



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, September 21, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon "Bud" Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

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

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

Changes To Tonight's Agenda

- VII. **Approval of Previous Minutes**
 Regular Meeting Minutes, September 7, 2022

VIII. **Public Hearings**

ORDINANCE 2022-42 *Sponsor: Councilperson Granchie*
 AN ORDINANCE REPLACING CHAPTER 1151 OF THE ZONING CODE RELATING TO SIGNS

ORDINANCE 2022-43 *Sponsor: Councilperson Baryak*
 AN ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF THE ZONING CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR TREATMENT FACILITIES AND HOUSES

ORDINANCE 2022-44 *Sponsor: Councilperson Granchie*
 AN ORDINANCE DECLARING IN THE EVENT THE 2022 POLICE TAX LEVY IS APPROVED BY THE ELECTORATE, COUNCIL'S INTENT TO AUTHORIZE

APPROPRIATIONS IN THE 2023 POLICE BUDGET BEYOND THE FUNDS
GENERATED BY THE POLICE LEVY THAT EQUATES TO NOT LESS THAN ONE
HUNDRED PERCENT OF THE FISCAL YEAR 2022 GENERAL FUND POLICE
DEPARTMENT OPERATING EXPENDITURES

I. Unfinished Business

ORDINANCE 2022-42

Sponsor: Councilperson Granchie

AN ORDINANCE REPLACING CHAPTER 1151 OF THE ZONING CODE RELATING TO
SIGNS

ORDINANCE 2022-43

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF THE ZONING
CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR TREATMENT
FACILITIES AND HOUSES

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Sponsor: Councilperson Granchie

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GENERATED BY THE POLICE LEVY THAT EQUATES TO NOT LESS THAN ONE
HUNDRED PERCENT OF THE FISCAL YEAR 2022 GENERAL FUND POLICE
DEPARTMENT OPERATING EXPENDITURES

II. New Business

MOTION

Sponsor: Councilperson Spletzer

A motion to appoint John Richards to the Parks & Recreation Board for the remainder of
the unexpired term of the current vacant seat.

ORDINANCE 2022-45

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER AND/OR
FINANCE DIRECTOR TO ENTER INTO AND EXECUTE A LOAN AGREEMENT FOR
THE LEASE/PURCHASE OF TWO PREVIOUSLY AUTHORIZED POLICE VEHICLES
PROVIDING FOR AN INTEREST RATE OF UP TO 6.74% RATHER THAN THE
PREVIOUSLY APPROVED RATE OF UP TO 6.5%

ORDINANCE 2022-46

Sponsor: Councilperson Spletzer

AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT
EXPENSES AND OTHER EXPENDITURES FOR THE VILLAGE OF NEWTON FALLS,
OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND AUTHORIZING
THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES
TO THE COUNTY AUDITOR.

III. Public Comments

IV. Closing Remarks

MOTION

A Motion to Adjourn into Executive Session (as noted below)

- ☒ 1. Personnel Matters: To Consider one or more, as applicable, of the marked items:

☒ Appointment
☒ Promotion

☒ Employment
☒ Demotion

☒ Dismissal
☒ Compensation

☒ Discipline

- ☐ 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
- ☐ 7. Hospital Trade Secrets
- ☐ 8. Confidential Business Information of an
Applicant for Economic Development
Assistance
- ☐ 9. Veterans Service Commission
Applications

MOTION

A Potential Motion to Make an Appointment to Fill the Vacant Seat on the Civil Service Commission.

V. Adjournment



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
Wednesday, September 7, 2022; 6:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon “Bud” Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At-Large	Julie Stimpert
Mayor	Kenneth Kline

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

I. Call to Order

Mayor Kline called the meeting to order at 6:00 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer, Councilperson Granchie, Councilperson Stimpert

Council Absent: None

Staff Present: Mayor Kline, City Manager Priddy, City Clerk Acomb, Law Director Bryan, Finance Director Housley, City Administrator Smeiles

Staff Absent: None

IV. Special Presentations by Staff Members or Invited Consultants

V. Public Comments

Rick Kerlin – 611 N. Canal St

Mr. Kerlin spoke in support of the police levy and a recent promotion by one of the officers. He stated his appreciation that the Chief works midnights and days. He spoke in support of the police levy. He expressed his belief that the information presented by the village matches what the county auditor provides as it relates to the police levy. He stated that a website will be available to help people calculate their individual and unique cost if the levy passes and based on a \$100,000 home, the average cost of the levy in that range of homes is \$140/year. He also stated that if a resident meets the requirements for the Homestead Exemption, then that resident can qualify for a reduced rate of \$105/year on a \$100,000 home. He stated his belief that the police department will likely be lost if the

levy fails. He wondered about Mr. Granchie's reasons for sponsoring Ordinance 2022-42. He spoke directly to Ms. Stimpert regarding public records requests from the school. He stated that the Fire District wanted to purchase Arlington Field and that the Comprehensive Plan for the village land has that land purpose identified for a different purpose. He asked why Ms. Stimpert had not informed anyone about this intent by the Fire District. He stated that the Superintendent recommended that the land be appraised and that the Fire District has expressed interest in acquiring the land to build a new fire station. He spoke against the proposed sale of Arlington Field to the Fire District for two reasons: (1) concerns about youth programs that use the field and would have no other place and (2) the Fire District already owns land located on First Street which he believes would be more suitable for the proposed purpose. He stated that he will attend the next Fire Board Meeting and School Board Meeting. He encouraged everyone to support the police levy.

Ana Eby – 50 W. 9th Street

Mrs. Eby asked Mr. Granchie to clarify the agenda item regarding the police levy. Mr. Granchie indicated that he would explain the proposed ordinance when the times comes in the agenda.

John Richards – 212 Albert Street

Mr. Richards spoke in support of the police levy and keeping the police department. He spoke in support of Ordinance 2022-44 as a measure that tries to build trust between the community and Council as it specifies how to care for the money that would be generated from the levy and how money from the overall village budget would be allocated to the police department. He stated his appreciated for the police department. He thanked Mr. Granchie for his efforts.

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmerman spoke critically about the agenda for tonight's meeting citing a number clerical errors. He spoke regarding Resolution 40-2022 asking for an explanation regarding the identify of Newton Falls DOHP, LLC and their reason for wanting to donate land. He spoke in support Ordinance 2022-44 and urged Council to pass it as he believes it is the only way that the levy will be successful in November.

VI. Reports

a. Mayor

i.

b. Council Members

i. Mr. Fetterolf – Ward 1

1. He asked Ms. Spletzer to speak about the Treasury Investment Meeting citing her experience. He offered is understanding the work is being done to remove the village from bad investments and acquire investments with less risk and more protection against inflation
2. He attended a Parks and Recreation meeting and stated that only two (2) people are on the committee. He questioned why only two people are on the committee when the charter specifies the number of people to be on the committee.

3. He spoke with a person on Ridge Road who stated concerns about the sidewalks not being repaired as contracted and zoning procedure.
 4. He spoke with a resident who was concerned about a half-way house in their residential area. He noted that this concern will begin to be addressed in tonight's agenda. He encouraged citizens to make a report if they believe there is a half-way house so that it can be addressed by the zoning administrator.
- ii. Mr. Baryak - Ward 2
 1. Mr. Baryak stated that there have been two signs for no trucks posted on Second Street. He hopes that these will prevent semi-trucks, but not other types of local delivery trucks. He stated appreciation for the City Manager and Law Director for their quick efforts to rectify the situation.
 2. He attended a Utility Review meeting and shared his belief that Dunkin Donuts is moving forward, that the remediation is being checked every 30 days and the electric is being lined up with a goal to open next year.
 - iii. Ms. Spletzer - Ward 3
 1. The Treasury Investment Board Meeting was on August 24. She stated her belief that the investments are being managed very well by the Meeder group. The next meeting is in December. She assured everyone that the investments are holding their own and performing as expected given the current economic climate
 2. She also attended the meeting for the Scott St. Sewer Project on August 24 noting that it was very well attended.
 3. She also attended a Parks and Recreation meeting.
 4. She received a donation from Surface Materials for Parks and Recreation and stated her appreciation for it.
 - iv. Mr. Granchie - Ward 4
 1. He attend no meetings as there were none scheduled.
 2. He took many calls during this time period between meetings.
 - v. Ms. Stimpert - At-Large
 1. She met with Mr. Housley on August 10 to discuss her concerns with the budget.
 2. There was a Fire Board meeting on August 23 that she could not attend due to a sudden personal emergency. The next meeting is September 20. She clarified that she was asked by the Fire Board provide contact information for the school superintendent, which she did. She stated that the Fire Board owns multiple properties, including one on First Street. She stated her belief that the Fire Board is evaluating all property options and are conducting soil samples on the properties they already own. She stated that she did not know the school board was seeking an appraisal for the Arlington Property and reiterated to Mr. Baryak that she only provided contact information so that the Fire Board and the Superintendent could speak to each other.
- c. Finance Director

- i. He met with Ms. Stimpert on August 10 and encouraged any councilperson to meet with him on any Wednesday or Saturday. He stated the City Manager would like to attend; but doesn't require her attendance.
 - ii. He thanked Eileen Stanic from the Meeder Group. He stated that she may not attend every quarterly meeting in-person but will meeting via Zoom if the technology is available and will produce a report for Council. He stated that not all investment groups shared the same fiduciary responsibility as the Finance Director, but they do, which is rare. But, if the village ever moves away from the Meeder Group he recommends finding an advisor with that same characteristic.
 - iii. One police cruiser has arrived; but the village has not taken possession.
 - iv. August is closed. July is reconciled. All vendors appear to be paid current.
 - v. Income Tax collections are \$506,000, which is 1% lower than this time last year.
 - vi. All delinquent filers have received two notices from RITA, including an administrative subpoena. A summary of the program will be reviewed at the next council meeting. A letter campaign from the village will begin soon which is phase 3 of the overall program. He encouraged citizens to contact RITA if they receive a communication addressed to a former resident at their particular address.
 - vii. He dealt with one taxpayer to request an abatement of penalties and interest. This is a common request by taxpayers. Newton Falls gave RITA full authority to grant abatements, but it is not a blanket approval to all applicants. Council should be aware that RITA deals with abatement requests and the information is on all communications from them and the village. Challenges to RITA's tax review are heard by the Finance Director and a committee that he will form at the time of the challenge.
- d. Law Director
 - i. Mr. Bryan stated that there are two ordinances on the agenda that propose amending the zoning code and he recommends that those be sent to the zoning commission for review and comment after action is taken by Council with a request to have that review and comment returned to Council.
- e. City Manager
 - i. September 8 is the bid opening for the --- grant at 10am. There are three (3) potential bidders.
 - ii. She stated the Dunkin Donuts is moving forward. The engineering agreement was approximately \$43,000 and she asked Mr. George to approach the firm and ask if they would match a lower competitive bidder at \$38 and they did.
 - iii. Utility Department updates to procedures have taken place.
 - iv. The application for the Scott Street forgiveness loans have been sent and October is the expected date to receive approvals.
 - v. The application for roads with OHM has been submitted and it will be June or July before approvals are received.
 - vi. She attended the Parks and Rec meeting and noted that a number of issues were heard and the maintenance department has been doing a good job working through the list of repairs. She stated that future fees for

the use of pavilions is a possibility, but the policy currently being developed and researched.

