NEWTON FALLS CITY COUNCIL
REGULAR MEETING
Wednesday, August 19, 2026; 6:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Brian Kropp
Ward 2	Brian Axiotis
Ward 3	Robert Burke
Ward 4	Kevin Rufener
At - Large	Julie Stimpert
Mayor	David Hanson

CITY ADMINISTRATION	
City Manager	Jeremy Shaffer
Law Director	Gary L. VanBrocklin
Finance Director	Pamela Hileman
Clerk of Council	Kathleen M King
Police Chief	John Barco

I. **Call to Order**

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

III. **Roll Call**

IV. **Changes To Tonight's Agenda**

V. **Special Presentations by Staff Members or Invited Consultants**

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

VII. **Reports**
- Mayor
- Council Members
- Law Director
- City Manager

VIII. **Approval of Previous Minutes**

August 5, 2026, Regular Meeting Minutes

IX. **Public Hearings**

ORDINANCE 2026-38 Sponsors: Stimpert, Kropp
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR STREET REPAIRS AND WATER MAIN REPAIRS.

ORDINANCE 2026-39 Sponsors: Kropp, Axiotis
AN ORDINANCE REPEALING ORDINANCE NO. 2024-27, WHICH ESTABLISHED A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR BUILDINGS, STRUCTURES, USES, OR CHANGES OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF RECREATIONAL MARIJUANA WITHIN THE VILLAGE OF NEWTON FALLS.

ORDINANCE 2026-40 Sponsors: Axiotis, Stimpert
AN ORDINANCE TO AMEND ORDINANCE NO. 2026-26 BY ADDING A POSITION.

X. Unfinished Business

ORDINANCE 2026-38 Sponsors: Stimpert, Kropp

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR STREET REPAIRS AND WATER MAIN REPAIRS.

ORDINANCE 2026-39 Sponsors: Kropp, Axiotis

AN ORDINANCE REPEALING ORDINANCE NO. 2024-27, WHICH ESTABLISHED A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR BUILDINGS, STRUCTURES, USES, OR CHANGES OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF RECREATIONAL MARIJUANA WITHIN THE VILLAGE OF NEWTON FALLS.

ORDINANCE 2026-40 Sponsors: Axiotis, Stimpert

AN ORDINANCE TO AMEND ORDINANCE NO. 2026-26 BY ADDING A POSITION.

XI. New Business

ORDINANCE 2026-41 Sponsors: Kropp, Axiotis

AN ORDINANCE CREATING CHAPTER 115: "PUBLIC RECORDS", IN THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-42 Sponsors: Kropp, Axiotis

AN ORDINANCE ESTABLISHING SECTION 115.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-43 Sponsors: Kropp, Axiotis

AN ORDINANCE ESTABLISHING SECTION 115.02: "DEFINITIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-44 Sponsors: Kropp, Axiotis

AN ORDINANCE ENACTING SECTION 115.03: "RECORDS CUSTODIAN" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-45 Sponsors: Kropp, Axiotis
AN ORDINANCE ENACTING SECTION 115.04: "RECORDS REQUESTS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-46 Sponsors: Kropp, Rufener
AN ORDINANCE ENACTING SECTION 115.05 "EMAIL" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-47 Sponsors: Kropp, Rufener

AN ORDINANCE ESTABLISHING CHAPTER 113 ENTITLED "CONTRACTS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-48 Sponsors: Kropp, Rufener

AN ORDINANCE ENACTING NEW SECTION 113.01 OF THE CODIFIED ORDINANNCES OF THE CITY OF NEWTON FALLS, INVALIDATING CERTAIN PROVISIONS IN CONTRACTS FOR GOODS, SERVICES, AND CONSTRUCTION WITH THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-49 Sponsors: Kropp, Rufener

AN ORDINANCE ENACTING NEW SECTION 113.02 OF THE NEWTON FALLS CODIFIED ORDINANCES, AUTHORIZING SINGLE-SOURCE PROCUREMENTS FOR SUPPLIES, SERVICES, OR CONSTRUCTION CONTRACTS BY THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-50 Sponsors: Kropp, Rufener

AN ORDINANCE REPEALING SECTION 133.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-51 Sponsors: Kropp, Rufener

AN ORDINANCE REPEALING SECTION 133.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

ORDINANCE 2026-52 Sponsors: Kropp, Axiotis

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY TWELVE (12) MONTH MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR DEVELOPMENT OF DATA CENTERS, HIGH-DENSITY COMPUTING FACILITIES, ARTIFICIAL INTELLIGENCE COMPUTING FACILITIES, HIGH-PERFORMANCE COMPUTING FACILITIES, SERVER FARMS, CRYPTOCURRENCY OR DIGITAL-ASSET MINING FACILITIES, AND SUBSTANTIALLY SIMILAR COMPUTING-INTENSIVE LAND USES; TEMPORARILY SUSPENDING CERTAIN MUNICIPAL LAND-USE, DEVELOPMENT, AND DISCRETIONARY UTILITY-SERVICE APPROVALS ASSOCIATED THEREWITH; DIRECTING A COMPREHENSIVE REVIEW OF THE CITY'S ZONING, UTILITY, INFRASTRUCTURE, PUBLIC-SAFETY, AND DEVELOPMENT STANDARDS; AND DECLARING AN EMERGENCY.

RESOLUTION 25-2026 Sponsors: Kropp, Axiotis

A RESOLUTION ESTABLISHING THE ANNUAL DATE AND TIME FOR THE CITY OF NEWTON FALLS COMMUNITY TRICK-OR-TREAT

XII. Public Comments

XIII. Closing Remarks

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

Motion to enter executive session pursuant to Ohio Revised Code Sections 121.22 (G)(3) to confer with the Law Director regarding pending or imminent litigation and confidential legal matters subject to attorney-client privilege and whereas upon completion of Executive Session, Council will return to open session. Action may or may not be taken by Council.

XV. Adjournment

NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
Wednesday, August 5, 2026; 6:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Brian Kropp
Ward 2	Brian Axiotis
Ward 3	Robert Burke
Ward 4	Kevin Rufener
At - Large	Julie Stimpert
Mayor	David Hanson

CITY ADMINISTRATION	
City Manager	Jeremy Shaffer
Law Director	Gary L. VanBrocklin
Finance Director	Pamela Hileman
Clerk of Council	Kathleen M King
Police Chief	John Barco

I. Call to Order

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Mayor Hanson asked Ms. King to call the roll.
Council Present: Councilpersons Axiotis, Kropp, Stimpert, Rufener.
Council Absent: Councilperson Burke
Staff Present: Mayor Hanson, City Manager Jeremy Shaffer, Law Director Gary VanBrocklin, City Clerk, Kathleen King.

Rufener made a motion seconded by Axiotis to excuse Burke from tonight's meeting. He gave the Clerk prior notice that he would be out of town tonight.

