

# NEWTON FALLS CITY COUNCIL

## REGULAR MEETING AGENDA

WEDNESDAY, MARCH 2, 2022

6:00 P.M.

612 West Broad Street

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### CITY COUNCIL MEMBERS

Michael Serotko, Ward 1

John Baryak, Ward 2

Tesa Spletzer, Ward 3

Christopher Granchie, Ward 4

Julie Stimpert, At-Large

### FINANCE DIRECTOR

Sean Housley

### MAYOR

Kenneth A. Kline

### CITY MANAGER

Interim Pamela Priddy

### LAW DIRECTOR

Alfred Schrader

### CITY CLERK

Kathleen M. King

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#### 1. Call to Order

#### 2. Pledge of Allegiance/Prayer

#### 3. Roll Call

#### 4. Special presentations by staff members or invited consultants

#### 5. Public Comments (limited to those items as identified on the agenda)

#### 6. Reports

Mayor

Council Members

Finance Director

Law Director

City Manager

Changes to tonight's agenda

#### 7. Approval of Previous Minutes

February 16, 2022 - Regular Meeting

## **8. Public Hearings:**

1. Ord. 2022-08: An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022.
2. Ord. 2022-09: An Ordinance amending Ordinance 93-51 establishing zoning regulations or the City of Newton Falls.

## **9. Unfinished Business:**

1. Ord. 2022-08: An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022.
2. Ord. 2022-09: An Ordinance amending Ordinance 93-51 establishing zoning regulations or the City of Newton Falls.

## **10. New Business:**

## **11. Public Comments:**

## **12. Closing Remarks: Mayor, City Manager and Council**

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

Move into executive session, by majority vote, for any of the following reasons with a motion and second.

- ☒ 1. Personnel Matters: To consider one or more, as applicable, of the marked items:
- ☒ Appointment
  - ☒ Employment
  - ☒ Dismissal
  - ☒ Discipline
  - ☒ Promotion
  - ☒ Demotion
  - ☐ Compensation
  - ☐ Investigation of charges/complaints (unless a public hearing is requested)
- ☐ 2. Purchase or Sale of Property
- ☒ 3. Pending or Imminent Court Action
- ☐ 4. Collective Bargaining Matters
- ☐ 5. Matters Required to be Kept Confidential – Contract Negotiations
- ☐ 6. Security Matters (National Security)
- ☐ 7. Hospital Trade Secrets
- ☐ 8. Confidential Business Information of an Applicant for Economic Development Assistance
- ☐ 9. Veterans Service Commission Applications

Council may or may not take action following the executive session.

## **14. Adjourn:**



Newton Falls City Council met in Regular session on Wednesday, February 16, 2022, at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order followed by the Pledge of Allegiance and prayer.

**ALSO PRESENT:**

Interim Law Director, Kristopher Immel; Finance Director, Sean Housley; City Clerk, Kathleen King.

**ROLL CALL:**

Granchie, Stimpert, Serotko, Baryak, Spletzer

**ABSENT:** None

**SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:**

**Resolution 07-2022:** A Resolution acknowledging the Newton Falls Little Tigers Football Team and congratulating them on their successful season.

Granchie made a motion seconded by Spletzer to adopt this Resolution.

**ROLL CALL:** Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.  
**MOTION PASSED 5-0**

Mayor Kline congratulated the coaches, players and cheerleaders and handed out certificates to everyone present.

**PUBLIC COMMENTS:**

Richard Kerlin, 611 North Canal & 1009 Woodglen, commented that the entire Council named the Charter Review Commission and the Council voted unanimously to appoint a commission when it was sponsored by Granchie. Parts of the Charter need corrected, and the Commission would be taking input from citizens, Council, and departments. Everyone is welcome to attend the meetings on Mondays at 6:00 p.m.

Mr. Kerlin questioned the motions on the agenda to advertise for positions. He expressed concern over advertising for 90 days and the expense involved. He also stated ads were currently running in local and specialty markets.

