

VILLAGE OF BOSTON HEIGHTS

COUNCIL MEETING - 7:00PM

JULY 10, 2013

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ALSO: Mayor Bill Goncy, Fiscal Officer Betty Klingenberg, Solicitor Marshal Pitchford, Engineer Dave Krock

Antal **NO** - Baxter **X** - D.Blakeney **X** - G.Blakeney **X** - Fenn **X** - Polyak **X**

APPROVAL OF AGENDA APPROVED "as amended" though no amendment was made at the meeting.

However, the actual agenda at the time of the meeting was different than the one distributed earlier.

APPROVAL OF MINUTES NONE OFFERED

OPEN FORUM

Mrs. Carol Zeman of Brandywine Road inquired as to why the Village had contracted for an additional \$50K with the same paving contractor that had done the 2012 work, when some of that earlier work had been widely viewed as unsatisfactory. Village Engineer Dave Krock explained that this year's work was only spot repair and sealing, which had been satisfactory in 2012, and that the unsatisfactory chip-and-seal-and-fog work was going to be re-done by the vendor at their own expense. The patch work is in process, and will be followed by sealing of those patches and other cracked pavement elsewhere, and the chip-and-seal repairs will follow that.

Carol Robinson, Lieutenant of the Boston Height Fire Department, complained that a number of purchase requests by the department had been left unfilled for weeks or months, including that for batteries for breathing apparatus used in fire fighting. Several other members of the Fire Department joined her in these objections. Mr. Baxter, the Chair of the Safety Committee, noted that these requests had been reviewed by the committee some time ago and referred to Mayor Goncy and Fire Chief Robinson for resolution. The Mayor stated that some items had already been purchased, and some others had been requested to be reduced from multi-year purchases, and at least one had been delayed due to a billing error. Not all items on the proffered list were addressed individually at this meeting, but Mr. Baxter and Mayor Goncy both agreed that the list would be re-examined and addressed. Mrs. Blakeney decried apparent communications problems between the Mayor and Fire Chief.

CORRESPONDENCE

Mayor Goncy announced that there were free Akron Zoo tickets available at the Village Hall for residents to visit during the Zoo's Community Days, August 18-22. He had also received a letter of thanks from the Cornerstone Church regarding the Village's assistance with the church's soccer camp at the Village Park.

ORDINANCES

ORDINANCE 2013-6-20
(Second Reading)
HELD FOR 3rd READING & public hearing.
Note: this is on the agenda as 2013-6-19, but this appears to be an error.

AN ORDINANCE AMENDING CHAPTER 1121 OF CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS TO ADOPT THE 2010 AMENDED VERSION OF THE SUMMIT COUNTY SUBDIVISION REGULATIONS AS THE PLATTING RULES AND REGULATIONS FOR THE VILLAGE
ED.NOTE: This version had been recommended to Council by the Planning Commission at its June meeting.

RESOLUTIONS

RESOLUTION 2013-6-25
(Second Reading)

RESOLUTION APPROVING SUPPLEMENT
PERMANENT APPROPRIATIONS (#3) RESOURCES AND
DECLARING AN EMERGENCY

ADOPTED: RES 2013-6-25

NOTE: Mr. Polyak asked Fiscal Officer Klingenberg to confirm that part of this reappropriation was for monies that would be reimbursed to the Village via grants, by the end of the fiscal year. Mrs. Klingenberg did confirm this, noting \$78K for the SWF grant to pave the Village Hall parking lot and \$75K of the grant for 400MHz radios would be reimbursed.

RESOLUTION 2013-7-27
(First Reading)

A RESOLUTION AP[P]ROVING 2014 BUDGET REQUEST TO THE
SUMMIT COUNTY BUDGET COMMISSION [AND DECLARING
AN EMERGENCY]

ADOPTED: RES 2013-7-27

RESOLUTION 2013-7-28
(First Reading)

A RESOLUTION TO APPROVING THE TAX INCENTIVE REVIEW
COUNCIL'S RECOMMENDATION TO CONTINUE TAX
ABATEMENT FOR ~~PAYCHEX CO.~~ HEMINGWAY AT BOSTON
HEIGHTS LLC AND PAYCHEX NORTH AMERICA AND
DECLARING AN EMERGENCY

ADOPTED: RES 2013-7-28

NOTE: An amendment by Mr. Polyak corrected the names of the parties receiving this tax abatement.