No Discussion

Roll Call Vote: Mr. Axiotis-yes, Mr. Kropp-yes, Ms. Stimpert-yes, Mr. Rufener-yes. Motion passed 4-0.

IV. Changes To Tonight's Agenda - None

V. Special Presentations by Staff Members or Invited Consultants

Tom Gregory explained the new sound system and cameras that were installed.

VI. Public Comments (Agenda Items Only) None

VII. Reports

Mayor: Attended the Police Night Out and thanked the Police and Fire Departments for their efforts and everyone that attended and participated.
Council Members:

Kropp: Attended the last several Farmers Markets and the Police Night Out. Both were excellent events.

Axiotis: Planning & Zoning meeting scheduled for last night was cancelled.

Stimpert: Also attended the Police Night Out.

Rufener: No comments

Law Director: Attended an Ohio Municipal Attorneys conference last week. Still looking for an Assistant Prosecutor.

City Manager: Thanked Council for putting him into this position. Working hard to get out to the community events, and meeting with all the superintendents. He has a pretty good inventory of some items that need to be addressed. We will be working on the budget in the next few weeks.

VIII. Approval of Previous Minutes

June 24, 2026, Special Meeting Minutes

Motion made by Stimpert, seconded by Kropp, to adopt the June 24, 2026, meeting minutes.

No Discussion

Roll Call Vote: Ms. Stimpert-yes, Mr. Rufener-yes, Mr. Kropp-yes, Mr. Axiotis-yes. Motion passed 4-0.

July 1, 2026, Regular Meeting Minutes

Motion made by Axiotis, seconded by Stimpert to adopt the July 1, 2026, meeting minutes.

No Discussion

Roll Call Vote: Mr. Rufener-yes, Mr. Kropp-yes, Mr. Axiotis-yes Ms. Stimpert-yes. Motion passed 4-0.

July 15, 2026, Regular Meeting Minutes

Motion made by Axiotis, seconded by Rufener to adopt the July 15, 2026, meeting minutes.

No Discussion

Roll Call Vote: Mr. Kropp-yes, Mr. Axiotis-yes Ms. Stimpert-abstain, Mr. Rufener-yes. Motion passed 3-0-1.

IX. Public Hearings: None

X. Unfinished Business: None

XI. New Business

1. **ORDINANCE 2026-38** Sponsors: Stimpert, Kropp

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR STREET REPAIRS AND WATER MAIN REPAIRS.

Kropp made a motion seconded by Rufener to adopt Ordinance 2026-38 for its first reading.

Axiotis asked who makes the determination on what streets should be paved. Mr. Shaffer stated some were on the list because they had water breaks last year and typically the Street Department makes recommendations. Axiotis stated that he has received calls about Marshall Street in his ward. Mr. Shaffer noted that over the next year we will be working through the list of streets and also what funding is available through OPWC grants. The next list depends on how much funding we have available.

Roll Call Vote: Mr. Axiotis-yes Ms. Stimpert-yes, Mr. Rufener-yes, Mr. Kropp-yes. Motion passed 4-0.

2. **ORDINANCE 2026-39** Sponsors: Kropp, Axiotis

AN ORDINANCE REPEALING ORDINANCE NO. 2024-27, WHICH ESTABLISHED A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR BUILDINGS, STRUCTURES, USES, OR CHANGES OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF RECREATIONAL MARIJUANA WITHIN THE VILLAGE OF NEWTON FALLS.

Axiotis made a motion seconded by Kropp to adopt Ordinance 2026-39 for its first reading.

Axiotis stated that he was here when this was passed because there were a lot of concerns and unknowns; however, this has not been revisited since then. Kropp also agreed that this was put in place so it could be revisited, but nothing has been done. The state has a limit on the number of licenses it will allow. Rufener agreed that if we were going to deny or remove the option then a moratorium is not the way to go. This was a short-term delay to filter out and decide what the state was going to do. With the passage of Senate Bill 56 it defined a lot of the number that Mr. Kropp stated.

Roll Call Vote: Ms. Stimpert-yes, Mr. Rufener-yes, Mr. Kropp-yes, Mr. Axiotis - yes. Motion passed 4-0.

3. **ORDINANCE 2026-40** Sponsors: Axiotis, Stimpert

AN ORDINANCE TO AMEND ORDINANCE NO. 2026-26 BY ADDING A POSITION.

Stimpert made a motion seconded by Axiotis to adopt Ordinance 2026-40 for its first reading.

Rufener noted that the money for this position is appropriated in this year's budget. Stimpert also stated that Council has had many conversations about having an in-house legal department. Axiotis said from an administrative standpoint this is needed and the current Law Director is doing a fantastic job and getting a lot done.

Roll Call Vote: Mr. Rufener-yes, Mr. Kropp-yes, Mr. Axiotis – yes, Ms. Stimpert-yes. Motion passed 4-0.

4. **RESOLUTION 23-2026** Sponsors: Stimpert, Kropp

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GO OUT TO BID FOR A BOILER AND PANEL FOR THE WASTEWATER TREATMENT PLANT.

Kropp made a motion seconded by Stimpert to adopt Resolution 23-2026.

Mr. Shaffer noted that this project is budgeted and the cost is approximately $180,000.00.

Roll Call Vote: Mr. Kropp-yes, Mr. Axiotis – yes, Ms. Stimpert-yes, Mr. Rufener-yes. Motion passed 4-0.

5. **RESOLUTION 24-2026** Sponsors: Rufener, Stimpert

A RESOLUTION TO RATIFY THE ACTIONS OF THE CITY MANAGER IN SIGNING A CONTRACT WITH THE STATE AUDITOR.

Stimpert made a motion seconded by Kropp to adopt Resolution 24-2026.

Mr. Shaffer stated that the auditors are currently working in-house.

Roll Call Vote: Mr. Axiotis – yes, Ms. Stimpert-yes, Mr. Rufener-yes, Mr. Kropp-yes. Motion passed 4-0.

XII. Public Comments

Tom Gregory worked with the audio throughout the meeting and everything seems to be working fine.

Corey Snow introduced himself to Council. He has applied for the City Clerk position and is currently working as park manager for Geneva-on-the-Lake. Mr. Snow said he has previously been the interim City Clerk and Clerk of Courts and looks forward to meeting with Council.

XIII. Closing Remarks

Kropp: Welcomed the new City Manager

Axiotis: Looking at the resumes received for the City Clerk/Clerk of Council position a lot of qualified candidates have applied. He also met the new City Manager in Geneva on the Lake and received the grand tour.

Stimpert and Rufener: Welcomed the new City Manager

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

Kropp made a motion seconded by Stimpert to enter executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official in reference to the City Clerk position at 6:37 p.m.

