

**VILLAGE OF BOSTON HEIGHTS
COUNCIL MEETING
OCTOBER 10, 2012
AGENDA**

ROLL CALL

Antal_____ Baxter_____ D. Blakeney_____ G. Blakeney_____ Fenn_____ Polyak_____

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CORRESPONDENCE

AUDIENCE PARTICIPATION

**ORDINANCE V - 2012
(Third Reading)
ADOPTED: ORD 22-2012**

**AN ORDINANCE CREATING CODIFIED ORDINANCE SECTION 1101.06,
WHICH ESTABLISHES A PROFESSIONAL REVIEW FUND, AND
DECLARING AN EMERGENCY.**

**ORDINANCE W - 2012
(Third Reading)
ADOPTED: ORD 23-2012
(as amended)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCES 1153.02, 1153.03,
1157.03, AND 1161.03 REGARDING CERTAIN CONDITIONAL AND
PERMITTED USE MODIFICATIONS.**

**ORDINANCE Y- 2012
(Third Reading)
ADOPTED: ORD 24-2012**

**AN ORDINANCE REGARDING COMPENSATION FOR EMPLOYEES OF
THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN
EMERGENCY.**

**ORDINANCE Z- 2012
(Third Reading)
ADOPTED: ORD 25-2012**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 1141.07 AND 1141.25
AND CREATING A DEFINITION FOR BED AND BREAKFAST
ESTABLISHMENTS.**

**ORDINANCE AA - 2012
(Third Reading)
ADOPTED: ORD 26-2012**

**AN ORDINANCE SUPPORTING THE CREATION OF A NON-PROFIT
COMMUNITY FOUNDATION BENEFITING THE VILLAGE OF
BOSTON HEIGHTS.**

**ORDINANCE EE - 2012
(First Reading)
ADOPTED: ORD 27-2012**

**ORDINANCE TO AMEND CODIFIED ORDINANCE, CHAPTER 105,
SECTION 105.3 RAISING THE THRESHOLD FOR PURCHASE ORDERS TO
THREE THOUSAND DOLLARS (\$3000) AND DECLARING AN
EMERGENCY.**

**ORDINANCE FF - 2012
(First Reading)
ADOPTED: ORD 28-2012**

**ORDINANCE TO AMEND CODIFIED ORDINANCE, CHAPTER 121.02,
SECTION D (1) TO CHANGE THE STARTING TIME OF REGULAR
COUNCIL MEETINGS TO 7:00 PM AND DECLARING AN EMERGENCY.**

**ORDINANCE GG - 2012
(First Reading)
First reading only**

**ORDINANCE AMENDING CHAPTER 901 OF THE CODIFIED
ORDINANCES, AMENDING CODIFIED ORDINANCES 903.01, 903.03,
903.04, AND 905.04 AND DECLARING AN EMERGENCY.**

**RESOLUTION EE - 2012
(First Reading)
ADOPTED: RES 37-2012
- KATHRYN GIRANDA**

**MAYOR'S APPOINTMENT TO THE RECREATION ADVISORY
COMMISSION (CHAPTER 145) AND DECLARING AN EMERGENCY.**

**RESOLUTION FF - 2012
(First Reading)
ADOPTED: RES 38-2012**

**RESOLUTION TO ALLOW THE MAYOR'S CLERK OF COURT TO
ADJUST THE \$209.37 FROM THE MAYOR'S ACCOUNT AND DEPOSIT
INTO THE GENERAL FUND - HAS EXISTED SINCE BEFORE YEAR
2009, AND DECLARING AN EMERGENCY.**

**RESOLUTION GG - 2012
(First Reading)
ADOPTED: RES 39-2012**

**RESOLUTION TO ALLOW THE MAYOR'S CLERK OF COURT CLOSE
THE BOND ACCOUNT AND DEPOSIT THE BALANCE OF \$123.00 INTO
THE GENERAL FUND AND DECLARING AN EMERGENCY.**

**RESOLUTION HH - 2012
(First Reading)
ADOPTED: RES 40-2012**

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY
AND AUTHORIZING THE NECESSARY TAX LEVIES AND DECLARING
AN EMERGENCY.**

COMMITTEE REPORTS

OLD BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

FINANCE MEETING: OCTOBER 23, 2012 7PM
COUNCIL MEETING: NOVEMBER 14, 2012 7PM

ADJOURN

BETTY KLINGENBERG, FISCAL OFFICER

**ORDINANCE V - 2012
OCTOBER 10, 2012
(Third Reading)**

**ORDINANCE CREATING CODIFIED ORDINANCE SECTION 1101.06, WHICH
ESTABLISHES A PROFESSIONAL REVIEW FUND, AND DECLARING AN
EMERGENCY.**

WHEREAS, The Village of Boston Heights routinely incurs professional fees and related costs in association with its review of applications and requests that come before the Village and its departments, including but not limited to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, the Board of Zoning Appeals, Solicitor, and/or other Village officials; and,

WHEREAS, it is fitting and proper that the fees and costs associated with review of applications and requests submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, the Board of Zoning Appeals and/or other Village officials be absorbed by the applicant for such review; and,

WHEREAS, it is in the interest of the citizens and taxpayers of the Village of Boston Heights to not completely absorb professional fees and costs and other related fees and costs associated with construction, zoning, planning, and/or development;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Ohio as follows:

Section 1: That Codified Ordinance 1101.06 of the Codified Ordinances of the Village of Boston Heights be established and state as follows:

(a) All persons submitting an application, license, or other request to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals shall be required to reimburse the Village for any professional fees and related costs associated with the Village's review, analysis, inspection, and other activity related to such request.

(b) The Planning Commission shall, subject to the approval of the Mayor and a majority vote of Council, establish a Professional Fees, Costs, and Review account for the Village of Boston Heights. The funds placed in this review account are subject to the deposit and fee schedules described in subparts (c) and (d) herein.