RESOLUTION 2013-7-29
(First Reading)

A RESOLUTION APPOINTING COMMUNITY MEMBERS TO THE VILLAGE OF BOSTON HEIGHTS TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-7-29

NOTE: The community members so appointed are William Hinkle and Bill Goncy (currently the Mayor). Note that these members must be residents of the Village.

RESOLUTION 2013-7-30
(First Reading)

A RESOLUTION DECLARING THE MONTH OF AUGUST 2013 SUMMIT KIDS MONTH IN THE ~~COUNTY OF SUMMIT~~ VILLAGE OF BOSTON HEIGHTS AND ENCOURAGING THE CITIZENS OF ~~SUMMIT COUNTY~~ BOSTON HEIGHTS TO JOIN IN THIS ACKNOWLEDGEMENT, ~~FOR THE EXECUTIVE~~ AND SUMMIT COUNTY. AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-7-30

NOTE: An amendment suggested by the Solicitor corrected this resolution to read as a declaring by and for the Village of Boston Heights, concurring with that of the County, rather than a declaration for the County at large.

RESOLUTION 2013-7-31
(First Reading)

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF AN ADDITIONAL TAX LEVY IN EXCESS OF THE TEN-MIL LIMITATION FOR THE PURPOSE OF THE CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS, AND BRIDGES IN THE VILLAGE PURSUANT TO SECTION 5705.19(G) OF THE REVISED CODE, AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-7-31

NOTE: This levy should now appear at the November 2013 General Election.

RESOLUTION 2013-7-32
(First Reading)

A RESOLUTION APPOINTING LEWIS D. KELLER AS SERGEANT FOR THE VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-7-32

NOTE: Officer Keller was sworn as Sergeant under New Business (below)

RESOLUTION 2013-7-33
(First Reading)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EQ REGARDING HINES HILL ROAD PROJECT AND DECLARING AN EMERGENCY.

HELD FOR 2nd READING & further revision.

NOTE: Solicitor Pitchford stated that this agreement would resolve all claims with EQ, the Krejci Dump remediation contractor, with respect to Hines Hill Road, for the lump sum payment of \$200K.

REPORTS

MAYOR

B. GONCY

Mayor Goncy stated that the County's claims for property taxes on the Cemetery and Fire Station had been resolved. While no taxes would be due going forward, some back taxes would have to be paid under state law -- but that those sums would be otherwise reimbursed by the County in some other way.

Mayor Goncy stated that the Village's excess tractor had been sold for \$38K cash.

Valley Fire Contract

Mayor Goncy stated that the Village Solicitor was still in negotiation with Valley Fire District for shared fire and EMS services.

American Securities – Motion to accept donation

Mayor Goncy stated that the Village had received the donation of a security camera from American Security (but no motion of acceptance was made by Council). Ed. Note: American Security is associated with Council member Frank Baxter.

Resignation of Chris Hovan – PD – 07/06/2013

Mayor Goncy reported that auxiliary police officer Hovan resigned as of this day, for a position elsewhere.

FISCAL OFFICER

B. KLINGENBERG

Fiscal Officer Klingenberg had no report and mentioned no fiscal reports.

OLD BUSINESS NONE

NEW BUSINESS Officer Keller was sworn as the Sergeant of the Police Department. A fourteen-year veteran of the department, He will be available to supervise in the absence of Chief Heatwall..

SAFETY COMMITTEE

F. BAXTER

Mr. Baxter reported that fire inspections have begun.

ROAD COMMITTEE

D. BLAKENEY

Mrs. Blakeney stated that a Road Committee meeting was scheduled for 15 July. Mr. Baxter asked about the unsatisfactory state of the ditching contractor's work, and Engineer Krock said he would report on this (below).

LANDS AND BUILDINGS COMMITTEE

G. BLAKENEY

Mr. Blakeney stated that a Lands and Buildings Committee meeting was scheduled for 1 August, followed by a Park Board meeting; the latter was also meeting at the Park on Friday evening at 7PM.

