.

XIII. Closing Remarks

- a. Mayor – Mr. Hanson thanked everyone for attending, speaking, and behaving with decorum. He also spoke against “washing your hands” of any duty by any employee. He stated the belief that doing so is a dereliction of duty and malfeasance. He stated that the public is always welcome to contact him.
- b. Council Members
 - i. At-Large – Ms. Stimpert - No remarks.
 - ii. Ward 1 – Mr. Axiotis - He expressed his desire to serve at his best and to do the right thing.
 - iii. Ward 2 – Ms. Benetis - She expressed the belief that meetings will get better in the future and expressed thanks for the confidence placed in her by Ward 2.
 - iv. Ward 3 – Ms. Persino - She spoke about her appointment and stated that her phone interview and appointment to Council was fair and legal. She expressed her interest in being the voice of Ward 3 and small businesses. She stated that the committee didn’t finish their work and that there are other structures and sites that might have benefitted from the committee.
 - v. Ward 4 – The Planning and Zoning Commission meets next Tuesday.
- c. Interim Law Director – Mr. Limbian - He expressed his thanks for the opportunity to serve and his efforts will always act ethically and legally. He is open to calls anytime and is dedicated to assisting with a sense of leading in the right direction.
- d. City Manager – “My final comment is going to be this. You can call it whatever you want to call it. When I say washing my hands of something, and I truly mean this is, that as with these superintendents I hold various licenses and I took an oath with each one of those licenses and I will not ever allow anyone to take those away from me because I've worked too long and too hard to do anything to allow anyone to take those licenses away from me and it will not happen. It will not happen. So, I've been a licensed insurance agent for well over 30 years, and to do anything for this village that was not in the best interest of these employees affects my license. So therefore, when I say I wash my hands of something, it means you will not take away my license. If you want to make decisions that are not good, sound decisions, that's on you, not on me. And the same thing with the license for the kitchen. Yes, the city does have a city license, but it also requires an individual license. That individual license was my license. I pulled it from the health department and now the City is responsible for getting someone else in there that has an individual license. No one will do that on my behalf, except me. If I want to give up my licenses, I will give them up. You can call it a dereliction of duty, you can call it whatever you want and the same with the supervisors, they have EPA licenses that they hold. They're not willing to put them on the line for an any of you either. So there's no difference. So call that dereliction of duty also. Because they're not willing to do it either. So, having said that, that's what I have to say this evening. And those are my final comments.”

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

No motion was made.

XV. Adjournment

Mayor Hanson called for a motion to adjourn the regular meeting. Moved by Ms. Stimpert. Seconded by Mr. Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-no; Ms. Benetis-yes; Ms. Persino-no; Mr. Rufener-yes; Ms. Stimpert-yes. The meeting was adjourned at 9:59 pm.

APPROVED:

David Hanson, Mayor

ATTEST:

Michael Acomb, Clerk of Council

DRAFT

Thank you, Mayor Hanson, for allowing me to speak tonight.

I come before the chair tonight to bring forth evidence that Ordinance 2023-36 is in direct difference of our charter.

Please allow me to explain.

Ordinance 2023-36, which is the Amended Employment Agreement for the City Manager, expressly violates Article 3 Section 14 of the Charter. On November 2nd, 1993, 1039 electors of the Village of Newton Falls turned out in the polls and voted 831 for and 208 against a proposed charter amendment that by definition- DEFINES DUTIES OF CITY CLERK.

I ask that you look at pages 1-2 of your packets, Charter Amendment 12 during the 1993 election states the following information. (Read section from page 1).

If you turn to page 2 you will find a copy of the certification of this vote from the Trumbull County Board of Elections dated November 17, 1993.

On page 3 of your packets, you will find Proposed Charter Amendment #7 from the November 2003 election. This amendment was passed by the electors of Newton Falls with a vote of 440 for and 407 against, a total of 847 votes. If you notice that the amendment was to add the verbiage, the City Clerk shall not serve as assistant or secretary to the City Manager. This amendment change lasted a whole year.

If you turn your packets to page 4, you will see that on November 2, 2004, another proposed amendment was sent to the electors regarding Article 3 Section 14 City Clerk. This time the proposed amendment was to (Remove crossed out section). The section to be removed was "The City Clerk shall not serve as assistant or secretary to the City Manager." The electors again passed this amendment by an affirmative vote of 1285 to 601 against it. 1886 votes total.