- vii. Met with Fire Chief to discuss a number of partnership opportunities.
- viii. The Treasury Investment Board Meeting went well. There were lots of good questions asked and answered. She stated her belief that the investments are performing well. Lost interest from bad investments is gradually being recouped.
- ix. The Police cruiser is in, but still needs detailed with police specific equipment. There are 2 School Resource Officers and \$114,000 will be received from the school to cover expenses. She is pleased to partner with the schools.
- x. Mr. George will be preparing advertisements to bid for stump removal services.

Changes To Tonight's Agenda

MOTION

Mayor Kline called for a Motion to add a motion to the agenda to schedule Trick or Treat for Saturday, October 29, 2022 from 4:00-6:00pm

Moved by: Mr. Granchie

Seconded by: Mr. Baryak

Ms. Priddy stated that the Cake Walk is the same day from 2:00-4:00 pm.

Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes

The Motion passed 5-0 and was added to tonight's agenda as the last item in New Business.

VII. Approval of Previous Minutes

MOTION

A Motion to approve the following:

Regular Meeting Minutes, August 3, 2022

Emergency Meeting Minutes, August 19, 2022

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Ms. Spletzer stated that she called Mr. Acomb this afternoon to point out several clerical errors/typos in tonight's agenda and in the minutes. She expressed appreciation that Mr. Acomb had corrected the minor errors quickly and prior to tonight's meeting.

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The Motion passed 5-0.

VIII. Public Hearings

ORDINANCE 2022-37

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE SALE OF A VILLAGE 2013 FORD TAURUS POLICE VEHICLE TO THE NEWTON FALLS JOINT FIRE DISTRICT

No public comments were heard.

ORDINANCE 2022-38

Sponsor: Councilperson Granchie

AN ORDINANCE ESTABLISHING SECTION 121.06 OF THE ADMINISTRATIVE CODE PERTAINING TO THE SALE OR DISPOSAL OF MUNICIPAL PERSONAL PROPERTY

No public comments were heard.

IX. Unfinished Business

ORDINANCE 2022-37

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE SALE OF A VILLAGE 2013 FORD TAURUS POLICE VEHICLE TO THE NEWTON FALLS JOINT FIRE DISTRICT

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak stated that the Fire District had spent \$2300 to repair the vehicle which he believed was expected. He spoke in support of the sale.

Mr. Granchie stated his belief that the stated sale price is 17% of the value of the vehicle. He also expressed concern that the Fire District may have been permitted to spend money on the vehicle prior to the approval of its sale to the Fire District. He stated that he does not support this ordinance.

Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-no; Ms. Stimpert-abstain; Mr. Fetterolf-yes

The Ordinance passed 3-1.

ORDINANCE 2022-38

Sponsor: Councilperson Granchie

AN ORDINANCE ESTABLISHING SECTION 121.06 OF THE ADMINISTRATIVE CODE PERTAINING TO THE SALE OR DISPOSAL OF MUNICIPAL PERSONAL PROPERTY

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

No discussion.

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The Ordinance passed 5-0.

X. New Business

RESOLUTION 39-2022

*Co-Sponsors: Councilperson Granchie
Councilperson Stimpert*

A RESOLUTION IN SUPPORT OF THE “SALUTE TO OUR VETERANS” EVENT,
CELEBRATING THE 80th ANNIVERSARY OF THE DEDICATION OF THE NEWTON
FALLS COMMUNITY CENTER, A HISTORIC U.S.O.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Mr. Granchie thanked everyone for their support of this and offered his support
in any way that might be needed.

Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr.
Fetterolf-yes

The Resolution passed 5-0.

RESOLUTION 40-2022

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL
PROPERTY DONATION AGREEMENT WITH NEWTON FALLS DOHP, LLC

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Baryak clarified that this property is located behind the new Dollar General
store. He yielded to Ms. Priddy and she stated that the land was bought by
Newton Falls DOHP, LLC and leased to Dollar General. She also stated that 1.5
acres is not needed by Dollar General and representative from Newton Falls,
DOHP, LLC had stated their willingness to donate the land to the Village. She
stated that their original offer to the Village was a sale price of \$15,000 and the
Village declined that initial offer. Later, the representative agreed to donate the
land to the Village.

Mr. Baryak stated that the land might have meaningful future uses, such as, to
expand the sewer or establish a new park.

Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr.
Baryak-yes

The Resolution passed 5-0.

ORDINANCE 2022-42

Sponsor: Councilperson Granchie

AN ORDINANCE REPLACING CHAPTER 1151 OF THE ZONING CODE RELATING TO
SIGNS

Moved by: Mr. Granchie

Seconded by: Mr. Baryak

Mr. Granchie stated his belief that this ordinance brings the code of ordinances in
line with the 1st Amendment to prevent any unconstitutional action by the Village
against residents.

Mr. Baryak stated his belief that it would go to the zoning committee where it
might be revised.

Mr. Fetterolf stated his belief that this ordinance falls in line with the Ohio Revised Code and helps to avoid future conflict. He stated that it defines things very clearly and its revision has been long overdue for the citizens. He stated appreciated for the penalty section and acknowledged the need for additional revisions prior to final passage.

Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes

The Ordinance passed 5-0.

ORDINANCE 2022-43

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF THE ZONING CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR TREATMENT FACILITIES AND HOUSES

Moved by: Mr. Baryak

Seconded by: Mr. Granchie

Mr. Granchie asked Law Director Bryan to clarify if the ordinance is compliant with the Americans with Disabilities Act. Mr. Bryan affirmed the ordinance was written for compliance with the Ohio Revised Code provisions.

Mr. Baryak stated his desire to have the law director summarize the ordinance. Mr. Bryan stated that an existing provision in codified ordinances restricted larger facilities to multi-family or industrial areas of Newton Falls. This will also require licensing in single-family residential areas where the village cannot prohibit their existence if there are no more than 5 residents. However, state licensing, occupancy permits from the city, city inspections and the satisfaction of all other zoning codes before opening, are required. They are required to update the certificates each year to stay current. He also stated that the multi-family section was updated to allow no more than 30 residents in those zones unless they get special permission. He clarified that facilities are prohibited within 500 feet of a school.

Mr. Baryak stated this ordinance will prevent these types of facilities from “sneaking in overnight” and that procedures and checks will be implemented.

Mr. Fetterolf stated his belief that this ordinance illustrates the importance of zoning laws to the community and encouraged all residents to take action when necessary.

Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes

The Ordinance passed 5-0.

ORDINANCE 2022-44

Sponsor: Councilperson Granchie

AN ORDINANCE DECLARING IN THE EVENT THE 2022 POLICE TAX LEVY IS APPROVED BY THE ELECTORATE, COUNCIL’S INTENT TO AUTHORIZE APPROPRIATIONS IN THE 2023 POLICE BUDGET BEYOND THE FUNDS GENERATED BY THE POLICE LEVY THAT EQUATES TO NOT LESS THAN EIGHTY-

FIVE PERCENT OF THE FISCAL YEAR 2022 POLICE DEPARTMENT OPERATING EXPENDITURES

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Mr. Baryak asked Mr. Granchie for the reasons regarding his sponsorship of the ordinance. Mr. Granchie stated he worked with the law director to write it. Mr. Fetterolf suggested a revision from 85% to 100%. Mr. Granchie stated that he wanted 100% and was advised by the law director and finance director that budgets can shift from year to year and a buffer might be necessary for emergencies.

Mr. Granchie stated that if a hypothetical \$200,000 is generated by the levy, then a separate \$200,000 cannot be taken away from the police department (general fund), similar to how the Ohio Lottery operates for schools. He stated his belief that this ordinance, as currently written, ensures that the amount given to the Police department will not ever be reduced by more than 15%, it would prevent arbitrary movement of money from that generated by the levy to the general fund, and it would truly boost the police department. He stated a strong belief that this ordinance is only way to give the levy a chance of passing in November.

Ms. Stimpert stated her belief that the ordinance will help support the levy to pass.

Ms. Spletzer commended Mr. Granchie for his efforts. She stated that passing the levy would replace the AARPA funds that will disappear after this year. She expressed belief this kind of action is more suited for administrative action than a legislative, but stated that if doing this alleviates the public concern, and allows the levy to have a chance at passage, then she supports it.

Mr. Baryak asked for an amendment to the ordinance.

Mr. Housley expressed his support for the Motion and a revision to 100%. Ms. Priddy also stated her support at 100%.

MOTION

A Motion to amend the language in the ordinance from “not less than eighty-five percent” to “not less than one-hundred percent”.

Moved by: Mr. Baryak

Seconded by: Mr. Granchie

Mr. Housley clarified that the general fund will be budgeted at 100%. Mr. Fetterolf stated his belief that Council has the intent of supporting the police department and 100% is the way to show that support.

Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes

The Motion passed 5-0.

MOTION

A Motion to approve Ordinance 2022-44 as amended.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Granchie stated his desire for future Councils to use this ordinance as model for handling future emergency service levies.

Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The Ordinance passed as amended 5-0.

MOTION

A Motion to schedule Trick or Treat for Saturday, October 29 from 4:00-6:00pm.

Moved by: Ms. Stimpert

Seconded by: Mr. Baryak

No discussion.

Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes

The Motion passed 5-0.

XI. Public Comments

Brenda Persino – 226 Oak Knoll

Mrs. Persino stated her attempts to call the interim chief and has been unsuccessful. She stated Chief Fixler's voicemail message is still on the recording and expressed concern that the phone system has not been updated nor does it allow her to gain access to the Chief. She stated she had been trying to call the Chief because she has a problem that needs to be discussed; but she cannot meet at night, when he is working, so he is unavailable to her. She stated her grandson was hit by a truck in early August and that it was a hit and run. She stated that the police report says that a part-time officer, working from another city, stated a "possible" injury to her grandson. She expressed her concerns with how the officer handled the situation and stated numerous concerns with the police report. She demanded an investigation. She stated that she has learned that witnesses and video are available; but the report does not reflect it. She stated that vehicle was a red, Ford Ranger with "party plates". She demanded to know why a thorough investigation wasn't conducted and why the Ohio State Patrol could not be enlisted to support that investigation. She stated her belief that the suspect should be easy to track down; but expressed frustration and anger that no further action has been taken.