CEMETERY TRUSTEES

R. FENN

[CEMETERY COMMITTEE]

Mr. Fenn stated that the Cemetery Association would have a work session on 20 July at 9AM, and would be meeting with the Park Board to further plan a Fall Festival for the Village.

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

Mr. Antal was not present, but Mayor Goncy stated that the EDC was schedule to meet before Finance.

PLANNING COMMISSION / BZA

D. POLYAK

[ZONING COMMITTEE]

Mr. Polyak reported that the PC had approved a preliminary plan for a new subdivision, over his objections due to the additional roadway maintenance for the Village. He applauded legal extern Blake Zedar's efforts.

ENGINEER

DAVE KROCK

Mr. Krock reported that he had begun the process of invoking the bond given by the company that had performed unsatisfactory ditching and seeding for the Village. Final drawings were being made for the Village Hall paving project, and that and the Hines Hill Road repair projects should go to bid in early August. Akron-Peninsula Road pavement repairs were to be carried out this summer in conjunction with the Cuyahoga Vally National Park.

EXECUTIVE SESSION

Council, with the Mayor, Solicitor and Fiscal Officer, went into executive session “for the purpose of discussion of real-estate matters, employment matters, and ongoing litigation”.

ADJOURN

NOTICE

The complete text of each such Ordinance or Resolution may be obtained or viewed at the Boston Heights Village Hall, 45 East Boston Mills Road in the Office of the Fiscal Officer during office hours.

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-6-20
FIRST READING

**AN ORDINANCE AMENDING CHAPTER 1121 OF CODIFIED ORDINANCES OF THE
VILLAGE OF BOSTON HEIGHTS TO ADOPT THE 2010 AMENDED VERSION OF
THE SUMMIT COUNTY SUBDIVISION REGULATIONS AS THE PLATTING RULES
AND REGULATIONS FOR THE VILLAGE**

WHEREAS, the Village of Boston Heights has adopted Platting Rules and Regulations for the purposes of regulating and governing subdivisions and development of real property within the Village of Boston Heights, Ohio; and,

WHEREAS, the Council of the Village of Boston Heights finds cause to update those regulations in order to incorporate the current edition of the Summit County Subdivision Regulations, as amended, which is entitled "General Rules and Regulations for Plats and Subdivisions in the Unincorporated Area of Summit County, Ohio"; and,

WHEREAS, the Council desires to adopt those regulations as a standard ordinance and code in accordance with Ohio R.C. 731.231 and in compliance with the applicable sections of Ohio R.C. 711;

WHEREAS, the Council has received the recommendation of the Planning Commission of the Village of Boston Heights in favor of this adoption; and,

WHEREAS, the Council has conducted a duly noticed public hearing regarding the same.

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

Section 1: That Chapter 1121 of the Codified Ordinances, entitled "Platting Rules and Regulations," be repealed in its entirety and replaced with the document attached as Exhibit "A," entitled "Platting Rules and Regulations."

Section 2: That 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.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2013-6-20** 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 _____, 2013.

ED.NOTE:

The document “General Rules and Regulations for Plats and Subdivisions in the Unincorporated Areas of Summit County, Ohio” as amended and adopted by the County of Summit Council on May 24, 2010 is here:

http://www.co.summit.oh.us/images/stories/Development/Planning/Sub_regs_05242010.pdf

