



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, October 5, 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	VACANT
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 (Agenda Items Only)**
- 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 21, 2022

- VIII. **Public Hearings**

- IX. **Unfinished Business**

ORDINANCE 2022-42 *Sponsor: Councilperson Fetterolf*
 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

X. New Business

MOTION

Sponsor: Councilperson Baryak

A Motion to accept the resignation of Ward 4 Councilperson Christopher Granchie.

RESOLUTION 41-2022

*Co-Sponsors: Mayor Kline, Councilpersons
Fetterolf, Baryak, Spletzer, and Stimpert*

A RESOLUTION OF APPRECIATION TO CHRISTOPHER GRANCHIE FOR HIS
SERVICE TO THE CITY OF NEWTON FALLS.

RESOLUTION 42-2022

*Co-Sponsors: Mayor Kline, Councilpersons
Fetterolf, Baryak, Spletzer, and Stimpert*

A RESOLUTION OF APPRECIATION TO MICHAEL SEROTKO FOR HIS SERVICE TO
THE CITY OF NEWTON FALLS.

MOTION

Sponsor: Councilperson Fetterolf

A Motion instructing the City Manager to direct all Newton Falls department heads to
report information within the scope of their departments on the following:

All grants, abatements, or agreements extended by Newton Falls to any persons
or entities that result in such persons or entities paying reduced rates or
amounts, when compared to other Newton Falls persons or entities, with respect
to utilities, taxes, or fees.

Said information shall be provided to the City Manager in writing by all department
heads no later than October 14, 2022. The City Manager shall then provide all such
information to Council in writing no later than October 18, 2022.

MOTION

Sponsor: Councilperson Spletzer

A Motion to Release the Civil Service Commission Report to the Public.

RESOLUTION 43-2022

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND
ENTER INTO ANY NECESSARY AGREEMENTS RELATED THERETO WITH
WOODFORD EXCAVATING LLC IN CONNECTION WITH THE COMMERCE PARK
CANOE LAUNCH PROJECT

ORDINANCE 2022-47

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE
RELATED TO EVOLUTION ECOLOGY ("EVO ECO") FOR WATER PLANT
SEDIMENTATION BASIN DRAINING, DISPOSAL, AND CLEANING SERVICES

ORDINANCE 2022-48

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE
PERTAINING TO COUNCIL RULES OF CONDUCT AND PROCEDURE

ORDINANCE 2022-49

Co-Sponsors: Councilpersons Baryak and Fetterolf

AN ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER FEE BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION

ORDINANCE 2022-50

Sponsor: Councilperson Fetterolf

AN EMERGENCY ORDINANCE AMENDING THE HOURLY PAY RATES FOR THE POLICE DEPARTMENT

XI. Public Comments

XII. 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:

<input checked="" type="checkbox"/> Appointment	<input checked="" type="checkbox"/> Employment	<input checked="" type="checkbox"/> Dismissal	<input checked="" type="checkbox"/> Discipline
<input checked="" type="checkbox"/> Promotion	<input checked="" type="checkbox"/> Demotion	<input checked="" type="checkbox"/> Compensation	

- ☐ 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.

XIII. Adjournment



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
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

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

Mr. Baryak asked to be recognized.

MOTION

A Motion to change the agenda to move the Motion to Adjourn into Executive Session to occur immediately.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak stated that there was important information that needed to be discussed immediately and cannot wait until the end of the meeting.

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

The Motion passed 5-0.

MOTION

A Motion to adjourn into executive session at 6:03 pm to consider personnel matters related to the appointment of the Civil Service Commission, disciplinary matters, and pending or imminent court action.

Moved by: Mr. Baryak Seconded by: Mr. Fetterolf

No discussion.

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

The Motion passed 5-0.

MOTION

A Motion to adjourn the executive session at 7:17 pm and resume the regular meeting.

Moved by: Mr. Granchie Seconded by: Mr. Baryak

No discussion.

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

The Motion passed 5-0.

MOTION

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

No Motion was made.

IV. Special Presentations by Staff Members or Invited Consultants

V. Public Comments

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmermann spoke against Ordinance 2022-45. He stated this action was initially discussed in January, 2023, then again at the Council Meeting on February 2 during which Council approved authorization for the City Manager to purchase the vehicles. Mr. Zimmermann asked Council to investigate the reasons that the City Manager now requires this emergency ordinance in September.

He spoke against Ordinance 2022-46. He noted that \$7, 140 was being removed from the police department and for an explanation stating that it seems contradictory when asking for police levy. He noted that City Administration is getting \$13,759 in reappropriations. He also noted the following: (1) The Municipal Court losing \$39,000, (2) Buildings and Lands Maintenance is being increased \$4,500 in Personal Services and Other Operations increased \$69,875.92 for a total of \$74,375.92. He asked why that money could not be reappropriated to the police force.

He stated that he learned on Facebook this week that Ms. Stimpert tried get an item on the agenda and was not permitted to do so. Mayor Kline reminded Mr. Zimmermann that he is limited to speak on agenda items only. Mr. Zimmermann stated the Mr. Kerlin was permitted to speak on non-agenda items at a previous meeting and expected the same courtesy. The Mayor stated that Mr. Zimmermann was limited to agenda items only. Mr. Zimmermann declined to speak further as his intent was to speak on non-agenda items as he believed others were permitted to do in the past.

Lyle Waddell – Myrtle Beach, SC – Edwards Road

Mr. Waddell stated his preference to speak on non-agenda items, which is permitted at the end of the meeting. He stated that he was in town to testify against Mr. Baryak in court and would return to town “on the 19th”.

VI. Reports

a. Mayor

No report given.

b. Council Members

- i. Ward 1 – Mr. Fetterolf stated that he had no scheduled meetings; but he took several took several phone calls regarding statements made by Ms. Brenda Persino at the previous meeting. He asked Mr. Granchie to share any new information that he may have about the complaint by Ms. Persino and the accusations that were made about the behavior of the involved police officers. He stated his belief that Mr. Granchie had attended a meeting on the topic and had information to share. Mr. Fetterolf stated his wish that Mr. Granchie speak on the topic citing a desire to have Mr. Granchie set the record straight and prevent the spread of misinformation, particularly about the police officers.
- ii. Ward 2 – Mr. Baryak stated that he met with police officers to look for ways to help them. He relayed that the police officers shared with him their disgust for being disparaged as frontline workers. He asked Mr. Granchie to explain what really happened, particularly because accusations were made and a good officer was unnecessarily and publicly disparaged by a resident. He expressed regret that he could not attend a few meetings due to illness.
- iii. Ward 3 – Ms. Spletzer stated that has finished working with the resident at end the end of her street to get the ditch filled in front of their house. She is beginning that process again at the request of another resident. On September 14, she attended a staff meeting and spoke with several supervisors about the ongoing road dedication project with VerLay. She and the City Manager are meeting with the property manager on

September 27th. She also attended the meeting with the police department, with Mr. Baryak, on September 15. She relayed the struggle in filling shifts, noting prolonged period of being short-staffed like many other communities. She relayed the belief of police officers that they are not getting the full support of the entire council. She did attend the tree planting ceremony at the school but left before the picture was taken.