Roll Call Vote: Ms. Stimpert-yes, Mr. Rufener-yes, Mr. Kropp-yes, Mr. Axiotis – yes. Motion passed 4-0.

Stimpert made a motion seconded by Axiotis to adjourn Executive Session at 7:17 p.m. and reconvene the regular meeting.

Roll Call Vote: Mr. Rufener-yes, Mr. Kropp-yes, Mr. Axiotis – yes, Ms. Stimpert-yes. Motion passed 4-0.

XV. Adjournment

Kropp made a motion seconded by Stimpert to adjourn the meeting at 7:18 p.m.

Roll Call Vote: Mr. Kropp-yes, Mr. Axiotis – yes, Ms. Stimpert-yes, Mr. Rufener-yes. Motion passed 4-0.

APPROVED:

_____

David Hanson, Mayor

ATTEST:

_____

Kathleen M. King, Clerk of Council

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-38
SPONSORS: Stimpert, Kropp

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR STREET REPAIRS AND WATER MAIN REPAIRS.

WHEREAS, The Village of Newton Falls must make street repairs and water main repairs to various streets in the Village.

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

SECTION 1. The following street repairs must be done:

South Canal Street
519 North Canal Street
602 North Canal Street
252 Arlington Road
324 North Center Street
6305 Warren Road.
and these water break repairs must be done:
336 Ridge Road.
44 Liberty Street
804 North Center.
323 Warren Road.
501 Ophelia Street

SECTION 2. The City Manager is authorized to enter into a contract with a paving contractor in an amount not to exceed $40,000 for these repairs.

SECTION 3. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the Village of Newton Falls, Ohio.

PASSED IN COUNCIL ON AUGUST 19th, 2026.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO. 2026-39
SPONSORS: Councilpersons Kropp, Axiotis

AN ORDINANCE REPEALING ORDINANCE NO. 2024-27, WHICH ESTABLISHED A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR BUILDINGS, STRUCTURES, USES, OR CHANGES OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF RECREATIONAL MARIJUANA WITHIN THE VILLAGE OF NEWTON FALLS

WHEREAS, the Council of the Village of Newton Falls adopted Ordinance No. 2024-27, titled "An Emergency Ordinance Establishing a Moratorium on the Issuance of Building Permits and/or Certificates of Occupancy for Any Building, Structure, Use, or Change of Use That Would Enable the Cultivation, Processing or Retail Sale of Recreational Marijuana"; and

WHEREAS, Ordinance No. 2024-27 established a moratorium on the issuance of building permits and certificates of occupancy for any building, structure, use, or change of use that would enable the cultivation, processing, or retail sale of recreational marijuana within the Village; and

WHEREAS, the stated purpose of the moratorium was to provide the Village Administration, Council, and Planning and Zoning Commission an opportunity to consider possible amendments to the Newton Falls Zoning Code in response to changes in Ohio law governing adult-use marijuana; and

WHEREAS, Ordinance No. 2024-27 did not establish a definite expiration date for the moratorium; and

WHEREAS, Council has reconsidered the continued necessity and advisability of the moratorium and has determined that maintaining the moratorium is no longer necessary or appropriate as a matter of municipal policy; and

WHEREAS, Council desires to repeal Ordinance No. 2024-27 while preserving the application of all otherwise applicable state licensing requirements, zoning regulations, building and fire codes, generally applicable business regulations, and other lawful requirements;

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

SECTION 1. Repeal of Ordinance No. 2024-27.

Ordinance No. 2024-27, titled "An Emergency Ordinance Establishing a Moratorium on the Issuance of Building Permits and/or Certificates of Occupancy for Any Building, Structure, Use, or Change of Use That Would Enable the Cultivation, Processing or Retail Sale of Recreational Marijuana," is hereby repealed in its entirety.

SECTION 2. Termination of Moratorium.

Upon the effective date of this Ordinance, the moratorium established by Ordinance No. 2024-27 shall terminate in its entirety.

No building permit, certificate of occupancy, zoning application, use application, change-of-use application, or other municipal application or request shall be refused, stayed, withheld, or denied solely on the basis of Ordinance No. 2024-27 or the moratorium established therein.

SECTION 3. Continued Application of State and Local Law.

The repeal of Ordinance No. 2024-27 does not exempt any person, property, business, building, structure, use, or change of use from compliance with applicable provisions of the Ohio Revised Code, the Ohio Administrative Code, the Newton Falls Charter, the Codified Ordinances of Newton Falls, the Newton Falls Zoning Code, applicable building and fire codes, or any other lawful state or local requirement.

Any application or request involving the cultivation, processing, or retail sale of marijuana shall be received, reviewed, processed, and decided in accordance with the laws and regulations in effect at the time of the application or request.

SECTION 4. No Approval or Entitlement Created.

Nothing in this Ordinance shall be construed as:

A. Approving or authorizing the cultivation, processing, or retail sale of marijuana at any particular location;

B. Determining that any marijuana-related use is a permitted, conditional, accessory, or prohibited use within any particular zoning district;

C. Granting or guaranteeing any state license, zoning certificate, conditional-use approval, variance, site-plan approval, building permit, certificate of occupancy, or other governmental authorization;

D. Creating any vested right, property interest, entitlement, expectation of approval, or claim against the Village; or

E. Waiving, amending, or modifying any otherwise applicable licensing, zoning, building, fire, safety, signage, parking, development, operational, or other regulatory requirement.

SECTION 5. Pending Applications and Requests.

Any application or request that was submitted, deferred, stayed, withheld, or otherwise affected by Ordinance No. 2024-27 shall, upon the effective date of this Ordinance, be evaluated under the laws and regulations then in effect.

Nothing in this section requires the approval of any application or request or prevents the Village from requiring the submission of a new, complete, or updated application where reasonably necessary to ensure compliance with applicable law.

SECTION 6. Conflicting Legislation.

All ordinances, resolutions, motions, policies, administrative directives, or portions thereof that are inconsistent with this Ordinance are hereby repealed or superseded only to the extent of the inconsistency.

SECTION 7. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of the remaining portions of this Ordinance. Council declares that it would have adopted each remaining portion independently of any portion subsequently determined to be invalid or unenforceable.

SECTION 8. Open Meetings.

Council finds and determines that all formal actions concerning and relating to the adoption of this Ordinance were taken in an open meeting of Council and that all deliberations of Council and any of its committees that resulted in such formal action were conducted in meetings open to the public in accordance with applicable law, including Section 121.22 of the Ohio Revised Code.

SECTION 9. Effective Date.

This Ordinance shall take effect and be in force at the earliest time permitted by the Charter of the City of Newton Falls and applicable law.

PASSED IN COUNCIL THIS 19th DAY OF AUGUST, 2026.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-40
SPONSORS: Axiotis, Stimpert

AN ORDINANCE TO AMEND ORDINANCE NO. 2026-26 BY ADDING A POSITION

WHEREAS, The City of Newton Falls adopted a master wage ordinance for the calendar year 2026; and

WHEREAS, Council desires to add a position.