Steve Simpson – 420 Ravenna Road

Mr. Simpson spoke on behalf of Heritage Court. He thanked and stated appreciation for Council's support of the November 5 celebration. He urged everyone to watch the website for more information and stressed that the event will be very fun.

Jamie Kline – 312 Ridge Road

Ms. Kline spoke about an event after the last council meeting in which she was allegedly called by her maiden name by Mr. Baryak.. She stated her belief that she is currently under

investigation by Councilperson Baryak. She spoke in opposition with the alleged investigation and urged Mr. Baryak, or anyone else, to speak with her directly.

Adam Zimmermann – 515 Lemae Avenue

He spoke about a previous motion by Mr. Granchie to allow committees to use council chambers. He cited the vote record and named those who voted against the motion. He expressed frustrated that since the vote, two committee meetings, attended by those Council members who voted no, have been held in council chambers. He expressed his frustration with the Mr. Baryak, Mr. Fetterolf, and Ms. Spletzer. A gesture was made by Mr. Fetterolf towards Mr. Zimmermann and Mr. Zimmermann questioned the meaning of the gesture. Mr. Zimmermann continued and expressed concern over business leaving town due to the permitting process. He spoke against the City Manager. He expressed disbelief and concern that the Fire District had paid for repairs to a vehicle that they did not own. He stated his understanding that the School District is paying \$114,000 for two school resource officers. He questioned the amount and expressed hope that the village is not profiting from this arrangement.

Julie Lemon – 609 Ridge Road

She spoke in support of Ordinance 2022-43, but also spoke in support of those who are successfully battling addiction and contributing to the community in meaningful ways. She urged all to remember that there are many recovering addicts who can contribute to the community. She spoke in appreciation for the support for the amendment of Ord 2022-44 and the police.

John Richards – 2112 Albert Street

Mr. Richards asked about plans to remove the dams from the rivers. He asked if information about the depth of the East River at the intake pipe can be known. He stated concerns about water supply to the community and whether there would be enough depth, if a dam was removed, to supply water to the community. He spoke against removal of the dam.

Unidentified Resident – Grant Street

The resident asked if the prosecutor receives an evaluation and stated his belief that no one is happy with the prosecutor's performance. He expressed dissatisfaction and frustration with how the prosecutor and Police Chief are handling the drug problem in his neighborhood. He expressed concern about the safety of his neighborhood and concern about police/prosecutor support to improve safety. He wanted to know how he might get a record of drug offenses and sentencing from the Court. Ms. Priddy advised him visit the Clerk of Courts, Monday – Friday from 8:00am-4:00pm. He was advised to speak with Janice Williams.

Ana Eby – 50 W. 9th Street

She spoke in support of the previous speaker's comments. She spoke against Interim Chief Foor and characterized him as being unhelpful. She stated her belief that the police department are not friendly with her or other residents and she asked Council do something about that situation stating a desire to have a friendly town where the police and the residents have a good relationship with each other.

Rick Kerlin – 611 N. Canal Street

Mr. Kerlin stated his satisfaction with the amendment to Ordinance 2022-44 and the manner in which it occurred. The Mayor interjected and reminded residents in the back of the room to discontinue their disruptive conversation while Mr. Kerlin spoke. Mr. Kerlin continued and spoke in support of the police department. He asked the citizens to support the police and the

levy. He addressed Mrs. Stimpert directly to clarify that he provided a direct quote earlier this evening regarding the appraisal and the school board selling property to the Fire District. He recommended the use of the First Street property for a new fire station and storing a ladder truck. He spoke against any proposed sale of the land because it will unnecessarily harm the youth programs.

XII. Closing Remarks

Mr. Fetterolf spoke about Mr. Zimmerman's past lawsuits and claims about Mr. Zimmermann's right to speak at meetings being restricted. Mr. Fetterolf acknowledged Mr. Zimmermann's right to speak and expressed his belief and concern that Mr. Zimmermann's speech seems to be mostly negative. Mr. Fetterolf explained his earlier gesture towards Mr. Zimmerman as one that expresses frustration. Mr. Fetterolf shared his belief that Mr. Zimmermann often seems to speak negatively, and at times, out of context. Mr. Fetterolf provided an example in which Mr. Zimmerman's previous statements about the money the school board pays for the school resource officers. He reminded that the \$114,000 must be used for more than just the salary of those positions (e.g. salary, insurance, uniforms, etc...). He expressed frustration that Mr. Zimmermann's comments, spoken as a former Councilman, may have been misleading to the public.

Mr. Baryak stated that he might have misspoken about the amount spent to repair the car by the Fire District. He also stated his agreement with Mr. Fetterolf's comments and added that he is also frustrated with the negativity of the same few people. He stated the police chief is working midnights due to the police department being short-staffed. Mr. Baryak stated that he wants to cooperate with people. He expressed frustration with the financial condition in which he believes the city was left to this Council. He stated his intent to continue to try and save the community and the police department. He supports the police levy and spoke in support of the amended version Ordinance 2022-44.

Ms. Spletzer offered no comments.

Mr. Granchie reminded Council that they are a legislative body and not an administrative body. He extended a professional courtesy to the rest of Council and put them on-notice that if he observes a member of Council acting outside of the scope of their responsibility, then he will feel compelled to take appropriate action.

Mr. Stimpert stated her agreement with Mr. Granchie's statements.

Ms. Priddy offered no comments.

Mayor Kline stated belief that a united body is needed for the village, with good discussion amongst Council, and he stated his belief that this was evident tonight. He expressed appreciation for each Council member acting independently. He expressed dismay that some will "hurl stones" and may work against the unification of Council for the benefit of the village.

Motion to Recess into Executive Session (if necessary)

Motion to Adjourn into Executive Session (as noted below)

No Motion was made.

☒ 1. Personnel Matters: To Consider one or more, as applicable, of the marked items:

☒ Appointment
☒ Promotion

☒ Employment
☒ Demotion

☒ Dismissal
☐ Compensation

☐ Discipline

- ☒ 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
- ☐ 7. Hospital Trade Secrets
- ☐ 8. Confidential Business Information of an Applicant for Economic Development Assistance
- ☐ 9. Veterans Service Commission Applications

XIII. Adjournment

MOTION

A Motion to adjourn the regular meeting at 7:39 pm.

Moved by: Mr. Granchie

Seconded by: Ms. Stimpert

Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes

The Motion passed 5-0.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, City Clerk

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-42
SPONSOR: Councilperson Granchie

AN ORDINANCE REPLACING CHAPTER 1151 OF THE ZONING CODE RELATING TO SIGNS

WHEREAS, in light of the United States Supreme Court decisions in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015) and *City of Austin, Texas v. Reagan National Advertising of Austin, LLC*, 596 U.S. ____ (2022), 20-1029; it is necessary to replace the Village Sign Ordinance to bring it into compliance with the current status of the law; and

WHEREAS, based upon the above, Council desires to replace Chapter 1151 of the Village Zoning Code relating to Signs with the attached revised version of Chapter 1151.

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

SECTION 1. That Council hereby and herein repeals the existing version of Chapter 1151 of the Village Zoning Code relating to Signs, as of the effective date of this Ordinance, and replaces it with the attached revised version of Chapter 1151.

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 21st DAY OF SEPTEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CHAPTER
1151
Signs

1151.01 PURPOSES.

- (a) The purposes of these sign regulations are:
- (1) To encourage the effective use of signs as a means of communication;
 - (2) To maintain and enhance the pleasing look of the municipality;
 - (3) To maintain a community that is attractive to residents and businesses;
 - (4) To protect the municipality from sign clutter and visual blight resulting from excessive, out-of-scale, and redundant signs;
 - (5) To be architecturally compatible with the style, composition, and details of the building and its vicinity and contribute to the character of Newton Falls;
 - (6) To improve pedestrian and traffic safety; and
 - (7) To minimize the possible adverse effects of signs on nearby public and private properties.
- (b) These sign regulations recognize that careful attention to attractive and citizen friendly design is in the economic interest of a municipality, its citizens, and business owners. Attractive and integrated design features tend to improve a municipality's image, raise overall property values, attract new businesses and residents, and improve the quality of life.
- (c) A principal purpose of this chapter is to ensure that signs in the community are compatible with the small-town image sought by Newton Falls and in which the municipality continuously invests.

1151.02 COMPLIANCE; APPLICATION OF CHAPTER.

- (a) Signs shall be designed, erected, altered, reconstructed, moved, and maintained, in whole or in part, in accordance with the provisions of this chapter.
- (b) The construction, erection, safety, and maintenance of all signs shall be in accordance with this chapter, but the provisions of this chapter shall not amend or in any way interfere with the codes, rules, or regulations governing traffic signs.
- (c) The display of official public notices, or the flag, emblem, or insignia of an official governmental body, shall not be governed by the provisions of this chapter.
- (d) The effect of this chapter, as more specifically set forth herein, is:
- (1) To establish a system to allow a variety of types of signs in residential, commercial, industrial, mixed use, and planned development zones, subject to the standards and the permit procedures of this chapter;
 - (2) To allow certain signs that are small, not obstructive, and incidental to the principal use of the respective properties on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
 - (3) To provide for temporary signs in limited circumstances;
 - (4) To prohibit all signs not expressly permitted by this chapter; and
 - (5) To provide for the enforcement of the provisions of this chapter.

1151.03 DEFINITIONS.

(a) “A-Frame or Sandwich Board Sign.” A sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own rigid supporting frame in the form of a triangle or an inverted V and being portable and movable. Also known as a Sandwich Board sign.



(b) “Awning Sign.” Any hood or awning made of cloth, metal, flexible plastic, or vinyl or with metal frames attached to a building without ground mounted support.



(c) “Bulletin Board.” An announcement sign which directs attention to and is located on the lot of a public or semipublic institution.

(d) “Canopy Sign.” A sign attached to the soffit or fascia of a canopy, covered entrance, or walkway.



(e) **“Changeable Copy Sign.”** A sign designed to display multiple or changing messages whether by manual, mechanical, or electronic means. Such signs are characterized by changeable letters, symbols, or numerals that are not permanently affixed to the structure, framing, or background, allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays and are defined separately.