For 29 out of the last 30 years the will of the people has been loud and clear when it comes to the duties of our City Clerk.

The problem is that some of your predecessors decided to circumvent the charter, make the position part time, and the will of the people to be vehemently denied.

Why? Why does this happen? How does this happen? The charter is not hard to follow. It's not hard to apply. The difficulties and issues arise when our charter is twisted and flipped and interpreted to fit your predecessor's own agenda.

The council cannot grant the City Manager the authority to hire a professional assistant for a position that is already in our charter. This position is currently occupied by Mr. Acomb.

Why? Because we the people have spoken.

Allow me to give another example. The 2023 Charter Review Commission brought to council and Amendment that was title Article 3 Section 11 and council gave it Resolution 13-2023. Which states the following:

RESOLUTION 13-2023 Sponsor: Councilpersons Rufener, Stimpert A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE III, SECTION 11 OF THE CHARTER MANDATING THAT COUNCIL REVIEW AND EVALUATE THE PERFORMANCE OF THE CITY MANAGER ANNUALLY AND THAT THE CITY MANAGER'S APPOINTMENT AUTOMATICALLY EXPIRE 3 YEARS FROM THEIR APPOINTMENT DATE UNLESS THEY ARE REAPPOINTED WITHIN THE 6 MONTHS PRIOR TO THE EXPIRATION OF THE APPOINTMENT'S 3 YEAR AUTOMATIC EXPIRATION DATE

This amendment was approved and sent to the board of elections on June 27, 2023. This amendment passed on November 7, 2023, with a vote of 975 for to 245 against. This is the current language.

Ordinance 2023-36 was sponsored by Former Councilpersons Fetterolf and Spletzer. So, why did they sponsor this ordinance between the August 2nd, 2023, deadline, and November 7th, 2023, election. That is easy to answer. Baryak, Spletzer, and Fetterolf did not like the work that Charter Review had done, because it stops the Charter from being abused. The purpose of the Charter Review Commission was to protect the citizens, and add clarity to the charter, so our elected and appointed officials can do your jobs, uphold our charter, or be accountable when you do not. Spletzer and Fetterolf, new this amendment could potentially pass so they tried to shove this Ordinance down the community's throat, before we the people had a right to vote. Well, we the people voted, and we decided we don't like 4-year contracts.

A referendum petition was completed, and we met all requirements bound on us by the charter and the O.R.C. Throughout the process, our law director asked an opinion as to whether the Ordinance was subject to referendum. The Trumbull Board of Elections ruled that it was Administrative, Not Legislative and not subject to referendum. The Board of Elections originally made this decision, without any interested party from the Referendum Committee being contacted. So, we sent a letter of protest to the board, asking for a hearing. Today we had our hearing, even with the facts presented and the truth right in front of their face, they upheld their decision.

I heard some off the wall statements made today by Mr. Richard Kerlin, like how he served on the CRC, and how we sent 16 amendments to the electors? Mr. Kerlin, what is this we stuff? You resigned from the CRC effective 4/27/23. You lied under oath? Mr. Kerlin, went as far to say that Judge Rice, ruled the contracts from the previous administration were administrative and not legislative which, why they were ruled to be valid. Again, that was a false statement. The reason that they were ruled valid was because they were illegally gotten rid of by council, and they were not subject to referendum, due to being emergency ordinances. Mr. Kerlin, also stated that we do not have the funds to have a full time clerk, but yet he asserts we have the funds to give the City Manager a 30,000 dollar raise. His words not mine, under oath.

I was drilled thoroughly by a county prosecutor today, during this hearing. I learned something about myself. When it comes to the truth, I will not bend, I will not waive, no matter how hard someone tries

to persuade me to agree with them. The referendum committee delegates this morning fought for our right to vote, the board of elections took that right away.

Was it semantic, sure was. We didn't stand a chance of them overturning their original decision. That would make them all look foolish.

This problem is the council's problem. I am laying these issues at your feet. Your predecessors in their own greed, arrogance and malicious intent, have put this council in violation of the charter by no fault of your own. You have the ability and the resources to fix this problem. The will of the people must always come first.

I have given you multiple examples of who, what, where when and how. Now the council needs to address these concerns to fall in compliance with the charter. That is what you all took an oath to do.

Comfy and cozy contracts have no place in our community when we do not have our police department, we can't afford mulch for our parks, we don't have the money to fix the roads. The list of what we don't have is endless, whereas the list of what the greedy want is boldly on display.