(c) A Professional Fees and Costs Deposit shall accompany each application, license, or request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. The Deposit shall be placed in a Professional Fees, Costs, and Review account, which shall be maintained for each separate application, license or request. The initial Deposit shall be received before the Village will incur any professional fee or cost associated with the Village's review, analysis, inspection, and other activity related to an applicant's request. The specific amount for an initial Deposit shall be established in a schedule created by the Mayor and approved by the Village Engineer and a majority vote of Council. The Mayor may, on a case by case basis, assess an applicant an additional Deposit based upon anticipated future professional fees and costs. At all times during the pendency of an application, license or request where professional fees and/or costs for the Village are required, such fees and costs shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis and a positive balance shall be maintained in an applicant's professional review account. The Village shall give notice to an applicant once the balance in the applicant's professional review account reaches a Five Hundred Dollar (\$500.00) or lower balance if an additional Deposit will be required. Should the fees as set forth in subpart (d) consume the entire initial Professional Fees and Costs Deposit, all reviews, consideration, deliberation and analysis of the subject application, license or request by the Village shall be suspended and no further construction, work, and/or further use shall be done by the applicant or its agents until a supplemental Deposit is assessed and deposited. The balance of the Deposit funds on hand, after fees are assessed to said applicant, shall be returned to the applicant within 90 days of the final conclusion of the project and any potential legal matter pertaining to the request, application or license.

(d) The Mayor shall also create a fee schedule for various tasks associated with the professional review, inspection or other conduct required in association with any application, request or license submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. The fee schedule shall be created by the Mayor with the approval of the Village Engineer and a majority vote of Council. The fees shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis. The fees set forth in the

schedule shall not conflict with any other fee established by the Codified Ordinances.

(e) No approvals shall be granted for any application, license, or other request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals unless and until the required initial and/or supplemental Deposit have been made.

(f) The commencement, undertaking and/or completion of any construction, grading, soil preparation or other activity conducted by an applicant related to a project that requires a Deposit under this Codified Ordinance is strictly prohibited until an initial and/or supplemental Deposit has been made. Any such work completed without the submission of an initial and/or supplement Deposit shall be subject to removal and/or demolition by the Village at the applicant's costs.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable 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 immediate preservation of the public peace, health, safety and to allow for the continued operations of the Village departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 22 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, FISCAL OFFICER

DATE

**ORDINANCE W - 2012
OCTOBER 10, 2012
(Third Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCES 1153.02,
1153.03, 1157.03, AND 1161.03 REGARDING CERTAIN CONDITIONAL
AND PERMITTED USE MODIFICATIONS.**

WHEREAS, it is in the general interests of the residents of the Village of Boston Heights that certain Permitted and Conditional Uses as designated in the Village's Ordinances be amended; and,

WHEREAS, the Planning Commission of the Village of Boston Heights has approved the amendments herein;

BE IT ORDAINED by the Council of the Village of Boston Heights, County of Summit, State Of Ohio:

Section 1: That Codified Ordinance 1153.02 be amended to state as follows:

1153.02 PERMITTED USES.

A building or premises within the Residential District shall be used only for the following purposes:

(a) Single-family dwelling; home occupation;

(b) Accessory buildings and uses customarily incidental to any of the above uses and not involving the conduct of business including:

(1) Quarters for hired help employed on the premises. Such quarters must be located within the primary structure residence on the premises; and,

(2) Private garage, home occupation and private stable as regulated as to the number of animals that may be kept as provided in Section 1141.36.

(c) Agriculture, including greenhouses and the usual agricultural buildings and structures.

Section 2: That Codified Ordinance 1153.03 be amended to state as follows:

1153.03 CONDITIONAL USES.

The Planning Commission may issue conditional zoning certificates for uses listed herein:

- (a) Residential conservation development in accordance with Section 1153.08;**
- (b) Bed and Breakfast establishments; and,**
- (c) Parks, playgrounds and conservation areas.**

Section 3: That Codified Ordinance 1157.03 be amended to state as follows:

1157.03 CONDITIONAL USES.

The Planning Commission may issue conditional zoning certificates for uses listed herein and subject to the general requirements of ~~Section 1145.04~~ and¹ Chapter 1151:

- (a) Restaurants, barbers, hair dressers and other services supporting an office complex;**
- (b) All accessory or conditional uses as permitted in the section Office/Professional District shall satisfy the following conditions:**
 - (1) Such use shall serve employees in office development;**
 - (2) Such use shall not be the principal use or primary use of any free standing building;**
 - (3) Such use shall not occupy more than 30% of the usable floor area of the building; and,**
 - (4) Such use shall not have an entrance leading directly outside of its building.**

¹ Phrase was stricken by amendment.

Section 4: That Codified Ordinance 1161.03 be amended to state as follows:

1161.03 CONDITIONAL USES.

The Planning Commission may issue conditional zoning certificates for uses listed herein and subject to the general requirements of Chapter 1151 where the methods or processes in such uses do not cause or emit smoke, odor, dust, fumes, noise, vibrations, or discharge unsatisfactorily treated waste and where no product or any material or ingredient may pose a hazard to the persons or property in the immediate surrounding area:

- (a) Manufacturing operations, assembly of components, light manufacturing, and ancillary activities;**
- (b) Production involving mixing, blending and bottling;**
- (c) Warehousing and distribution where goods and materials are stored in a building dedicated to that use;**
- (d) Conditional uses permitted in the Office/Professional and General Business Districts;**
- (e) All uses permitted in the General Business District;**
- (f) Governmental or quasi-governmental use;**
- (g) Churches and other places of worship, Sunday school buildings and parish houses, parochial schools and necessary accessory buildings subject to the approval of a site plan as follows:**

- (1) Structures and activity area including roading and facilities (other than off-street parking) shall be located at least seventy-five feet from the street right of way;**
- (2) All points of ingress and egress shall be located at least 200 feet from all major road intersections and at least 100 feet from all local or minor street intersections. All State and County highways shall be considered major streets;**
- (3) All structures shall be located so as to have access to a dedicated street; and,**

(4) Locations should be adjacent to parks or other commercial uses such as schools or shopping centers where use can be made of joint parking facilities.