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

SECTION 1. The full-time position of administrative assistant/paralegal is added to the Law Department at the wage rate of $18.10 an hour.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

PASSED IN COUNCIL THIS 19th DAY OF AUGUST, 2026.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. Brocklin, Law Director

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-41
SPONSORS: Kropp, Axiotis

AN ORDINANCE ESTABLISHING CHAPTER 115 ENTITLED "PUBLIC RECORDS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

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

SECTION 1. New Chapter 115, entitled Public Records, is created in the Codified Ordinances of the City of Newton Falls.

SECTION 2.

That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the Village of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-43
SPONSORS: Kropp, Axiotis

AN ORDINANCE ENACTING SECTION 115.02 "DEFINITIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

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

SECTION 1. Section 115.02 entitled "Definitions" is enacted as follows:

The City of Newton Falls, in accordance with the Ohio Revised Code, defines records as including the following:

Any document, paper, electronic (including but not limited to, email), or other format that is created or received by or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

All records are public unless they are specifically exempt from disclosure under the Ohio Revised Code. It is the policy of the City of Newton Falls that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

EXHIBIT A
Ordinance 2026-43

SECTION 115.02 DEFINITIONS

The City of Newton Falls, in accordance with the Ohio Revised Code, defines records as including the following:

- Any document, paper, electronic (including but not limited to email or other format) that is created or received by or comes under the jurisdiction of the public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

All records are public unless they are specifically exempt from disclosure under the Ohio Revised Code. It is the policy of the City of Newton Falls that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copy (See Section 115.05 for email record policy)

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-44
SPONSORS: Kropp, Axiotis

AN ORDINANCE ENACTING SECTION 115.03 "RECORDS CUSTODIAN" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

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

SECTION 1. Section 115.03 of the Codified Ordinances of Newton Falls is enacted as follows: "The City Clerk/Clerk of Council is designated as the records custodian for the City of Newton Falls, Ohio. All records requests received by any employee of the City of Newton Falls should be immediately forwarded to the City Clerk/Clerk of Council, the City Manager, and the Law Director.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-45
SPONSORS: Kropp, Axiotis

AN ORDINANCE ENACTING SECTION 115.04: "RECORDS REQUESTS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

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

SECTION 1. Section 115.04 entitled "Records Requests" is adopted as set forth as "Exhibit A" attached hereto as if fully rewritten herein.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

EXHIBIT A
Ordinance 2026-45

115.04 RECORDS REQUESTS

Each request for public record should be evaluated for a response using the following guidelines:

(A) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification and should assist the requester in revising their request by informing the requester of the manner in which the City office involved keeps its records.

(B) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time, "prompt" and "reasonable" take into account: the volume of records requested; the proximity of the location where the records are stored; the necessity for any legal review of the records requested.

(C) (1) Each request should be evaluated for estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form) budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as the equipment allows.

(2) All requests for public records must either be satisfied or be acknowledged in writing by the City within two business days following the City's receipt of the request. If a request is deemed significantly beyond routine, such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

(a) An estimated number of business days it will take to satisfy a request.

(b) An estimated cost if copies are requested.

(c) Any items within the request that may be exempt from disclosure.

(D) any denial of requested public records must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-46
SPONSORS: Kropp, Axiotis

AN ORDINANCE ENACTING SECTION 115.05 "E-MAIL" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

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

SECTION 1. Section 115.05, entitled "E-mail," is enacted by the Council of the City of Newton Falls as set forth in Exhibit A, attached hereto and adopted by reference.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

EXHIBIT A
Ordinance 2026-46

Section 115.05: E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

(a) Records and private e-mail accounts used to conduct public business are subject to disclosure and all employees or representatives of the City of Newton Falls are instructed to retain their emails that relate to public business contained in private e-mail accounts (see section 115.02) and to copy them to their business e-mail accounts and/or to the City's records custodian.

(b) The records custodian is to treat the emails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-47
SPONSORS: Kropp, Rufener

AN ORDINANCE ESTABLISHING CHAPTER 113 ENTITLED "CONTRACTS" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWTON FALLS, OHIO THAT:

SECTION 1. Chapter 113, entitled "Contracts" is established in the Administrative Code of the Codified Ordinances of the City of Newton Falls.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-48
SPONSORS: Kropp, Rufener

AN ORDINANCE ENACTING NEW SECTION 113.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, INVALIDATING CERTAIN PROVISIONS IN CONTRACTS FOR GOODS, SERVICES, AND CONSTRUCTION WITH THE CITY OF NEWTON FALLS, OHIO.

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

SECTION 1. That new section 113.01 is enacted as set forth on "Exhibit A" attached hereto as if fully rewritten herein.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

Exhibit A

ORDINANCE 2026-48

113.01 **Invalid Terms and Conditions**

(a) Except as otherwise required or permitted by state or federal law, a contract by the City for the procurement of supplies, services, or for construction projects shall not include any of the following:

(1) A provision requiring the City to indemnify or hold harmless another person;

(2) A provision that requires the City to agree to limit the liability for any direct loss to the City for bodily injury, death, or damage to property of the City caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the City;

(3) A provision that requires the City to be bound by a term or condition that is unknown to the City at the time of signing the contract or that may be unilaterally changed by the other party;

(4) A provision that authorizes a person other than the City Law Director to serve as legal counsel for the City without approval of the Law Director;

(5) A provision empowering any person to act as an attorney in fact for the City;

(6) A provision that is inconsistent with the City's public records obligations under sections 149.351 or 149.43 of the Ohio Revised Code;

(7) A provision for automatic renewal such that the City's funds are or would be obligated in subsequent fiscal years without prior appropriation by the City Council and certification by the Finance Director;

(8) A provision that would require the payment of interest or a penalty upon delay or default;

(9) A provision containing a waiver of right to a jury trial;

(10) A provision requiring mandatory or binding arbitration;

(11) A provision designating a forum for litigation other than in a state or federal court having jurisdiction in Trumbull County, Ohio;

(12) A provision incorporating the laws of any other state other than Ohio for the purposes of interpretation or application of law;

(b) If a contract contains a term or condition described in (a) of this section, the term or condition is void ab initio, and the contract containing that term or condition otherwise shall be enforceable as if it did not contain such term or condition.

(c) A contract that contains a term or condition described in (a) of this section shall be governed by and construed in accordance with Ohio law, notwithstanding any term or condition to the contrary in the contract.

(d) This section does not apply to a contract in effect before the effective date of this section or to the renewal or extension of a contract in effect before the effective date of this section.

