

**VILLAGE OF BOSTON HEIGHTS
REGULAR COUNCIL MEETING**

June 13, 2012 - 8:00 PM

AGENDA

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CORRESPONDENCE

AUDIENCE PARTICIPATION

ORDINANCE N - 2012
(Second Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1151.07(a)(26) REGARDING MINIMUM SQUARE FOOTAGE AND DECLARING AN EMERGENCY.

ORDINANCE O - 2012
(Second Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1141.34 REGARDING PUBLICATION FOR PUBLIC NOTICE OF A HEARING.

ORDINANCE T- 2012
(First Reading)

AN ORDINANCE APPROVING THE UPDATED ZONING MAP

RESOLUTION AA- 2012
(First Reading)

A RESOLUTION AUTHORIZING ADVANCING OF LOCAL TAXES.

RESOLUTION BB - 2012
(First Reading)

A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS, TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

RESOLUTION CC - 2012
(First Reading)

A RESOLUTION CONFIRMING THE LEVEL CHANGE WITHIN THE POLICE DEPARTMENT WAGE STRUCTURE FOR VARIOUS EMPLOYEES AND DECLARING AN EMERGENCY.

COMMITTEE REPORTS

OLD BUSINESS

NEW BUSINESS

ADJOURN

RICHARD HUBER, FISCAL OFFICER

ORDINANCE N - 2012
JUNE 13, 2012
(Second Reading)

**ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1151.07(a)(26)
REGARDING MINIMUM SQUARE FOOTAGE AND DECLARING AN EMERGENCY.**

WHEREAS; The Planning Commission for the Village of Boston Heights has reported a recommended change in the minimum square footage as set forth in Codified Ordinance 1151.07(a)(26); and,

WHEREAS; A proper public notice and a hearing has been given as to the changing to the adoption of this Ordinance and the amendments to Codified Ordinance Section 1151.07(a)(26);

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

Section 1 : That Codified Ordinance Section 1151.07(a)(26) of the Codified Ordinances of the Village of Boston Heights be amended to and shall now state as follows:

(26) Office: One space for each 250 square feet of floor area as the minimum parking space requirement.

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, RICHARD HUBER, 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 _____, 2012.

RICHARD HUBER, Fiscal Officer

ORDINANCE O - 2012
JUNE 13, 2012
(Second Reading)

**ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1141.34 REGARDING
PUBLICATION FOR PUBLIC NOTICE OF A HEARING**

WHEREAS; The "Public Notice of a Hearing" definition in Codified Ordinance 1141.34 no longer reflects the precise requirements the Ohio Revised Code; and,

WHEREAS; The Planning Commission has reported to Council a recommendation in favor of this Ordinance; and,

WHEREAS; Proper public notice and a hearing has been given as to the adoption of this Ordinance and these amendments to Codified Ordinance Section 1141.34;

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

SECTION 1: That Codified Ordinance Section 1141.34 of the Codified Ordinances of the Village of Boston Heights be amended and shall now state as follows:

"Public notice of a hearing" means notice of a time and place thereof, published for a period not less than thirty (30) days prior to the date of the hearing in a newspaper of general circulation in the Village.

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.

PASSED:

BILL GONCY, MAYOR

ATTEST:

RICHARD HUBER, FISCAL OFFICER

I, RICHARD HUBER, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance O - 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 June, 2012.

ORDINANCE T - 2012
JUNE 13, 2012
(First Reading)

AN ORDINANCE APPROVING THE UPDATED VILLAGE ZONING MAP

WHEREAS, the Planning Commission of the Village of Boston Heights has reviewed and recommended various changes to the Village Zoning Map, and

WHEREAS, a Public Hearing was conducted on Tuesday, May 22, 2012 at 1830 hours regarding the proposed changes to the Village Zoning Map.

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

SECTION 1 : The Zoning Classification Map, as amended and attached hereto as Exhibit A is hereby accepted by Council.

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: This Ordinance was duly adopted and shall take effect thirty (30) days after its adoption by Council and approved by the Mayor, otherwise, at the earliest period allowed by law.