(h) Public and private elementary, middle and high schools; charter schools; public and private colleges and universities; public career centers;

(i) Buildings or properties owned and/or operated by a political subdivision of the government including Village Hall, community center building, fire engine house, parks, playgrounds and conservation areas subject to the regulations of Section 1151.07 and 1151.08;

**(j) Cemeteries including mausoleums, providing that any new cemetery shall contain at least twenty acres of land and the location has been approved by the Planning Commission;
Or,**

(k) Golf courses, including such buildings and uses as are necessary for their operation, providing that any golf course shall contain at least one hundred acres of land and the location has been approved by the Planning Commission.

Section 5: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED:

BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 23 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG

DATE

ORDINANCE Y - 2012
OCTOBER 10, 2012
(Third Reading)

**AN ORDINANCE REGARDING COMPENSATION FOR EMPLOYEES OF THE
VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the Village of Boston Heights, County of Summit, State of Ohio:

Section 1: All non elected employees of the Village of Boston Heights shall be classified as hourly employees for purposes of compensation. The stating of rates of compensation for non-elected employees as salary shall not affect this classification.

Section 2: Pay levels one (1), two (2), and three (3) are hereby established in each department and defined as follows:

- A. The following rate levels shall be based upon the employee's performance and adoption in and on the job.
- B. Pay Level 1: Pay rate per hour for employees from date of hire until the first anniversary date of hire.
- C. Pay Level 2: Pay rate per hour for employees after first year from date of hire with approval of the Supervisor, Mayor and consent of Council.
- D. Pay Level 3: Pay rate per hour for employees after second year from date of hire with approval of the Supervisor, Mayor and consent of Council.

Council may by resolution start an employee at any level depending upon the experience of the employee and the needs of the Village.

Section 3: Except as otherwise provided herein, by law, or act of Village Council, compensation shall be as follows for hourly employees:

- 1. No employee, department head or supervisor shall schedule or permit an employee to work overtime without the prior approval of the Mayor, or in his absence, the president Pro Tempore of Council.
- 2. Compensation shall be recorded and paid in fifteen (15) minute increments.
- 3. All time cards shall reflect the start and end time of the actual hours worked.

Section 4: That the rates of compensation for the following positions in the Village work force are hereby revised as follows:

A. Police Department:

1. Full Time Police Officers: (rates are noted as dollars per hour)

	<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
Lieutenant	\$24.12	\$24.87	\$25.62
Police Officer	\$19.31	\$20.32	\$21.09
Sergeant	\$21.83	\$22.63	\$23.37
Chief	\$26.53	\$27.59	\$29.77

2. Jailers: The position of Jailer shall be compensated at the rate of Nine and 29/100 Dollars (\$9.29) per hour. The Jailer shall be entitled to a minimum of two (2) hours show up time.

3. Members of the Police Department, including Auxiliary Officers, shall be credited a minimum of two (2) hours work time for "court time" if they are not working during any part of the time that they are "in court." If the officer is on duty during all or part of the time he is "in court" he shall be credited only with the actual time he is in court.

4. Members of the Police Department, including Auxiliary Officers, shall be credited with up to two (2) hours minimum work time for attendance at the required training sessions within the police department. If the officer is on duty during all or part of the training session he shall be credited only with the actual time of attendance while not on duty.

5. Auxiliary Police Officers: The position of Auxiliary Police Officer shall be compensated at a rate of Thirteen and 37/100 Dollars (\$13.37) per hour. This class of officers shall be limited to 78 hours per pay period. Auxiliary Officers who work on a special assignment or task force assignment shall be compensated at the rate of Twenty-seven and 33/100 Dollars (\$27.33) per hour for such time worked.

B. Fire Department:

1. The salary of the members of the Village of Boston Heights Fire Department shall be as follows:

Chief	\$459.72 per month
Assistant Chief	\$328.38 per month
Engineer	\$328.38 per month
Captain	\$262.71 per month
Lieutenant	\$229.87 per month
Fire Inspector	\$200.00 per month

The officers listed above are considered to be in salaried positions and any individual filling those positions shall not receive any compensation for drills or inspections, unless otherwise noted.

2. All members of the Fire Department, other than officers, shall receive Thirteen and 37/100 Dollars (\$13.37) each for every drill attended and for every truck duty performed.
3. All members of the Fire Department, other than officers, shall receive Thirteen and 37/100 Dollars (\$13.37) for each Hazardous Material Training Session that they attend.
4. Each member of the Fire Department shall receive Thirteen and 37/100 Dollars (\$13.37) an hour for all hours actually worked in connection with a response. All responders shall be paid a minimum of one (1) hour for each response.
5. Each member of the Fire Department, including Officers, shall receive Eleven and 25/100 Dollars (\$11.25) an hour for all hours actually worked in connection with Council approved Special Detail. Each Special Detail needs to have a separate sheet of detail for purposes of payroll and detailing the approved projects.
6. Each member of the Fire Department serving as First Responder and not otherwise classified in any other position in the Fire Department shall receive Thirteen and 37/100 Dollars (\$13.37) per hour for all hours actually worked in connection with a response.
7. Each member of the Fire Department, including Officers, shall receive Thirteen and 37/100 Dollars (\$13.37) per hour for working scheduled hours during any of the following holidays:

- a. Presidents Day
 - b. Martin Luther King Day
 - c. Memorial Day
 - d. Independence Day
 - e. Labor Day
 - f. Columbus Day
 - g. Veterans Day
 - h. Thanksgiving Day
 - i. Christmas Day
 - j. New Years Day
8. Each member of the Fire Department, including Officers, shall receive Thirteen and 37/100 Dollars (\$13.37) per hour, when scheduled by the Fire Chief (1) with more than 12-hour notice, and, (2) during those times when Extreme, Adverse Weather is forecast by the National Weather Service. "Extreme, Adverse Weather" shall include only those times when the National Weather Service has done one of the following:
- (a) Issued a flood warning;
 - (b) Issued a high wind warning;
 - (c) Issued a ice storm warning;
 - (d) Issued a blizzard warning; and/or,
 - (e) Issued a winter storm warning with snow accumulation in excess of six inches.
9. Each member of the Fire Department, including Officers, shall receive Thirteen and 37/100 Dollars (\$13.37) per hour for hours actually worked on a Saturday or Sunday, so long as the Mayor has been provided in advance a completed monthly schedule with names for those Saturdays and Sundays to be worked and he or she is notified in writing prior to substitution of any individual on that schedule.
10. Each member of the Fire Department as an on staff scheduled employee working within the hours designated and approved by Council shall receive Thirteen and 37/ 100 Dollars (\$13.37) per hour for every hour worked within the approved schedule of hours.

C. Mayor's Court:

1. Office Clerk/Clerk of Mayor's Court: The Office Clerk/Clerk of Court shall be compensated according to the following rates, as noted in dollars per hour:

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$14.86	\$15.92	\$18.77

2. Part-time Clerk: The rate of pay for the position of Part-time Office Clerk shall be Twelve and 31/100 Dollars (\$12.31) per hour.

D. Fiscal Office:

1. The pay rate for the position of **Fiscal Officer** of the Village of Boston Heights, Ohio shall be Eighteen and 77/100 Dollars (**\$18.77**) per hour. The pay rate for the position of **Assistant Fiscal Officer** of the Village of Boston Heights, Ohio shall be Twelve and 31/100 Dollars (**\$12.31**) per hour. The pay rate for the position of Internal Auditor of the Village of Boston Heights, Ohio shall be Twelve and 31/100 Dollars (\$12.31) per hour.

E. Zoning Inspector:

1. The rate of pay for the position of Zoning Inspector shall be Two Hundred Sixty-Five and 23/100 Dollars (\$265.23) per month and an additional Ten and 61/100 Dollars (\$10.61) per hour for all time spent traveling to, from and in court.

F. Road Department:

1. The Road Department shall consist of a superintendent/supervisor, no more than one (1) full time CDL Truck Driver/Laborer, no more than one (1) full time Non-CDL Truck Driver/Laborer and as many additional part-time employees as required with the approval of the Mayor and consent of Council.
1. Supervisor: The position of Road Department Superintendent shall be compensated according to the following rates, as noted in dollars per hour:

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$19.64	\$20.70	\$24.24

2. CDL Truck Driver/Laborer: The position of CDL Truck Driver/Laborer shall be compensated according to the following rates, as noted in dollars per hour:

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$13.80	\$14.86	\$17.48

3. Non CDL Truck Driver/Laborer: The position of Non CDL Truck Driver/Laborer shall be compensated according to the following rates, as noted in dollars per hour:

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$11.94	\$12.73	\$13.54

4. The position of Casual Laborer shall be compensated at the rate of Nine and 86/100 Dollars (\$9.86) per hour.
5. The position of part-time Truck Driver (CDL/Laborer shall be compensated at the rate of Twelve and 56/100 Dollars (\$12.56) per hour.
6. The position of part-time mechanic shall be compensated at the rate of Twelve and 67/100 dollars (\$12.67) per hour. The part-time mechanic shall be compensated at the rate of Thirteen and 03/100 (\$13.03) per hour after one year of service with the Village. Total hours for part-time mechanic work shall not exceed 40 hours per pay period.

G. Municipal Pool and Properties:

1. Pool Manager: The position of Pool Manager shall be compensated at the rate of Thirteen Dollars and 12/100 (\$13.12) per hour.
2. Senior Lifeguard/Assistant Manager: The position of Senior Lifeguard/Assistant Manager shall be compensated at the rate of Ten and 40/100 Dollars (\$10.40) per hour.
3. Lifeguard: The position of Lifeguard shall be compensated at the rate of Eight and 75/100 Dollars (\$8.75) per hour for first year lifeguards. Nine and 30/100 (\$9.30) per hour for 2nd and 3rd year lifeguards and Nine and 84/100 dollars (\$9.84) per hour for 4th year and greater lifeguards.
4. The position of part-time maintenance worker for the park and properties for the Village of Boston Heights shall be part time and shall not exceed twenty (20) hours per week without

the approval of the Mayor. The part time worker shall be employed for the summer season which shall last from May 1, through September 30 of each year and shall be compensated at a rate of Nine and 55/100 (\$9.55) per hour.

Section 5:

That this Ordinance shall be effective and shall take effect and be in force from and after the pay period beginning September 17, 2012.

Section 6:

That all Resolutions and Ordinances which are in conflict with this Ordinance are hereby replaced and/or amended.

Section 7:

That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and to institute without delay fair and equitable pay plans for the employees who serve the various municipal departments and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 24 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, FISCAL OFFICER

DATE

**ORDINANCE Z - 2012
OCTOBER 10, 2012
(Third Reading)**

**ORDINANCE AMENDING CODIFIED ORDINANCE 1141.07 and 1141.25 AND
CREATING A DEFINITION FOR BED AND BREAKFAST ESTABLISHMENTS.**

WHEREAS, The Council of the Village of Boston Heights finds that its Codified Ordinances are in need of a definition for Bed and Breakfast Establishments; and,

WHEREAS, The Council of the Village of Boston Heights finds that its Codified Ordinances are in need of a amendment as to its definitions of “Lodging Houses” and “Boarding Houses”, and,

WHEREAS, the Planning Commission of the Village of Boston Heights has approved the amendments herein and the appropriate public hearing has transpired;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Ohio as follows:

Section 1: That Codified Ordinance 1141.07 of the Codified Ordinances of the Village of Boston Heights be amended to state as follows:

1141.07 BED AND BREAKFAST ESTABLISHMENTS.

A “Bed and Breakfast Establishment” is an owner-occupied building where overnight lodging and one meal, breakfast, are offered to the public for compensation. The establishment is one that is open to transient guests, as distinguished from a boarding house or lodging house, but has four (4) guest rooms or less. No operator shall permit guests to occupy such accommodations for a period of more than thirty (30) consecutive days.