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-49
SPONSORS: Kropp, Rufener

AN ORDINANCE ENACTING NEW SECTION 113.02 OF THE NEWTON FALLS CODIFIED ORDINANCES, AUTHORIZING SINGLE-SOURCE PROCUREMENTS FOR SUPPLIES, SERVICES, OR CONSTRUCTION CONTRACTS BY THE CITY OF NEWTON FALLS

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

SECTION 1. The new Section 113.02 of the Codified Ordinances of this City of Newton Falls shall be and is hereby enacted as set forth on "Exhibit A" attached hereto as if fully rewritten herein.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

EXHIBIT A
ORDINANCE 2026-49

113.02 SINGLE-SOURCE PROCUREMENTS

(a) When authorized by ordinance of the City of Newton Falls Council, the City Manager may procure services, supplies, architectural project, or construction without competitive bidding upon a determination that there is only one source for the required supply, service, or construction project.

(b) When authorized by ordinance of the City of Newton Falls Council, the City Manager may award a contract for supplies, services, or construction without competitive bidding where there is more than one source for a particular supply, service, or architectural project. If, in the judgment of the City Manager, it is in the best interest of the City to award a contract to a specific vendor, supplier, or contractor, based on the particular vendor, supplier, or contractor's ability to provide the supplies, service, or construction (given the vendor, supplier, or contractor's ownership or control of data, patent rights, copyrights, exclusive distribution agreements, or at least common trade secrets or other similar interests applicable to the required supplies, services, or construction).

(c) The City Manager may determine that single-source procurement is justified for specific makes and models of equipment, parts, or supplies if all of the following requirements are met:

(i) That the specific equipment, parts, or supplies are being produced for standardization purposes, and that the standardization of the equipment, parts, or supplies, is in the judgment of the City Manager in the best interests of the city.

(ii) That equipment, parts, or supplies will be used to meet a requirement for replacement parts or additional units that are compatible with existing city equipment.

(iii) That the existing equipment for which the parts or additional units are being procured was obtained through the use of a competitive procurement procedure, or was obtained through a separately justified and approved waiver of competitive procurement.

(iv) No identical or compatible equipment, parts, or supplies are available from a source that will reasonably be able to supply the required parts or supplies within the necessary time and from a reasonable geographic distance from the City.

(d) The City Manager may determine whether procurement through a specific vendor service, or parts provider, for replacement parts or additional units is justified to maintain warranty coverage or to obtain software or services compatible with or related to proprietary software utilized by the City.

(e) The City Manager shall maintain a record of single-source procurements, including:

- the identity of the vendor or contractor.
- the amount and type of each contract.
- a listing of supplies, services, or construction procured under each contract.

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-50
SPONSORS: Kropp, Rufener

AN ORDINANCE REPEALING SECTION 133.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWTON FALLS, OHIO THAT:

SECTION 1. Section 133.01 of the Codified Ordinances of the City of Newton Falls is repealed. A copy of Section 133.01 is attached as "Exhibit A" as if fully rewritten herein.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

EXHIBIT A
ORDINANCE 2026-50

133.01 BID PROCEDURE FOR CONSTRUCTION PROJECTS.

(a) The City Manager shall seek bids either as an aggregate bid from a prime contractor or separate bids from individual contractors for any City project for the erection of repair, alterations, or rebuilding of a public building, institution, bridge, culvert or improvement.

(b) The City Manager shall review the bid process with each City Department or engineer to determine what is the best bid process for each project.

(c) Upon determining the best process for bidding for a particular project, the City Manager shall notify the department advertising for bids how the project should be bid. However, if the project has already been submitted for bid the City Manager shall review that project to determine if the bidding procedure used was in the best interest of the City before awarding the final bid.
(Ord. 2006-11. Passed 3-20-06.)

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-51
SPONSORS: Kropp, Rufener

AN ORDINANCE REPEALING SECTION 133.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWTON FALLS, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWTON FALLS, OHIO THAT:

SECTION 1. Section 133.03 of the Codified Ordinances of the City of Newton Falls is repealed. A copy of Section 133.03 is attached as "Exhibit A" as if fully rewritten herein and adopted by reference.

SECTION 2. That all formal actions of this Council concerning and relating to this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions 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 and the Charter of the City of Newton Falls, Ohio.

Passed in Council on _____, 2026.

This ordinance shall take effect on the earliest date allowed by law.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

EXHIBIT A
2026-51

133.03 CONTRACT AUTHORITY.

The City Manager may enter into a contract to purchase goods or services without the necessity of public bids, on behalf of the City, if the amount of the contract is less than that prescribed in Ohio R.C. 731.14, and as it is amended from time to time, provided that prior approval of Council is obtained for expenditures in excess of ten thousand dollars ($10,000). No one project can be paid or contracted for in such manner that a bid is divided so as to avoid the ten thousand dollar ($10,000) limit. In the event of an emergency in the City's utility departments, (i.e., Electric, Water Distribution, Water Treatment, and Wastewater Departments) the ten thousand dollar ($10,000) spending threshold can be waived up to a maximum of thirty-five thousand dollars ($35,000) for the purchase of equipment and other expenses related to only the emergency repairs if both the affected utility department superintendent and the City Manager authorize the purchase. In any instance where the ten thousand dollar ($10,000) spending threshold is exceeded, the City Manager shall, within twelve (12) hours of the purchase, provide all members of Council with the details of the emergency, including what was purchased and the amount spent, and the City Manager shall direct the Clerk to add the issue to the next regular meeting agenda for discussion.
(Ord. 2024-02. Passed 2-7-24.)

CITY OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2026-52
SPONSORS: Kropp, Axiotis

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY TWELVE (12) MONTH MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR DEVELOPMENT OF DATA CENTERS, HIGH-DENSITY COMPUTING FACILITIES, ARTIFICIAL INTELLIGENCE COMPUTING FACILITIES, HIGH-PERFORMANCE COMPUTING FACILITIES, SERVER FARMS, CRYPTOCURRENCY OR DIGITAL-ASSET MINING FACILITIES, AND SUBSTANTIALLY SIMILAR COMPUTING-INTENSIVE LAND USES; TEMPORARILY SUSPENDING CERTAIN MUNICIPAL LAND-USE, DEVELOPMENT, AND DISCRETIONARY UTILITY-SERVICE APPROVALS ASSOCIATED THEREWITH; DIRECTING A COMPREHENSIVE REVIEW OF THE CITY'S ZONING, UTILITY, INFRASTRUCTURE, PUBLIC-SAFETY, AND DEVELOPMENT STANDARDS; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Newton Falls possesses authority under the Constitution of the State of Ohio, the laws of the State of Ohio, and the Charter of the City of Newton Falls to regulate land use and development for the protection and promotion of the public health, safety, convenience, comfort, prosperity, and general welfare; and

WHEREAS, the Charter further authorizes Council to regulate the location and use of buildings and structures for trade, industry, business, residence, and other purposes and to establish rates, charges, assessments, and contracts pertaining to the use and service of public utilities; and