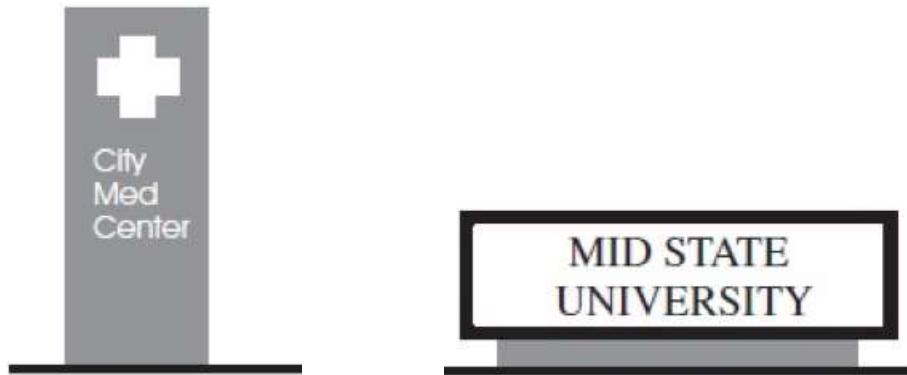
(f) **“Dilapidation.”** Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, peeling, or illegible; where the structural support is visibly bent, broken, dented, rusted, peeling, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

(g) **“Directional.”** A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

(h) **“Electronic Sign.”** A changeable copy sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any government sign located within the right-of-way that functions as a traffic-control device and is described and identified in the Ohio Manual of Uniform Traffic-Control Devices.



(i) “Free-Standing Ground Sign.” A stationary sign which is not affixed to a building or supported by a pole or poles. It may be supported from the ground by means of a free-standing wall, monument, two or more support posts at the outside edge, or other structural support system.



(j) “Marquee Sign.” A sign attached to the soffit or fascia of a marquee, to a roof over an entrance, or to a permanent awning.

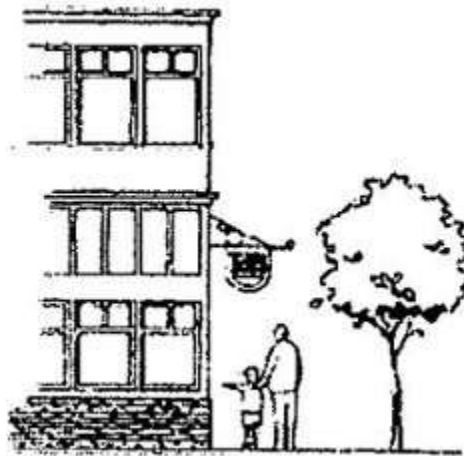


(k) “Permanent Sign.” A sign permanently affixed or attached to the ground or a structure and which cannot be removed without special handling, such as removing or dismantling the foundation or a portion thereof, fasteners, adhesives, or similar materials providing support or structural integrity for the sign.

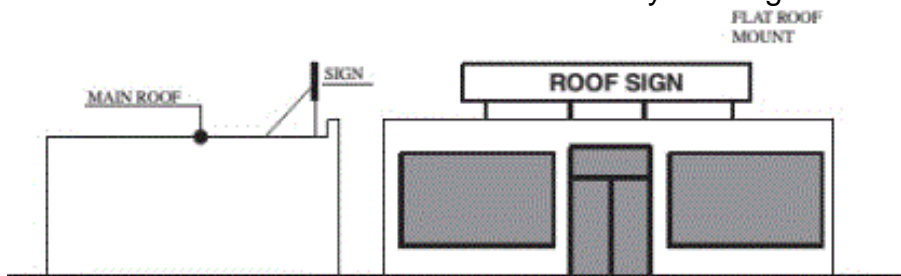
(l) “Pole Sign.” A stationary two-face sign erected on a pole or poles that is wholly independent of any building for support. The faces shall be back-to-back and shall not be more than a foot apart.



(m) “Projecting Sign.” A sign that is attached to the wall of a building and is perpendicular to the flow of either pedestrian or vehicular traffic and has a leading edge extending more than twelve inches beyond the surface of the building.



(n) “Roof Sign.” A sign placed, inscribed, or supported upon a roof or upon any structure which extends above the roof line of any building.



(o) "Sign." Any display, figure, painting, drawing, placard, poster, or other device, visible from a public way or adjoining property, which is designed, intended, or used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, object, or product. It may be a structure or a part thereof or it may be painted on or attached directly or indirectly to a structure, material, or object. It may be painted on stone or be formed out of shrubbery.

(p) "Sign Area." Sign Area for a Freestanding Ground Sign is the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure. Sign Area for a Wall sign, where it is attached directly to a building wall or surface, is the space within the outline enclosing all the characters of the words, numbers, or design.

(q) "Sign Face." The entire display surface area of a sign upon, against, or through which copy is placed.

(r) "Suspended Sign." A sign that is suspended from a canopy or along a pedestrian arcade that would exist without the sign.

(s) "Temporary." A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the Zoning Administrator to be displayed for a limited period of time.

(t) "Wall or Panel Sign." A sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall.

(u) "Window Sign." A sign painted, attached, or affixed to the interior or exterior surface of a window or door of a building.

1151.04 PROHIBITED SIGNS.

Signs shall be permitted in each use district and regulated as to type, size, and location as provided in this chapter. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:

(a) Pennants, ribbons, streamers, strings of light bulbs, spinners, feathered flag banners or signs, or other similar devices;

(b) Mobile, portable, or wheeled signs;

(c) Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;

(d) Inflatable Images;

(e) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;

(f) Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices, provided however, that changeable copy signs shall be permitted as regulated by this ordinance;

(g) Signs which employ any part or element which revolves, rotates, whirls, spins, flutters, or otherwise makes use of motion to attract attention;

(h) Beacons or searchlights;

(i) High intensity strobe lights;

- (j) Signs that hang less than eight and one-half feet above a pedestrian walkway or less than fourteen feet above a vehicular path;
- (k) Window Signs, except as specifically authorized herein;
- (l) Any illuminating tubing or strings of lights, including but not limited to, those outlining property lines, open sales areas, rooflines, doors, windows, landscaping, or the edges of walls, except for perimeter down-lighting that is shielded to illuminate open sales areas but no land outside those areas; and
- (m) Off-Premises signs, which include signs advertising a product or service, including entertainment, whose product or service is not available for sale or performance at the place where the sign is located.

1151.05 PERMIT REQUIRED.

- (a) A zoning permit is required prior to the display, erection, or alteration of any sign, except as otherwise provided in this chapter. Repairs or maintenance not involving structural or electrical changes may be permitted without obtaining a permit. Changes to the support or frame, modifications, or replacement of the sign shall require a permit.
- (b) Routine maintenance or changing parts of signs shall not be considered an alteration of a sign, provided that the maintenance or change of parts does not alter the type of installation, surface area, heights, or otherwise make the sign non-conforming.
- (c) Applications for sign permits shall be made upon forms provided by the Zoning Administrator.
- (d) Upon determining that a sign application is complete and accurate, the Zoning Administrator shall approve the application. Sign applications that are incomplete shall be returned to the applicant for revisions.
- (e) Any sign application that requires a variance shall first be submitted to the Planning and Zoning Commission for consideration.
- (f) The applicant shall obtain all required building permits for sign construction.
- (g) No signs, except highway safety signs, shall extend into any right-of-way.

1151.06 VALIDITY OF PERMIT.

If the work authorized under a sign permit has not been completed within one year after the date of issuance, the permit shall become null and void.

1151.07 FEES.

Fees for sign permits shall be charged in accordance with the schedule of fees adopted by Council.

1151.08 PERMIT REVOCABLE AT ANY TIME.

All rights and privileges acquired under the provisions of this chapter, or any amendment hereto, are mere licenses that are revocable at any time by the Zoning Administrator.

1151.09 REVOCATION.

The Zoning Administrator is hereby authorized to revoke any permit issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

1151.10 FAILURE TO OBTAIN A PERMIT.

Any person who erects, alters, or moves a sign after the effective date of this Chapter without obtaining a permit as required by this section, shall be subject to the penalties and/or remedies provided by Section 1151.99.

1151.11 PERMITS NOT REQUIRED.

Permits are not required for the following signs:

- (a) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices;
- (b) Any official or public notice or warning required by a valid and applicable federal, state, or local law, regulation, or chapter, by a public utility company, or by order of a court of competent jurisdiction;
- (c) Traffic signs such as Stop, Yield, and similar signs that meet Ohio Department of Transportation standards and contain no commercial message;
- (d) Any sign inside a building, not attached to a window or door, that is not visible from off the site on which it is located;
- (e) Any sign inside an athletic field or other enclosed outdoor space, where the sign is not legible from off the site on which it is located;
- (f) Works of art with no commercial message;
- (g) Holiday decorations with no commercial message;
- (h) Signs that are constructed of paper, cloth, or similar expendable material, attached to the inside of a window, do not exceed 8 square feet in sign face area, and do not cover more than 25% of the area of the window pane; and
- (i) Temporary Ground Signs in Residential districts.

1151.12 MEASUREMENT DETERMINATIONS.

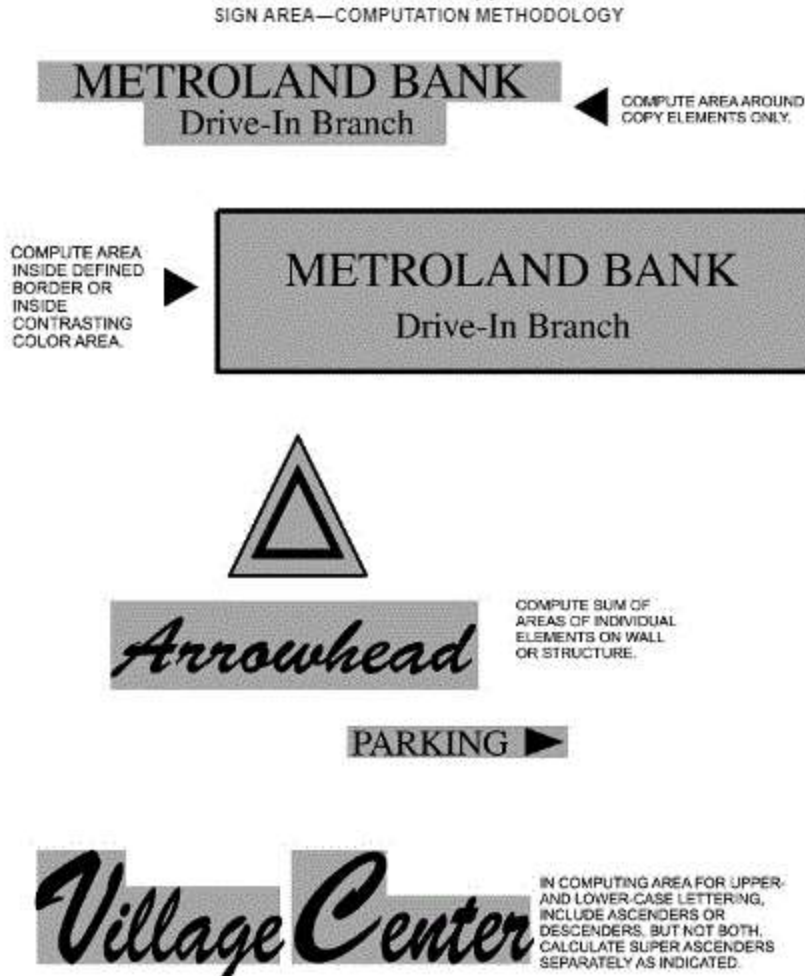
The following directives shall be the basis for determining sign area, sign height, and building or tenant frontage.