John Richards, 212 Albert Street, discussed Ordinance 2022-01 in reference to the proposed DORA. He reiterated his concerns from the last meeting on deficiencies in the application. He also said the date to submit the legislation was two days late. Mr. Richards suggested this legislation be removed from the agenda tonight.

Catie Karl, 128 West Quarry Street, also discussed the DORA legislation and said she had a lot of the same concerns as Mr. Richards. She contacted businesses downtown with liquor licenses

and two of them indicated they were never contacted about this proposed legislation. Ms. Karl had concerns about costs associated with trash, cleaning, police and fire services and signs if this was approved.

Adam Zimmermann, 515 LaMae Avenue, addressed item number two under unfinished business. Last week we learned from the Law Director that by removing the Interim title that would give them more respect. Mr. Zimmermann stated removing the title would do nothing, respect is earned. We deserve better.

Mr. Zimmermann also discussed number four under new business in reference to the Law Director expenses. In two and a half months the Law Department had over \$88,000 in expenses, which is \$26,000 more than Attorney Fritz was paid in a year. Mr. Zimmermann reviewed some of the expenses charged including drive time from Akron and research on residency for the City Manager.

Julie Lemon, 609 Ridge Road, also stated she was still opposed to the DORA legislation. Ms. Lemon also commented on the Charter Review Commission and noted that the original Charter had a review every ten year, then in 1993 it was changed to every five years. She felt that showed that precedent was set, and it was not unheard of to have this Special Commission.

#### **REPORTS:**

Serotko:

- Received calls on the DORA legislation.

Baryak:

- A resident on Medley called about water in his basement. He thanked the City departments for their quick response.

Spletzer:

- Spoke with Mr. Carson, the new owner of the Pamida building and has a meeting scheduled for February 24<sup>th</sup> with him.
- Received calls about the sidewalks in town and the safety of children walking to school.
- Spoke yesterday with the BCI investigator who she contacted about the renovations to this building.

Granchie:

- Fielded calls the past two weeks.
- This month would donate his Council pay to the Montgomery Farm fund set up at Huntington Bank.

Stimpert:

- Received calls from business owners who were not aware of or informed on the DORA legislation.

FINANCE DIRECTOR:



- Closed the month of January today.
- Found an error in the December reconciliation which will reflect in the General Fund ending balance. The error was fixed today.
- Will be planning to do a check run every seven days.
- Hired a part time person in the department to help with meeting our goals.

Baryak thanked Mr. Housley for his professionalism in answering questions and information he is providing.

#### LAW DIRECTOR:

Attorney Immel stated the complaint filed with the Attorney General's Office over a billing dispute has been resolved and discharged.

The discrimination case filed by Chief Fixler has been dismissed.

Working with ODNR over an issue filed in 2020 about filling in the floodway on the Mahoning River. Informal discussions have been held and they are working to correct the issue.

Did some review on the DORA application and based on the ORC they believe the application is past the deadline and recommend removing this legislation from the agenda and starting with a new application if the City wishes to pursue this use. He noted that the law is changing in March which may be beneficial to the City.

Granchie asked about the Charter Review Commission noting someone dropped out before attending a meeting and he asked if Council would need to appoint a seventh member. Attorney Immel stated that Council did their job by appointing seven people. In the past other Commission members have dropped off and were not replaced. Granchie said none of the other formally resigned so he wondered if that made a difference.

Spletzer discussed communication from the Fire Board attorney, Mr. Comstock, and it looked like they were working out an agreement contract. She questioned with the recently passed levy did the Fire District still need the City and Township to contribute.

CITY MANAGER: no report

#### MAYOR:

- With the recent extreme weather thanked the Street department for all the work they have done.
- Looking forward to getting back out and going door to door and talking to residents.
- Asked residents to keep their sidewalks clear of snow in the future.
- Performed two weddings here and thanked staff that helped get everything set up.

CHANGES TO TONIGHT'S AGENDA: None

### **APPROVAL OF PREVIOUS MINUTES:**

Spletzer made a motion seconded by Granchie to adopt the February 2, 2022, regular meeting minutes as submitted by the Clerk.