WHEREAS, the City's existing Zoning Code does not presently contain specific definitions, zoning classifications, development standards, or review criteria addressing modern data centers, high-density computing facilities, artificial-intelligence computing facilities, high-performance computing facilities, server farms, cryptocurrency or digital-asset mining facilities, cloud-computing facilities, or other substantially similar computing-intensive land uses; and

WHEREAS, certain provisions of the City's existing Zoning Code permit uses determined to be compatible with other industrial uses, creating the potential for uncertainty regarding the classification and treatment of computing-intensive facilities that were not specifically contemplated when the existing zoning regulations were adopted; and

WHEREAS, facilities of this nature may vary substantially in scale and design and may involve significant or continuous electrical demand; specialized electric transmission, distribution, substation, transformer, or generation infrastructure; cooling systems; water consumption or wastewater discharge; emergency or standby generation; fuel storage; battery-energy-storage systems; mechanical equipment; cooling towers, chillers, fans, pumps, transformers, or other equipment capable of generating continuous or intermittent sound; exterior lighting; security facilities; fiber-optic infrastructure; stormwater impacts; substantial impervious surface area; and other infrastructure demands or land-use impacts not specifically addressed by the City's existing regulations; and

WHEREAS, the City operates and is responsible for municipal infrastructure and public services, including utility systems whose capacity, reliability, capital requirements, cost allocation, and long-term obligations may be materially affected by unusually large or specialized development proposals; and

WHEREAS, Council finds that the potential establishment of such facilities warrants a comprehensive evaluation of the City's electrical, water, sewer, roadway, stormwater, emergency-response, fire-protection, land-use, fiscal, and administrative capacity before applications for such facilities are considered under zoning regulations that do not specifically address them; and

WHEREAS, Council desires to evaluate the experiences, ordinances, zoning regulations, development standards, utility arrangements, and other regulatory approaches employed by Ohio municipalities and other jurisdictions that have previously considered or accommodated such facilities; and

WHEREAS, Council desires that the Planning and Zoning Commission, City Administration, and appropriate professional advisors have sufficient time to study these issues and develop objective, uniform, legally defensible, and technologically current standards before the City is required to act upon a development proposal of this nature; and

WHEREAS, Council has made no determination through this Ordinance that data centers or other covered facilities are inherently desirable or undesirable within the City and intends this Ordinance solely as an interim planning measure designed to preserve the status quo while appropriate municipal standards are evaluated; and

WHEREAS, Council finds that an immediate temporary moratorium is necessary to prevent the establishment of rights or expectations under zoning and development regulations that were not designed to address these modern and potentially

infrastructure-intensive land uses before the City has had a reasonable opportunity to evaluate and adopt appropriate regulations;

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

SECTION 1. Purpose and Legislative Intent.

The purpose of this Ordinance is to establish a temporary twelve (12) month moratorium relating to certain computing-intensive land uses while the City undertakes a comprehensive review of its zoning regulations, municipal infrastructure, utility capacity, public-safety requirements, economic and fiscal considerations, and other matters reasonably related to such development.

This Ordinance is intended to preserve the status quo during that review and shall not be construed as a permanent prohibition of any land use identified herein or as a determination that any such use shall ultimately be permitted or prohibited within the City.

SECTION 2. Definitions and Covered Land Uses.

For purposes of this Ordinance, a "Covered Computing Facility" means any building, structure, facility, campus, portion of a building or structure, modular installation, containerized installation, equipment compound, or integrated collection of facilities whose principal or substantial purpose is the housing or operation of computers, computer servers, processors, graphics-processing units, accelerators, networking equipment, digital-storage equipment, or comparable electronic equipment used for large-scale or concentrated computation, processing, storage, management, transmission, validation, rendering, modeling, training, inference, or manipulation of digital information.

Without limiting the foregoing definition, Covered Computing Facilities include facilities commonly described or marketed as:

(A) Data centers;

(B) Hyperscale data centers;

(C) Enterprise data centers;

(D) Colocation or co-location data centers;

(E) Wholesale or retail colocation facilities;

(F) Cloud-computing or cloud-services facilities;

(G) Internet data centers;

(H) Data-processing centers or data-processing facilities;

(I) Server farms;

(J) Computing campuses or digital-infrastructure campuses;

(K) Artificial-intelligence or AI computing facilities;

(L) Machine-learning training or inference facilities;

(M) High-performance computing or HPC facilities;

(N) High-density computing facilities;

(O) GPU, accelerator, or processor-cluster computing facilities;

(P) Edge data centers or dedicated edge-computing facilities;

(Q) Cryptocurrency, blockchain, digital-currency, or digital-asset mining, validation, processing, or similar computing facilities;

(R) Distributed-ledger computing facilities;

(S) Modular, mobile, or containerized computing or data-processing facilities; and

(T) Any substantially similar computing-intensive land use, regardless of the commercial, technological, industrial, business, utility, telecommunications, warehouse, research, laboratory, office, or other terminology used by an applicant, owner, operator, tenant, developer, or other person to describe the proposed use.

For purposes of this Ordinance, "Associated Infrastructure" means equipment, buildings, structures, improvements, or facilities constructed or operated principally to support a Covered Computing Facility, including dedicated electrical substations, transformers, switchgear, transmission or distribution equipment, backup or onsite generation, fuel-storage systems, battery-energy-storage systems, cooling towers, chillers, pumps, heat exchangers, water-storage or treatment systems, wastewater systems, mechanical yards, generator yards, fiber-optic facilities, security facilities, and comparable supporting infrastructure.

SECTION 3. Functional Classification; Anti-Circumvention.

The applicability of this Ordinance shall be determined according to the actual or reasonably anticipated function, design, equipment, operational characteristics, and integrated purpose of a proposed development and not solely according to the name, title, corporate structure, industry classification, building description, or terminology used by an applicant.

A project otherwise subject to this Ordinance shall not be excluded from the moratorium merely because:

(A) the project is characterized as a warehouse, office, laboratory, manufacturing facility, telecommunications facility, technology center, utility facility, research facility, cloud facility, digital-infrastructure facility, or another generally permitted use;

(B) computer equipment is owned or operated by tenants, customers, affiliates, contractors, or third parties rather than the owner of the real property;

(C) development is proposed in separate phases;

(D) equipment is distributed among multiple buildings, parcels, tenants, corporate entities, modular units, or structures; or

(E) supporting electrical, cooling, utility, or other infrastructure is proposed separately from the principal computing facility.

Separate components shall be considered collectively where the facts reasonably demonstrate that they form part of a common or integrated development.

SECTION 4. Temporary Moratorium.