- (a) The sign area and dimensions shall include the entire face of the sign from edge to edge, including any frame or structure around the perimeter of the sign.

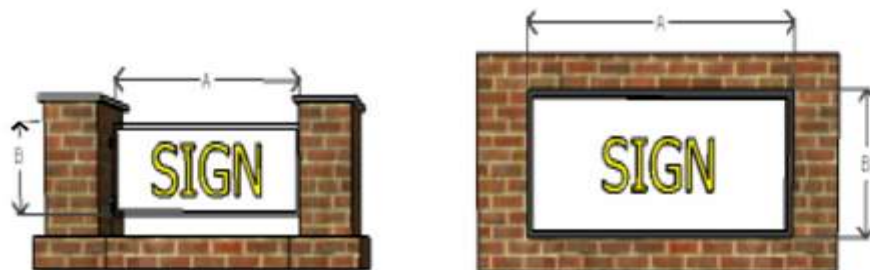
(1) For a sign comprised of individual letters, figures, or elements on a wall or similar surface of a building or structure, or an irregular shaped free-standing sign, the area of the sign shall be the area of not more than three adjacent regular geometric shapes that encompasses the perimeter of all the elements in the display. Regular geometric shapes are squares, rectangles, circles, ovals, triangles, and trapezoids.

(2) When separate elements are organized to form a single sign but the elements are separated by open space, the area of the sign shall include the space between the elements.

(3) The sign area for a multi-faced sign is calculated based on the principle that all sign elements can be seen at one time or from one vantage point should be considered in measuring that side of the sign.

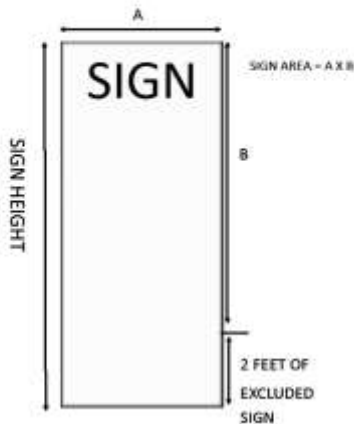


(b) Free-Standing Ground Signs.



(1) The sign area shall be computed by the measurement of one of the faces when two identical display faces are joined, are parallel, or are within 60 degrees of being parallel to each other and are at no point separated by a distance that exceeds two feet.

(2) The portion of a solid sign base, up to a maximum height of two feet, may be excluded from the calculated sign area, provided such base is adequately screened by landscaping.



(c) Projecting Signs. Air between a projecting sign and the wall to which it is attached and detached lighting fixtures and associated brackets shall not be included in the calculation of sign area.

(d) Wall Signs. The area of a wall sign or other sign with only one face shall be computed by the means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the backdrop or structure against which it is placed, but not including any supportive framework, base, bracing, or decorative fence or wall when such a fence or wall meets the regulations of this chapter and is clearly incidental to the display itself. For a single wall sign on a single-occupant building, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one rectangle that may not exceed ten percent of the total wall area to which the sign is affixed. For a single wall of a multi-occupant building, the area of signs shall be computed using these principles and the total of all signs shall not exceed ten percent of the total wall area to which the signs are affixed.

(1) A single wall shall mean the entire wall that shares the same architectural elevation as shown on the approved site plan. Architectural elevations are typically defined as the front, sides, and rear of a building.

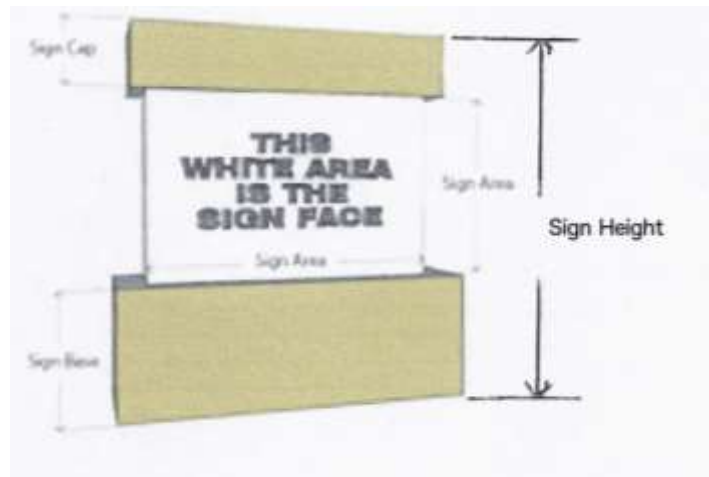
(2) Regardless of whether a single wall has wall sections that project, recess, or otherwise vary from the predominate wall plane, the rectangle shall include all signs that appear on the same architectural elevation.

(3) For multi-occupant buildings with in-line tenants, all signs associated with a given occupant shall be enclosed with a single rectangle for purposes of calculating allowable sign area.

(4) For multi-occupant buildings, where occupants are not aligned in a row (with each occupant having a separate outside entrance), all pieces of information or other graphic representations on that wall which relate to an individual occupant or business within the building shall be measured as though part of one sign. The total area of all

individual signs will be allowed to occupy no more space than ten percent of the total wall area to which the signs are affixed.

(e) Sign Height. The height of a free-standing ground sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the sign or its support structure. A free-standing ground sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to any grade change in the area of a sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.



(f) Building Frontage and Building Unit. Building frontage shall mean the horizontal length of a building on the side with its principle entrance. If that side has a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance to the corner at one end of the side of the building with the principal entrance to the other corner of the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to corner; and where the side of the building is convex or has one or more sections that project in front of the front corners, then the measurement shall be made as the shortest distance between the two lines projected from the two front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.

1151.13 GENERAL PROVISIONS.

(a) All signs shall be of substantial construction so as to withstand weather conditions such as rain, snow, wind, and freezing and thawing, without deterioration of the sign or its structure. Cloth, paper, or any other temporary materials shall not be permitted on permanent signs.

(b) All signs shall be constructed, erected, and maintained in accordance with the State of Ohio Building Code.

(c) All signs, including temporary signs, shall at all times be maintained in good condition and repair at all times.

(d) Illuminated signs are permitted pursuant to the following regulations:

(1) Signs may be internally illuminated with LED's or similar technology, provided that the sign shall be factory set so that the luminance of the sign shall not exceed a maximum of three foot candles measured ten feet from the sign's face at maximum brightness. Internally illuminated signs shall be equipped with a reduced intensity nighttime setting device activated by photocell or timer.

(2) External illumination of signs shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way. In no instance shall the intensity of the light exceed twenty foot candles at any point on the sign face.

(3) No sign shall be illuminated between the hours of 2:30 a.m. and 5:00 a.m., unless the activity displaying the sign is open for business during those hours. The Zoning Administrator is authorized to grant an exception from the provisions of this section to any activity in which illumination of signs during the hours otherwise proscribed is necessary or desirable for the security and safety of the activity or property.

(e) Electronic message, multiple message, and variable message signs that are changed electronically shall conform to the following standards:

(1) Electronic Message signs shall only be permitted in the C Commercial or Mixed Use Districts;

(2) Each message or copy shall remain fixed for at least eight seconds;

(3) Messages shall not flash, include animation, or emit intermittent light.

(4) Changes to messages, copy, or images shall be accomplished in not more than three seconds;

(5) Changes in the message or display are not permitted between the hours of 12:00 a.m. and 6:00 a.m.;

(6) Each such sign must be capable of regulating the digital display intensity, and the light intensity level of the display must automatically adjust to natural ambient light conditions;

(7) No such sign shall be of such intensity as to create a distraction or nuisance for motorists;

(8) Displays shall not emulate traffic control devices;

(9) Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs;

(10) The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.

(f) The changeable copy portion of any free-standing ground sign or wall sign shall not exceed seventy-five percent of the total area of the sign.

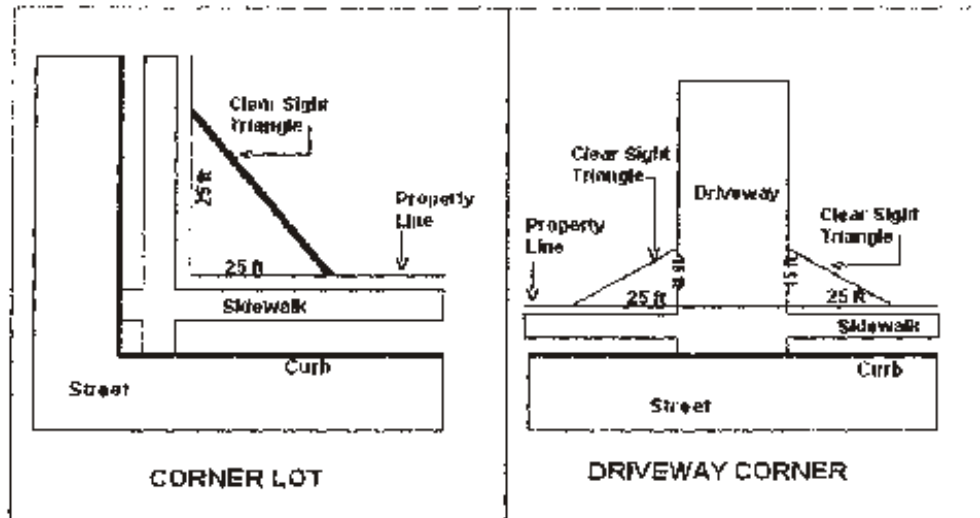
(g) Temporary signs shall not be illuminated.

(h) Signs not visible or intended to be read from off the premises are exempt from these regulations.

(i) All signs shall be erected entirely on private property with no part of said sign extending over the public street or right of way.

(j) Clear Sight Triangle. No sign shall be erected in the clear sight triangle as defined by the Zoning Ordinance. The sight triangle is a triangular-shaped portion of land

established at street intersections and driveways in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Dimensions for the clear sight triangle are shown in the following diagram:



(k) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this chapter. Specifically:

(1) Any permanent sign, supports, and lighting which advertises a business no longer conducted on the premises, fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which such sign is located. If not removed by the owners or occupants of the property within thirty days of the notice of same, the Zoning Administrator shall cause the signs to be otherwise removed, and the cost of the removal shall be billed to the property owner;

(2) A sign shall have no more than twenty percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than thirty days;

(3) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen degrees from vertical for a period of more than thirty days;

(4) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is viewed, for a period of more than thirty days;

(5) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than thirty days;

(6) Flags shall not be faded, tattered, or torn;

(7) Upon determination that a sign is not being maintained, is in poor condition or repair, or is unsafe, the Zoning Administrator may order such sign to be brought into compliance or removed within a specified time period. Should the property owner fail to bring the sign into compliance as directed, the Zoning Administrator may remove (or cause to be removed) or maintain such sign at the expense of the person, firm or corporation who erected the sign or on whose premises it was erected, affixed, or

attached. Each such person, firm, or corporation shall be individually and separately liable for the expense incurred in the removal of the sign. In the event of nonpayment of the removal expenses, the Zoning Administrator may request Council to certify any unpaid removal expenses to the County Auditor for placement on the tax duplicate for the subject property. The Zoning Administrator may also institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

1151.14 SIGNS PERMITTED IN R-1 and R-2 RESIDENTIAL DISTRICTS.

(a) The following sign regulations are established for residential uses in R-1 and R-2 Residential Districts. No permit shall be required for the following signs unless specifically listed:

(1) Permanent Signs.