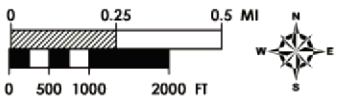
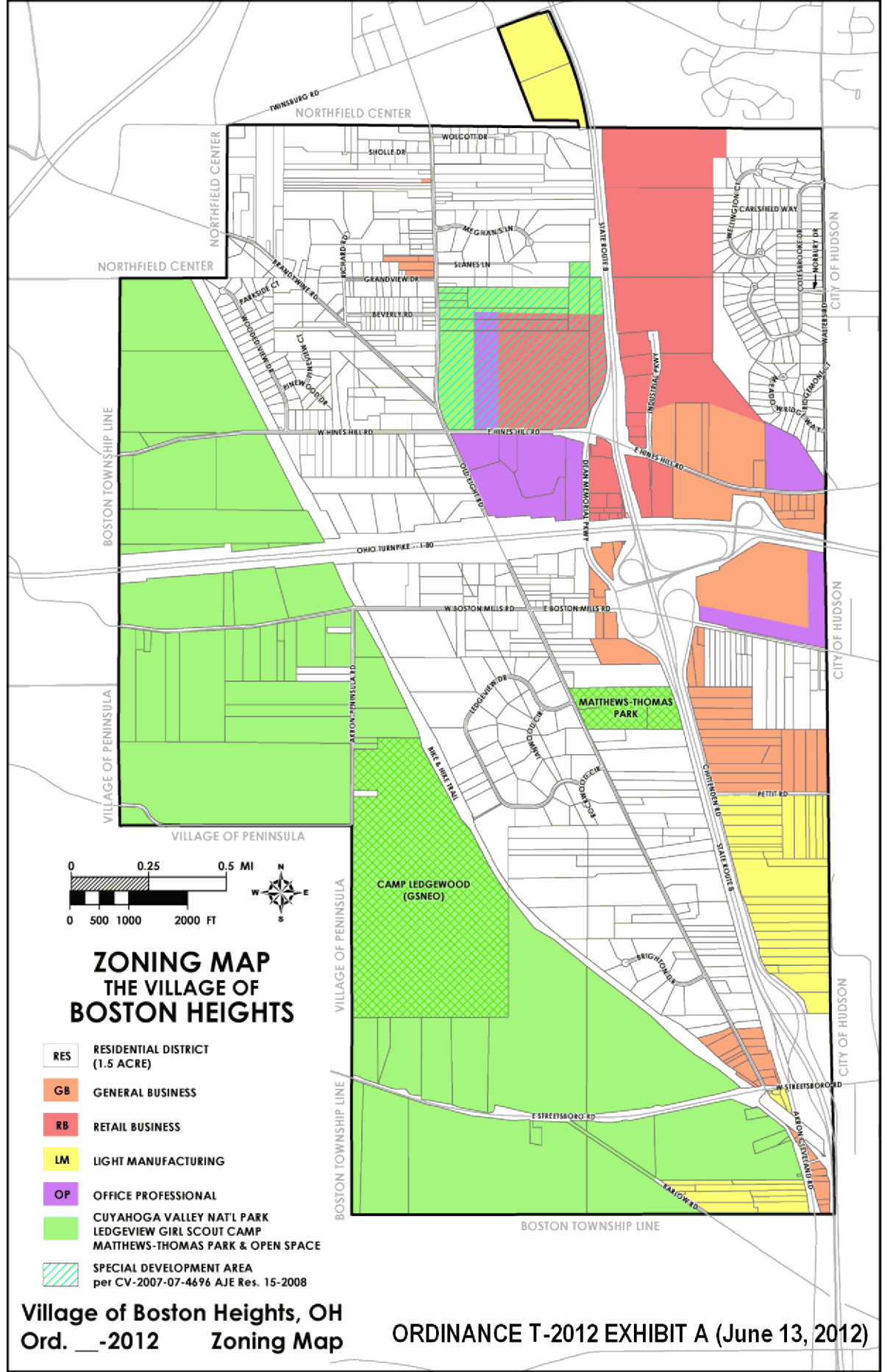
PASSED:

BILL GONCY, MAYOR

ATTEST:

RICHARD HUBER, FISCAL OFFICER

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, 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 the ___th day of June, 2012.