**ROLL CALL:** Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.  
**MOTION PASSED 5-0**

### **PUBLIC HEARINGS:**

Ordinance 2022-07: An Ordinance removing the Interim title from the Law Director.

Catie Karl said she sent an email to Council with quite a few issues. She stated the Interim title was very important. She did not feel Attorney Schrader was familiar with our Charter or laws and there was no point in taking the Interim title out. To call the Charter goofy and to say it was nonsense was offensive. She suggested Council get a permanent Law Director/Prosecutor as we are supposed to do.

Adam Zimmermann stated we were told last meeting that the interim title was keeping them from getting respect. He read the definition of Interim. Zimmermann felt that by taking away the interim title it would make it easier for council to slide him into a full-time position. He asked Council to reconsider adopting this Ordinance.

Rick Kerlin objected to someone saying the Law Director did not have any integrity. He asked that Council do what needs to be done noting that the past prosecutor worked one and a half days now we have two full days prosecuting.

Julie Lemon felt it was silly to fight over taking away the interim title and that there were many more things to discuss.

After no further comments Mayor Kline declared the public hearing closed.

### **UNFINISHED BUSINESS:**

**Ordinance 2022-01:** An Ordinance approving the Creation of a Designated Outdoor Refreshment Area for the consumption of alcohol in specified public areas of downtown Newton Falls and enacting regulations, therefore.

After hearing from the Law Department, Mayor Kline and Councilman Granchie pulled this legislation from the agenda.

**Ordinance 2022-07:** An Ordinance removing the Interim title from the Law Director.

Spletzer made a motion seconded by Baryak to adopt this Ordinance.



Granchie pointed out that he is unfazed when someone calls him an appointed Council person because that is what he is.

Baryak stated they have saved us a lot of money, the Judge is happy, and things have quieted down. There is a clause in the agreement that we can get out in thirty days and we are paying no severance, hospitalization, or OPERS. Also, there was other money being made.

Mayor Kline said there have been a lot of comments made and this was like comparing apples to oranges. The Interim Law Director is paid on a salary rate. He felt removing the Interim title was good for stability and noted that it is a little different from before because the Law Department was being paid hourly. Money now is going to the Law Directors firm where before money was going to benefits and outside legal counsel. Last year we paid around \$200,000.00 in outside legal fees. Ms. Spletzer stated the amount was \$123,239.00. Mayor Kline noted that is what individuals don't look at.

Spletzer stated at the last meeting Mr. Schrader mentioned that they were able to let a secretary go over at the court through attrition, she retired. That is \$16,000 for an individual that chose to retire and there is no longer OPERS contributions for that person. In 2021 there was \$123,239.00 legal fees paid to outside counsel. Also, they have in the past had Trumbull County pay the Newton Falls Prosecutor to cover the prosecution duties for the Township and that \$16,000 is no longer going into Joe Fritz pocket, it is coming into Newton Falls. They are getting rid of the law books that nobody is using which is costing the City \$1,000 month and there is Westlaw that is \$750.00 a month. What Mr. Schrader was able to come up with was his law firm was able to actually save the City \$21,673.99 a month just on the changes they have made.

**ROLL CALL: Baryak aye, Spletzer aye, Granchie nay, Stimpert nay, Serotko aye.  
MOTION PASSED 3-2**

**NEW BUSINESS:**

**Ordinance 2022-08: An Ordinance making appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022.**

**Spletzer made a motion seconded by Serotko to adopt this Ordinance.**

Finance Director Housley explained that the way cost allocations are in the Law Department, a percentage of what gets charged to the other operations for the Law Department are initially charged to the General Fund. When the month is closed, he determines which portion of those actual costs are charged to the General Fund. Then with the Law Department Council can, by legislation, be shared with the utility funds. Then he allocates those amounts out.

Also, Resolution 8-2022 is similar. It is the same dollar amount that is in both pieces of legislation. Within the General Fund he initially charged the full amount of \$88,483.25 which you see in the Resolution. Of that money \$61,348 got allocated out to the utility funds. What



this legislation does is there is an account within professional services and that is where he put the full amount initially. That professional services line item needed to be increased of \$27,135. In the future, he will be bringing an increase amount for the \$61,348.