For a period of twelve (12) months following the effective date of this Ordinance, the City shall, to the fullest extent permitted by applicable law, temporarily suspend the acceptance, processing, review, approval, or issuance of municipal applications or approvals whose purpose is to establish, construct, convert, materially expand, or commence operation of a Covered Computing Facility.

The moratorium shall include, where applicable:

(A) zoning certificates or zoning permits;

(B) certificates of occupancy or changes of occupancy or use;

(C) site-plan or development-plan approvals;

(D) uses permitted on review, conditional uses, special uses, or comparable discretionary land-use approvals;

(E) variances or administrative interpretations sought for the purpose of establishing a Covered Computing Facility;

(F) privately initiated zoning-map or zoning-text applications specifically intended to enable a Covered Computing Facility;

(G) building, grading, excavation, demolition, or other development permits issued or approved by the City to the extent such permits would directly enable the construction, establishment, conversion, or material expansion of a Covered Computing Facility; and

(H) discretionary municipal development agreements, utility-extension agreements, capacity reservations, utility-service commitments, infrastructure agreements, or similar municipal commitments sought principally for the establishment or material expansion of a Covered Computing Facility, except where the City is otherwise legally or contractually obligated to act.

Nothing herein shall prohibit the City from receiving information concerning a potential development for planning or study purposes, provided that such communication does not constitute or create a municipal approval, entitlement, commitment, reservation of capacity, vested right, or representation that the proposed development will be approved.

SECTION 5. Associated Infrastructure.

The moratorium shall apply to Associated Infrastructure where such infrastructure is proposed principally or substantially for the purpose of serving a Covered Computing Facility.

This Ordinance shall not prohibit ordinary maintenance, repair, replacement, expansion, modernization, or improvement of municipal or public utility infrastructure undertaken for general system reliability or for service to the public generally merely because such infrastructure could also provide incidental service to a future Covered Computing Facility.

SECTION 6. Uses Not Subject to the Moratorium.

This Ordinance shall not apply solely because an otherwise lawful principal use contains ordinary computer, communications, networking, electronic, or information-technology equipment customarily accessory and subordinate to that principal use.

Examples of uses not intended to be treated as Covered Computing Facilities solely by reason of their ordinary information-technology equipment include:

(A) ordinary business, governmental, institutional, educational, medical, commercial, or industrial computer rooms, network closets, or server rooms used primarily to support activities lawfully conducted on the same premises;

(B) individual computers, workstations, point-of-sale systems, office servers, security systems, or business information-technology equipment;

(C) computer-controlled industrial machinery or manufacturing equipment incidental to a lawful manufacturing use;

(D) medical, scientific, educational, or laboratory computing equipment incidental to another lawful principal use;

(E) municipal, emergency-response, public-safety, dispatch, or governmental computer systems;

(F) ordinary telecommunications switching, routing, radio, cellular, cable, or communications facilities whose principal use is telecommunications rather than concentrated data processing or computing; and

(G) municipal utility supervisory-control, metering, communications, and operational technology systems.

An otherwise exempt facility shall remain subject to this Ordinance if its actual principal or substantial use independently satisfies the definition of a Covered Computing Facility.

SECTION 7. Pending Applications and Existing Rights.

Nothing contained in this Ordinance shall invalidate a zoning approval, building permit, certificate of occupancy, or other development approval lawfully and finally issued before the effective date of this Ordinance.

Any application formally accepted as complete prior to the effective date of this Ordinance shall be processed or addressed in the manner required by applicable law.

Nothing in this Section shall be interpreted as creating or recognizing any vested right, entitlement, or property interest that does not otherwise exist under applicable law.

SECTION 8. Existing Lawful Uses.

Nothing contained in this Ordinance shall require a lawfully established existing use to cease operation or prohibit routine maintenance, repair, safety improvements, or code compliance involving an existing lawful structure or use.

Any material expansion, conversion, or change of use that would establish or materially increase a Covered Computing Facility during the moratorium shall remain subject to this Ordinance to the extent permitted by law.

SECTION 9. Planning and Zoning Commission Review.

During the moratorium, the Planning and Zoning Commission shall conduct a comprehensive review of the City's Zoning Code as it relates to Covered Computing Facilities and shall prepare recommendations for City Council concerning appropriate regulations.

The Commission's review should include, as appropriate:

(A) definitions and classifications;

(B) permitted, prohibited, conditional, or special-use treatment;

(C) appropriate zoning districts and site-location criteria;

(D) minimum lot size and development intensity;

(E) setbacks from residential districts, residences, schools, parks, institutions, and other sensitive uses;

(F) buffering, landscaping, fencing, screening, and architectural requirements;

(G) noise standards, including continuous, intermittent, tonal, low-frequency, mechanical, generator, transformer, fan, chiller, and cooling-system noise;

(H) vibration;

(I) exterior lighting, glare, and light trespass;

(J) height, bulk, impervious surface, and lot-coverage standards;

(K) stormwater management, drainage, erosion, and environmental considerations;

(L) generator, fuel-storage, battery, hazardous-material, cooling and mechanical-equipment standards;

(M) fire prevention, emergency access, emergency-response planning, and life-safety considerations;

(N) construction traffic and permanent transportation impacts;

(O) utility and infrastructure coordination;

(P) site restoration, decommissioning, abandonment, and financial-assurance requirements;

(Q) expansion and modification standards;

(R) methods for determining when multiple buildings, parcels, phases, or operators constitute one integrated development; and

(S) such other matters as the Commission determines reasonably necessary to provide comprehensive and enforceable land-use regulations.

In conducting its review, the Commission may consider applicable Ohio law, professional planning guidance, relevant technical standards, and ordinances or regulations adopted by other municipalities or jurisdictions.

SECTION 10. Administrative, Utility, and Infrastructure Review.

The City Manager shall serve as the coordinating administrative officer for a parallel review of the City's capacity and preparedness for Covered Computing Facilities.

The City Manager may obtain, coordinate, request, or cause to be prepared such information, records, professional analysis, recommendations, or technical review as the City Manager considers appropriate from City departments and officials, consultants, municipal utilities, regional utilities, governmental agencies, economic-development organizations, engineers, planners, legal counsel, or other relevant sources.

The review should address, where reasonably applicable:

(A) Electrical System Capacity. Existing generation, purchased-power, transmission, distribution, substation, transformer, feeder, and interconnection capacity; expected peak and continuous-load impacts; power quality; redundancy; system reliability; and required upgrades.

(B) Utility Cost Allocation. Potential capital costs, operating costs, stranded costs, demand charges, capacity obligations, rate-design considerations, security or deposit

requirements, infrastructure contributions, and mechanisms to prevent costs attributable to unusually large customers from being shifted to existing municipal utility customers.

(C) Water Supply and Cooling. Available water capacity; expected average and peak demand; potable versus non-potable water; closed-loop, evaporative, air-cooled, or other cooling technologies; water storage; drought or emergency conditions; and potential impacts upon existing customers.

