

**VILLAGE OF BOSTON HEIGHTS  
REGULAR COUNCIL MEETING**

**September 12, 2012 - 8:00 PM**

**AGENDA**

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CORRESPONDENCE

AUDIENCE PARTICIPATION

**ORDINANCE U - 2012  
(Third Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 1179.04 REGARDING THE SIZE AND DURATION OF TEMPORARY POLITICAL SIGNAGE POSTING BEFORE REPLACEMENT AND DECLARING AN EMERGENCY.**

**ORDINANCE V - 2012  
(Second Reading)**

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

**ORDINANCE W - 2012  
(Second Reading)**

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

**ORDINANCE X- 2012  
(Second Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 133.05(c)(1) TO ADD CHARGES FOR SCANNING OF DOCUMENTS IN RESPONSE TO A PUBLIC DOCUMENT REQUEST AND DECLARING AN EMERGENCY.**

**ORDINANCE Y- 2012  
(Second Reading)**

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

**ORDINANCE Z- 2012  
(Second Reading)**

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

**ORDINANCE AA - 2012  
(Second Reading)**

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

**ORDINANCE BB - 2012  
(First Reading)**

**AN ORDINANCE CREATING CODIFIED ORDINANCE 133.012 AND AMENDING 133.011 AND 133.04(e) AND DECLARING AN EMERGENCY.**

**ORDINANCE CC - 2012  
(First Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 131.05 TO ELIMINATE SPECIFIC HOURLY REQUIREMENTS AND CLARIFY DUTIES AND DECLARING AN EMERGENCY.**

**ORDINANCE DD - 2012  
(First Reading)**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE MOVING OHIO FORWARD DEMOLITION PROGRAM SUB-RECIPIENT AGREEMENT AND DECLARING AN EMERGENCY.**

**RESOLUTION BB - 2012  
(First Reading)**

**A RESOLUTION DECLARING VILLAGE SPONSORSHIP AND  
HOSTING OF THE FALL FESTIVAL 2012 AND DECLARING AN  
EMERGENCY.**

**RESOLUTION CC - 2012  
(First Reading)**

**A RESOLUTION APPOINTING BETTY KLINGENBERG AS FISCAL  
OFFICER FOR THE VILLAGE OF BOSTON HEIGHTS AND  
DECLARING AN EMERGENCY.**

**RESOLUTION DD - 2012  
(First Reading)**

**A RESOLUTION APPOINTING RICHARD HUBER AS ASSISTANT  
FISCAL OFFICER AND DECLARING AN EMERGENCY.**

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RICHARD HUBER, FISCAL OFFICER

**ORDINANCE U - 2012  
SEPTEMBER 12, 2012  
(Third Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 1179.04 REGARDING THE  
SIZE AND DURATION OF TEMPORARY POLITICAL SIGNAGE POSTING BEFORE  
REPLACEMENT AND DECLARING AN EMERGENCY.**

WHEREAS; The Council of the Village of Boston Heights finds that in Boston Heights Codified Ordinance 1179.02(b)(3) a “political sign” is defined as “a temporary sign advertising a political candidacy or issue;”

WHEREAS; The Council of the Village of Boston Heights finds that the life span of a temporary sign made of (1) lightweight wood and cardboard, (2) wire frame and cardboard, and/or (3) wire frame and plastic, is thirty days;

WHEREAS; The Council of the Village of Boston Heights finds the often flimsy physical characteristics of standard or typical temporary signs in general, including temporary political campaign signs, justify the imposition of a limit on the length of time they might be posted, so as to (1) avoid the development of litter or unsightly disintegration and (2) not distract or confuse motorists or pedestrians;

WHEREAS; The Council of the Village of Boston Heights finds that the Village’s ordinance on political yard signs should be more narrowly tailored to the specific interests of preventing litter and the unsightly disintegration of temporary political yard signs;