- iv. Ward 4 – Mr. Granchie stated, in response to the requests of Mr. Fetterolf and Mr. Baryak to discuss his meeting with Ms. Persino and the police department, that the investigation is ongoing and that we could not comment on it. He stated that he has been in communication with constituents throughout the week.
- v. At-Large – Ms. Stimpert stated that she attended the tree planting for the Earnie Shavers family. She attended the Fire Board meeting and expressed satisfaction with Chief's attention to maintenance of the trucks. She stated that a new ambulance was expected to arrive by the end of October. She stated that a repair of the restrooms at Station 1 was discussed and the possibility to relocate equipment to Station 1 so the new ambulance doesn't have to sit outside. She stated that the fire district is also struggling with shifts fulfillment. They currently have 64 open shifts. The next Fire Board meeting is on October 18 at 6:00pm at the township building. Mr. Baryak asked if the bathroom remodel was discussed. Ms. Stimpert stated that it was discussed, the fire board has 3 estimates, and Attorney Comstock stated that it would likely be the City's responsibility to pay for the repairs because the City owns the building. Mr. Baryak asked if it was stated that the City would have to pay \$1500-2000 for bathroom remodeling. Ms. Stimpert stated that it was discussed and it was voted to do the repairs. She stated that she did not know if the Chief has spoken to City Manager Priddy or if it was determined that the City would pay for it. Mr. Baryak stated that he wanted to see the 100 year lease and expressed concerns about city responsibility to remodel bathrooms because it is not in the budget. Ms. Stimpert stated that it was voted that repairs needed to be done and they would move forward with it.
- vi. Finance Director - Mayor Kline asked Mr. Housley to comment on Mr. Zimmermann's concerns regarding Ordinance 2022-46. Mr. Housley agreed to address Council concerns when Council considers Ordinance 2022-46 in the agenda. He stated that he would be glad to answer any specific questions of Council at this time. He stated that approximately \$38,000 was collected in additional income taxes in September and the General Fund cash balance should be around \$110,000 when it closes in September. He advised Council that benefits allocations will be reduced by 100% for September due to the reserves that are available in the Employee Benefits fund 602. He reminded Council that when August closed, \$30,000 less than was anticipated was actually transferred from the General Fund to Employee Benefits; but the general fund had only gained about \$10,000 in tax revenue so without the reduced transfer there would have been a \$20,000 loss for the General Fund. He advised that the ability to NOT make transfers from the General Fund to

Employee Benefits is because the current balance in Employee Benefits (fund 602) is higher than it needs to be. He also advised that not making these transfers represents a temporary “patch” and does not represent the cash position of the General Fund being “turned around”. He acknowledged that the General Fund is headed in the right direction and will continue to move in that direction. He stated that the reason for having any positive balance in the General Fund is due to the very difficult decisions that have been made by City Manager Priddy and the cuts that she has had to make. He stated that the police force is down because officers are taking jobs elsewhere and so appropriations reductions for the police department is logical because it is not necessary to appropriate funds for expenses that are not needed, including in Employee Benefits. But, he advised, if the staffing of the police department increases, then he will need to re-appropriate money to the department and Employee Benefits. He stated that this would be evaluated monthly.

c. Law Director

- i. Mr. Bryan advised Council that no action should take place on Ordinances 2022-42 or 2022-43 until the Planning and Zoning Commission had the opportunity to review them. He stated that they will meet on October 4 where they will review the Ordinances and make any comments that should be heard prior to action by Council.

d. City Manager

- i. Mrs. Priddy stated that a staff meeting with the entire police department occurred and went well as everyone tried to develop ideas to help the department.
- ii. A bid opening on Sept 18 for the paddling grant. The grant is for \$73,724 and the bid is \$80,858. She reminded Council that the grant is a “reimbursement grant” so she has asked the Finance Director if the money is available to as it must be spent and then can be reimbursed. She stated, thus far, she has been able to acquire \$3,000 in donations to help cover the gap between the grant amount and the bid amount of the project. She expects a few more donors. She stated that this has to be completed by the end of the year; so Council can expect a resolution in the coming months.
- iii. A staff meeting held. The system of employee evaluations was discussed and the development of a backup system for each department, whereas a “crew chief” may be established in each department so there is someone in charge when the supervisor is off work.
- iv. There was a review for electric department for PCA. This is reviewed every six months and will .00668 to .012000 for this six-month period. She advised Council to expect Mr. George and her to present a proposal for a electric rate study which was last done five years ago and is now due for an update.
- v. She spoke with the President of Fire District Board regarding sale of property by the City to the Fire Board. This possibility is being explored. She stated she will advise Council when she has more details.

Changes To Tonight’s Agenda

MOTION

A Motion to add a Motion to discuss the wages of police officers for the purpose of increasing the hourly wage until the police levy is decided at the upcoming, November election.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No comments.

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

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

VII. Approval of Previous Minutes

MOTION

A Motion to approve the minutes of the Regular Meeting on September 7, 2022

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

No comments.

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

The Motion passed 5-0 and the minutes were approved.

VIII. Public Hearings

ORDINANCE 2022-42

Sponsor: Councilperson Granchie

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

No public comments.

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

No public comments.

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

Anna Eby – 50 W. 9th Street

Mrs. Eby stated her belief that the police officers were paid by using “COVID money”. She wondered if that was true and surmised whether Ordinance 2022-44 meant that the current year’s budget allocation is using \$0 of Newton Falls money and if this would mean that \$0 would be appropriated to the police department beyond the funds generated by the police levy.

I. Unfinished Business

ORDINANCE 2022-42

Sponsor: Councilperson Granchie

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

MOTION

A Motion to table Ordinance 2022-42 until the October 5 regular meeting.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

No comments.

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

The Motion 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

MOTION

A Motion to table Ordinance 2022-43 until the October 5 regular meeting.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

No comments.

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

The Motion 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 ONE HUNDRED PERCENT OF THE FISCAL YEAR 2022 GENERAL FUND POLICE DEPARTMENT OPERATING EXPENDITURES

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Mayor Kline asked Mr. Housley to comment on Mrs. Eby's previous comments. Mr. Housley explained how the ARPA money was received and reclassified into the budget.

Mr. Granchie asked for clarification regarding a change in the ordinance. He asked about the change in the wording from "police department operating expenses" to "general fund police department operating expenditures".

Mr. Bryan stated that the wording in the ordinance reflects the motion that was made.

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.

Mr. Granchie stated that Mr. Richards was the only applicant and expressed his gratitude for Mr. Richards' respectful and professional manner, particularly when disagreements occur. Mr. Baryak concurred and stated that Mr. Richards always takes time to understand issues and work with others. Ms. Spletzer stated that Mr. Richards' son works for Parks and Recreation Department in Carolinas and she is looking forward to Mr. Richards sharing his knowledge of those experiences. Mr. Fetterolf offered his thanks to Mr. Richards for his willingness to serve.

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

The Motion passed 5-0.

ORDINANCE 2022-45

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%

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Housley commented that this ordinance was introduced in January. He also pointed out that supply chains and interest rate increases are difficult to predict. He stated the city was able to decrease the price of the car by \$4000-5000, but financing came in a bit higher due to rate increases. He stated this is an emergency because the car is being detailed and waiting for a vote before it can be used. Ms. Priddy agreed with Mr. Housley.

