

**VILLAGE OF BOSTON HEIGHTS  
COUNCIL MEETING  
FEBRUARY 13, 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 X - Baxter (absent) - D.Blakeney X - G.Blakeney X - Fenn X - Polyak X

APPROVAL OF AGENDA

CORRESPONDENCE

**F.O. Klingenberg says: NO MINUTES to approve (due to transcription hardware problems)**

OPEN FORUM

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ORDINANCES

ORDINANCE 2013-2-2  
(First Reading)

**ADOPTED: ORD 2013-2-2**

AN ORDINANCE AUTHORIZING THE VILLAGE OF BOSTON BOSTON HEIGHTS TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE VILLAGE PURSUANT TO INTERNAL REVENUE CODE SECTION 414(H)(2) AND DECLARING AN EMERGENCY

ORDINANCE 2013-2-3  
(First Reading)

**ADOPTED: ORD 2013-2-3**

AN ORDINANCE AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO PICK UP THE REQUIRED CONTRIBUTION TO THE OHIO POLICE & FIRE PENSION FUND FOR THE ELIGIBLE EMPLOYEES OF THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

ORDINANCE 2013-2-4  
(First Reading) AN ORDINANCE REGARDING CHANGES FOR FEE AND  
DEPOSIT REFERENCES IN ZONING CODE AND RELATED  
ORDINANCES

**HELD FOR 2nd Reading  
& public hearing**

ORDINANCE 2013-2-5  
(First Reading) ORDINANCE CHANGING THE NUMBER OF MEMBERS FOR  
THE BOARD OF ZONING APPEALS

**HELD FOR 2nd Reading  
& public hearing**

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RESOLUTIONS

RESOLUTION 2013-2-6  
(First Reading) A RESOLUTION CONFIRMING THE APPOINTMENT OF THE  
VILLAGE FIRE INSPECTOR AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-2-6**

**APPOINTED: EDWARD YOST, effective January 9, 2013**

RESOLUTION 2013-2-7  
(First Reading) A RESOLUTION AUTHORIING THE MAYOR TO ENTER [INTO]  
A CONTRACT WITH KELLY SERVICES, INC. AND DECLARING  
AN EMERGENCY

**ADOPTED: RES 2013-2-7**

**FOR: OFFICE HELP FOR FISCAL OFFICER & OFFICE CLERK**

RESOLUTION 2013-2-8  
(First Reading) A RESOLUTION FOR THE APPOINTMENT OF CEMETERY  
SEXTON FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE  
YEAR 2013 AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-2-8**

(Formerly VV-2012)

**APPOINTED: TONEY GARABAY, effective January 9, 2013**

RESOLUTION 2013-2-9  
(First Reading) A RESOLUTION AUTHORIZING THE MAYOR TO FILE, ON  
BEHALF OF THE VILLAGE OF BOSTON HEIGHTS, AN  
APPLICATION TO THE SUMMIT/AKRON SOLID WASTE  
MANAGEMENT AUTHORITY (SASWMA) FOR COMMUNITY  
RECYCLING ACCESS GRANT [AND] DECLARING AN  
EMERGENCY.

**ADOPTED: RES 2013-2-9**

**MAYOR SAYS: FOR ADDITIONAL RESIDENTIAL RECYCLING BINS**

REPORTS

MAYOR

FISCAL OFFICER

January Fiscal Reports - Motion to Approve  
Directories - 2013

SAFETY COMMITTEE

F. BAXTER

ROAD COMMITTEE

D. BLAKENEY

LANDS AND BUILDINGS COMMITTEE

G. BLAKENEY

CEMETERY COMMITTEE / TRUSTEES

R. FENN

Easter Egg Hunt - March 23, 2013 - Motion to Support  
Donated candy to be in Fiscal Office by March 15, 2013

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

PLANNING COMMISSION / BZA  
[ZONING COMMITTEE]

D. POLYAK

ENGINEERING AND ZONING

D. KROCK

OLD BUSINESS

NEW BUSINESS

**MAYOR SWORE IN Edward Yost as member of Fire Dept. And Fire Inspector.**

EXECUTIVE SESSION

**COUNCIL MOVED TO ENTER EXECUTIVE SESSION TO CONSIDER PENDING LITIGATION & EMPLOYMENT  
MATTERS, INVITING MAYOR AND SOLICITOR.**