WHEREAS; The Council of the Village of Boston Heights finds, in order to preserve public peace, health, safety and the aesthetics of the Village, that the Codified Ordinance 1179.04 should be amended;

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

Section 1: That Codified Ordinance 1179.04(a)(3)(D) shall be and is hereby amended to state as follows:

**Any political sign that does not exceed twelve (12) square feet per side shall be permitted provided that such sign shall be not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owner’s option, be replaced with a new sign. Each such sign shall be duly registered in accordance with subsection 1179.03(j) of this Chapter.**

Section 2: That Codified Ordinance 1179.04(c)(4)(D) shall be and is hereby amended to state as follows:

**Any political sign that does not exceed twelve (12) square feet per side shall be permitted provided that such sign shall be not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owner's option, be replaced with a new sign. Each such sign shall be duly registered in accordance with subsection 1179.03(j) of this Chapter.**

Section 3: That Codified Ordinance 1179.04(d)(4)(D) shall be and is hereby amended to state as follows:

**Any political sign that does not exceed twelve (12) square feet per side shall be permitted provided that such sign shall be not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owner's option, be replaced with a new sign. Each such sign shall be duly registered in accordance with subsection 1179.03(j) of this Chapter.**

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.

Section 5: 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, Clerk of Council/Fiscal Officer 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 the \_\_\_ day of September, 2012.

\_\_\_\_\_  
RICHARD HUBER, FISCAL OFFICER

**ORDINANCE V - 2012**  
**SEPTEMBER 12, 2012**  
**(Second 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, RICHARD HUBER, 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 the \_\_\_ day of September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE W - 2012  
SEPTEMBER 12, 2012  
(Second 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 and 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.**

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, 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE X - 2012**  
**SEPTEMBER 12, 2012**  
**(Second Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE**  
**133.05(c)(1) TO ADD CHARGES FOR SCANNING OF DOCUMENTS IN RESPONSE**  
**TO A PUBLIC DOCUMENT REQUEST AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Boston Heights currently charges for the printing and/or copying of records to be made available pursuant to public documents requests in hard copy; and,

WHEREAS, the Village of Boston Heights receives public document requests for information and records that are stored electronically; and,

WHEREAS, the Village Administration incurs expense in the printing and scanning of documents that cannot be emailed from a computer desktop;

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

Section 1: That Codified Ordinance 113.05(c)(1) be amended to state as follows:

**A charge of \$.05 per page will be made for any record that is copied for delivery in hard format or that must be scanned for the provision of such record via email.**

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 an emergency measure necessary for the immediate preservation of the public peace, health and safety and to allow for the continued operations of the Village departments and shall take effect and be in force from and immediately as 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE Y - 2012**  
**September 12, 2012**  
**(Second 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	\$220.00 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: 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: 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: 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 2<sup>nd</sup> and 3<sup>rd</sup> year lifeguards and Nine and 84/100 dollars (\$9.84) per hour for 4<sup>th</sup> 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, 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE Z - 2012  
SEPTEMBER 12, 2012  
(Second 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, RICHARD HUBER, 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE AA - 2012**  
**SEPTEMBER 12, 2012**  
**(Second 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, 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE BB - 2012  
SEPTEMBER 12, 2012  
(First Reading)**

**AN ORDINANCE CREATING CODIFIED ORDINANCE  
133.012 AND AMENDING 133.011, 133.03 AND 133.04(e) AND  
DECLARING AN EMERGENCY.**

WHEREAS, the Village of Boston Heights Fiscal Office shall be open during the regular hours the Village Hall is open, and unless otherwise provided for by Council; and,

WHEREAS, the Village Administration believes it necessary that an Assistance Fiscal Officer position be created and filled in order to faithfully meet its duties and responsibilities to the citizens of Boston Heights; and,

WHEREAS, historically, the Village Administration has had more than one individual assisting and/or working in the office of what is now known as the Fiscal Officer;