Ms. Stimpert asked Mr. Housley to affirm that this necessary because rates went up. Mr. Housley affirmed. Mr. Granchie stated that rates have been risen several times since January and the agreement must be signed. He restated that \$4700 was taken off the price. Mr. Housley relayed that interest rates are out of Council's control.

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

The Ordinance passed 5-0. First Reading.

ORDINANCE 2022-45 - SECOND AND FINAL READING

Moved by: Mr. Granchie

Seconded by: Ms. Stimpert

No comments.

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

The Ordinance passed 5-0. Final Reading.

ORDINANCE 2022-46

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.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Granchie asked Mr. Housley to comment, in general, regarding the moves. Mr. Housley highlighted that the purpose of appropriations is to be able to move money from funds that do not need it at that time and to funds that do need it due to possibly many unforeseen things that come up and new things that are approved by Council over time. He mentioned that Council can expect the appropriations to go back up next year. He provided a summary of the moves that were made including, (1) the reduction in the Municipal Court due to the lack of benefits payments that are required at this point in time. This reduction was made with the approval of the judge who is paying for this year's employee benefits from his fund; (2) the city manager fund increase was due to the final payment due to the prior city manager and also, it was unexpected Ms. Priddy would volunteer as long as she did and he thanked her for that. He also noted that cuts were made to that fund throughout the year until now; (3) the general fund does not have an adequate reserve for its size of this community's budget. He described the method by which the county evaluates budgets and the analysis he applies to the budget each time an unexpected expense arises so that he can balance the budget and account for that expense; (4) fund 233, the ARPA fund, received more than was expected was received from the government and expenses for police costs have been posted to that fund; (5) sewer operating equipment needs were over-estimated and have now been reduced to reflect real expenses; (6) the electric operating fund was difficult to plan for with his limited experience coming into the city at that of year that he did.

Mr. Baryak thanked Mr. Housley for his efforts to explain everything.

Ms. Spletzer stated that her conversation earlier today with Mr. Housley revealed that these moves are standard housekeeping items that can be expected

prior to 4th quarter of the year. She stated, with support from Mr. Housley that the report shows an increase of general fund by \$38,449.12 but the collective results of all changes in all funds (Grand Total) is a decrease of \$267,604.54

The Mayor stated that city budgets are like personal budgets that need to be rearranged and changed due to price fluctuations in goods and services and unexpected expenses.

Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes
The Ordinance passed 5-0. First Reading.

ORDINANCE 2022-46 - SECOND AND FINAL READING

Moved by: Ms. Spletzer Seconded by: Mr. Fetterolf

No comments.

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

The Ordinance passed 5-0. Final Reading.

MOTION

A Motion to discuss an increase in hourly wages for police officers until the police levy is decided at the upcoming, November election.

Moved by: Mr. Granchie Seconded by: Mr. Fetterolf

Mayor Kline advocated for increased pay rates and expressed with support and gratitude for their work and commitment. He advocated for a consistent pay schedule. Mr. Baryak commented that the current pay is \$16-17/hour; he expressed a desire to have a better wage for the officers. He asked the city Manager to comment regarding what a \$1-2 increase would cost the village.

The Mayor suggested the city manager conduct a wage study, uniform cost evaluation, and tally expenses for training hours related to the officers and to report back to council at the next meeting.

Mr. Baryak stated that police officers are hard to find.

Mr. Granchie stated his support for the officers.

Ms. Stimpert agreed with all previous statements. She stated that she did some research in June and suggested the need to put policies in place to better support the purchase of uniforms and training. She stated her desire to attract more full-time officers. She thanked the SROs at the schools. The City Manager stated that other departments currently have higher uniform allowances.

Mr. Bryan stated an ordinance is necessary to increase pay rates.

The Mayor suggested a Motion to conduct a pay rate study, etc... Ms. Priddy stated that she already has the authority to increase pay rates. Ms. Spletzer suggested that Council amend 2014-19, a previous pay ordinance.

Mr. Housley stated that the police department looks like it has money now; but only because expenses are currently less than expected. Mayor Kline Mayor stated the city cannot currently afford a fully staffed police department and expressed the need to study the pay rates.

Mr. Fetterolf advocated for wage increases above all.

Mr. Baryak stated that this effort is in the first stages and announced a plan to hold a spaghetti dinner to meet officers, ask questions, and get to know them.

III. Public Comments

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmermann spoke on several topics including:

- (1) a lack of timely response to his requests for information stating that one request took 124 days. He stated that his request for the resume and letter of interest used by Mr. Bryan when applying for his job was met with conflicting messages about its existence and he was eventually provided the document. He provided dates to support his statements.
- (2) His opposition to Mr. Fetterolf citing reasons that include Mr. Fetterolf's previous removal from the Planning and Zoning Commission due to his "not knowing how to deal with people", including his use of the word 'retarded', asking a constituent if "he could read", and the use of an obscene gesture during a meeting.

Chelsea Harper – 515 High Street

Ms. Harper spoke on several topics including the following:

- (1) asked permission to use a parking lot on October 25 for a substance abuse prevention event. She provided a description of the event.
- (2) She spoke in support of the Newton Falls police officers and urged Council and the administration to take care of the officers.
- (3) She expressed difficulty with understanding the finance reports and hoped for easy-to-understand explanations in the future.
- (4) She admonished Council for allegedly not paying attention to the various reports and then offering opinions of those reports. She stated that any use of the "R-word) is not not appreciated.

IV. Closing Remarks

Mr. Fetterolf wondered if he should respond to Mr. Zimmermann. He defended himself and denied saying R-word or an obscene gesture.

Mr. Baryak spoke regarding city finances. He recounted that the previous city manager wanted to give \$300,000 to attract a business and deemed it an example of reckless spending. He stated the need to save the police department. He expressed his love for the community and the desire to help the police. He spoke in support of the paddling grant to get a kayak launch.

Ms. Spletzer stated that many events are happening in town. She discussed the upcoming dedication for suicide prevention bench at 9:00 AM on Saturday.

Ms. Priddy encouraged support for local businesses.

Mayor Kline thanked everyone for a good meeting and recounted a class he took regarding conflict resolution expressing his belief that the city is headed in the right direction. He reminded that it is homecoming weekend with the football game against LaBrae and that cash is accepted at ticket office.

V. Adjournment

MOTION

A Motion to adjourn the regular meeting at 8:44 pm.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

No discussion.

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

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 5th DAY OF OCTOBER, 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.