- A. One permanent free-standing ground sign not more than eight square feet in area nor four feet in height.
- B. Two permanent free-standing ground signs, neither of which shall be more than four square feet in area nor four feet in height.
- C. One non-illuminated wall sign not to exceed eight square feet.
- D. A permit is required for permanent signs described in this subsection (1).

(2) Temporary Signs.

- A. A total of twelve square feet of temporary signs not more than eight feet in height. No single sign shall be larger than six square feet. The total number of signs is not limited provided the signs are in compliance with the maximum amount of area permitted.
- B. One temporary free-standing sign not exceeding twenty-four square feet in area nor eight feet in height may be erected during active construction of a residence or a residential subdivision development, provided that no such sign shall be displayed after the certificate of occupancy is issued to the residence or 75% of single-family residences associated with the development plan have received a certificate of occupancy.
- C. No permit shall be required for the temporary signs described in this subsection (2).

(3) No sign permitted by this section shall be illuminated.

(4) No sign shall be erected closer than fifteen feet from the pavement of a street, within three feet of any property line, or within the clear sight triangle as defined by Section 1151.13 (j).

(B) The following sign regulations are established for non-residential uses in the R-1 and R-2 Residential Districts. Permits shall be required for the following signs:

(1) Permanent Signs.

A. Freestanding Ground Signs.

- 1. One permanent free-standing sign not more than thirty-six square feet in area nor six feet in height. Such signs are permitted to have up to seventy-five percent of the sign face comprised of changeable copy.
- 2. Two permanent free-standing signs, neither of which shall be more than twelve square feet in area nor four feet in height.
- 3. Two directional signs not more than four square feet in area nor four feet

in height each.

4. Permanent signs permitted by this section may be externally illuminated provided the external illumination of the sign shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way.

B. Wall Signs.

1. One wall sign per public entrance not to exceed six square feet in area; and
2. Such sign shall may be illuminated only by direct, external illumination.

(2) Temporary Signs. Non-Residential uses shall be allowed a temporary sign, regardless of whether a temporary use permit is required and whether the use is specifically permitted, provided that:

- A. Only one such sign shall be allowed per property at a time;
- B. Such sign shall be located on private property;
- C. Such sign, if a ground sign, shall be limited to eight feet in height and twenty-four square feet in area per side;
- D. Such sign, if attached to a wall, shall be limited to thirty-six square feet in area; and
- E. Such sign shall not be illuminated.

(3) No sign shall be erected closer than fifteen feet from the street right of way line, within three feet of any property line, or within the clear sight triangle defined by section 1151.13(j).

1151.15 SIGNS PERMITTED IN R-M RESIDENTIAL MULTI-FAMILY AND R-MHP RESIDENTIAL MOBILE HOME PARK DISTRICTS.

(a) The following sign regulations are established for residential uses in the R-M Residential Multi Family and R-MHP Residential Mobile Home Park Districts. Permits shall be required for the following signs:

(1) Permanent Signs.

A. Freestanding Ground Signs.

1. One permanent free-standing sign not greater than thirty-six square feet in area nor six feet in height shall be permitted at each entrance to a Multiple Family development.
2. Two permanent free-standing signs, neither of which shall be more than twelve square feet in area nor four feet in height.
3. Two Directional signs not more than four square feet in area nor four feet in height each.
4. Permanent signs permitted by this section may be externally illuminated provided the external illumination of the sign shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way.

B. Wall Signs.

1. One wall sign per public entrance not to exceed six square feet in area; and
2. Such sign shall may be illuminated only by direct, external illumination.

(2) Temporary Signs.

1. A total of thirty-six square feet of temporary signs not more than six feet in height. No single sign shall be larger than twenty-four square feet. The total number of signs is not limited provided the signs are in compliance with the maximum amount of area permitted.
2. One temporary free-standing sign not exceeding twenty-four square feet in area nor six feet in height may be erected during active construction of a residential development, provided that no such sign shall be displayed for longer than two years.

(3) No sign shall be erected within six feet of any property line or within the clear sight triangle as defined by section 1151.13(j).

(b) The following sign regulations are established for non-residential uses in the R-M Residential Multi-family and R-MHP Residential Mobile Home Park Districts. Permits shall be required for the following signs.

(1) Permanent Signs.A. Freestanding Ground Signs.

1. One permanent free-standing ground sign not more than thirty-six square feet in area nor six feet in height.
2. Two permanent free-standing signs, neither of which shall be more than twelve square feet in area nor four feet in height.
3. Two Directional signs not more than four square feet in area nor four feet in height each.
4. Permanent Signs permitted by this section may be externally illuminated provided the external illumination of the sign shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way.

B. Wall Signs.

1. One wall sign per public entrance not to exceed six square feet in area; and
2. Such sign shall may be illuminated only by direct, external illumination.

(2) Temporary Signs.

Non-Residential uses shall be allowed a temporary sign, regardless of whether a temporary use permit is required and whether the use is specifically permitted, provided that:

- A. Only one such sign shall be allowed per property at a time;
- B. Such sign shall be located on private property;
- C. Such sign, if a ground sign, shall be limited to eight feet in height and twenty-four square feet in area per side;
- D. Such sign, if attached to a wall, shall be limited to thirty-six square feet in area; and

- E. Such sign shall not be illuminated.
- (2) No sign shall be erected within six feet of any property line or within the clear sight triangle defined by section 1151.01(j).

1151.16 SIGNS PERMITTED IN THE C-1 CENTRAL BUSINESS DISTRICT, C COMMERCIAL DISTRICT, MIXED USE DISTRICT AND I-1 INDUSTRIAL DISTRICT.

The following sign regulations are established for uses in the C-1 Central Business District, C Commercial District, Mixed Use District, and I-1 Industrial District. Permits are required for all signs.

(a) Permanent Signs.

(1) Freestanding Ground Signs. Freestanding ground signs shall be allowed, provided that:

- A. Ground signs shall not exceed eight feet in height. The maximum size of ground signs shall not exceed forty (40) square feet per side or eighty square feet total;
- B. Such signs shall not be placed in the public right-of-way or within the clear sight triangle as defined in Section 1151.13(j);
- C. Such signs are permitted to have up to seventy-five percent of the sign face comprised of changeable copy;
- D. Both sides of a two-sided ground sign shall be identical; and
- E. There shall be only one ground sign plus one additional ground sign for street frontage on a second public street. An additional third ground sign may be permitted if a multi-occupant project has street frontage on a third public street. These additional signs may be permitted provided that no two ground signs shall be within three hundred feet of each other and actual entrances to the site have been constructed from such streets.

(2) Wall Signs.

- A. The total area of an individual wall sign on a building shall be limited to one and one-half square feet in area for each linear foot of building frontage, and the fact that signs may be permitted on more than one wall of the building shall not increase this maximum; but in no case shall the total area of an individual wall sign be permitted to exceed ten percent of the total wall area to which the sign is affixed;
- B. Such signs are permitted to have up to seventy-five percent of the sign face comprised of changeable copy;
- C. The total number of wall signs shall be limited to two for single tenant and multi-tenant buildings that share a common principal entrance;
- D. No wall sign shall project above the highest point of the building wall on the same side of the building as the sign; this shall include any other signs not affixed directly to such wall;
- E. On a single occupancy building, all signage or message elements on a single elevation shall be considered parts of the same sign and shall be measured by a rectangle surrounding all of them;
- F. On a multi-occupancy building, each occupant with a separate individual outside entrance serving the general public may have a separate wall sign.

- G. Corner tenants with a door or window on their side walls and tenants with a separate outside entrance serving the general public where such entrance is in a different exterior wall from any other entrance shall be allowed one additional wall sign;
- H. Wall signs shall be affixed flat to the wall of the building and not project more than one foot; and
- I. Signs may be illuminated only in conformance with Section 1151.13(d).

(3) Marquee Signs.

- A. Marquee signs shall not exceed an area equal to twenty-five percent of the face of the marquee on which the sign is affixed;
- B. Marquee signs are subject to the same size regulations for wall signs;
- C. Where a marquee and wall sign are used in conjunction with each other, the total square footage of both signs must be added together to determine the total square footage permitted.

(4) Pole Signs. One pole sign per building shall be allowed, provided that such sign shall not exceed sixteen feet in height, and the lowest horizontal projecting feature of the sign shall not be less than eight and one-half feet above grade. The pole sign shall not exceed forty square feet in area. Signs shall not be located closer than five feet to a property line.

(5) Projecting Signs. Projecting signs shall be allowed, provided that:

- A. The number of such signs shall not exceed one per tenant;
- B. The sign area of the signboard shall not exceed six square feet per side and twelve square feet in total;
- C. The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects;
- D. No element of the sign shall hang lower than seven feet above the ground or pedestrian walkway;
- E. Since projecting signs may extend over the public right-of-way, they shall be mounted and attached to buildings in a secure manner;
- F. The sign, brackets, and mounting devices shall be maintained in good repair for both safety and appearance;
- G. Such signs shall be mounted so that the method of installation is concealed to the extent practical;
- H. The signboard or bracket shall not project more than three feet from the wall;
- I. Projecting signs may be illuminated indirectly;
- J. Internal illumination is prohibited;
- K. All indirect lighting or spot lighting shall require complete shielding of all light sources so as to illuminate only the face of the sign and prevent glare from off-site;
- L. All lettering and graphics shall be permanent; and
- M. Changeable copy is prohibited.

(6) Awning Signs.

- A. Awning signs shall be allowed, provided that:
- B. On a single-occupant property, one awning sign may be allowed only in lieu of all other signage otherwise permitted on the wall to which the awning is attached;

- C. On a multi-occupant property, one awning sign may be allowed over each occupant entrance, in lieu of other wall signs;
- D. The maximum area of an awning sign shall not exceed twenty percent of the total awning face front and side area; and
- E. Awning signs may be illuminated only with direct surface lighting and not with any form of backlighting when located in a C-1 Commercial District.

(7) Canopy Signs.

Canopy signs are subject to the same size regulations for wall signs and shall not exceed an area equal to ten percent of the canopy.