I am asking that council bring an Ordinance to the floor to rescind Ordinance 2023-36 and start fresh.

We the people demand that our council take action.

Finance Director Report

1. The end of the month has been sent to all of council
2. 2023 was punctually closed yesterday
3. November is reconciled and December should be reconciled by the middle of January
4. 2024 was opened punctually and things are running smoothly in the finance department

My report this evening is based on standing up for the rights of the employees of this village along with the rights of the community.

First, I would like to start with your ordinance 2024-02. This ordinance does nothing to benefit the day-to-day operations of this village. All it does is hinder the responsibilities of each of the village superintendents and their ability to ensure this village has the best public works departments that we can have. Some of the utilities are not just limited to this community. There are a number of other communities that use the water supply we generate. We have individuals in the township that utilize our sewer systems. With these two departments alone, you are affecting their ability to properly service not only our residents but other neighboring communities and the township. The superintendents of these department hold licenses that are near and dear to them and have taken them possibly years to get. They could potentially lose those licenses to the EPA or other regulatory agencies because of their inability to function day to day with this ordinance.

Based on this, I would like to read into the record letters that have been submitted by the superintendents of the 3 utilities.

After reading these into the record I can say I've talked with each of these superintendents and they have indicated that regardless of the passage of this ordinance that they will do the right thing to protect this community and all other recipients of our utilities. They also have the right to protect their licenses. I have agreed with them all and support their decisions. I have indicated to them that there would be no reprimanding coming from my office if the right thing is being done to protect this community. Not one of you have taken any time to review or discuss the expenditures of this village.

Ordinance 2024-1 Repealing chapter 144 of the administrative code – Titled the Department of Historic Sites and Structures. In your first whereas clause you indicate this council feels that this department is wholly unnecessary and 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 owed historic sites beyond pre-existing efforts. What have those efforts been? Confusing layer of administration to whom?

Then you second whereas clause states council desires to eliminate this department and accomplish the above goals through collaborative efforts of other long existing village departments, the city manager, council, planning commission, recreation board and nonprofit entities focused on such efforts. My question is how? Recreation board? Who meets how often? The departments don't want to take care of this building. Have any of you asked them their opinions?

First off, let's be real about this community center for many years now since its closure it has been used as a political pawn against the people of this village to keep them uprooted over its existence. This should never be the case, there should have never been a lease on this building the only thing that accomplished was this government shucking its responsibilities to maintain one of its very own buildings. With this ordinance repeal here it is again, it was breathing life and this council wants to use it as a political pawn yet again. We understand you want to give it back to the "do nothing" organization it was given to by lease and the people of this village were given false hope about it being repaired. They will do nothing but let it fall back into further disrepair. This organization has done nothing over the past 4 years to improve this building whosoever. In reality they are the ones that have left it in the condition it is currently in all because of someone's huge ego to have her name on that building. That building was never meant to be for theatrical or big bank venues. It was meant to be a community center for all the people of this village to use. It was meant to be used as a place for birthday parties, wedding ceremonies, showers, senior services, plays, dances, etc. Not to be used as a venue that the majority of this community couldn't afford to attend events at.

This department was created to get the center back to its full usage by this community, not to wait another 5 to 7 years (if even that few) and watch it fall into further disrepair. This department is a non-paid department. It has no cost to it other than the volunteers time that they put into it to get it back up and open for the residents of this community.

Again, this council has never asked any of the departments how they feel about maintaining this building. It is very time consuming for them to take care of it. This is one of the reasons that this department was also started. It was to ease some of the burden off the village employees and allow this committee to evaluate and assess the needs of the building as we have seen today. This committee in a few months' time has received and produced more information concerning this building than has been accomplished by the last 4 years. As we heard in the town hall a number of the residents no longer care about the historic restoration, they just want the building open for use.

Some departments are thankful that this department exists because it eases their work load.

This is a community building and the community should have a right for its government to maintain the buildings that it has been entrusted with. If the government doesn't want to maintain it then give the building to the people and let them decide what to do with it. Stop making it a political pawn.

The last thing I will cover is the health insurance. I sat with the superintendents and their crew chiefs or second in commands to discuss the 3 options that this council put forth as their recommendations for the plans they wanted the employees to have.