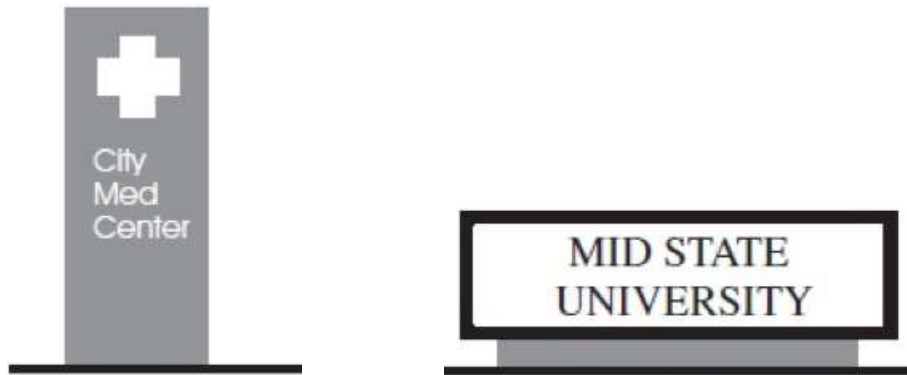
(f) **“Dilapidation.”** Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, peeling, or illegible; where the structural support is visibly bent, broken, dented, rusted, peeling, corroded, or loose; or where the sign or its 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.

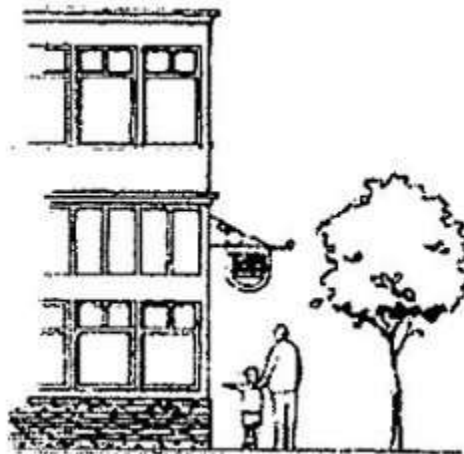


(k) “Permanent Sign.” A sign permanently affixed or attached to the ground or a structure and which cannot be removed without special handling, such as removing or dismantling the foundation or a portion thereof, fasteners, adhesives, or similar materials providing support or structural integrity for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

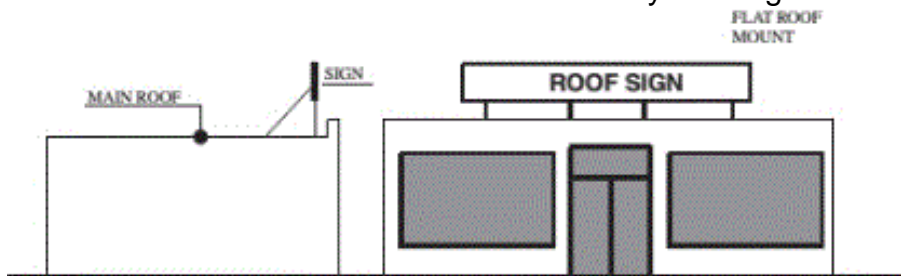
- (l) “Pole Sign.” A stationary two-face sign erected on a pole or poles that is wholly independent of any building for support. The faces shall be back-to-back and shall not be more than a foot apart.



- (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.

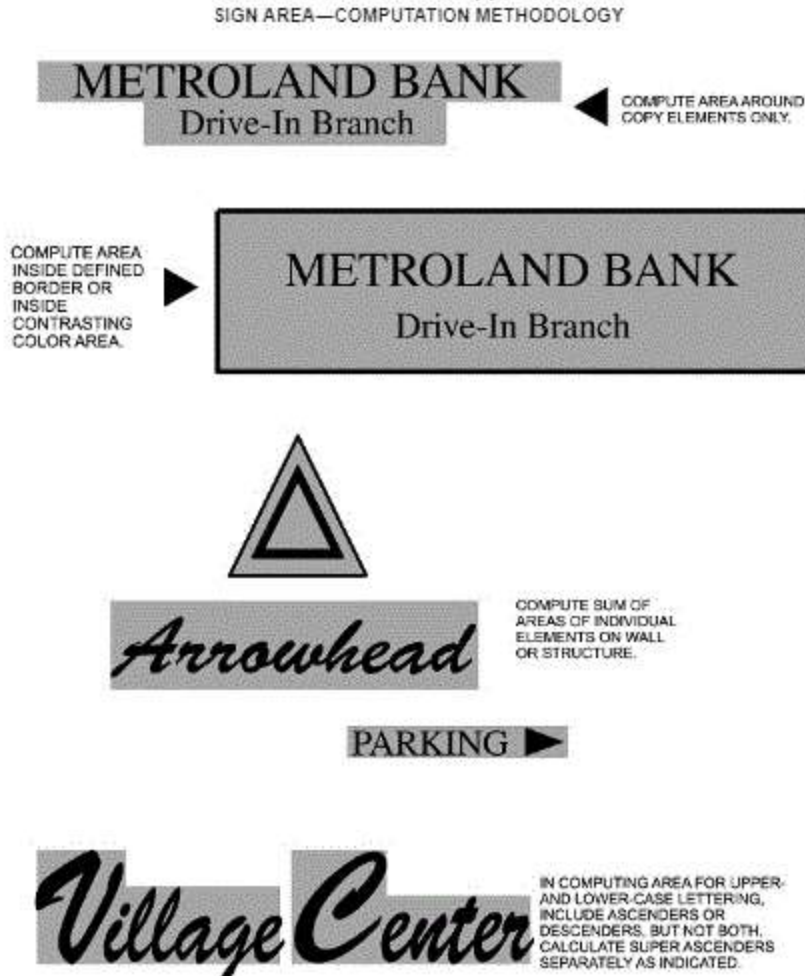
The following directives shall be the basis for determining sign area, sign height, and building or tenant frontage.

(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.

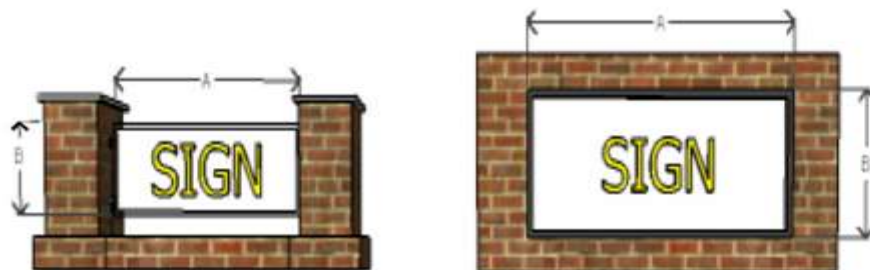
(1) For a sign comprised of individual letters, figures, or elements on a wall or similar surface of a building or structure, or an irregular shaped free-standing sign, the area of the sign shall be the area of not more than three adjacent regular geometric shapes that encompasses the perimeter of all 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.

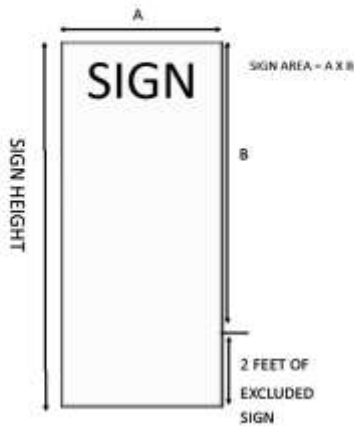


(b) Free-Standing Ground Signs.



(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.