Section 2: That Codified Ordinance 1141.25 of the Codified Ordinances of the Village of Boston Heights be amended to state as follows:

1141.25 LODGING HOUSE AND BOARDING HOUSE.

(a) A “Lodging House” or “hostel” means a building where lodging is provided for compensation for three (3) but not more than twenty (20) persons and where table board may or may not be furnished.

(b) A “Boarding House” means a building other than a hotel where for compensation by the week or month, lodging or lodging and meals are provided for three (3) but not more than twenty (20) persons.

Section 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED:

BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 25 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG

DATE

ORDINANCE AA - 2012
OCTOBER 10, 2012
(Third Reading)

**AN ORDINANCE SUPPORTING THE CREATION OF A NON-PROFIT COMMUNITY
FOUNDATION BENEFITING THE VILLAGE OF BOSTON HEIGHTS.**

WHEREAS, the Village Council desires to support the creation of a community foundation that will engage in charitable programs and activities benefiting the Village and its residents; and,

WHEREAS, the Village of Boston Heights hopes and has been advised that a number of local associations wish to participate and join a larger community foundation, which will foster programs and activities benefiting the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, State of Ohio as follows:

Section 1: In order to promote the health, safety, morals, and general welfare of the inhabitants of the Village, this Council hereby determines to support the creation of a community foundation within the Village for the purpose of providing charitable programs and activities that benefit the Village and its residents.

Section 2: The Mayor, Fiscal Officer, and the President *Pro Tempore* of Council are each hereby authorized to take such actions on behalf of the Village as may be required or necessary to aid or support the creation of a community foundation within the Village.

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

Section 4: This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 26 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, FISCAL OFFICER

DATE

ORDINANCE EE - 2012
October 10, 2012
(First Reading)

ORDINANCE TO AMEND CODIFIED ORDINANCE, CHAPTER 105, SECTION 105.3 RAISING THE THRESHOLD FOR PURCHASE ORDERS TO THREE THOUSAND DOLLARS (\$3000) AND DECLARING AN EMERGENCY.

WHEREAS, it is in the general interest of the employees of the Village of Boston Heights that the threshold for Purchase Orders be increased.

WHEREAS, the Council for the Village of Boston Heights has approved this amendment herein;

BE IT ORDAINED by the Village of Boston Heights, County of Summit, State of Ohio:

SECTION 1: That Codified Ordinance 105.03 be amended to state as follows:

105.03 MAYOR'S; COUNCIL MEMBER'S SIGNATURE

All purchase orders for supplies or materials under a total cost of three thousand dollars (\$3000), must be signed by the Mayor, whose signature certifies that he has reviewed the request the request and concurs in the need for a purchase. All purchase orders in excess of three thousand dollars (\$3000), but less than twenty-four thousand nine hundred ninety-nine dollars (\$24,999) must also contain the signatures of four members of Council.

SECTION 2: That this Council, hereby, has determined that this action is necessary to increase the proficiency of the Fiscal Officer.

SECTION 3: That this Ordinance is, hereby, declared to be an emergency measure necessary for the immediate organization and proficiency in the Fiscal Office.

SECTION 4: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code. ²

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 27 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG

DATE

² Section 4 added by amendment.

ORDINANCE FF - 2012
October 10, 2012
(First Reading)

**ORDINANCE TO AMEND CODIFIED ORDINANCE, CHAPTER 121.02 (d)(1),
CHANGING THE TIME OF REGULAR COUNCIL MEETINGS AND DECLARING AN
EMERGENCY.**

NOW THEREFORE BE IT ORDAINED by the Village of Boston Heights, County of Summit, State of Ohio:

SECTION 1: That Codified Ordinance 121.02 (d)(1) be hereby amended and henceforth state as follows:

Regular meetings of Council shall be in Council Chambers at 7:00 p.m. on the second Wednesday of each month.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable 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 immediate preservation of the public peace, health and safety and welfare of the community and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance 28 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, FISCAL OFFICER

ORDINANCE GG - 2012
October 10, 2012
(First Reading)

ORDINANCE AMENDING CHAPTER 901 OF
THE CODIFIED ORDINANCES, AMENDING CODIFIED ORDINANCES 903.01,
903.03, 903.04, AND 905.04 AND DECLARING AN EMERGENCY.

WHEREAS, residents of the Village of Boston Heights routinely request to perform construction work in the Village's Public Street Right of Way; and,

WHEREAS, residents of the Village of Boston Heights routinely wish to construct infrastructure within the Village's Public Street Right of Way and the Village must take on long-term operation, maintenance, and repair costs of that infrastructure, it is important and necessary that proposed construction meet the Standards of the Village, prior to formal acceptance of the infrastructure by the Village.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Boston Heights, County of Summit, State of Ohio as follows:

Section 1: That Chapter 901 of the Codified Ordinances be hereby amended and state as follows:

901.01 CONDITIONS PRECEDENT TO DEDICATING OR
IMPROVING STREETS; FIRE HYDRANT REGULATIONS.

No department of this Village shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless such street has been accepted or dedicated or otherwise received the legal status of a public street or way prior to April 14, 1973, or unless such street or way corresponds in located and extent with a street or way shown on a recorded plat which has been legally accepted by Council, and the construction of the street or way conforms in every aspect with the design standards and requirements for streets and roads as set forth in the General Rules and Regulations for Plats and Subdivisions in the unincorporated areas of Summit County, Ohio, as adopted by the County of Summit and as amended through September 1, 1990. The types and standards of all fire hydrants to be installed in connection with proposed dedicated or improved streets must be in compliance with the rules and regulations established by the Fire Chief of the Village of Boston Heights regarding the installation of fire hydrants.