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	Codified?	First Reading	X	Waiver 3-Reading Rule
ORDINANCE NO: 2013-2-2	Yes	Second Reading		Yes
INTRODUCED BY	No	Third Reading		No

**AN ORDINANCE AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE VILLAGE PURSUANT TO INTERNAL REVENUE CODE SECTION 414(H)(2) AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to federal and Ohio laws, the employees of the Village of Boston Heights could defer the federal and state income taxes on a portion of their wages or salaries if the Village of Boston Heights would "pick up" (assume and pay) the statutorily required contribution by such elected officials and covered employees to Ohio Public Employees Retirement System (OPERS); and,

WHEREAS, the Village of Boston Heights will not incur any additional costs in the deferment of federal and state income taxes.

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

SECTION 1: Effective June 1, 2013, the full amount of the statutorily required contributions to OPERS shall be withheld from the gross pay of each person within any of the classes established in Section 2 herein and shall be "picked up" (assumed and paid to OPERS) by the Village of Boston Heights. This "pick up" by the Village of Boston Heights is, and shall be designated as, public employee contributions and shall be in lieu of contributions to OPERS by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it "picked up" by the Village of Boston Heights or of being excluded from the "pick up." The Village of Boston Heights shall, in reporting and making remittance to OPERS report that the public employees contribution for each person subject to this "pick up" has been made as provide by the statute.

SECTION 2: The "pick up" by the Village of Boston Heights provided by this Ordinance shall apply to all persons that are employees of the Village of Boston Heights who are or become contributing members of OPERS.

SECTION 3: The Village's method of payment of salary to employees who are participants in OPERS is hereby modified herein in order to provide for a salary r education pick-up of employee contributions to OPERS.

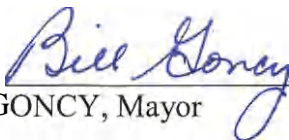
SECTION 4: The total salary for each employee shall be the salary otherwise payable under the Village policies. Such total salary of each employee shall be payable by the Village in two parts: (a) deferred salary; and, (b) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by OPERS to be paid as an employee contribution by that employee, and shall be paid by the Village to OPERS on behalf of that employee as a pick-up and in lieu of the OPERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The Village shall compute and remit its employer contributions to OPERS based upon an employee's total salary. The total combined expenditures of the Village for such employees' total salaries payable under applicable Village policies and the pick-up provisions of this Resolution shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

SECTION 5: The Fiscal Officer is hereby authorized and directed to implement the provisions of this Ordinance to institute the "pick up" of the statutorily required contributions to OPERS for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.

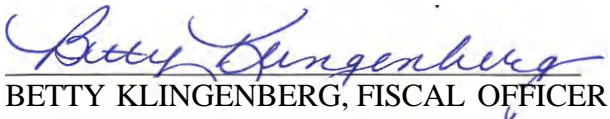
SECTION 6: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing **Ordinance 2013-2-2** 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 13th day of February, 2013.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading	x	Waiver 3-Reading Rule
ORDINANCE NO: 2013-2-3	Yes	Second Reading		Yes
INTRODUCED BY	No	Third Reading		No

**AN ORDINANCE AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO PICK UP THE REQUIRED CONTRIBUTION TO THE OHIO POLICE & FIRE PENSION FUND FOR THE ELIGIBLE EMPLOYEES OF THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Boston Heights desires to "pick-up" all of the mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for participating employees of the Village Police Department who are members of the Ohio Police & Fire Pension Fund; and,

WHEREAS, the eligible employees of the Village's Police Department participate in the Ohio Police & Fire Pension Fund; and,

WHEREAS, employers may pay all or a part of the mandatory employee contributions for employees participating in the Ohio Police & Fire Pension Fund.

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

SECTION 1: That effective as of June 1, 2013, the Council of the Village of Boston Heights desires to "pick-up" and pay all of the mandatory contributions, as designated herein, by the Police Department employees who are members of the Ohio Police & Fire Pension Fund by paying the contributions on behalf of the employee. The mandatory contributions to be picked up hereunder are as follows:

- (a) from the effective date of this Ordinance until July 1, 2013 - ten percent (10%);
- (b) from July 2, 2013 until July 1, 2014 - ten and 75/100 percent (10.75%);
- (c) from July 2, 2014 until July 1, 2015 - eleven and 50/100 percent (11.50%); and,
- (d) from July 2, 2015 and thereafter or until changed pursuant to law - twelve and 25/100 percent (12.25%)

SECTION 2: That said "picked up" contributions paid by the employer even though designated as employee contributions for state law purposes, are being paid by the Village in lieu of said contributions by the employee.