(D) Wastewater. Sewer capacity, wastewater volume and characteristics, treatment requirements, discharge considerations, and required infrastructure improvements.

(E) Public Safety. Fire suppression, fire flow, battery and electrical hazards, fuel storage, emergency generators, hazardous materials, emergency-response planning, police and security considerations, and specialized equipment or training requirements.

(F) Transportation and Construction. Road capacity, heavy construction traffic, oversized equipment delivery, roadway damage, access, traffic control, and construction duration.

(G) Environmental and Community Impacts. Noise, vibration, lighting, air emissions, water, stormwater, heat rejection, visual impacts, landscaping, screening, and compatibility with surrounding uses.

(H) Site Suitability. Identification of parcels or areas, if any, that possess sufficient acreage, zoning compatibility, transportation access, utility infrastructure, separation from incompatible uses, and other characteristics potentially necessary to accommodate such development.

(I) Fiscal and Economic Considerations. Potential municipal income-tax, property-tax, utility, infrastructure, employment, economic-development, incentive, tax-abatement, service-payment, TIF, PILOT, or other fiscal implications, including both potential benefits and municipal financial exposure.

(J) Development Agreements and Financial Protection. Appropriate mechanisms for infrastructure cost recovery, financial guarantees, capacity reservations, deposits, development agreements, utility agreements, performance security, decommissioning assurance, and similar protections.

(K) Regional Impacts. Potential implications of Covered Computing Facilities proposed outside the municipal boundaries that may request or depend upon municipal water, sewer, electric, roadway, emergency-response, or other services over which the City possesses lawful authority or contractual discretion.

SECTION 11. Report and Recommendations.

The Planning and Zoning Commission and City Manager shall endeavor to complete the reviews required by Sections 9 and 10 sufficiently in advance of the expiration of this Ordinance to permit Council to consider appropriate legislation before the moratorium terminates.

Council may request interim reports during the moratorium.

Nothing contained herein shall require Council ultimately to permit, prohibit, or regulate Covered Computing Facilities in any particular manner, and Council expressly reserves its legislative discretion following completion of the review.

SECTION 12. City-Initiated Legislative Action.

Nothing contained in this Ordinance shall prohibit Council, the Planning and Zoning Commission, or the City Administration, acting within their respective lawful authority, from preparing, considering, recommending, or adopting amendments to the City's Zoning Code or other municipal regulations during the moratorium.

The purpose of this Ordinance is to facilitate such review and legislation.

SECTION 13. No Predetermination or Development Entitlement.

This Ordinance shall not constitute approval or disapproval of any specific property, developer, project, technology, utility arrangement, or Covered Computing Facility.

No person or entity shall acquire any municipal approval, capacity reservation, development entitlement, expectation, vested right, contractual right, or claim against the City by virtue of the City's study, discussion, receipt of information, or consideration of a potential Covered Computing Facility during the moratorium.

SECTION 14. Rules of Construction.

This Ordinance shall be interpreted in a manner consistent with the Constitution of the United States, the Constitution of the State of Ohio, the Newton Falls Charter, applicable provisions of the Ohio Revised Code, and other applicable law.

The definitions and examples contained herein are intended to prevent circumvention through terminology and shall be interpreted according to the substance and actual function of a proposed land use.

Nothing herein shall be construed to regulate matters expressly preempted from municipal regulation or to impair an existing lawful contractual obligation of the City.

SECTION 15. Open Meetings.

Council finds and determines that all formal actions concerning and relating to the adoption of this Ordinance were taken in an open meeting of Council and that all deliberations of Council and its committees that resulted in such formal action were conducted in compliance with applicable law, including Section 121.22 of the Ohio Revised Code.

SECTION 16. Severability.

If any section, subsection, paragraph, sentence, clause, phrase, definition, or provision of this Ordinance is determined by a court of competent jurisdiction to be invalid, unconstitutional, preempted, or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.

SECTION 17. Sunset.

This Ordinance shall automatically expire twelve (12) months after its effective date unless earlier repealed by Council.

Nothing herein shall prohibit Council from adopting permanent regulations before expiration of the moratorium or from considering an extension by subsequent ordinance if legally permissible and supported by circumstances existing at that time.

SECTION 18. Emergency Clause.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare.

The specific facts constituting the emergency are that the City's present Zoning Code does not specifically define or comprehensively regulate data centers, high-density computing facilities, artificial-intelligence computing facilities, high-performance computing facilities, cryptocurrency or digital-asset mining facilities, server farms, or substantially similar computing-intensive uses; the existing Industrial District contains provisions permitting other uses determined to be compatible with listed industrial uses; facilities within the scope of this Ordinance may present electrical, water, sewer, noise, mechanical-equipment, emergency-response, infrastructure, and other development considerations for which the City's existing regulations contain no comprehensive

standards; and an application for such a use could be presented before the City has completed the review and adoption of appropriate regulations. Immediate effectiveness is therefore necessary to preserve the status quo and the integrity of the City's planning and utility systems while such review is undertaken.

SECTION 19. Effective Date.

This Ordinance shall take effect immediately upon its lawful passage as an emergency ordinance in accordance with the Charter of the City of Newton Falls.

PASSED IN COUNCIL THIS 19th DAY OF AUGUST, 2026.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director

CITY OF NEWTON FALLS, OHIO
RESOLUTION NO.: 25-2026
SPONSORS: Kropp, Axitois

A RESOLUTION ESTABLISHING THE ANNUAL DATE AND TIME FOR THE CITY OF NEWTON FALLS COMMUNITY TRICK-OR-TREAT

WHEREAS, the City of Newton Falls has historically designated an annual date and time for community Trick-or-Treat activities; and

WHEREAS, Council desires to establish a consistent date and time each year so that residents, families, businesses, City departments, and community organizations may plan accordingly.

WHEREAS, Council recognizes that Friday evenings during the fall traditionally include significant community activities and desires to avoid unnecessary scheduling conflicts when October 31 falls on a Friday;

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

SECTION 1. The official City of Newton Falls community Trick-or-Treat shall be held annually on October 31, regardless of the day of the week on which October 31 falls, except when October 31 falls on a Friday. In such years, the official City community Trick-or-Treat shall instead be held on Thursday, October 30.

SECTION 2. The official hours for City-wide Trick-or-Treat shall be 5:00 p.m. until 7:00 p.m., whether held on October 31 or, pursuant to Section 1 of this Resolution, on October 30.

SECTION 3. This Resolution shall remain in effect for each succeeding year unless amended or repealed by Council.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

PASSED IN COUNCIL THIS 19th DAY OF AUGUST, 2026.

_____
David Hanson, Mayor

Attest:

_____
Kathleen M. King, Clerk of Council

Approved as to Legal Form

_____
Gary L. VanBrocklin, Law Director