901.011 STANDARDS AND PERMIT FOR WORK IN THE PUBLIC RIGHT OF WAY.

(a) The Village Engineer and/or Street Commissioner shall develop Standard Drawings and Specifications that must be followed for all construction, reconstruction, alterations, and/or pipe and/or culvert work performed within the Village's Right of Way. Subjects that must be addressed in those Standard Drawings and Specifications include, but are not limited to:

- (1) Standard driveway apron construction including but not limited to concrete, asphalt and/or gravel;
- (2) Standard ditch enclosure detail;
- (3) Standard drive pipe replacement/construction detail;
- (4) Standard yard drain, catch basin, manhole, and headwall details; and,
- (5) Standard notes and specifications regarding safety, traffic, and materials.

901.02 PERMIT; FEE.

No person other than a duly authorized officer or employee of the Village shall make an excavation in any street, alley, sidewalk or public ground, including the Village's Right of Way or begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb cut, driveway ditch, swale, pipe, or street on the public streets or within the Village's Right of Way without first obtaining a permit in writing from the Street Commissioner as provided in this Chapter.

901.03 APPLICATION FOR PERMIT.

(a) An applicant for a permit to do any of the work specified in Section 901.02 shall file with the Street Commissioner an application showing the following:

- (1) Name and address of the owner or agent in charge of the property abutting the proposed work area;
- (2) Name and address of the party doing the work;
- (3) Location of the work area;
- (4) Attached plans showing details of the proposed alteration;
- (5) Estimated cost of the alteration;
- (6) Such other information as the Street Commissioner finds necessary.

(b) As a part of the permit application set forth in this Section, an owner shall also prepare and submit plans/sketches of the proposed work with the following basic plan information:

- (1) Street location, ditch location, pipe locations, drive location, side property lines, front property line, right of way line, etc.; and,
- (2) Street elevations, pipe elevations, and ditch elevations along the work area and a minimum of 25 feet beyond the work area; and,
- (3) Sufficient information shall be provided to verify that the proposed work Will not have a detrimental effect on neighboring properties.

(c) At the time of application, an applicant shall submit a deposit to be determined by the Village's deposit and fee schedule established under Codified Ordinance 1101.06, which shall be deposited into the Professional Review Account.

901.04 PRE-CONSTRUCTION CONTRACTOR'S BOND, AND, INSURANCE.

(a) If any of the work specified in Section 901.02 is to be accomplished by a contractor or person other than the landowner, a performance bond in the minimum amount of ten thousand dollars (\$10,000) shall accompany an application for a permit.

(b) The Street Commissioner shall have the authority to require a bond in excess of the ten thousand dollars (\$10,000) minimum as set forth above if he or she, in his or her judgment, determines that such increased amount is necessary to protect and save harmless the Village from all claims for damages or injury to other persons by reason of the alteration work or to insure that any damage done to Village streets or property can be repaired.

(c) Prior to construction, a permit applicant shall also submit the following to the Street Commissioner:

- (1) Copy of current Workers' Compensation.
- (2) Copy of current liability insurance certificate.

901.05 PERMIT ISSUANCE.

The Street Commissioner shall issue a written permit to do work specified in Section 901.02 when he or she finds:

- (a) That the plans for the proposed operation have been approved by the Village Engineer, to whom they shall be forwarded by the Street Commissioner with a reasonable time after receipt thereof;
- (b) That the work shall be done according to the standard specifications of the Village for public work of like character;
- (c) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties;
- (d) That all of the requirements for submission of a permit application have been met; and,
- (e) That the health, welfare and safety of the public will not be unreasonably impaired.

901.06 SUPERVISION, NOTICE AND INSPECTION OF WORK.

- (a) All operations for which a permit is granted hereunder shall be supervised by the Street Commissioner.
- (b) An applicant, permit holder, and/or owner shall notify the Street Commissioner of the intended start date for commencement of work at least forty-eight (48) hours in advance of that date.
- (c) An applicant, permit holder and/or landowner shall perform all work in accordance with the approved permit. Any variations to the proposed work must be approved by the Village, prior to making revisions. Work completed without prior approval is subject to rejection, permit holder or landowner's removal, and correction by the Village at the permit holder or landowner's expense.

(d) The Village will perform a post-construction inspection of the work to verify conformance with the approved;

(e) After the post-construction inspection, a punch list shall be prepared by the Village itemizing areas of work which require remediation, repair, or reconstruction, prior to final approval and acceptance by the Village. Upon proper completion of the punch list has been confirmed by the Street Commissioner, the Village may formally accept improvements for public ownership and maintenance. The Village shall release the contractor's bond for the project within reasonable time, under the circumstances, after the Village accepts the improvements.

901.07 REMOVAL, DEPOSITING OF MATERIAL.

In removing pavement or other material from streets, alleys, sidewalks, public grounds, or the Village's Right of Way, for any purpose whatever, the material dug up must be deposited in such manner as to guard against inconvenience to the public by obstructing streets, alleys or sidewalks.

901.09 BARRICADES AND WARNING LIGHTS.

No person, firm or corporation engaged in or employing others in excavating, opening any hole or obstructing a portion or all of any street, alley, sidewalk or other public way shall fail to do the following so that the condition will not reasonably prove dangerous to life or limb and to prevent injury to persons or animals:

(a) Have such excavation, opening or obstruction adequately protected by suitable barricades at all times; or,

(b) Install and maintain at all times during the night such warning devices or lights so as to provide adequate warning of such excavation, opening or obstruction.

901.10 PERMIT ISSUANCE.

No person, firm or corporation engaged in or employing others in excavating, construction, altering any street, alley, sidewalk, construction site, or other public or private way, shall work beyond the hours of 7:00 a.m. through 6:00 p.m.. during Eastern Standard

Time or 6:00 am. through 8:00 PM. during Eastern Daylight Savings Time.