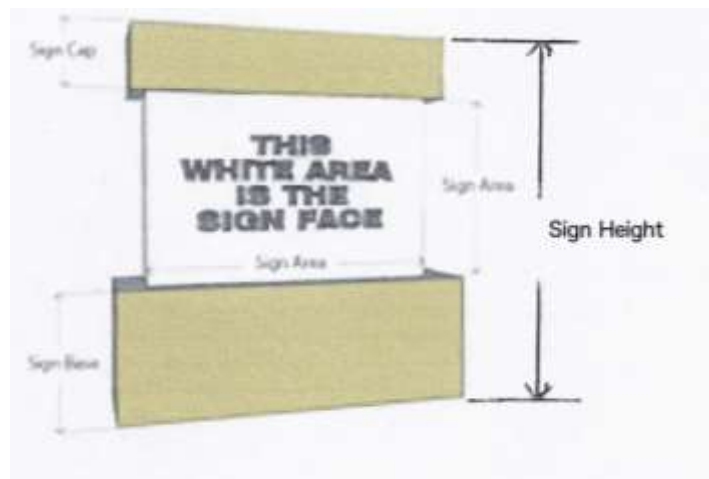
(2) Regardless of whether a single wall has wall sections that project, recess, or otherwise vary from the predominate wall plane, the rectangle shall include all signs that appear on the same architectural elevation.

(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.

Illuminated signs are permitted pursuant to the following regulations: **Page 12 of 21**

(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.

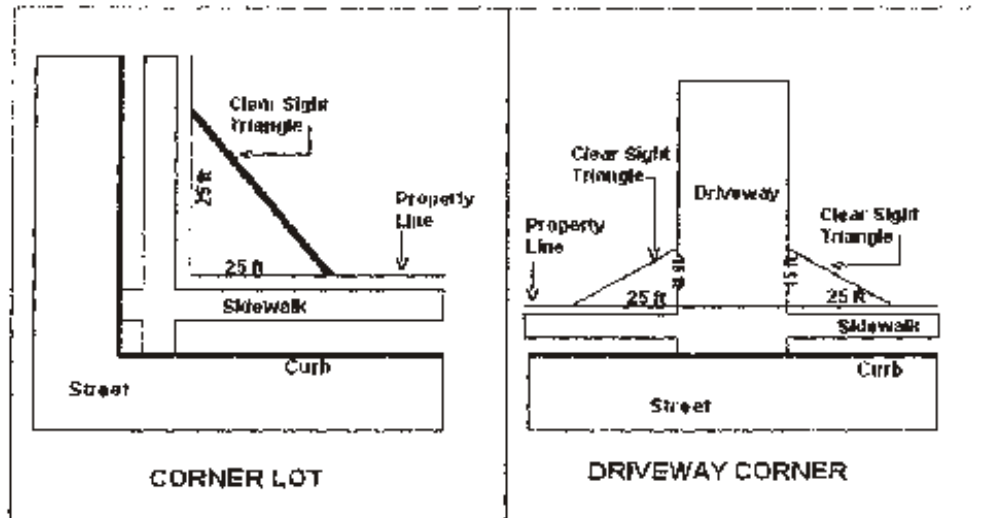
(g) Temporary signs shall not be illuminated.

(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 5th DAY OF OCTOBER, 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

RESOLUTION NO.: 41-2022

CO-SPONSORS: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, Stimpert

**A RESOLUTION OF APPRECIATION TO CHRISTOPHER GRANCHIE FOR HIS
SERVICE TO THE CITY OF NEWTON FALLS.**

WHEREAS, Christopher Granchie was appointed to the position of Newton Falls City Council on August 30, 2021; and

WHEREAS, He served on Council for the past one year; and

WHEREAS, He has demonstrated his dedication to and interest in the community by his commitment to improving the quality of life of its residents; and

WHEREAS, His devotion to the City has been expressed by his actions and participation in numerous community events during his service on Council; and

WHEREAS, In addition to serving as a Councilperson he also he was the representative of Council on many Committees including but not limited to Planning & Zoning, Civil Service, Public Safety, Utility Appeals Board, and Economic Development; and

WHEREAS, Throughout the time Mr. Granchie served, he took his duties as a Council representative conscientiously and sought out and gained knowledge of the City of Newton Falls Charter. This diligent and dedication to the City has been sincerely appreciated by the City residents. His efforts to represent his constituents throughout his time will be greatly missed by the City residents and his peers.

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

SECTION 1: Special recognition and appreciation is hereby given to Christopher Granchie for his one year of service to the City of Newton Falls.

SECTION 2: The Newton Falls City Council and City residents, by way of this Resolution wish to express their sincere appreciation to Christopher Granchie for his service to the community and wish him the best in the future.

SECTION 3: That all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

RESOLUTION NO. 41-2022
PAGE TWO

SECTION 4: That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 5th DAY OF October, 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

RESOLUTION NO.: 42-2022

CO-SPONSORS: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, Stimpert

**A RESOLUTION OF APPRECIATION TO MICHAEL SEROTKO FOR HIS SERVICE
TO THE CITY OF NEWTON FALLS.**

WHEREAS, Michael Serotko was appointed to the position of Newton Falls City Council on August 30, 2021; and

WHEREAS, He served on Council for five months; and

WHEREAS, He has demonstrated his dedication to and interest in the community by his commitment to improving the quality of life of its residents; and

WHEREAS, His devotion to the City has been expressed by his actions and participation in numerous community events during his service on Council; and

WHEREAS, In addition to serving as a Councilperson he also he was the representative of Council on many Committees including but not limited to Planning & Zoning, Civil Service, Parks & Recreation, Finance/Administration/Audit, NF Fire District Board, Tax Review Board & Enterprise Zone; and

WHEREAS, Throughout the time of Mr. Serotko's service, he took his duties as a Council representative conscientiously and sought out and gained knowledge of the City of Newton Falls Charter. This diligent and dedication to the City has been sincerely appreciated by the City residents. His efforts to represent his constituents throughout his time will be greatly missed by the City residents and his peers.

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

SECTION 1: Special recognition and appreciation is hereby given to Michael Serotko for his one year of service to the City of Newton Falls.

SECTION 2: The Newton Falls City Council and City residents, by way of this Resolution wish to express their sincere appreciation to Michael Serotko for his service to the community and wish him the best in the future.

SECTION 3: That all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

RESOLUTION NO. 42-2022
PAGE TWO

SECTION 4: That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 5th DAY OF October, 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
RESOLUTION NO.: 43-2022
SPONSOR: Councilperson Baryak

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF
AND ENTER INTO ANY NECESSARY AGREEMENTS RELATED THERETO WITH
WOODFORD EXCAVATING LLC IN CONNECTION WITH THE COMMERCE PARK
CANOE LAUNCH PROJECT**

WHEREAS, the Village has been awarded an Ohio Department of Natural Resources Grant in the amount of \$73,724 to build a canoe launch facility at Commerce Park; and

WHEREAS, the Village, with the assistance of its Engineers Thomas Fok & Associates, Inc., developed specifications and bid instructions for the project; and

WHEREAS, a bid opening for the project took place on September 8, 2022; and

WHEREAS, Woodford Excavating LLC of Leavittsburg, Ohio submitted the lowest bid for the project in the amount of \$80,858; and

WHEREAS, donation pledges have been received to pay for the difference between the bid amount and grant amount that will result in the entire construction cost of the project being paid for through the grant and pledges.