SECTION 3: That said "picked up" contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police & Fire Pension Fund.

SECTION 4: That said "picked up" contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police & Fire Pension Fund.

SECTION 5: That said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the Village to the Ohio Police & Fire Pension Fund.

SECTION 6: 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 7: 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing **Ordinance 2013-2-3** 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 13th day of February, 2013.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading___X	Waiver 3-Reading Rule
ORDINANCE NO: _2013-2-4	Yes	Second Reading	Yes
INTRODUCED BY	No	Third Reading	No

**AN ORDINANCE REGARDING CHANGES FOR FEE AND DEPOSIT  
REFERENCES IN ZONING CODE AND RELATED ORDINANCES**

WHEREAS; the Village of Boston Heights and its Planning Commission and Council desire to establish a uniform fee and deposit structure for all submissions related to the Zoning Code and other matters related to economic development; and,

WHEREAS; the Village Council and Village Planning Commission recognize that the changes made in this Ordinance do not create a community wide schedule for fees that may be charged by the Village under the Codified Ordinances or as otherwise provided by law; and,

WHEREAS; the Planning Commission approved the changes made to the Zoning Code and Codified Ordinances for the Village of Boston Heights as set forth below; and,

WHEREAS; a duly noticed public hearing has been held with respect to this Ordinance.

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

Section 1: \_\_\_ That Codified Ordinance 1105.05 be amended to state as follows:

**PLANNING AND ZONING FEE SCHEDULE**

(a) The Village shall publish a Planning and Zoning Fee Schedule established by the Planning Commission subject to the approval of a majority vote of Council. A copy of this schedule shall be attached to and made a part of every application form associated with the permits, certificates, hearings, and/or administrative functions regulated by Part Eleven of these Codified Ordinances. This schedule shall also list any bond that is required or established in Part Eleven of these Codified Ordinances.

(b) All applications for permits, certificates, hearings, or administrative functions associated with projects regulated by Part Eleven of these Codified Ordinances, known as the Planning and Zoning Code, shall be accompanied by a non-refundable application fee established pursuant to subpart (a) and be made payable to the Village of Boston Heights. No such application for permit, hearing, or administrative function shall be accepted by the Village of Boston Heights unless accompanied by the payment of such fee. Such fee may be in addition to any other fee or deposit required by the Village, County of Summit or other political subdivision or governmental agency.



(c) The application fee in this section is separate from and in addition to any deposit into or charge against a Professional Fees, Costs, and Review Account established under Section 1101.06 of these Codified Ordinances.

(d) The Village Office Clerk shall be the records keeper and prepare appropriate documents for execution by the Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. All applications for permits, certificates, hearings, or other administrative functions associated with projects regulated by Part Eleven of these Codified Ordinances shall be filed with the Village Office Clerk. All applications shall be time-stamped upon submission. Each application and/or other request shall be designated with a docket number. The docket number sequence shall be a four-part designation in the form DD-YYYY-MM-II, comprising:

- (1) The particular department (DD), whether it be Zoning Inspector (ZI), Planning Commission (PC), or Board of Zoning Appeals (BZA); and,
- (2) The calendar year of submission (YYYY); and,
- (3) The month (MM) of that calendar year; and,
- (4) An index number (II) with the first application in that particular month receiving the number 01, and continuing so on.

(e) The Village may consider and permit in its discretion a refund of any such fee paid hereunder where the Village finds that such application was made for a matter not under its or one of its departments' jurisdiction.

Section 2: That Codified Ordinance 1121.04(p) be amended to state as follows:

#### DEPOSIT AND FEE FOR INVESTIGATION AND APPROVAL AT PLATS

At the time of filing the application for the approval of any plat, or at the time plans and specifications for any improvement or improvements are submitted to the Planning Commission and/or Village Engineer for approval, such application, plans, and/or specifications shall be accompanied by the application fee established by Section 1101.05 and the Professional Fees, Costs and Review deposit established by Section 1101.06 of these Codified Ordinances.