CHAPTER 1121

Platting Rules and Regulations

1121.01 RULES AND REGULATIONS ADOPTED.

- (a) The “General Rules and Regulations for Plats and Subdivisions in the Unincorporated Areas of Summit County, Ohio” as amended and adopted by the County of Summit Council on May 24, 2010, and enacted effective on that date, and referred to herein as the “the County Subdivision Regulations”, are hereby adopted and promulgated within the Village of Boston Heights effective immediately, and each and all of the regulations, provisions, penalties, conditions and terms of said County Subdivision Regulations are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with and subject to the additions, insertions, deletions and changes prescribed elsewhere in this Chapter, and are referred to herein as “these Village Regulations”.
- (b) These Village Regulations are adopted for the purposes of regulating and governing the subdivision and development of real property within the Village of Boston Heights, Ohio.
- (c) The provisions of the County Subdivision Regulations shall be interpreted and construed so as to achieve their essential purposes within the structure of the Village Planning Commission, Engineer, Mayor, Zoning Inspector, and Council, subject to the additions, insertions, deletions and changes prescribed elsewhere in this Chapter.
- (d) Except as otherwise provided in this chapter, where a conflict exists between the County Subdivision Regulations and any other chapter or section of the Codified Ordinances of the Village of Boston Heights, such conflict shall be resolved as set forth in Section 1101.05 of these Village Regulations, and in such a fashion so as to achieve the essential purposes and objectives as set forth in Section 1101.02, et seq., of these Village Regulations.

1121.02 ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO THE COUNTY SUBDIVISION REGULATIONS.

For the purposes of the adoption of the County Subdivision Regulations by the Village of Boston Heights, the following provisions and sections of the County Subdivision Regulations as specified in this chapter are hereby revised as follows:

- (a) Except as otherwise provided in this chapter, all instances of the following terms shall be replaced in the County Subdivision Regulations as follows:

- (1) “*Summit County*” and “*the County of Summit*” and “*the County*” shall be replaced by “*the Village of Boston Heights*”;
 - (2) “*unincorporated area of Summit County*” shall be replaced by “*area of the Village of Boston Heights*”, and shall refer to the incorporated area of the Village and any such unincorporated areas as may be subject to the platting authority of the Village of Boston Heights;
 - (3) “*COSE*” and “*County of Summit Engineer’s Office*” and “*County Engineer*” and “*County Engineer of Summit County*” and “*Engineer of Summit County*” shall be replaced by “*Village Engineer*” except where that reference is to a manual or standards document;
 - (4) “*County Council*” and “*Council of Summit County*” shall be replaced by “*Village Council*”;
 - (5) “*County Executive*” and “*Executive of Summit County*” shall be replaced by “*Mayor of the Village of Boston Heights*”;
 - (6) “*Director, Department of Law*” and “*Director of the Law Department for the County Executive of Summit County*” shall be replaced by “*Village Solicitor*”;
 - (7) “*County Prosecutor*” and “*Prosecuting Attorney of Summit County*” shall be replaced by “*Village Solicitor*”;
 - (8) “*Department of Building Standards*” and “*Department of Building Standards of Summit County*” shall be replaced by the title of that agency or officer specified in Title 13 of these Codified Ordinances as the building authority for the Village of Boston Heights;
 - (9) “*Department of Community and Economic Development*” and “*Planning Department*” shall be replaced by “*Village Zoning Inspector*”;
 - (10) “*Planning Authority*” and “*Summit County Planning Commission*” shall be replaced with “*Planning Commission of the Village of Boston Heights*”, and any reference to the number of members of that Planning Commission is stricken;
 - (11) “*Board of Township Trustees*” shall be replaced with “*Mayor and Village Council*”.
 - (12) “*County Fiscal Officer*” shall be replaced with “*Village Fiscal Officer*” except for those references to the property taxation, recording and land conveyance functions of the County Fiscal Office;
 - (13) Any other reference to “*Township*” in the sense of a specific township entity shall be replaced with “*Village of Boston Heights*”;
 - (14) Any reference to “*Township Zoning Resolution*” and like terms shall be replaced with “*the Zoning Ordinance*”;
 - (15) The terms "allotment" and "subdivision" are used herein synonymously.
- (b) Section 1101.05(b) is stricken in its entirety.
- (c) Section 1102.03(a)(77) is replaced in its entirety with

“(77) Riparian Setback. The area set back from each bank of a watercourse to protect the riparian area and watercourse from impacts of development, and streamside residents from impacts of flooding and loss through erosion. Riparian setbacks are those lands within the Village of Boston Heights that fall within the area defined by the criteria set forth in Chapter 1181 of Title Nine of Part Eleven of the Codified Ordinances of the Village of Boston Heights establishing Riparian Setbacks within the Village.”