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

SECTION 1. That Council hereby authorizes the City Manager to accept the bid of Woodford Excavating LLC of Leavittsburg, Ohio in the amount of \$80,858 as the lowest and best bid for the construction work relating to the Commerce Park Canoe Launch Project and enter into any appropriate and necessary agreements related thereto.

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

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

RESOLUTION NO. 43-2022
PAGE TWO

PASSED IN COUNCIL THIS 5th DAY OF October, 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.: 2022-47
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE
RELATED TO EVOLUTION ECOLOGY (“EVO ECO”) FOR WATER PLANT
SEDIMENTATION BASIN DRAINING, DISPOSAL, AND CLEANING SERVICES**

WHEREAS, Evo Eco has performed water plant sedimentation basin draining, disposal, and cleaning services to Newton Falls for several years and is the only company qualified and able to perform this work in the area; and

WHEREAS, during the course of performing its regular annual services on behalf of the Village, it was discovered that a significant amount of additional water plant sedimentation basin draining, disposal, and cleaning services were needed; and

WHEREAS, the total cost of the work performed exceeds the City Manager's spending authority and the amount originally approved and budgeted for this work; and

WHEREAS, Council desires to authorize the purchase order and expenditure related to Evo Eco for the work it performed and material and disposal costs it incurred.

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

SECTION 1. That Council hereby and herein authorizes the purchase order and expenditure related to Evo Eco for water plant sedimentation basin draining, disposal, and cleaning services in a total amount not to exceed \$120,732.12.

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

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

ORDINANCE NO. 2022-47
PAGE TWO

PASSED IN COUNCIL THIS _____ DAY OF _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

ORD 2022-47

Exhibit A

Page 1 of 4

REQUISITION FOR PURCHASE ORDER

Date 9/30/2022 No. 537

Order Form Evo Eco

Deliver To _____

☐ Verbal Order Placed
SEND CONFIRMATION

☐ Original Order

Ship Via _____ Date Wanted _____

QUANTITY	ARTICLE	PRICE	UNIT
	Pumping Sed Basin @ Water Plant		\$ 120,732.12
	Drain/Clean Plant Basin		

CHARGE TO 501 - 5030 - 52316 Order No. _____ A/C No. _____

P.O. NO. _____ Date _____ SIGNED _____

**VILLAGE OF NEWTON FALLS**

419 NORTH CENTER STREET
NEWTON FALLS, OHIO 44444
PHONE OR FAX (330) 872-1010

ORD 2022-47**Exhibit A****Page 2 of 4****PURCHASE ORDER**

2022000537

SHIP
TO

WATER PLANT
CITY OF NEWTON FALLS
175 W RIVER RD
NEWTON FALLS OH 44444

VENDOR

EVO ECO
EVO ECO
P O BOX 322
SALEM OH 44460

PURCHASE ORDER DATE

CONTRACT NO

09/30/22

PLEASE SEND ALL BILLING INVOICES TO: VILLAGE OF NEWTON
FALLS • 419 N. CENTER ST. • NEWTON FALLS, OHIO 44444

TERMS:**MAIL INVOICE IN DUPLICATE**

By shipping the goods below or by acknowledging receipt of this order or by performing the work below you agree to the terms and conditions of sale which appear on the face. Any different or additional terms your acceptance of this offer are hereby objected to.

LINE NO.	DESCRIPTION	REQ. NO.	ACCOUNT CODE	QUANTITY	UNIT	UNIT PRICE	AMOUNT
001	DRAIN/CLEAN PLANT SED BASIN		501-5030-52316			.00	120732.12

**PLEASE
NOTE:**

THE PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, PACKING SLIPS, SHIPPING PAPERS AND ALL CORRESPONDENCE. ALL PURCHASES EXEMPT FROM STATE AND FEDERAL EXCISE TAXES.

**TOTAL AMOUNT
NOT
TO EXCEED**

120732.12

I hereby certify that the amount required to meet the obligation created by this instrument has been lawfully appropriated for such purposes in the treasury or in the process of collection to the credit of the proper fund, free from any previous encumbrances.

DIRECTOR OF FINANCE

DAI

Evo Eco
653 Jones St
Youngstown, OH 44502
+1 2342289604
invoice@evoecoearth.com
www.evoecoearth.com

EVO ECO

ORD 2022-47
Exhibit A
Page 3 of 4

BILL TO
Village of Newton Falls
Accounts Payable
612 W. Broad St
Newton Falls, OH 44444

SHIP TO
Village of Newton Falls
Newton Falls Water Treatment Plant
175 W River Rd.
Newton Falls, OH 44444

INVOICE 2311

DATE 09/01/2022 TERMS Net 30

DUE DATE 10/01/2022

SHIP DATE
06/15/2022

TRACKING NO.
1374

P.O. NUMBER
TBD

CST. CONTACT
Jeff Hawkins

ACCT. MANAGER
Andrew Grueber

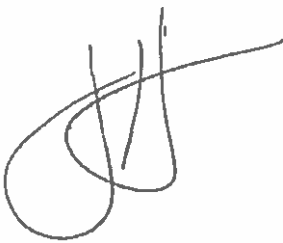
DESCRIPTION	QTY	RATE	AMOUNT
Pumping Sed Basin, Estimated Project Date Last week of April.			
3 Man Crew W/Project Manager	2	2,310.00	4,620.00
Tank Pumping Equipment			
4" Sludge Pump price for week	3	1,540.50	4,621.50
Hose and Pipe, Price for week	2	900.00	1,800.00
Pump Delivery and Pickup	1	698.00	698.00
Dewatering Equipment			
Dewatering Pump	1	300.00	300.00
Compressor	1	500.00	500.00
Dewatering Chemistry			
Dewatering Bags	27	710.00	19,170.00
Chem Pumps and Tubing	1	625.00	625.00
Delivery and Pickup	1	230.00	230.00
Onsite storage and Containment			
Dewatering Boxes, QTY - Per day	396	56.00	22,176.00
Dewatering Box Mob	9	560.00	5,040.00
Frac Tank, QTY - per day	211	35.00	7,385.00
Frac Tank Mob	10	560.00	5,600.00
Transport and Disposal			
Republic solidification	15.57	130.00	2,024.10
Republic Direct Landfill	208.14	50.00	10,407.00
Solidification BSC Campbell	139.48	124.00	17,295.52
Transport to republic landfill	18	680.00	12,240.00
Transport to BSC Campbell	10	600.00	6,000.00

We appreciate your business - Thank you!

Please note: Customer agrees to pay a monthly late charge equal to 1.5% of the past due invoice. If account becomes more than 60 days delinquent and is placed for collection, customer will pay all collection costs and expenses incurred, including attorney fees.

TOTAL DUE

\$120,732.12

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a vertical line and a horizontal stroke.

We appreciate your business - Thank you!