Housley suggested Council ask him to present a formal report after listening to them discuss the savings. Mr. Housley said he would not be including the \$88,483.25 because it was last years expenses. The reason it was not appropriated for in 2021 was because we had already approved the budget for 2022 and had already set the final appropriation for 2021 and the bills were not received until January.

The consequence of voting this down would be that he would be required to instruct the Law Department that he is no longer funded until Council determines an amount that can be appropriated, and his services will cease.

**ROLL CALL: Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.  
MOTION PASSED 5-0**

**Ordinance 2022-09: An Ordinance authorizing the amendment of the zoning ordinance to insert 11.4702 as to definitions, Section 6 as to animal services and to insert Section 6A as to a dog exercise area.**

**Granchie made a motion seconded by Spletzer to adopt this Ordinance.**

Granchie said he has been working closely with Ms. Cozart to bring a dog exercise area use into our Zoning Ordinance, currently no area allows this use. This amendment will be adding the use to the Ordinance for anyone to make use of, it is not specific to any property. This was reviewed and passed by the Zoning Commission. He encouraged Council to pass this amendment.

**ROLL CALL: Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.  
MOTION PASSED 5-0**

**Resolution 06-2022: A Resolution authorizing all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant.**

**Spletzer made a motion seconded by Baryak to adopt this Resolution.**

**ROLL CALL: Stimpert aye, Serotko aye, Baryak aye, Spletzer aye, Granchie aye.  
MOTION PASSED 5-0**

**Resolution 08-2022: The City of the Village of Newton Falls – A ‘Nunc Pro Tunc’ ‘Now for then’ Resolution approving certain purchase orders attached as Exhibit “A” totaling \$88,483.25 for legal services authorized by Ordinance No. 2021-32 for the months of October through December of 2021 for legal services provided by Roderick Linton Belfance, LLP as Law Director under their contract with the City.**



**Spletzer made a motion seconded by Baryak to adopt this Ordinance.**

**ROLL CALL: Serotko aye, Baryak aye, Spletzer aye, Granchie aye, Stimpert aye.  
MOTION PASSED 5-0**

**Spletzer made a motion seconded by Granchie to not request a hearing from the Ohio Division of Liquor Control for Dolgen Midwest LLC, Dollar General Store #21468.**

Baryak noted this was for the Dollar General store to sell beer and wine.

**ROLL CALL: Baryak aye, Spletzer aye, Granchie aye, Stimpert aye, Serotko aye.  
MOTION PASSED 5-0**

Items number six and seven in reference to advertising for positions were pulled by the sponsors.

Stimpert noted that it was voted on not to advertise for Police Chief at this time because of pending lawsuits. She asked what changed. Mayor Kline noted that they could advertise, hiring was a different question.

#### **PUBLIC COMMENTS:**

Richard Kerlin, 611 North Canal Street, asked if the City accepted a loan for the Scott Street project in the amount of \$400,000.

Zimmermann, 515 LaMae Avenue, said we learned over the past week on Saturday the Interim City Manager, Pam Priddy is appealing the decision of the Civil Service Commission for reinstating Matt Evans. This is essentially the City suing themselves. This stands to be a waste of taxpayers' dollars and another revenue stream for our Interim Law Department.

Last week our Zoning Inspector, Mark Stimpert, was quietly reduced to part-time. This comes a week and a half after Councilwoman Stimpert did not act in a way some on Council wanted and she was told so during that meeting. Coincidence, maybe. We know it is not a money issue since the money for the department has been approved in the budget. Is there going to be another person slid into this position? One of the recommendations made by Mr. Schrader at the Charter Review Commission meeting is to review the qualifications of the Zoning Administrator. He suggested changes be made to make it easier to hire someone with less qualifications. Why is this being done?