Section 3: That Codified Ordinance 1121.06(c) be repealed in its entirety.

Section 4: That Codified Ordinance 1145.05 be repealed in its entirety.

Section 5: That Codified Ordinance 1147.03 be amended to state as follows:

#### REZONING APPLICATION

At the time of filing any application for a zoning permit where such application requires action by Council on the rezoning of any parcel, the applicant shall give a full legal description of the property to be rezoned together with a complete list of all owners of the property adjacent, continuous and across the street from the parcel or parcels to be rezoned or acted upon by Village Council.

Section 6: That Codified Ordinance 1151.06(d) be amended to state as follows:

A performance bond made payable to the Village of Boston Heights in the amount of one hundred percent (100%) of the construction cost shall be required for the issuance of a zoning permit in the Office/Professional, General Business, Retail Business, and Light Manufacturing Districts, and for conditional uses in the Residential District. No zoning permit can be issued without the submission of a bond as required in this section. Such bond shall be issued by a recognized and approved bonding company acceptable to the Zoning Inspector and the Planning Commission. After all conditions of the Zoning Ordinance are met, the bond shall be returned to the applicant.

Section 7: That Codified Ordinance 1151.09(a)(3) be amended to state as follows:

A performance bond made payable to The Village of Boston Heights in the amount of the landscaping estimate calculated in subsection (a)(2) hereof shall be required to ensure faithful performance of all landscaping provided in such construction. No landscaping work can be completed until the required performance bond has been deposited. Further, the bond must be issued by a recognized and approved bonding company acceptable to the Zoning Inspector and shall be a period commensurate with the completion of the landscaping plan. After all conditions of the Zoning Ordinance are met, the bond shall be returned to the applicant.

Section 8: That Codified Ordinance 1177.05(a) be amended to state as follows:

General Permit Applications/Permit Conditions. Application for such permit under this chapter shall be in writing and should be accompanied by the following:

- (a) A site plan detailing the topography of the affected areas to the satisfaction of the Zoning Inspector;
- (b) A cash or surety bond in the form as approved by the Village in the amount of \$25,000 and a road bond in conformance with Section 339.02 of these Codified Ordinances; and,
- (c) The fee established by Section 1101.05 and Professional Fees, Costs, and Review deposit established by Section 1101.06 of these Codified Ordinances.

Section 9: That Codified Ordinance 1179.03(g) be amended to state as follows:

Application for the erection or modification of any sign for which a variance, conditional use permit, or approval of the Planning Commission is required shall be made by a "Sign Application Form" approved for that purpose by the Planning Commission with the concurrence of the Board of Zoning Appeals, and shall be accompanied by the application fee established by Section 1101.05 and the Professional Fees, Costs and Review deposit established by Section 1101.06 of these Codified Ordinances.

Section 10: That Codified Ordinance 1181.08(d) be amended to state as follows:

At the time of filing the application for a hearing to resolve a dispute under this chapter, such application, plans and specifications shall be accompanied by the application fee established by Section 1101.05, and the Professional Fees, Costs and Review deposit established by Section 1101.06 of these Codified Ordinances.

Section 11: That Codified Ordinance 1183.10 be repealed in its entirety.

Section 12: That Codified Ordinance 1183.11 be amended to state as follows:

If a Storm Water Pollution Prevention Plan is required by this chapter, then a performance and maintenance bond shall be posted with the Village, payable to the Village of Boston Heights in an amount to be determined by the Village Engineer. The Bond must be issued by a recognized and approved bonding company acceptable to the Village Engineer. No project shall be released from such bond if there is a failure to comply with an approved SWP3.

Section 13: That Codified Ordinance 1303.03 be hereby established and state as follows:

(a) The Village shall publish a Building Code Fee Schedule to be established by the Planning Commission subject to the approval of a majority vote of Council. A copy of the Building Code Fee Schedule shall be attached to every Village application form associated with any permits, certificates, hearings and/or administrative functions regulated by Part Thirteen of these Codified Ordinances. The schedule shall also list all bonds that are established by any provision of Part Thirteen of these Codified Ordinances.