Please note: Customer agrees to pay a monthly late charge equal to 1.5% of the past due invoice. If account becomes more than 60 days delinquent and is placed for collection, customer will pay all collection costs and expenses incurred, including attorney fees.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-48
SPONSOR: Councilperson Baryak

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

WHEREAS, in order to provide an equal opportunity for residents and visitors that wish to address Council during meetings, and in order to make additional proofreading and grammar corrections to this section, Council desires to amend Section 121.03 of the Administrative Code pertaining to Council Rules of Conduct and Procedure.

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

SECTION 1. That Council hereby and herein amends Section 121.03 of the Administrative Code pertaining to Council Rules of Conduct and Procedure as set forth in the attachment hereto that is incorporated herein by reference.

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

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

121.03 RULES OF CONDUCT AND PROCEDURE.**(a) General Rules.**

(1) All Council meetings shall be conducted in accordance with the City Charter, the applicable laws of the State of Ohio, and, unless otherwise herein specified, the rules and procedures outlined in “Robert’s Rules of Order”. Roberts Rules of Order are interpreted to be used as an orderly means to conduct city business, and not as a methodology to hinder the process.

(2) All Council meetings shall be open to the general public and, whenever practical, advertised in advance in a newspaper of general circulation.

(3) The general public shall only be excused or excluded from meetings or portions of meetings that are legally conducted as “executive sessions” under Ohio’s “Sunshine Law”.

(4) Participation by the general public in the legislative process is encouraged and opportunities for public comment shall, whenever practical, be provided at every Regular Council meeting.

(5) Every member of Council shall attend each organizational, regular, special, and emergency meeting, or be excused as identified in the City Charter, Article III, Section 4.

(6) Minutes shall be recorded and maintained for all Council organizational, caucus, regular, special, and/or emergency meetings.

(7) Every member shall make reasonable efforts to notify the Clerk of Council or any expected absences from each organizational, regular, special, and emergency meetings.

(b) Regular Meetings.

(1) Council may also hold a public caucus session ~~during~~ prior to any regular, meeting in order to allow its members to be better prepared for the meeting and ~~to~~ review the agenda for said meeting in advance. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or ~~to~~ disseminate essential information at any such public caucus, or regular meeting. During the Public Comments and Closing Comments sections of a regular meeting, a three (3) minute time duration will be allowed to all speakers. ~~Those speakers who request in advance a time allotment on the meeting agenda for any agenda subject, will be afforded a ten (10) minute time allotment for the disbursement of information.~~ Closing Comments may be on any topic.

(2) Rules of Debate, as set forth in subsection (j), do not apply during caucus sessions.

(c) **Special Meetings.** Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or ~~to~~ disseminate essential information at any such ~~public caucus or~~ special meeting. During the Public Comments and Closing Comments sections of a ~~Special M~~meeting, a three (3) minute time duration will be allowed to all speakers. ~~Those speakers who request in advance a time allotment on the meeting agenda for any agenda subject, will be afforded a ten (10) minute time allotment for the disbursement of information.~~ Public Comments shall be limited to agenda items only.

(d) Emergency Meetings. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or to disseminate essential information pertaining to the meeting subject matter at any such emergency meeting.

(e) Officers' Duties.

(1) Mayor – See Charter, Article II – The Mayor shall act as the President of Council, preserve order during those meetings, confine members to the question in debate, may represent Council or the City relating to a specific function, activity, or issue, as may be publicly authorized by Council, and shall perform all of the other duties outlined for the Mayor in the Charter. The Mayor shall be recognized as a member of Council and have the ability to place items of legislation on the agenda.

(2) Vice-President of Council – See Charter, Article II, Section 5 – The Vice-President of Council shall be elected by Council.

(3) Other Officers – Council may appoint and assign such other duties and responsibilities, not otherwise specified in the City Charter, as it deems necessary to conduct its business.

(f) Council Committees.

(1) Council, by motion at any regular or special meeting, may establish “standing committees” by affirmative vote of the majority of Council’s total membership.

(2) In the absence of standing committees or a specific standing committee, Council shall function as a “committee-of-the-whole”.

(3) Council may determine how many “standing committees” are to be established, each committee’s area(s) of responsibility, and which members of Council shall be appointed to serve on each committee.

(4) In addition, Council may, from time to time, also establish “ad hoc” (special purpose or limited term) committee(s) on an “as needed” basis.

(5) Any “standing” or “ad hoc” committee of Council shall be comprised of two (2) voting members of Council, unless otherwise specified by the City Charter.

(6) Any committee of Council shall be limited in its powers and authority to acting as an arm of Council by overseeing or studying a particular issue, area of responsibility, or topic and by then reporting its findings and/or recommendations back to Council.

(7) No committee report may be forwarded to Council unless the committee has first met and authorized said report.

(8) Council committees shall have no administrative authority.

(g) Rules of Conduct.

(1) No more than one member of Council may speak at any one time at any meeting of Council.

(2) In order to speak, a member of Council must first be recognized by the presiding officer.

(3) No member of Council may solicit or accept any gift, gratuity, favor, or other form of payment from a person or firm who is under contract with the City, who is proposing to be put under contract with the City, or who otherwise provides any service

or commodity to the City at the taxpayers' expense. (Article I, Section 4. CONFLICT OF INTEREST).

(4) See Charter – Article III, Section 12, INTERFERENCE WITH APPOINTMENTS.

(5) Foul, abusive, profane or obscene language is prohibited at all meetings of Council, regardless of the source of this language. The presiding officer shall dismiss any person from the meeting who uses such language.

(6) Side bar discussions between members of Council during the course of a meeting are distracting and potentially disruptive and are therefore discouraged.

(7) Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature by members of Council or against members of Council are prohibited.

(8) Council shall follow the Ohio Ethics Commission ethics policy.

(9) The disclosure, to any person or party not a member of Council, of any confidential information discussed by or presented to Council in executive session, unless authorized by a majority vote of Council, is prohibited.

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

(11) Council does hereby resolve that the same standards of conduct found in subsections 121.03(g)(5)(7) shall apply to postings on the City's Facebook Page and will be administered by the City Clerk. Said guidelines are as follows:

A. Foul, abusive, profane or obscene language is prohibited at all meetings of Council and on Facebook, regardless of the source of this language. Off topic Facebook comments may be deleted as well. The presiding officer or Facebook administrator shall dismiss any person from the meeting or the Facebook page who uses such language.

B. Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature by members of the Facebook posts and/or against members of Council or other persons are prohibited.

(h) Penalties for Violations of the Rules.

(1) Any member of Council who is guilty of violating any rule contained herein as a first-time offense shall be judged guilty of contempt of Council and may, for such contempt, be orally sanctioned by a majority vote of Council during any public meeting of Council.

(2) Any Council member who is guilty of a second (2) offense of contempt of Council may be verbally sanctioned or sanctioned in writing by a majority vote of Council during any public meeting of Council. If a Councilmember is sanctioned in writing, said sanction shall be read into the record of the next regular Council meeting.

(3) Any Councilmember who is guilty of three or more offenses of contempt of Council may be removed from office as allowed under Article III Section 4 REMOVAL.

(i) Sponsoring Legislation.