Zimmermann asked why the Charter review Commission was being held now. The Charter states the Commission can only be held every five years. The last review was 2018, this is 2022. The Charter does not give Council the ability to call a special meeting of the commission. He was the only person in November to question and vote against this commission. He was hoping for transparency in the commission. Now there is a vacancy with the resignation of Mr. Lange that leaves six people on the committee, what happens if there is a tie? He hoped Council would address this and appoint another person to the commission. The Interim Law Director put in

about twenty changes he asked them to address. He asked for that handout and has yet to receive it.

Julie Lemon, 609 Ridge Road, commended Council, seven times straight they worked together and that has been a long time coming. She stated the Zoning Commission was never in the 1966 Charter but somehow it is there now. There were two amendments to the section. She questioned when it was put on, when it was added.

Ms. Lemon stated Mr. Zimmermann is the only person from the public that showed up at the Charter Review meeting. She also noted that some of the items ended up on 21 News. If you want to know what is going on with the Charter Review board, please come out Mondays at 6:00 p.m.

Catie Karl, 128 West Quarry Street, stated some misinformation was given tonight that she would correct. It is not \$16,000 and she spoke to the County Prosecutor. You will be given a proposal after the County has spoken to the Board of Commissioners. She spoke to the County Prosecutors herself - it is not \$16,000 it is determined by the Commissioners. The small fee that is given is a statutory obligation to prosecute the felonies that municipalities have. They have not given the proposal back to the Law Director yet. It will then need approved by Council.

She questioned if the new hires coming in were given Civil Service tests and if we were following the proper process. She asked why we were going after committees.

Chelsea Harper, 128 West Quarry Street, asked why the Charter Review Commission had to be done so early, why did it take an outsider not from Newton Falls to say our Charter is crap. If things are contradictory, why was it not caught before. Why did the people who have the legislative knowledge put it through. We are a Charter City for a reason. What they are looking to change is not what goes on in a Charter City. The Mayor has always been a figurehead in the City and the City Manager runs the City, and for Council what you make per month is because you're here twice a month. You chose to put your name on a ballot; that does not mean they should give you a raise. It is not that you don't deserve it, because some of you do.

Ms. Harper stated Mr. Stimptert has probably got to be one of the best Zoning Inspectors we have had. He does a good job and to do that quietly without putting something on the floor seems a bit fishy. We were assured that we needed this full-time position so why drop him down and why not let the public hear about it. If you're going to look at qualifications for Planning and Zoning, don't you think you should look for qualifications that are required for all of the jobs sitting up there.

She did not understand why the City is appealing what the Civil Service decided to vote, she asked if Council could enlighten the public.

Ms. Harper also asked why the new Law Director got to suggest changes to the Charter, which is why we have a review board. The review board is to read the Charter, understand the Charter and make suggested changes. If the changes are only coming from the Law Director, why did we make the board.



Dave Hanson, 20 South Canal Street, concurred with John Richards about the DORA. He felt it was a waste of time, effort and money and would not bring anything into the City. Mr. Hanson said we need to solicit for grants. We have wasted far too much time with this. We need to get the sidewalks fixed downtown. We need a Zoning Inspector that is going to control people running around with cameras harassing contractors that are here to repair those sidewalks.

The next thing is the \$88,000 dollars in two months. Three months ago this City was broke. We had no money, it was all over the newspaper and now we have money to buy police cars and a hundred-thousand-dollar backhoe, and raises. We are broke, your shouting poverty and you're saying I need a raise. This is wrong. The taxpayers, the citizens, we need to come together and stand up and tell Council this will not abide. Attorney Fritz was \$60,000 a year. We are going to pay for legal counsel \$350,000. No matter how many books you count or the internet it does not come up to that amount. He asked when we were going to get people in here to run the City, Interim has gone on too long. You are not administrating your duties. The money your spending on advertising is money you could be paying instead of cutting salaries.

Nicole Cutlip Cozart, Falls Home Oil, thanked everyone for their votes in pertaining to the dog exercise area. She looked forward to the second reading and if they had any questions, she asked that they reach out to her.