- (d) Section 1102.03(a)(85) is replaced in its entirety with
“(85) Special Conditions Agreement. An agreement between a Developer/Subdivider and the Planning Commission, as approved by Village Council, which supplements the requirements of the Subdivision Regulations, other applicable regulatory requirements, and the jurisdictional authority of other county, state or federal departments or agencies.”
- (e) Section 1102.03(a)(100) is replaced in its entirety with
“(100) Village Planning Commission. (Planning Commission). That legally constituted body established by Chapter 1101 of Title One of Part Eleven of the Codified Ordinances of the Village of Boston Heights, and so designated as the Platting Commission of the municipality in conformance with Ohio Revised Code Section 713.03.”
- (f) Section 1102.03(a)(107) (“Township Trustee”) is stricken in its entirety.
- (g) Section 1102.03(a)(108) is replaced in its entirety with
“(108) Village Zoning Inspector. (Zoning Inspector). That person or agency so appointed as the enforcement officer for the Zoning Ordinance, under the terms of Chapter 1143 of Title Five of Part Eleven of the Codified Ordinances of the Village of Boston Heights.”
- (h) Section 1103.03(a) (“Minor Subdivisions”) shall have appended
“Where the requirements of this section conflict with the terms of Section 1171.03(b) of Title Nine of Part Eleven of the Codified Ordinances of the Village of Boston Heights, the terms of that section shall govern.”
- (i) Section 1103.04(a) (“Summit County Planning Commission Review Authority”) shall have appended
“For the purposes of this section, the Village Engineer shall act as the duly designated Staff of the Planning Commission and so may act as the Review Authority as herein defined. The Village Engineer shall fully inform and advise the Village Planning Commission of all review and action taken under such authority.”
- (j) Section 1109.03 (“Drainage Design”) shall have replaced the phrase

“in the name of the County Council as approved by the County Executive pursuant to Section 3.04 of the Summit County Charter”
with the phrase
“in the name of the Village of Boston Heights”

- (k) Section 1111.04 (“Fees”) is replaced in its entirety with
“Fees, deposits and charges for all applications, permits, and activities carried out under these Village Regulations shall be governed by Sections 1101.05 and 1101.06 of Title One of Part Eleven of the Codified Ordinances of the Village of Boston Heights.”
- (l) The Application Forms given in the Appendices of the County Subdivision Regulations shall be considered advisory only, and the Village Planning Commission shall create and approve such forms as it finds necessary to carry out the functions of these Village Regulations.
- (m) Appendix N (“Summit County Riparian Ordinance”) is stricken in its entirety.

1121.03 STANDARD CODE DOCUMENT MADE AVAILABLE TO THE PUBLIC

A complete copy of the County Subdivision Regulations which is the standard code document specified in this Chapter, along with the additions, insertions, deletions and changes prescribed elsewhere in this Chapter, is on file with the Village Fiscal Officer and also on file in the law library of the County of Summit, State of Ohio. Said Village Fiscal Officer shall have copies available for distribution to the public at cost.

1121.04 SUBMITTAL OF PLATS; REQUIREMENTS.

- (a) The Village Engineer shall act as the Staff and Engineer of the Village Planning Commission for the purposes of this Chapter.
- (b) All applications submitted under this Chapter shall be in the form prescribed and approved by the Village Planning Commission, and shall be made within the times and deadlines approved by the Village Planning Commission for the conducting of its business.
- (c) All applications submitted under this Chapter shall be accompanied by plans and drawings as prescribed, and in the forms required, by these Village Regulations.
- (d) No application under this Chapter shall be considered for review by the Village Planning Commission unless the Village Engineer certifies the completeness and sufficiency of the application and its attachments, and confirms receipt of all lawful fees, deposits, charges and bonds as certified by the Village Fiscal Officer.
- (e) Application for variance to these Village Regulations shall be considered by the Planning Commission subject to the rules and procedures of Section 1111.06 of the

County Subdivision Regulations, as specifically adopted and amended in this Chapter.