ZONING MAP THE VILLAGE OF BOSTON HEIGHTS

- RES RESIDENTIAL DISTRICT (1.5 ACRE)
- GB GENERAL BUSINESS
- RB RETAIL BUSINESS
- LM LIGHT MANUFACTURING
- OP OFFICE PROFESSIONAL
- CUYAHOGA VALLEY NAT'L PARK
LEDGEVIEW GIRL SCOUT CAMP
MATTHEWS-THOMAS PARK & OPEN SPACE
- SPECIAL DEVELOPMENT AREA
per CV-2007-07-4696 AJE Res. 15-2008

RESOLUTION AA - 2012
JUNE 13, 2012
(First Reading)

RESOLUTION AUTHORIZING ADVANCING OF LOCAL TAXES

WHEREAS, pursuant to Ohio Revised Code Section 321.34, all local authorities entitled to advancement of funds must submit a resolution authorizing advances of local taxes each year; and,

WHEREAS, this Council finds that it is in the best interest of the Village to request advancement of local taxes from the Summit County Fiscal Officer;

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

SECTION 1. That the Summit County Fiscal Officer be, and hereby is, requested to pay to the Village Fiscal Officer such funds as may be available for distribution by said County Fiscal Officer.

SECTION 2. That the Mayor and the Village Fiscal Officer be, and hereby are, authorized and directed to sign the necessary documents to secure such advances and also the secondary documents to secure such advances and also the secondary documents to secure the semi-annual settlement for the 2012 tax year with the County Fiscal Officer payable during the calendar year 2012.

SECTION 3. That the authorization herein conferred shall extend to any advances for the year 2012 tax year that may be required to be paid during the calendar year 2012.

SECTION 4. That the Village Fiscal Officer be, and is hereby authorized and directed to forward a certified copy of this resolution to the Summit County Fiscal Officer as may be necessary to make this resolution effective.

SECTION 5. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

BILL GONCY, MAYOR

ATTEST:

RICHARD HUBER, FISCAL OFFICER

I, RICHARD HUBER, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution ___- 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 June, 2012.

**RESOLUTION BB - 2012
JUNE 13, 2012
(First Reading)**

**A RESOLUTION AUTHORIZING THE PREPARATION AND
SUBMISSION OF AN APPLICATION TO PARTICIPATE IN THE OHIO
PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT
AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS,
TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN
EMERGENCY.**

WHEREAS, the Ohio Public Works Commission's State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and,

WHEREAS, the Village of Boston Heights is planning to make capital improvements and otherwise conduct the Hines Hill Road Reconstruction; and,

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs;

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

Section 1: That the Mayor is hereby authorized to prepare an application and otherwise apply to the OPWC for funds as described above.

Section 2: The Mayor is hereby authorized to enter into any agreements as may be necessary and appropriate for obtaining the aforesaid financial assistance.

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.

RESOLUTION BB -2012 (pg 2)
JUNE 13, 2012
(First Reading)

**A RESOLUTION AUTHORIZING THE PREPARATION AND
SUBMISSION OF AN APPLICATION TO PARTICIPATE IN THE OHIO
PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT
AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS,
TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN
EMERGENCY.**

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 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:

RICHARD HUBER, FISCAL OFFICER

I, RICHARD HUBER, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution ____-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 June, 2012.

RESOLUTION CC - 2012

JUNE 13, 2012

(First Reading)

A RESOLUTION CONFIRMING THE LEVEL CHANGE WITHIN THE POLICE DEPARTMENT WAGE STRUCTURE FOR VARIOUS EMPLOYEES AND DECLARING AN EMERGENCY

WHEREAS, the Police Chief and the Mayor have approved moving:

Randall Robison - to Level 3 and
Jeffrey Lyle - to Level 3

under Section 5 (A)(1) entitled Police Department, Full Time Police Officers rates of the present compensation Ordinance 11 - 2011; and,

WHEREAS, the present compensation Ordinance 11 - 2011 indicates the consent of Council is required after the approval of the Police Chief and Mayor;

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

Section 1 : That the Police Chief and the Mayor have approved Randall Robison and Jeffrey Lyle, having successfully met their probation period, to move to Level 3 under the classification of Sergeant as indicated in the Compensation Ordinance 11-2011 of the Village of Boston Heights and have presented this Resolution to the Council of the Village of Boston Heights for their consent.

Section 2: Upon the consent of Council this level change shall begin retroactively with the pay period beginning May 14, 2012.

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

Section 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and for the continuing forward progress of the Village Police department.

PASSED:

BILL GONCY, MAYOR

ATTEST:

RICHARD HUBER, FISCAL OFFICER

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution ____ - 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 the ____th day of June, 2012.