(1) Normally, the Councilmember sponsoring a particular piece of legislation will be afforded the first opportunities to discuss it after the required motion bringing it to the floor has been made and seconded. All proposed legislation must be presented to the City Clerk by not later than 3:00 p.m. on the Wednesday immediately preceding the Council Meeting at which the legislation is to be presented. For additions to the prepared agenda see Codified Ordinance Section 121.02.

(2) Any addition to the prepared agenda governing the meeting shall be approved by a majority vote of Councilmembers present, before it can be added to the agenda.

(3) All Ordinances, Resolutions, and Motions proposed by the City Council shall be in written form.

(4) All written submissions shall name the presenting party as "Sponsor" of the legislation and shall be so identified by the Clerk of Council on the agenda.

(5) The naming of a Sponsor does not restrict the addition of Co-Sponsors at any time before passage of the legislation.

(6) All written submissions without inherent time documentation shall be marked with time of submission by the Clerk of Council.

(7) All submitted legislation shall be placed on the agenda in the chronological order received.

(j) Rules of Debate.

(1) Each member of Council may be recognized not more than twice on any issue at any regular, special, or emergency meeting by the presiding officer and invited to comment on an issue before Council. Each time that a voting member is recognized, he/she shall be afforded not more than three (3) uninterrupted minutes during which to make his/her comments. After each voting member of Council has been afforded an opportunity to speak at least once on an issue, the Mayor may speak with the same limitations as those imposed upon the voting members of Council. The City Manager may also ask to be recognized by the presiding officer and, when recognized, participate in the discussion of an item before Council with the same limitations as those imposed upon the voting members of Council. Each member may ask for additional input with approval of presiding officer.

(2) This section does not apply to the caucus sessions.

(k) Order of Business. Council may hold a caucus session prior to each Regular meeting. Caucus sessions shall last no longer than one hour unless approved by a majority vote of members. The agenda for each Regular Council meetings shall include:

- (1) Call to Order
- (2) Pledge of Allegiance/Silent Prayer
- (3) Roll Call
- (4) Special Presentations by staff members or invited consultants
- (5) Public Comments (limited to those items on the agenda)
- (6) Reports:
 - A. Mayor
 - B. Councilmembers

- C. City Manager
- D. Law Director
- E. Changes to tonight's agenda

- (7) Approval of Minutes
- (8) Public Hearings
- (9) Unfinished Business
- (10) New Business
- (11) Public Comments
- (12) Closing remarks from the Mayor, City Manager, and Councilmembers
- (13) Motion to recess to Executive Session (if necessary)
- (14) Motion to adjourn

(l) Order of Business for Special Meetings. The agenda for each Special Council meeting shall include:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation or Moment of Silence
- (4) Roll Call
- (5) Public Comments (limited to those items as identified on the agenda)
- (6) Unfinished/New Business (As identified in Special Meeting Agenda)
- (7) Motion to recess to Executive Session (if necessary)
- (8) Public Comments (limited to those items identified on the agenda)
- (9) Motion to adjourn

(m) Order of Business for Emergency Meetings. The agenda for each Emergency Council meeting shall include:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation or Moment of Silence
- (4) Roll Call
- (5) Unfinished/New Business (As identified in Emergency Meeting Agenda)
- (6) Motion to recess to Executive Session (if necessary)
- (7) Motion to adjourn

NOTES:

*Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature are prohibited. The presiding officer may issue a warning the first time that a speaker fails to abide by this rule but shall declare the balance of a speaker's speaking time to have been forfeited if a subsequent offense should occur.

*Debates or exchanges between a speaker and a public official(s) shall be avoided.

*The Chair shall monitor each speaker's time and shall notify the individual that his/her speaking time has expired.

(n) Amendments, Modifications or Suspensions.

(1) Council may at any time, by a 2/3 majority vote, review, amend, modify, or suspend these rules or establish such other rule(s) as it may deem necessary to conduct its business.

(2) A decision of the Chair may be overturned by a majority vote of Council.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-49
SPONSOR: Councilpersons Baryak and Fetterolf

**AN ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND AMENDING
SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO THE
CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER FEE
BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE
FOR COLLECTION**

WHEREAS, Council desires to clarify procedures contained in the Village's Codified Ordinances regarding the collection of delinquent sewer, water, and storm water fee bills and enhance the Village's ability to and options for collecting such delinquent bills.

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

SECTION 1. That Council hereby enacts Sections 920.085 and 953.065 and amends Section 960.04 of the Codified Ordinances pertaining to the certification of delinquent sewer, water, and storm water fee bills to the County Auditor for placement on the tax duplicate for collection, as is set forth in the attachment hereto that is incorporated herein by reference.

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

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CHAPTER 929
Sewer Rates

ORD 2022-49
Exhibit A
Page 1 of 2

* * *

929.085 CHARGES A LIEN.

Each sewer charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to 31 days after the date upon which it is due and payable, it may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent sewer fee charges that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter, and failure of any owner to learn that he purchased property against which a lien for sewer charges exists shall in no way affect his responsibility for such payment.

* * *

CHAPTER 953
Water Regulations

* * *

953.065 CHARGES A LIEN.

Each water charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to 31 days after the date upon which it is due and payable, it may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent water charges that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter, and failure of any owner to learn that he purchased property against which a lien for water charges exists shall in no way affect his responsibility for such payment.

* * *

CHAPTER 960
Storm Water Utility

ORD 2022-49
Exhibit A
Page 2 of 2

* * *

960.04 STORM WATER DRAINAGE FEE COLLECTION.

* * *

(c) All Storm Water Drainage Fees assessed pursuant to this chapter ~~shall become a lien upon the property to which such fee is associated from the date said fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fees for all services provided for his premises, which obligation may be enforced by the City by action at law or suit to enforce the lien in the same manner as the foreclosure of mortgages. In the event of such action, the City shall be entitled to recover all court costs and reasonable attorney fees for such collection.~~ are hereby made a lien upon the premises charged therewith, and if the same are not paid prior 31 days after the date upon which they are due and payable, they may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent Storm Water Drainage Fees that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter, and failure of any owner to learn that he purchased property against which a lien for Storm Water Drainage Fees exists shall in no way affect his responsibility for such payment.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-50
SPONSOR: Councilperson Fetterolf

**AN EMERGENCY ORDINANCE AMENDING THE HOURLY PAY RATES FOR THE
POLICE DEPARTMENT**

WHEREAS, in order to attract and maintain qualified and/or experienced police officers, Council, the City Manager, and Acting Police Chief have determined it is necessary to amend the hourly pay rates for members of the Department as set forth herein.

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

SECTION 1. That Council hereby amends the hourly pay rates for members of the Police Department, retroactive to October 2, 2022 and through December 31, 2022, 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 is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that it is immediately essential for the operations of the Police Department and to assist with the attraction and retention of qualified and/or experienced police officers, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS 5th DAY OF OCTOBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

POLICE DEPARTMENT HOURLY PAY RATES

	<u>Current Rate</u>	<u>Amended Rate</u>
Sergeant	\$25.98	<u>\$28.98</u>
Patrolman	\$21.39	<u>\$24.39</u>
Part-Time	\$18.54	<u>\$20.54</u>

Retroactive to October 2, 2022 and through December 31, 2022

Estimated Cost to the Village for 2022 is \$7,560