1121.05 PLANNING COMMISSION CONTROL AS TO LOCATION AND USE OF STRUCTURES.

- (a) The Village Planning Commission is hereby given the right to require that the plan, design, location, grade line and use of any structure to be erected on an allotment be first submitted to the Village Planning Commission.
- (b) Before the Village Planning Commission approves the final or record plat, it shall require that the use be one which appears to be the most appropriate and suitable and complies with all zoning regulations of the Village.

1121.06 APPROVAL WITHOUT PLAT.

Applications for approval without plat of a Minor Subdivision, in accordance with Ohio Revised Code 711.131 and Section 1102.03(a)(97) and 1103.03 of these Village Regulations, may be made to the Village Engineer.

- (a) For the purposes of this section, the Village Engineer is authorized to act as the Reviewing Authority, in lieu of the Planning Commission, to consider, review and approve or deny such application. The Village Engineer shall fully inform and advise the Planning Commission of all review and action taken under such authority.
- (b) An application hereunder shall be in the form prescribed and approved by the Village Planning Commission, and shall be considered within the time frame and deadlines prescribed by Ohio Revised Code 711.131 and these Village Regulations.
- (c) Such application shall be governed by the procedure given in Section 1103.04 of these Village Regulations, entitled "Minor Subdivision Procedure", and shall be accompanied by plans and drawings as prescribed, and in the forms required, by these Village Regulations.
- (d) No application hereunder shall be considered for review by the Reviewing Authority unless the Village Engineer certifies the completeness and sufficiency of the application and its attachments, and confirms receipt of all lawful fees, deposits, charges and bonds as certified by the Village Fiscal Officer.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-6-25
SECOND READING

**A RESOLUTION APPROVING SUPPLEMENT PERMANENT APPROPRIATIONS (#3)
AND DECLARING AN EMERGENCY**

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

Section 1: The Village's Permanent Annual Appropriations for the year 2013 are hereby amended, and the Supplement Permanent Appropriations (#3) for the Village of Boston Heights for the year 2013 as attached hereto as Exhibit "A" are hereby approved and adopted by the Council of the Village of Boston Heights, Ohio. All prior resolutions on the subject of Permanent Appropriations for 2013 are hereby amended to reflect and incorporate the information contained in Exhibit "A."

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

Section 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 and its departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-6-25** 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 July, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-27
FIRST READING

**A RESOLUTION APPROVING 2014 BUDGET REQUEST TO THE SUMMIT
COUNTY BUDGET COMMISSION AND DECLARING AN EMERGENCY**

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

Section 1: That the Council for the Village of Boston Heights hereby adopts and approves
the Village Budget request for 2014, which is attached hereto as Exhibit "A."

Section 2: That the Fiscal Officer and/or Mayor are hereby authorized and directed to
promptly submit the attached 2014 Budget to the Summit County Budget Commission.

Section 3: 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 4: That this Resolution 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
otherwise comply with the requirements of the Ohio Revised Code and shall take effect and be in force
from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston
Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-7-27** 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 July, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-28
FIRST READING

**A RESOLUTION TO APPROVING THE TAX INCENTIVE REVIEW COUNCIL'S
RECOMMENDATION TO CONTINUE TAX ABATEMENT FOR PAYCHEX CO. AND
DECLARING AN EMERGENCY**

WHEREAS, the duly appointed Tax Incentive Review Council, met to discuss and review the continuance of the tax abatement granted to Hemingway at Boston Heights, LLC and Paychex North America, Inc.; and,

WHEREAS, the Council recommended continuance of that agreement.

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

Section 1: That pursuant to the authority granted to the Tax Incentive Review Council by the Ohio Revised Code and after that Council's duly noticed annual review meeting and recommendation to continue/approve, the Council for the Village of Boston Heights hereby Hemingway at Boston Heights, LLC and Paychex North America, Inc. should be extended for another year.

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 and safety and welfare of the community and otherwise comply with the requirements of the Ohio Revised Code and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-7-28** 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 July, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-29
FIRST READING

**A RESOLUTION APPOINTING COMMUNITY MEMBERS TO THE VILLAGE OF
BOSTON HEIGHTS TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN
EMERGENCY**

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

Section 1: That pursuant to Ohio Revised Code 5709.85(A)(2), the following individuals shall be appointed as the members and representatives of the Village of Boston Heights on the Tax Incentive Review Council:

- (a) William Hinkle, and/or his designee; and,
- (b) Bill Goncy, and/or his designee.