#### **CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:**

Baryak said we heard a lot of talk about respect tonight and he agreed that you have to earn respect. Everyone up here that got elected has a degree of success because his respect does not come from somebody that wants to say something. It comes from the voters; they are all he cares about. He is tired of sour grapes. We walked into a situation where a lot of things were not done and we are trying to get them straightened out. If there comes a time we cannot afford them, we can get rid of them. The progress we are making you can see, and they are trying to move the Village forward. He could not support the DORA tonight but would be glad to listen if it is brought back.

Spletzer reminded everyone the Park & Recreation meeting will be February 22<sup>nd</sup> and on the 24<sup>th</sup> the Economic Development Board would be meeting with the City Manager and Mr. Carson, the new owner of the Pamida building.

Granchie said this month his Council check would be going to the Montgomery Farm Fund at Huntington Bank. He encouraged other to donate as well.

Mayor Kline thanked the Litter Tigers football team and their families for coming out tonight. He also thanked Council for their discussions tonight and the individuals in the community for coming and bringing their suggestions, comments and concerns. We have to continue to move forward and improve upon the process. We have to stop tearing down, stop bickering and fighting over little things and continue to grow our community.

**MOTION TO RECESS INTO EXECUTIVE SESSION:**

Granchie made a motion seconded by Spletzer to adjourn into executive session at 7:53 p.m. for the purpose of personnel matters including discipline, promotion, demotion and pending or imminent court action.

**ROLL CALL:** Spletzer aye, Granchie aye, Stimpert aye, Serotko aye, Baryak aye.  
**MOTION PASSED 5-0**

Serotko made a motion seconded by Granchie to adjourn the executive session and reconvene the meeting at 9:25 p.m.

**ROLL CALL:** Granchie aye, Stimpert aye, Serotko aye, Baryak aye, Spletzer aye.  
**MOTION PASSED 5-0**

**ADJOURN:**

After no further comments or questions Granchie made a motion seconded by Spletzer to adjourn at 9:25 p.m.

**ROLL CALL:** Stimpert aye, Serotko aye, Baryak, Spletzer aye, Granchie aye.  
**MOTION PASSED 5-0**

\_\_\_\_\_  
Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
City Clerk/Clerk of Council



**SPONSOR: MAYOR KLINE**

**ORDINANCE 2022-08**

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NEWTON FALLS, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022.**

WHEREAS, It is necessary to make appropriations for the current expenses and other expenditures for the City of Newton Falls, Ohio, for the fiscal year ending December 31, 2022;

WHEREAS, This Ordinance has funding sources that originated after the original Certificate of Resources was issued; and

WHEREAS, the re-appropriations will require an update of the Certificate of Resources to be filed with the Trumbull County Auditor, and

THE COUNCIL OF THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY ORDAINS:

**Section 1:** "Exhibit A" as rewritten herein amends "Exhibit A" of ordinance 2021-37 and shall be the appropriations for the funds designated for the fiscal year ending December 31, 2022 for the City of Newton Falls. Any funds not listed in this exhibit shall remain intact as listed in Ordinance 2021-37.

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

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
Clerk of Council, Kathleen M. King

APPROVED AS TO FORM:

\_\_\_\_\_  
Alfred E. Schrader - Interim Law Director

ATTEST:

Newton Falls, Ohio \_\_\_\_\_  
I, hereby certify that Resolution or Ordinance  
No. \_\_\_\_\_ was published by title or  
in full in the local newspaper, or designated  
by Council resolution on the date or dates of  
\_\_\_\_\_.