(b) All applications for permits, certificates, hearings, or administrative functions associated with projects regulated by Part Thirteen of these Codified Ordinances, known as the Building Code, shall be accompanied by a non-refundable application fee as established pursuant to subpart (a) and be made fee payable to the Village of Boston Heights. No such application for permit, certificate, hearing, or administrative function shall be accepted by the Village of Boston Heights unless accompanied by the payment of such fee. Such fee may be in addition to any other fee or deposit required by the Village, County of Summit or other political subdivision or governmental agency.

(c) The application fees authorized in this section are separate from and in addition to any deposit into or charge against a Professional Fees, Costs and Review Account established under Section 1101.06 of these Codified Ordinances or any fee, deposit or charge as may be required by the County of Summit, the State of Ohio, or any other authorized agent as provided in and pursuant to Sections 1303.01 and 1303.02 of these Codified Ordinances.

(d) All applications for permits, hearings, or other administrative functions associated with projects regulated by Part Thirteen of these Codified Ordinances that require approval from the Village shall be filed with the Village Office Clerk. All such applications shall be time-stamped upon submission. The Village Office Clerk shall be the records keeper and prepare appropriate documents for execution by the Zoning Inspector, or other appropriate Village department. Each

application and/or other request shall be designated a docket number. The docket number sequence shall be a four-part designation in the form DD-YYYY-MM-II, comprising:

- (1) The particular department (DD): Zoning Inspector (ZI) or as otherwise may be applicable; and,
- (2) The calendar year of submission (YYYY); and,
- (3) The month (MM) of that calendar year; and,
- (4) An index number (II) with the first application in that particular month receiving the number 01, and continuing so on.

(e) The Village may consider and permit in its discretion a refund of any such fee paid hereunder where the Village finds that such application was made for a matter not under its or one of its departments' jurisdiction.

Section 14: That Codified Ordinance 1313.03(c) amended to state as follows:

Section 103 entitled Department of Property Maintenance and Inspection shall be retitled:

**"Section 103 Code Official and Fees";**

Delete Sections 103.01, 103.2, and 103.3 from the model code document.

Insert the following new sections:

**"103.1 Code Official:** The Code Official is defined as the person or persons designated by Section 1313.05 of these Codified Ordinances to enforce the property maintenance code."

**"103.2 (deleted)"**

**"103.3 (deleted)"**

In Section 103.5, replace [APPROPRIATE SCHEDULE] with "Fee Schedule as established pursuant to Section 1303.03 of these Codified Ordinances."

Section 15: That Codified Ordinance 1377.03(d)(6) be repealed in its entirety.

Section 16: That Codified Ordinance 1377.05(d)(1)(C) be repealed in its entirety.

Section 17: That Codified Ordinance 1377.05(e)(7) be amended to state as follows:

The Board shall issue subpoenas upon written request for the attendance of witnesses. The costs thereof shall be the responsibility of the requesting party.

Section 18: 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:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance 2013-2-4 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.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading	X	Waiver 3-Reading Rule
RESOLUTION NO: ___2013-2-5	Yes	Second Reading		Yes
INTRODUCED BY	No	Third Reading		No

**ORDINANCE CHANGING THE NUMBER OF MEMBERS  
FOR THE BOARD OF ZONING APPEALS**

WHEREAS; the Council for the Village of Boston Heights deems it necessary and proper to have five (5) members on the Village Board of Zoning Appeals instead of four (4) members;

WHEREAS; a duly noticed public hearing has been held with respect to this Ordinance; and,

WHEREAS; the Planning Commission has recommended and approved the amendment to Codified Ordinance 1145.01 as set forth below.

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

Section 1: That Codified Ordinance 1145.01 be amended to state as follows:

MEMBERS; TERMS. The Board of Zoning Appeals of the Village of Boston Heights is hereby established. The words "the Board" where used herein shall refer to such Board. The Board shall consist of five members. Four members shall be appointed by the Mayor, with the consent of Council, for terms of four years. In the event of absence from the municipality or incapacity of one of these four Board members first appointed by the Mayor and then approved by the Council, the Mayor may appoint a substitute who may serve as a member of the Board with the same power and authority as a regular member until such member has returned or has become capacitated for service. The fifth member shall be a member of Council who is selected annually by a majority vote of Council. In the event of absence from the municipality or incapacity of the Council member of the Board, the Council President Pro Tempore may appoint a substitute who may serve as a member of the Board with the same power and authority as a regular member until such member has returned or has become capacitated for service. Each member of the Board shall serve until his or her successor has been appointed. All members shall serve without compensation.