Section 2: That the Council of the Village of Boston Heights hereby ratifies the appointments and prior acts of the aforesaid members of the Tax Incentive Review Council.

Section 3: That any prior resolution or ordinance that contravenes in any way of the terms of this Resolution is hereby rescinded and repealed.

Section 4: 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 5: 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 T.I.R.C., the Fiscal Office and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-7-29** 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 July, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-30
FIRST READING

**A RESOLUTION DECLARING THE MONTH OF AUGUST 2013 SUMMIT KIDS
MONTH IN THE VILLAGE OF BOSTON HEIGHTS AND ENCOURAGING THE
CITIZENS OF BOSTON HEIGHTS TO JOIN IN THIS ACKNOWLEDGEMENT. AND
SUMMIT COUNTY. AND DECLARING AN EMERGENCY**

WHEREAS, we recognize the importance of early childhood care, education, health, behavioral health, family support, special needs and early intervention: and,

WHEREAS, by ensuring kindergarten readiness, we are investing in the future prosperity of our community, because high quality, early childhood education is a critical component of K-12 success and is instrumental in cultivating a skilled workforce; and,

WHEREAS, health and wellness programs strive to ensure that children are protected from diseases which can cause serious illness, permanent damage or death; and,

WHEREAS, the Summit For Kids Expo connects families with businesses, organizations and agencies that focus on children's programming, health, education, activities, and entertainment; and,

WHEREAS, we are committed to reducing infant mortality in Summit County because Ohio has the 11th worst infant mortality rate in the nation and infant deaths in the African-American community in Summit County are nearly double the rate: of other populations; and,

WHEREAS, through the leadership of the First Things First Initiative, we can make a difference in the quality of life, health, well-being and education of children in Summit County, and,

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Boston Heights to declare August 2013 as Summit Kids Month in the Village of Boston Heights and across Summit County, and to encourage the citizens of Boston Heights to join in this acknowledgement;

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Boston Heights, State of Ohio, that:

Section 1: The month of August 2013 is hereby declared Summit Kids Month in Boston Heights and the citizens of Boston Heights are hereby encouraged to join in this acknowledgement.

Section 2: This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the Village of Boston Heights, and for the further reason of immediately declaring August 2013 as Summit Kids Month in Boston Heights prior to the commencement of the month.

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

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-7-30** 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 July, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-31
FIRST READING

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF AN ADDITIONAL TAX LEVY IN EXCESS OF THE TEN-MIL LIMITATION FOR THE PURPOSE OF THE CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS, AND BRIDGES IN THE VILLAGE PURSUANT TO SECTION 5705.19(G) OF THE REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Resolution No. 2013-6-26 adopted by this Council on June 12, 2013 (the "Resolution of Necessity"), this Council requested the County Fiscal Officer to certify the total current tax valuation of the Village and the dollar amount of revenue that would be generated by 2.75 mills for the purposes set forth in the Section 1 hereof;

WHEREAS, the County Fiscal Officer has certified to this Council that the total tax valuation of the Village is \$66,729,230. and that the estimated property tax revenue that will be produced by 2.75 mills for each \$1.00 of tax valuation is \$183,505.00;

WHEREAS, this Council has determined that it is necessary to submit to the electors of the Village the question of levying an additional tax in excess of the ten-mill limitation, as described below;

BE IT RESOLVED by the Council of the Village of Boston Heights, County of Summit, State of Ohio with at least two-thirds of all members concurring:

Section 1: This Council hereby determines to proceed with the submission to the electors of the Village at an election to be held on November 5, 2013 the question of levying an additional tax in excess of the ten-mill limitation at the rate of 2.75 mills for each \$1.00 of tax valuation, which amounts to 27.5 cents for each \$100 of tax valuation, for a continuing period of time (commencing with a levy on the tax list and duplicate for the year 2014 to be first due and distributed to the Village in calendar year 2015) for the purpose of the construction, reconstructions, resurfacing and repair of streets, roads and bridges in the Village in accordance with Section 5705.19(G) of the Revised Code. It is currently estimated by the County Fiscal Officer that the rate of 2.75 mills for each \$1.00 of tax valuation will generate \$183,505.00 annually.