(8) Suspended Signs. Suspended signs shall be permitted provided that the following requirements are met:

- A. Such signs shall not exceed one per tenant in a multi-tenant building;
- B. Such signs shall not exceed three square feet in area; and
- C. There is a minimum of eight and one-half foot clearance from the bottom of the sign to the ground.

(9) Directional Signs. Free-standing directional signs not exceeding two square feet in area and located not more than four feet above grade shall be permitted at each access drive to the site.

(b) Temporary Signs. Temporary Signs shall be allowed, provided that:

- (1) Such signs shall be located only on private property;
- (2) Sign permits shall be limited to a duration of thirty days or for a reasonable period of time stated on the temporary use permit. Businesses undergoing a façade change or exterior renovation may have a temporary wall sign for a maximum of ninety days. The Zoning Administrator shall have the authority to extend the duration of the temporary sign permit for new businesses or businesses undergoing exterior renovation for up to a maximum of sixty days;
- (3) No more than one temporary sign permit shall be issued within any twelve month period for the same business in the same location;
- (4) Such permits for new businesses shall be issued only upon the initial opening of a business for a period that shall end not later than sixty days after issuance of the first business license for that business in that location or from the issuance of a Certificate of Occupancy for that location;
- (5) Except as permitted by a temporary use permit, temporary signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed forty square feet in surface area;
- (6) Such signs may be made of cloth or canvas and are not subject to the construction and installation requirements otherwise applicable;
- (7) Where a temporary use permit specifically authorizes the use of a temporary ground sign, such sign shall not exceed six feet in height and twenty-four square feet in area per side;
- (8) There shall be only one temporary ground sign, plus one additional temporary ground sign for street frontage on a second public street. This additional sign may be permitted provided that no two temporary ground signs shall be within three hundred feet of each other and actual entrances to the site have been constructed from such streets; and

(9) Such signs shall not be placed in the public right-of-way or within the clear sight triangle as defined in Section 1151.13(j).

(b) Window Signs.

(1) The total area of all window signs, inclusive of both permanent and temporary, shall not exceed twenty percent of the gross glass area on any one side of the building,

(2) A maximum of two illuminated window signs shall be permitted for each business. Illuminated signs shall meet safety requirements by having a backing and self-contained transformer. All components shall be UL approved.

(c) Sandwich Board Signs. Sandwich board signs shall be allowed as follows:

(1) Only one sandwich board sign per street frontage per business is permitted.

(2) Such signs shall not exceed ten square feet in sign area per side.

(3) Any sandwich board sign shall not exceed two linear feet in width, with a maximum height of five feet. Within these specified maximum dimensions, creative shapes that reflect the theme of the business are encouraged;

(4) The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable

(5) The sign lettering should be professionally painted or applied; hand painted or paint stenciled letters are not acceptable, however, chalkboard signs shall be permitted;

(6) The sign shall be located on the same parcel and within six feet of the building exterior of the business installing the sign, and its location shall not interfere with pedestrian or vehicular circulation;

(7) The sign shall be removed at the end of the business day;

(8) Such signs shall only be permitted within a C-1 Commercial or Mixed Use District;

(9) Any person erecting a sandwich board sign shall indemnify and hold harmless the municipality and its officers, agents, and employees, from any claim arising out of the presence of the sign on municipal property or within a public right-of-way.

(10) Signs located on sidewalks or pedestrian paths must provide a minimum of five feet clear area for passage of pedestrians.

(11) No attachments, illumination, banners, balloons, ribbons, flags or moving parts are permitted with the sign.

1151.17 NONCONFORMING SIGNS.

(a) Permanent Signs that were legally in existence prior to the effective date of this chapter, but do not conform to the provisions hereof, may be maintained as a matter of right, provided such signs comply with all provisions relating to safety, maintenance, and repair.

(b) A nonconforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this chapter.

(c) If a sign is damaged to the extent where the repair cost exceeds fifty percent of the replacement cost of the sign, the sign shall be removed and brought into compliance with this Chapter. If the repair costs do not exceed fifty percent of the replacement cost of the sign, the sign may be repaired consistent with the existing design, provided all repair work is completed within sixty days of the date the damage was incurred.

(d) A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore, shall be brought into conformance with this chapter or removed, when any of the following occur:

- (1) The size or shape of the sign is changed;
- (2) The sign structure is modified; or
- (3) The sign is modified in any way that would increase the degree of nonconformity of such sign.

(e) Notification of all violations shall be made by the Zoning Administrator.

1151.99 PENALTY.

A person convicted of violating this section is guilty of a misdemeanor of the fourth degree and is subject to a fine of not more than \$250 and/or up to 30 days in jail per offense. A company or organization convicted of violating this chapter in accordance with Section 501.11 of the Newton Falls Codified Ordinances shall be guilty of a fourth degree misdemeanor and be subject to the organizational fourth degree misdemeanor financial penalty threshold set forth in Section 501.99(c) of the Newton Falls Codified Ordinances of not more than \$2,000 per offense.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-43
SPONSOR: Councilperson Baryak

**AN ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF THE ZONING
CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR TREATMENT
FACILITIES AND HOUSES**

WHEREAS, in order to provide opportunities for the location of residential addiction services or treatment facilities in the Village, avoid the over-concentration of such facilities, establish the suitability of the requested use at the proposed location, ensure that such facilities are properly certified and licensed, and make sure the residents of such facilities are screened pursuant to Federal and State Law; Council desires to amend Sections 1149.02 and 1149.03 of the Zoning Code.

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

SECTION 1. That Council hereby and herein amends Sections 1149.02 and 1149.03 of the Village Zoning Code relating to residential addiction services and treatment facilities and houses, 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 21st DAY OF SEPTEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

1149.02 R-1 and R-2 RESIDENTIAL DISTRICTS.

These residential districts are established as areas in which the principal use of land is for single-family dwellings and for related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. The regulations for these districts are intended to discourage any use which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature of the area included in the districts.

(a) Uses Permitted in R-1 & R-2 Residential Districts:

Single-family dwelling with garage

Home occupation (subject to requirements in Section 1153.11)

Temporary building, incidental to the construction of buildings permitted in these districts, and which shall be moved when the work is completed.

Uses and structures customarily accessory to the permitted uses.

(b) Uses Permitted on Review: The following uses may be permitted on review by the Planning and Zoning Commission in accordance with the provisions of Chapter 1159.

Child Care Home

Church

Golf Course, including clubhouse and other improvements

Library

Private recreation area

School, public, parochial, and private

Portable, temporary school classroom

Professional Services

Public/Government buildings and structures

(c) Accessory Building Setback: Accessory buildings may be located in the rear yard provided they are set back not less than five (5) feet from any lot line and occupy not more than 20 percent of the rear yard.

(d) Off-Street Parking: Off-Street parking shall be provided in accordance with the provisions set forth in Section 1153.09.

(e) Minimum Requirements: Residential Lots: See Section 1149.12.

(f) Minimum Requirements: Nonresidential Lots: See Section 1149.12.

(g) Height Limitation: See Section 1149.12.

(h) Single Lots or Adjacent Lots: ~~(i)~~ No fences, garages, or storage sheds will be permitted on a lot that does not already have a primary structure on it (commercial building or residential structure).

(i) Uses Permitted Upon Obtaining a Special Occupancy Permit from the Zoning Administrator:

(1) Residential Withdrawal Management or Addiction Services or Treatment Facility or House: No person may operate a residential withdrawal management or addiction services or treatment facility or house providing accommodations for more than five unrelated persons in a R-1 or R-2 District. Persons operating facilities providing accommodations for one to five unrelated persons must, prior to opening, obtain a Special Occupancy Permit from the Zoning Administrator.

The criteria for receiving and remaining in compliance with the terms of the Special Occupancy Permit are as follows:

- A. Such facility complies with the area, height, yard, and other requirements set forth in the Zoning Code for R-1 and R-2 Districts.
- B. The operator is certified to provide such services by the State of Ohio in accordance with the requirements set forth in Section 5119.35(A) of the Ohio Revised Code or the individual or organization possesses the necessary license, certificate, registration, and/or accreditation set forth in Sections 5119.35(B) or 5119.361 of the Ohio Revised Code and provides proof of same to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
- C. The operator and facility are certified and licensed pursuant to Sections 5119.36 and 5119.37 of the Ohio Revised Code, and the facility is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it another similar facility, a public or private school, or a child day care center licensed under Chapter 5104 of the Ohio Revised Code. The operator shall be required to provide proof of such aforementioned necessary certifications and licenses to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
- D. The facility requires screening of potential residents in accordance with Federal and State Law.

1149.03 R-M RESIDENTIAL, MULTI-FAMILY DISTRICT.

This residential district is established to provide for medium and high population density. The principal use of land is for two-family and multiple-family dwellings, and the recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. The regulations for this district are intended to discourage any use which, because of its character, would interfere with the development of or be detrimental to the residential nature of the area included in the district.

(a) Uses Permitted:

Child care home

Home occupation (subject to requirements of Chapter 1153)

Portable temporary, public, parochial, or private school classroom

Temporary building, incidental to the construction of buildings permitted in this district, and which shall be removed when work is completed

Uses and structures customarily accessory to permitted uses

(b) Uses Permitted on Review: The following uses may be permitted on review in accordance with the provisions contained in Chapter 1159.

Child care center

Church

Golf course, including a clubhouse and other improvements

~~Halfway house~~

Library

Private park and/or playground

School, public, parochial, and private
Portable, temporary school classroom
Professional Services
Public/Government buildings and structures

- (c) Height Limitation: See Section 1149.12.
- (d) Lot Area: See Section 1149.12.
- (e) Dimensional Requirements: See Section 1149.12.
- (f) Accessory Building Setback: Accessory buildings may be located in the rear yard; provided that they are set back not less than 5 feet from any lot line and occupy not more than 20 percent of the rear yard.
- (g) Off-Street Parking: Off-street parking shall be provided in accordance with the provisions set forth in Section 1153.09.
- (h) Residential Withdrawal Management or Addiction Services or Treatment Facility or House: No person may operate a residential withdrawal management or addiction services or treatment facility or house providing accommodations or personal care services for more than thirty persons, exclusive of staff, in a R-M Residential, Multi-Family, Commercial, or Industrial District, as limited by the size of the existing or proposed building and its allocation of space for sleeping quarters. Notwithstanding the forgoing, the Planning Commission may approve a larger maximum number of residents solely for the reason that the proposed facility's economic feasibility is tied to such larger number of residents. Persons operating such facilities must, prior to opening, obtain a Special Occupancy Permit from the Zoning Administrator. The criteria for receiving and remaining in compliance with the terms of the Special Occupancy Permit are as follows:
 - E. Such facility complies with the area, height, yard, and other requirements set forth in the Zoning Code for R-M Residential, Multi-Family, Commercial, or Industrial Districts.
 - F. The operator is certified to provide such services by the State of Ohio in accordance with the requirements set forth in Section 5119.35(A) of the Ohio Revised Code or the individual or organization possesses the necessary license, certificate, registration, and/or accreditation set forth in Sections 5119.35(B) or 5119.361 of the Ohio Revised Code and provides proof of same to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
 - G. The operator and facility are certified and licensed pursuant to Sections 5119.36 and 5119.37 of the Ohio Revised Code and is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it another similar facility, a public or private school, or a child day care center licensed under Chapter 5104 of the Ohio Revised Code. The operator shall be required to provide proof of such certification and license from the State of Ohio to the Zoning Administrator prior to the issuance of the Special Occupancy Permit and on a yearly basis after the issuance of the Special Occupancy Permit.
 - H. The facility requires screening of potential residents in accordance with Federal and State Law.