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

**Section 1:** That Codified Ordinance 133.011(e) be amended to state as follows:

**(e) The office of the Fiscal Officer shall be open during the same hours that the Village Hall is open, unless otherwise provided for by Council. The Village Fiscal Office may be staffed by either the Fiscal Officer or the Assistant Fiscal Officer during those times.**

**Section 2:** That Codified Ordinance 133.012 be created and state as follows:

**131.05 ASSISTANT FISCAL OFFICER**

**The position of Assistant Fiscal Officer is hereby established and defined so as to provide for a Part-Time or Substitute Fiscal Officer, to be appointed by the Mayor and confirmed by Council in the same fashion as the Fiscal Officer. The Assistant Fiscal Officer shall, whenever it is necessary to have a substitute in the place of the Fiscal Officer, when that individual cannot work due to illness, vacation or other reasonable excuse authorized by the**



**Mayor, work in the place of the Fiscal Officer. The Assistant Fiscal Officer may also be called in to work by the Mayor at times when an additional person is needed to complete the necessary work of the Fiscal Officer, that for the reason of volume or other matters, the Fiscal Officer is unable to take care of such items in a timely manner.**

**Section 3:** That Codified Ordinance 133.03 be amended to state as follows:

**(a) The Fiscal Officer shall audit the books of the Mayor's Court at least once a month and shall prepare a report relating to the results of such audit.**

**(b) The Fiscal Officer shall provide each member of Council with a copy of the monthly reports of the audit of the books and accounts of the Mayor's Court.**

**(c) The Fiscal Officer shall prepare and deliver to the members of the Finance Committee of Council accurate statements as to the status of each and every account of the Village, each and every month, at the regularly scheduled Finance Committee meeting. Such financial statements shall be reviewed and approved by the Assistant Fiscal Officer and/or the internal auditor of the Village prior to issuance to any member of Council.**

**Section 4:** That Codified Ordinance 133.04(e) be repealed in its entirety and be stricken from the Codified Ordinances.

**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.

**Section 6:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in force from and 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE CC - 2012  
SEPTEMBER 12, 2012  
(First Reading)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE  
131.05 TO ELIMINATE SPECIFIC HOURLY REQUIREMENTS AND  
CLARIFY DUTIES AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Boston Heights Assistant Office Clerk is an important position within the Village Administration; and,

WHEREAS, the Village of Boston Heights Mayor's Court sometimes requires the attention and work of more than one individual;

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 Codified Ordinance 131.05 be amended to state as follows:

**131.05 ASSISTANT OFFICE CLERK / CLERK OF COURT**

**The position of Assistant Office Clerk is hereby established and re-defined so as to provide for a Part-Time and/or Substitute Clerk to be appointed by the Mayor and confirmed by Council. The Assistant Office Clerk shall be appointed and confirmed at the first regularly scheduled Village Council Meeting in January of each year to serve a one (1) year term. Whenever it is necessary to have a substitute in the place of the Office Clerk, when that individual cannot work due to illness, vacation or other reasonable excused authorized by the Mayor, the Assistant Clerk shall work in the place of the Office Clerk. The Assistant Office Clerk may also be called in to work by the Mayor at times when an extra person is needed to complete the necessary work of the Office Clerk, that for the reason of volume or other matters, the Office Clerk is unable to take care of such items in a timely manner.**

**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 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, 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**ORDINANCE DD - 2012  
SEPTEMBER 12, 2012  
(First Reading)**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
THE MOVING OHIO FORWARD DEMOLITION PROGRAM SUB-RECIPIENT  
AGREEMENT AND DECLARING AN EMERGENCY.**

WHEREAS; The Summit County Land Reutilization Corporation in conjunction with the County of Summit has applied and been awarded funds through the Moving Ohio Forward Demolition Program, as approved by the Ohio Attorney General's Office; and,

WHEREAS; The Village of Boston Heights has a need and has determined for the improvement of the community's safety, health and general welfare, it should apply and participate in the Moving Ohio Forward Demolition Program;

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 the Mayor is hereby authorized and directed to execute the Sub Recipient Agreement between the County of Summit through the Department of Community and Economic Development, on one hand, and the Village of Boston Heights, on the other hand. The Agreement to be entered is attached hereto as Exhibit "A."