Section 2: The Village Fiscal Officer is hereby authorized and directed to certify to the Summit Board of Elections copies of this Resolution, the Resolution of Necessity and the certification of the County Fiscal Officer referred to in the recitals hereto on or before August 6, 2013. This Council hereby requests that the Board of Elections prepare ballot forms and make other necessary arrangements for the submission of this question to the electors of the Village, all in accordance with the law.

Section 3: 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 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village residents and the Village's infrastructure, and the immediate emergency being the necessity to comply with the 90 day filing deadline imposed by the Ohio Revised Code and Summit County Board of Elections and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-7-31** 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 July, 2013.

DTE form 140R
Revised 5/11
O.R.C. 05705.03(B)

Certificate of Estimated Property Tax Revenue

(Use this form when a taxing authority certifies a millage rate
and requests the revenue produced by that rate/)

The County Fiscal Officer of Summit County, Ohio, does hereby certify the following;

1. On June 13, 2013, the taxing authority of the Boston Heights Village certified a copy of its Resolution No. 2013-6-26, adopted June 12, 2013, requesting the County Fiscal Officer to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by 2.75 mills, to levy a tax outside the ten-mill limitation for Road Improvement Purposes pursuant to Revised Code Section 5705.25, to be placed on the ballot at the November 5, 2013, election. The levy type is Additional.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$183,505.
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue rate is \$66,729,230.

(signed)

Kristen M. Scalise CPA, OFE
Fiscal Officer, County of Summit

June 27, 2013
Date

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-32
FIRST READING

**A RESOLUTION APPOINTING LEWIS D. KELLER AS SERGEANT FOR THE
VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT AND DECLARING AN
EMERGENCY**

WHEREAS; The Mayor and the Police Department have expressed their support for the appointment of Lewis D. Keller as Sergeant of the Village of Boston Heights Police Department; and,

WHEREAS; The Council of the Village of Boston Heights finds full faith and confidence in Lewis D. Keller;

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

Section 1: That the Mayor's recommendation of Lewis D. Keller as Sergeant for the Village of Boston Heights Police Department be hereby confirmed and approved effective, July 22, 2013.

Section 2: That Lewis D. Keller be designated at. Level 1 in the applicable Village Pay Ordinance until further directed by the Council for the Village of Boston Heights.

Section 3: That 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 12.1.22 of the Ohio Revised Code.

Section 4: 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 Police Department and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-7-32** 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 July, 2013.

Village of Boston Heights
45 E. Boston Mills Rd. * Boston Hts, Ohio 44236
Phone 330.650.4111 * Fax 330.655.9578

June 25, 2013

Dear Mayor Goncy,

I would like to take this opportunity to recommend Officer Louis Keller for the open position of Police Sergeant for the Village of Boston Heights. Officer Keller has been commissioned as an Auxiliary Officer with the Boston Heights Police Department since March 19, 1999 until being promoted to full time Police Officer February 8, 2006. Officer Keller possess all the requirements listed below.

the Police Sergeant is a low-level supervisory position and supervises officers directly. Typically, the patrol sergeant assigns officers to patrol duties and assigns specific task for the day, they assure that officers are adhering to policy, procedures and law, they review paperwork, track & evaluate officer performance, provide guidance and answer officer questions, field citizens' complaints, and basically serve as a role model for the shift they supervise. The Sergeant is likely one of the most important positions in a police agency because they have such direct influence over officer activities.

It is my recommendation promoting Officer Keller to the position of Police Sergeant will improve the overall performance of this department.

Thank you for your consideration of this request.

Sincerely

(signed)

Chief Raymond L. Heatwall

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-33
FIRST READING

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH EQ REGARDING HINES HILL ROAD PROJECT AND DECLARING AN
EMERGENCY.**

ED.NOTE:

We have not yet received the title nor the text of this proposed Resolution in response to our public record request.