~~(i) Halfway House or Community Residential Treatment Center:~~

~~(1) In order to provide opportunity for location of Halfway Houses or Community Residential Treatment Centers, to avoid over concentration of such facilities and to establish the suitability of the requested use at the proposed location, Halfway Houses or Community Residential Treatment Centers require a Special Permit. No application for a Special Permit shall be accepted for review unless accompanied by sufficient documentation from the appropriate licensing or certifying agency determining the need for such a facility at the proposed location. The applicant is responsible for demonstrating compliance with this section.~~

~~(2) The Planning and Zoning Commission shall consider the following criteria in determining whether a location is appropriate for a Halfway House or Community Residential Treatment Center and may attach conditions which it deems to be appropriate to such Special Permit and consistent with the purposes of this ordinance.~~

~~A. The Halfway House or Community Residential Treatment Center shall:~~

- ~~1. Be occupied by not more than thirty (30) residents, exclusive of staff, limited by the size of the existing or proposed building and its allocation of space for sleeping quarters, except that the Commission may approve a larger number solely for the reason that the proposal's economic feasibility is tied to such larger number of residents; and~~
- ~~2. Be located no closer to another similar facility, but occupied by no more than thirty (30) residents, or to a school, nursing home, rest home, home for the aged, than 1,000 feet measured on a straight line radius from the building so used to the building proposed to be used.~~

~~B. Prior to occupancy and continually thereafter the applicant Halfway House or Community Residential Treatment Center shall:~~

- ~~1. Be licensed by a Federal and/or State and/or Local Agency which requires screening potential residents;~~
- ~~2. Be licensed as a rooming house by the appropriate governmental authority;~~
- ~~3. Comply with all federal, state, and local building codes;~~
- ~~4. The applicant is responsible for submitting to the City Manager Zoning Administrator certified copies of all such licensing documents prior to occupancy and thereafter subsequent to renewal.~~

~~C. A Halfway House or Community Residential Treatment Center shall be located only in a R-M, Residential Multi-Family zoning district or in other commercial or industrial zoning districts as defined in these zoning ordinances.~~

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-44
SPONSOR: Councilperson Granchie

**AN ORDINANCE DECLARING IN THE EVENT THE 2022 POLICE TAX LEVY IS
APPROVED BY THE ELECTORATE, COUNCIL'S INTENT TO AUTHORIZE
APPROPRIATIONS IN THE 2023 POLICE BUDGET BEYOND THE FUNDS
GENERATED BY THE POLICE LEVY THAT EQUATES TO NOT LESS THAN ONE
HUNDRED PERCENT OF THE FISCAL YEAR 2022 GENERAL FUND POLICE
DEPARTMENT OPERATING EXPENDITURES**

WHEREAS, a 4 mill Police Levy will be on the November 8, 2022 General Election Ballot for consideration by the electors of the Village; and

WHEREAS, Council desires to express its intent to authorize appropriations in the 2023 Police Budget beyond the funds generated by the Police Levy as set forth in this Ordinance.

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

SECTION 1. That Council hereby and herein declares its intent, in the event the 2022 Police Tax Levy is approved by the electorate, to authorize appropriations in the 2023 Police Budget beyond the funds generated by the Police Levy that equates to not less than one hundred percent of the fiscal year 2022 General Fund Police Department operating expenditures.

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 BY COUNCIL THIS 21st DAY OF SEPTEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-45
SPONSOR: Councilperson Baryak

**AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER AND/OR
FINANCE DIRECTOR TO ENTER INTO AND EXECUTE A LOAN AGREEMENT FOR
THE LEASE/PURCHASE OF TWO PREVIOUSLY AUTHORIZED POLICE VEHICLES
PROVIDING FOR AN INTEREST RATE OF UP TO 6.74% RATHER THAN THE
PREVIOUSLY APPROVED RATE OF UP TO 6.5%**

WHEREAS, on February 2, 2022, Council authorized the lease/purchase of two vehicles for the Police Department at prices negotiated by the State of Ohio Office of Cooperative Purchasing; and

WHEREAS, the vehicles in question were ordered, the vehicles have now arrived, interest rates have risen since February, and the best five year term loan rate that can be obtained for the lease/purchase of the vehicles is now 6.74% rather than the 6.5% maximum interest rate approved by Council on February 2, 2022; and

WHEREAS, Council desires to authorize the City Manager and/or Finance Director to enter into and execute any lease/ purchase loan agreement in connection with such vehicles at an interest rate of up to 6.74% rather than 6.5%.

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

SECTION 1. That Council hereby authorizes the City Manager and/or Finance Director to execute any lease/purchase loan agreement in connection with the two Police Department vehicles that were approved for purchase by Council on February 2, 2022 at an interest rate of up to 6.74% rather than 6.5%.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reasons the City Manager or Finance Director need to execute the loan agreement in order to take possession of the vehicles and the Police Department would like to outfit the vehicles and place them into service as soon as possible, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

ORDINANCE NO. 2022-45
PAGE TWO

PASSED IN COUNCIL THIS 21st DAY OF SEPTEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-46
SPONSOR: Councilperson Spletzer

**AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT
EXPENSES AND OTHER EXPENDITURES FOR THE VILLAGE OF NEWTON
FALLS, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND
AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE
OF RESOURCES TO THE COUNTY AUDITOR.**

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

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.

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

SECTION 1. That "Exhibit A" attached hereto as if fully 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 Village of Newton Falls. Any funds not listed in this exhibit shall remain intact as previously amended or as listed in Ordinance 2021-37.

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

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this 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.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Newton Falls for the reason that this Ordinance is required by law and is immediately necessary to permit expenditures related to the provision of Village operations and services, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article V, Section 21.

PASSED IN COUNCIL THIS 21st DAY OF SEPTEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
100	General Fund			
POLICE				
Personal Services	Legal Level	383,694.96	378,694.96	(5,000.00)
Other Operations	Legal Level	134,341.00	132,200.00	(2,141.00)
	Total:	518,035.96	510,894.96	(7,141.00)
ZONING				
Personal Services	Legal Level	63,154.97	57,744.97	(5,410.00)
Other Operations	Legal Level	43,100.00	42,500.00	(600.00)
	Total:	106,254.97	100,244.97	(6,010.00)
CITY ADMINISTRATION				
Personal Services	Legal Level	40,274.71	40,274.71	(0.00)
Other Operations	Legal Level	39,946.87	53,706.07	13,759.20
	Total:	80,221.58	93,980.78	13,759.20
Council				
Personal Services	Legal Level	9,528.63	9,528.63	(0.00)
Other Operations	Legal Level	18,723.60	16,855.02	(1,868.58)
	Total:	28,252.23	26,383.65	(1,868.58)
MUNICIPAL COURT				
Personal Services	Legal Level	647,794.00	608,794.00	(39,000.00)
Other Operations	Legal Level	31,434.00	31,434.00	-
	Total:	679,228.00	640,228.00	(39,000.00)
FINANCE				
Personal Services	Legal Level	66,125.29	70,051.62	3,926.33
Other Operations	Legal Level	25,125.63	25,125.63	-
	Total:	91,250.92	95,177.25	3,926.33
LAW				
Personal Services	Legal Level	39,940.63	39,940.63	-
Other Operations	Legal Level	88,987.80	89,395.05	407.25
	Total:	128,928.43	129,335.68	407.25
BUILDING & LANDS MAINTENANCE				
Personal Services	Legal Level	30,531.00	35,031.00	4,500.00
Other Operations	Legal Level	437,110.48	506,986.40	69,875.92
	Total:	467,641.48	542,017.40	74,375.92
100	Total:	2,421,577.57	2,460,026.69	38,449.12
203	PERMISSIVE AUTO			
Other Operations	Legal Level	114,650.00	108,850.00	(5,800.00)
203	Total:	114,650.00	108,850.00	(5,800.00)
219	ENFORCEMENT AND EDU			
Other Operations	Legal Level	8,899.96	8,500.00	(399.96)
219	Total:	8,899.96	8,500.00	(399.96)
222	COURT COMPUTERIZATI			
Other Operations	Legal Level	117,078.73	117,000.00	(78.73)
222	Total:	117,078.73	117,000.00	(78.73)

CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
233 ARPA LOCAL FISCAL R				
Personal Services	Legal Level	234,000.00	236,211.72	2,211.72
Other Operations	Legal Level	-	-	-
233	Total:	234,000.00	236,211.72	2,211.72
501 WATER OPERATING				
Personal Services	Legal Level	486,350.00	486,350.00	-
Other Operations	Legal Level	700,365.16	678,100.00	(22,265.16)
501	Total:	1,186,715.16	1,164,450.00	(22,265.16)
501 WATER OPERATING				
Personal Services	Legal Level	462,800.00	462,800.00	-
Other Operations	Legal Level	490,143.57	485,975.00	(4,168.57)
501	Total:	952,943.57	948,775.00	(4,168.57)
502 SEWER OPERATING				
Personal Services	Legal Level	487,310.00	487,310.00	-
Other Operations	Legal Level	1,010,382.00	946,520.00	(63,862.00)
502	Total:	1,497,692.00	1,433,830.00	(63,862.00)
503 ELECTRIC OPERATING				
Personal Services	Legal Level	513,900.00	513,900.00	-
Other Operations	Legal Level	5,897,096.15	5,706,300.00	(190,796.15)
503	Total:	6,410,996.15	6,220,200.00	(190,796.15)
514 UTILITY OFFICE				
Personal Services	Legal Level	158,531.00	158,531.00	-
Other Operations	Legal Level	105,408.87	85,800.00	(19,608.87)
514	Total:	263,939.87	244,331.00	(19,608.87)
602 EMPLOYEE BENEFITS				
Other Operations	Legal Level	1,001,285.94	1,000,000.00	(1,285.94)
602	Total:	1,001,285.94	1,000,000.00	(1,285.94)
Grand Total:		17,893,018.95	17,625,414.41	(267,604.54)