Section 2: The Mayor, Fiscal Officer, and other Village employees as directed by the Mayor, are hereby authorized and directed to fully effectuate the terms of the Agreement attached hereto as Exhibit "A" in the best interests of the Village and its residents.:

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.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village residents and shall therefore take effect and be in force from and 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, FISCAL OFFICER

**RESOLUTION BB - 2012  
SEPTEMBER 12, 2012  
(First Reading)**

**A RESOLUTION DECLARING VILLAGE SPONSORSHIP AND HOSTING OF THE FALL  
FESTIVAL 2012 AND DECLARING AN EMERGENCY.**

WHEREAS; The Village of Boston Heights wishes to support a Fall Festival for the enjoyment and benefit our Village Residents and their friends from surrounding communities; and,

WHEREAS; The Village of Boston Heights wishes to sponsor the 2012 Fall Festival to be held at Matthews Thomas Park on October 6, 2012 from 3 PM until 7 PM; and,

WHEREAS ; The Village of Boston Heights intends to foster community support and volunteer efforts in the support of the 2012 Fall Festival, and,

WHEREAS; The Fairview Cemetery Association and the Friends of Matthews Thomas Park have stated their desire to help support the operation of the 2012 Fall Festival;

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

Section 1: The Village hereby sponsors and the Mayor is directed and authorized to do all things necessary, including but not limited to executing contracts, to oversee and direct the Village of Boston Heights' Fall Festival on October 6, 2012. The funds paid to the Village for table rentals shall be deposited in the proper Village account as determined by the Fiscal Officer.

Section 2: That this Council hereby finds and determines all formal actions relative to the adoption of this Resolution were taken in and 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 and shall therefore take effect and be in force from and immediately alter 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 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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**RESOLUTION CC - 2012  
SEPTEMBER 12, 2012  
(First Reading)**

**A RESOLUTION APPOINTING BETTY KLINGENBERG AS FISCAL OFFICER  
FOR THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY.**

WHEREAS ; Village Council finds it is in the general interest of the Village and its residents to appoint Betty Klingenberg as Fiscal Officer,

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 Mayor's appointment of Betty Klingenberg is hereby approved and she is thus appointed to the position of Fiscal Officer for the remainder of 2012, as provided in Boston Heights Codified Ordinance Chapter 133.

Section 2: That effective September 13, 2012, Betty Klingenberg shall assume and fulfill the duties imposed upon her by virtue of her respective position according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio.

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 of the Village residents and to allow for the continued operations of the Village 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:

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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, Fiscal Officer

**RESOLUTION DD - 2012  
SEPTEMBER 12, 2012  
(First Reading)**

**RESOLUTION APPOINTING RICHARD HUBER AS  
ASSISTANT FISCAL OFFICER AND DECLARING AN EMERGENCY.**

WHEREAS ; Village Council finds it is in the general interest of the Village and its residents to appoint Richard Huber as Ass't. Fiscal Officer,

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 Mayor's appointment of Richard Huber is hereby approved and he is thus appointed to the position of Assistant Fiscal Officer for the remainder of 2012, as provided in Boston Heights Codified Ordinance Chapter 133.

Section 2: That effective September 13, 2012, Richard Huber shall assume and fulfill the duties imposed upon him by virtue of his respective position as Assistant Fiscal Officer according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio.

Section 3: That effective September 13, 2012, Richard Huber's resignation from the position of Fiscal Officer shall be accepted.

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 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:

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 September, 2012.

\_\_\_\_\_  
RICHARD HUBER, FISCAL OFFICER