\_\_\_\_\_  
Kathy King, Clerk of Council



## 2022 APPROPRIATIONS, EXHIBIT A

CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
100	General Fund			
LAW				
Personal Services	Legal Level	53,458.73	88,304.37	34,845.64
Other Operations	Legal Level	5,455.33	5,455.33	-
	Total:	58,914.06	93,759.70	34,845.64
100	Total:	2,265,885.52	2,300,731.16	34,845.64
Grand Total:		18,225,986.75	18,260,832.39	34,845.64

**ORDINANCE 2022-09**

**THE CITY OF THE VILLAGE OF NEWTON FALLS**

**AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE ZONING ORDINANCE TO  
INSERT 11.4702 AS TO DEFINITIONS, SECTION 6 AS TO ANIMAL SERVICES, AND TO  
INSERT SECTION 6A AS TO A DOG EXERCISE AREA.**

**WHEREAS**, the Planning and Zoning Commission has recommended that City Council insert into the Zoning Ordinance the authorization for a private dog exercise area in all commercial districts and I 1 Districts as set forth in Exhibit "A" attached hereto, the recommendation of the Planning and Commission; and

**WHEREAS**, this amendment will authorize animal shelters or kennels having a dog run or exercise area and set forth requirements for that, and the amendment addresses noise, waste, and odor and securing of outside facilities as well as parking.

**COUNCIL OF THE CITY OF THE VILLAGE OF NEWTON FALLS, STATE OF OHIO,  
HEREBY ORDAINS:**

SECTION I: Exhibit "A" is hereby adopted and is to be added as amendment to the planning and zoning ordinance.

SECTION II: This Ordinance shall take effect at the earliest time permitted by law.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Kenneth A. Kline

ATTEST: \_\_\_\_\_  
City Clerk/Clerk of Council

\_\_\_\_\_  
Alfred E. Schrader (date)  
Interim Law Director



**Exhibit A**  
**Ordinance 2022-09**

**Use permitted upon review**

- 1147 Definitions
  - 1147.02 Definitions
- INSERT 6. ANIMAL SERVICES
- INSERT 6a. DOG EXERCISE AREA – An exercise area that is fully enclosed area of space, in which dogs are exercised either on or off a leash, with supervision.

*Examples of Animal Services: Kennels, Boarding, Grooming, Exercise Areas, Recreation/Training facility, Clubs, Shelter/Humane Society etc..*

**ADD/INSERT to Zoning Ordinance**

**Part Eleven – Planning & Zoning**

- 1155 Uses permitted on Review
  - INSERT (1155.08 DOG EXERCISE AREA) Refer to [nfcity.maps.arcgis.com](http://nfcity.maps.arcgis.com) for zoning areas.
  - INSERT A private dog exercise area may be permitted in all Commercial Districts and I-1 districts subject to the requirements of the district in which it is located and the following requirements:

(a) Lot Area. A private recreations area shall be located on a site not less than .5 acres in area

(b) Setback Requirements. In the event an animal shelter or kennel has a dog run or exercise area, said run or exercise area shall be set back no less than 200 feet from any residential district.

(c) Noise. A dog exercise area shall prevent the animals in its care from disturbing the comfort of any person in the vicinity by frequent or long continued barking, howling or other noise which creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Dogs may only be exercised outdoors during the hours of operation. In determining whether a particular sequence of noises is excessive, other relevant factors, in addition to frequency and duration shall be considered, including but not limited to time of day, general noise level of the area and proximity to residential units. At the edge of the fencing the maximum decibel of noise shall be no more than 90db.

(d) Waste and Odor. In addition to Codified Ordinance Section 505.18 Defecation Removal Required a dog exercise area shall remove animal waste from outdoor areas on a regular basis. All animal waste shall be bagged, tied securely and deposited in a fully enclosed dumpster, trashcan or other sealed containment system. All dumpsters, trashcans or other containment systems shall be emptied on a regular basis, but not less than weekly. All trash receptacles must be securely sealed at all times.

- EPA Regulations must be met as applicable.

(e) Security of Outdoor Facilities. An animal shelter or kennel shall install and maintain a privacy fence, no less than six (6) feet surrounding all dog exercise areas. An animal shelter or kennel shall install and maintain appropriate fencing per Section 1153.14 Fences around any exercise areas, which is adequate and appropriate to securely contain any animal placed within the area. All outdoor facilities shall be adequately screened from residentially zoned properties through the use of landscaping and/or solid opaque fencing or walls.

(f) Parking

- There shall be one (1) parking space for every 5,000 SF of ground area.