I have heard such things as I didn't do my job getting quotes for this coverage, which is an absolute untruth to we don't want this plan because she recommended it. There were approximately 36 different offers received. I sat and evaluated each and everyone one of them. None were in the best interest of the employees except the current plan they had both for economical and financial reasons for the employees and also the village. I had talked with some of the supervisors back in November that it

looked like my recommendation was going to be the current plan and that I wasn't going to make any changes to it because of the pre-existing conditions and the then demographics of the group. There was not one indication that wasn't a good idea. On December 3rd council was presented with the cost of the current plan and my recommendation going forward.

Certain council members felt they knew insurance law and plans better than I did and went with 3 other plans that were not recommended. These plans are not in the best interest of any of the employees or the village.

I washed my hands of the whole insurance deal because of the accusations of this council and some members of the community and previous administration.

But after realizing that this council had no clue about what it was doing and what it was about to impose on these employees and my oath as a licensed insurance agent, I couldn't allow that to happen. I called all the superintendents and their crew chiefs or second in commands in and went over the very plans that council was proposing they go with. The increases coming out of the employees' pockets for deductibles and coinsurances were massive in comparison to what they currently had for any of the 3 plans that council wanted to go with. Not only for the employees but also for the village.

I sat there and said to everyone of them I don't care which plan you want and I will support any decisions you make. And they all went back to their staffs and collectively said they wanted to stay with the current plan and work out any issues there may be with the current vendor.

I won't even address the committees that this council currently have on this agenda. They are useless committees.

I won't even address the senior kitchen as my decision on that was made weeks ago.

City of Newton Falls Water Pollution Control

500 Warren road

Newton Falls, Ohio 44444

Ph. 330-872-5150

Fax 330-872-5150

Michael A. Novotny, WPC Superintendent

wastewater@ci.newtonfalls.oh.us

December 29, 2023

Attention: City Council Ref – Ordinance 2024-02

This ordinance has been brought to my attention of reducing the expenditure amount limit through the city manager's office to \$10,000 from \$25,000 without council approval. This had previously been reduced from \$50,000 which has been challenging from time to time but I have been able to work with the \$25,000 amount.

I fully understand fiscal responsibility and what you are wanting to accomplish. I and my department always seek multiple quotes and the best price for any supplies or services needed to operate the department. There are times when we are dealing with proprietary items or limited sources for services that limit our ability to seek multiple quotes. Those instances are just something we must deal with. While you feel that this ordinance will be fiscally responsible, it will only hurt the day-to-day operations of the city departments.

In operating this department, we have many high dollar pieces of equipment and supplies that are used 24 hours a day, 365 days a year. There are many instances that occur that we will or would need to spend more than the \$10,000 limit just to keep operations running. I could have a pump, a pump motor or any piece of equipment fail and need immediate replacement to keep the department in operation. When these failures happen, yes, I said when not if, because they do happen and the result of these failures is raw sewage flowing to the river or worse backing up into the resident's homes. I do not believe you want that in your home. When these failures happen there is not time to get the issue placed on the agenda, have two readings, and wait 30 days for it to become effective or even as an emergency which will still take days for approval. These need immediate attention and this ordinance will stop that from happening. The EPA as well as the residents will not want to hear "I am sorry but we have to wait for council approval" before we can make the repairs needed.

As superintendent of this department, it is my name and my EPA License, not any of you, that is responsible to prevent any of the above circumstances from happening. But when they do happen, I need the ability to get it corrected as soon as possible without polluting the river or having raw sewage backing up in resident's homes. This ordinance will keep me from accomplishing that.

I am asking that you pull this legislation from the agenda because the reality is, it will only hurt daily operations of the city utility departments and be harmful to the residents. If you would like any further explanation or discuss this further, please feel free to contact me.

Sincerely,

Michael A. Novotny

Michael A. Novotny

WPC Superintendent

CC:

City Manager

From: Bill George <electric@ci.newtonfalls.oh.us>
Sent: Friday, December 29, 2023 10:59 AM
To: City Manager
Cc: Cody Zeleny; Rich Coss; Water Distribution; Mike Novotny
Subject: Re: Ord 2024-02 CM Spending Auth Reduction

To whom it concerns. I would like to express my opinion on this matter. I feel like you are going from legislation to administration. I fully understand what you are trying to accomplish. But I feel this is going the wrong way. I always do what I can to save the city money. If us at the Electric department would need anything, like transformers, poles, misc. equipment right away. This would possibly halt our department. We will not be able to assume business as usual. Saying if this passes, In order for this to work. You would need to get approval from the city manager, Then get it on agenda for council, Then if there was just a meeting. You would have to wait for 2 weeks. Then have to be read two times then wait a 30 day period. This could possibly bring our department to a halt. We could spend \$ 10.000 in a heartbeat at the Electric. I would like it to stay at the current \$25.000. I do everything in my power to get more than one quote. unless its an emergency. Any questions feel free to contact me. Thanks William George Electric Superintendent