901.11 FIRE HYDRANT DEPOSIT.

Prior to granting of permission to use a fire hydrant within the municipal corporation limits of the Village of Boston Heights, the applicant seeking such permission shall pay a deposit of one thousand dollars (\$1,000) to the Fiscal Officer for the purpose of insuring that the applicant does not damage nor misuse the fire hydrant. The Fiscal Officer shall refund said deposit to the applicant upon receipt of notice from the Fire Chief or his designee that the applicant did not damage or misuse the fire hydrant. Should the applicant damage or misuse the fire hydrant, the Fiscal Officer shall withhold such sums of applicant's deposit as is directed by the Fire Chief or his designee to repair the damage to the fire hydrant or to replace the same as a result of the damage.

901.12 LIEN UPON LOT OR LANDS SECURED.

All costs and/or fees required to be paid under this Chapter and Codified Ordinances by the permit applicant and any other person are hereby made a lien upon the lot or lands secured. If the costs are not paid within sixty (60) days after being certified to the Fiscal Officer by the Street Commissioner, such costs and/or fees shall be certified to the County of Summit Fiscal Officer, Auditor's Office, who shall place it upon the tax duplicate of the County with interest and penalties allowed by law, and such costs and/or fees shall be collected as other taxes and assessments are collected.

901.99 PENALTY.

Any person, or corporation violating any provision of this Chapter shall be fined not more than one hundred fifty dollars (\$150.00). Each day during or on which a violation occurs or continues shall constitute a separate offense.

Section 2: That Codified Ordinance 903.01(a) be hereby amended and state as follows:

(a) No person shall construct or alter any new or existing driveway entrance leading from a dedicated and accepted street or highway to private property, or lay, install or renew any damage pipe thereunder without first obtaining a permit from the Street Commissioner.

Section 3: That Codified Ordinance 903.01(b) be hereby amended and state as follows:

Upon application for permit as required in this Section, the Street Commissioner shall inspect the applicant's proposed construction or alteration in the driveway entrance inform the applicant of the requirements of this chapter, and only if appropriate, issue a permit for the work the Street Commissioner shall thereafter undertake and/or supervise such construction or alteration to insure compliance with the provisions of this chapter.

Section 4: That Codified Ordinance 903.03 be hereby amended and state as follows:

Should the Street Commissioner require, in any driveway installation that a catch basin is required in order to control sediment or water flow or for maintenance purposes, no driveway, construction or alteration shall be made without the installation of the required catch basin or basins.

Section 5: That Codified Ordinance 903.04 be hereby amended and state as follows:

903.04 SUPERVISION OF WORK.

The Village shall, under the direction and supervision of the Street Commissioner, monitor all driveway or ditch alterations or constructions under this Chapter. Should the Street Commissioner determine that any work is being completed outside of the terms of the proposed plans and/or the issued permit, the Street Commissioner may issue a stop order which will have a legal effect of temporarily withdrawing the permit. The permit may be reinstituted upon the applicant's correction and an effort to bring the work back within the terms of the proposed plan and previously approved permit.

Section 6: That Codified Ordinance 903.05 be hereby amended and state as follows:

Whoever constructs or alters any driveway entrance without complying with the provisions of this Chapter or requirements of the Street Commissioner shall be charged with any and all costs including labor and equipment incurred by the Village in removing, replacing, or altering the project in order to bring it up to minimum requirements of this Chapter and of the Street Commissioner.

Section 7: That Codified Ordinance 905.04 be hereby amended and state as follows:

905.04 CONSTRUCTION REGULATIONS.

No person shall construct any private road to existing roads or streets within the Village, except in compliance with Codified Ordinance Chapters 901 and 903 and the following regulations:

- (a) Whenever a private road is Constructed to connect to any existing road within the Village, there shall be provide as a part of such construction suitable drainage facilities by means of corrugated pipe or equal facility to the satisfaction of the Engineer;
- (b) The drainage pipe shall be of a minimum size of twelve inches in diameter, shall be installed in the existing road ditch at approximately the center line thereof and along the center line under and across the entire width of the private road shall extend a distance of at least two feet beyond each side of the pavement;
- (c) The How line of such drainage facility shall correspond to the existing flow line of the ditch and the grade thereof shall be such as determined by the Engineer;
- (d) The Village Engineer and/or Street Commissioner is further authorized to require the installation of drainage facility pipe in excess of twelve inches in diameter or to permit the installation of such pipe of less than twelve inches in diameter when, in his judgment, the additional capacity is necessary or such lesser capacity is adequate to provide suitable drainage;
- (e) The driveway shall be constructed of suitable materials to support an AASHTO HS20-44 load;
- (f) The materials for the driveway shall conform to ODOT applicable CMS Standards;
- (g) The pavement of the private road shall be a minimum of eighteen feet wide with two feet berms I common areas and ten feet wide with one foot berms in other areas;
- (h) The grade of the driveway shall not exceed ten percent (10%) and be not less than 0.5 percent;
- (i) The minimum centerline radius shall be one hundred feet; and,

(j) Construction drawings for the private road shall be prepared by a Registered Engineer in the State of Ohio and be reviewed and approved by the Municipal Engineer.

Section 8: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 9: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and to institute without delay fair and equitable pay plans for the employees who serve the Mayor's office and the Clerk of Courts office and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance ____ - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this ____ day of October, 2012.

BETTY KLINGENBERG, Fiscal Officer

RESOLUTION EE - 2012
October 10, 2012
(First Reading)

**A RESOLUTION PROVIDING FOR THE APPOINTMENT OF KATHRYN GIRONDA
TO THE RECREATION ADVISORY COMMITTEE OF THE VILLAGE OF BOSTON
HEIGHTS (CHAPTER 145) AND DECLARING AN EMERGENCY.**

BE IT RESOLVED by the Council of the Village of Boston Heights, County of Summit,
State of Ohio:

Section 1: That Kathryn Gironda is hereby appointed to the Recreation Advisory
Board of the Village of Boston Heights, Ohio for a term ending 12/31/15.

Section 2: That this Council hereby finds and determines that all formal actions
relative to the adoption of this Resolution were taken in an open meeting of this Council and that
all deliberations of this Council which resulted in formal action were taken in meetings open to
the public, in full compliance with the applicable legal requirements including Section 121.22 of
the Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure for the
immediate preservation of the public peace, health, safety and to allow for the continued
operations of the Village park.

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights,
Summit County, Ohio, do hereby certify that the foregoing Resolution 37 - 2012 was duly passed
by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of
Council on this 10th day of October, 2012.

BETTY KLINGENBERG

DATE

RESOLUTION FF - 2012

October 10, 2012

(First Reading)

**RESOLUTION TO ALLOW THE MAYOR'S CLERK OF COURT TO ADJUST THE
\$209.37 OVERAGE FROM THE MAYOR'S COURT ACCOUNT AND DEPOSIT INTO THE
GENERAL FUND AND DECLARING AN EMERGENCY.**

WHEREAS, There has been a \$209.37 discrepancy in the Mayor's account that has existed since before the calendar year 2009; and,

WHEREAS, The Village Administration desires to bring its accounting records into order;

NOW THEREFORE, BE IT RESOLVED BY the Council of the Village of Boston Heights, County of Summit, Ohio, as follows:

Section 1: That the Mayor and the Clerk of Court are hereby directed and authorized to adjust the Clerk of Court account by \$209.37 and deposit the overage into the Village's General Fund.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Mayor's Court and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution 38 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, FISCAL OFFICER

RESOLUTION GG - 2012
October 10, 2012
(First Reading)

**RESOLUTION TO ALLOW THE MAYOR'S CLERK OF COURT CLOSE THE
BOND ACCOUNT AND DEPOSIT THE BALANCE OF \$123.00
INTO THE GENERAL FUND AND DECLARING AN EMERGENCY.**

WHEREAS, It is advisable to close the Mayor's Clerk of Court Bond Account as it has been underutilized and is no longer necessary as indicated by the Clerk of Court and Village Administration; and,

WHEREAS, The \$123.00 balance of that account should be transferred to the Village's General Fund;

NOW THEREFORE, BE IT RESOLVED BY the Council of the Village of Boston Heights, County of Summit, Ohio, as follows:

Section 1: That the Mayor and the Clerk of Court are hereby authorized and directed to close the Clerk of Court Bond Account and deposit the residual balance of said account of \$123.00 into the Village's General Fund.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Mayor's Court and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution 39 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, FISCAL OFFICER

RESOLUTION HH - 2012
October 10, 2012
(First Reading)

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING
AND EMERGENCY.**

WHEREAS, this Council in accordance with the provisions of law have previously adopted a Tax Budget for the next succeeding fiscal year commencing with January 1, 2013; and

WHEREAS, the Budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation;

NOW, THEREFORE, BE IT RESOLVED BY the Council of the Village of Boston Heights, County of Summit and State of Ohio:

That the amounts and rates as determined by the Budget Commission in its certifications be and the same hereby are accepted.

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said Village that rate each tax necessary to be levied within and without the ten mill limitation as attached hereto as an Exhibit.

That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the Village of Boston Heights and to insure the continuing operations of the Village in the fiscal year 2013 and to meet the County of Summit's deadline of November 5, 2012.

PASSED:

BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, FISCAL OFFICER of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution 40 - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 10th day of October, 2012.

BETTY KLINGENBERG, Fiscal Officer

SUMMIT COUNTY BUDGET COMMISSION CERTIFICATION OF TAX LEVY
(ORC Sections 5705.34 & 5705.35)

POLITICAL ENTITY: Boston Heights Village
ESTIMATE

Tax Year 2012/Collection Year 2013

THE VALUATIONS AND TAX RATES REFLECT TAX YEAR 2011 COLLECTION YEAR 2012

LEVIES INSIDE AND OUTSIDE 10 MILL LIMITATION, INCLUSIVE OF DEBT LEVIES

Date: September 21, 2012

1. RES/AG REAL VALUE	52,743,370
2. OTHER REAL VALUE	11,538,310
3. TOTAL RES/AG & OTHER REAL VALUE	64,281,680
4. PUBLIC UTILITY PERSONAL VALUE	1,611,520
5. TOTAL REAL & PUBLIC UTILITY VALUE	65,893,200

FUND TYPE CLT FUND #	PURPOSE	Authorized by the Voters on MO/DAY/YR	Number of Years Levy to Run	Tax Year Begins/Ends	Collection Year Begins/Ends	Maximum Rate Authorized to be Levied	REDUCTION FACTOR		EFFECTIVE RATE TO BE LEVIED		RES/AG	OTHER	PUBLIC UTILITY	TOTAL
							RES/AG	OTHER	RES/AG	OTHER				
ROAD IMPROVEMENT 76 00	Current Expense	Renewal 11/08/11	5	12/16	13/17	2.75	0.000000 0.000000		2.750000 2.750000		\$145,044	\$31,730	\$4,432	\$181,206
FIRE PROTECTION 34 00	Perm Imp	Repl/Dec 11/03/09	5	09/13	10/14	0.50	0.000000 0.000000		0.500000 0.500000		\$26,372	\$5,769	\$806	\$32,947
FIRE & EMS 40 00	Current Expense	Renewal 11/6/2011	3	12/14	13/15	0.75	0.000000 0.000000		0.750000 0.750000		\$39,558	\$8,654	\$1,209	\$49,421
GENERAL 01 00	Inside					1.80			1.800000 1.800000		\$94,938	\$20,769	\$2,901	\$118,608
CAPITAL PROJECTS 16 00	Inside					0.30			0.300000 0.300000		\$15,823	\$3,461	\$483	\$19,767
TOTALS						8.10			6.100000 6.100001		\$321,735	\$70,383	\$9,831	\$401,949