On Fri, Dec 29, 2023 at 8:31 AM City Manager <CityManager@newtonfalls.oh.gov> wrote:

If any of you have any comments or would like to talk to me about this proposed legislation please get to me ASAP

Thanks

Pam
Sent from my iPhone

Begin forwarded message:

From: Brad Bryan <bbryan@gbbs-llp.com>
Date: December 27, 2023 at 11:39:29 AM EST
To: Mike Acomb <CityClerk@newtonfalls.oh.gov>, City Manager <CityManager@newtonfalls.oh.gov>, Finance Director <FinanceDirector@newtonfalls.oh.gov>, Council Ward <Ward4@newtonfalls.oh.gov>, Julie Stimpert <AtLarge@newtonfalls.oh.gov>
Subject: Ord 2024-02 CM Spending Auth Reduction

Everyone – Attached is Ord 2024-02 and its exhibit. Councilpersons Rufener, Stimpert, and Persino have requested to sponsor it and have it on the January 3, 2024 Meeting Agenda.

Bradric T. Bryan

Goodwin & Bryan, LLP

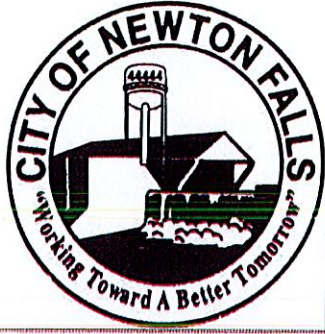
22050 Mastick Road

Fairview Park, Ohio 44126

440.686.9000

fax: 440.686.9001

--
William George
Electric Superintendent



NEWTON FALLS WATER PLANT.

Cody Zeleny – Water Plant Superintendent

175 West River Road Newton Falls, Ohio 44444

Phone & Fax: (330) 872-1808

TRANSMITTED VIA EMAIL:

December 29th, 2023

To Whom It may concern.

It has come to my attention that there is a proposed ordinance coming to council floor January 3rd, 2024.

The ordinance, proposed by Councilpersons Rufener, Stimpert, and Persino, states that any expenditure more than \$10,000 will have to be approved by council. I have a huge issue with this for many reasons.

For one, it has already been dropped to \$25,000. I have been getting by with this amount but to lower it any more greatly affects the 365-day a year functions of the Newton Falls Water Treatment Plant. The plant is old and to keep it running daily for two shifts requires funds to be available at a moment's notice to repair pumps, SCADA systems, chemical feeds and treatment process. One item that is needed urgently could cost upwards of \$10,000 and I can not wait for it to pass through council floor.

Our treatment coagulant has a cost of over \$10,000 every time I need our storage replenished. The time it takes to go through a tanker load varies depending on the turbidity and water quality that we intake from the Mahoning River. Our treatment chemical can not wait on council approval.

I find this ordinance to do nothing but hurt the day-to-day operations of the water plant. If anything comes up that I cannot get replaced or replenished in a timely matter and we can no longer produce water it is my EPA license that is on the line. NOT city councils. Producing water for this community, Braceville, Southington and West Farmington relies on my crew, knowledge, and funds availability. This is not acceptable and not a matter to be taken lightly.

Cody Zeleny – Water Plant Superintendent

Caleb Webb – Water Treatment Crew Chief

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
ORDINANCE NO.: 2024-03
SPONSOR: Councilperson Axiotis

**AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE
RELATING TO THE RULES OF CONDUCT AND PROCEDURE OF REGULAR
COUNCIL MEETINGS**

WHEREAS, Council desires to amend Section 121.03(g)(10) of the Administrative Code relating to the rules of conduct and procedure of Regular Council Meetings.

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

SECTION 1. That Section 121.03(g)(10) of the Village Administrative Code is hereby amended 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

121.03 RULES OF CONDUCT AND PROCEDURE.

(g) Rules of Conduct.

(10) Council members shall ~~be considered a City employee and~~ comply with the City Drug Free Workplace Policy, excluding the Discipline Section. Discipline issues that arise concerning Council members drug test shall be controlled by Section 121.03(h) Penalties and Violations of the Rules.

**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.

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.