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:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2013-2-5** 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, 2013.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading ___X	Waiver 3-Reading Rule
RESOLUTION NO: ___2013-2-6	Yes	Second Reading	Yes
INTRODUCED BY	No	Third Reading	No

**RESOLUTION CONFIRMING THE APPOINTMENT  
OF THE VILLAGE FIRE INSPECTOR AND DECLARING AN EMERGENCY**

WHEREAS; The Village of Boston Heights desires to protect its residents and tax payers from fire hazards; and,

WHEREAS; The Mayor has recommended Edward Yost as a Fire Inspector, member of the Village Fire Investigation Bureau, and member of the Village Fire Department.

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 recommendation to appoint Edward Yost as a Fire Inspector and member of the Fire Investigation Bureau is hereby accepted and approved.

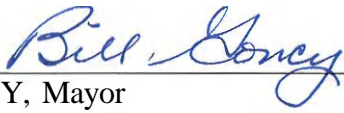
Section 2: That the Mayor's recommendation to appoint Edward Yost as a member of the Village Fire Department is hereby accepted and approved.

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 Fire Department and the Fire Investigation Bureau 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution 2013-2-6 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 13th day of February, 2013.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading ___X	Waiver 3-Reading Rule
RESOLUTION NO: 2013-2-7	Yes	Second Reading	Yes
INTRODUCED BY	No	Third Reading	No

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER A CONTRACT WITH KELLY SERVICES, INC. AND DECLARING AN EMERGENCY**

WHEREAS; The Village Fiscal Officer and the Mayor's Office may from time to time require additional clerical or administrative support on a part-time basis;

WHEREAS; The Village Council determines that it is in the best interests of the Village of Boston Heights and its residents to contract for temporary clerical assistance;

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 is hereby authorized and directed to enter into a contract with Kelly Services, Inc. with a retroactive effective date as designed in the Customer Services Agreement. The Customer Services Agreement to be entered is attached hereto as Exhibit A.

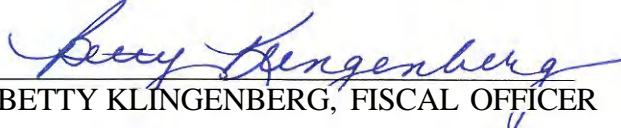
Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Administration 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing **Resolution 2013-2-7** 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 13th day of February, 2013.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading	Waiver 3-Reading Rule
RESOLUTION NO: 2013-2-8	Yes	Second Reading	Yes
INTRODUCED BY	No	Third Reading <u>  X  </u>	No

**A RESOLUTION FOR THE APPOINTMENT OF CEMETERY SEXTON**  
**FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2013**  
**AND DECLARING AN EMERGENCY**  
**(Formerly VV-2012)**

WHEREAS, Village Council finds it is in the general interest of the Village and its residents to appoint **Toney Garibay** as the Cemetery Sexton.

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 Toney Garibay is hereby appointed to the position of Cemetery Sexton for the Village of Boston Heights, Ohio for the year 2013;

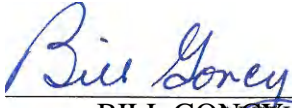
**Section 2:** That effective January 9, 2013, said Cemetery Sexton shall assume and fulfill the duties imposed upon him by virtue of his respective position according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio;

**Section 3:** That if the Village shall contract with an outside agency or entity for these services by anyone other than the individual appointed hereunder, then, with 30 days advance notice from the Village, such appointment shall be terminated;

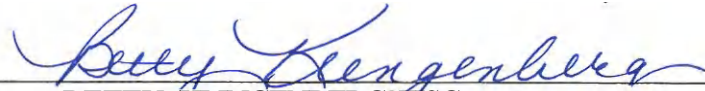
**Section 4:** That this Council hereby finds and determined that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirement 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 Cemetery Sexton and other departments and shall therefore take affect and be in force from and immediately after its passage.

PASSED:

  
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 BILL GONCY, MAYOR

ATTEST:



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BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-2-8** 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 13th day of February, 2013.

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading	<u>X</u>	Waiver 3-Reading Rule
RESOLUTION NO: 2013-2-9	Yes	Second Reading		Yes
INTRODUCED BY	No	Third Reading		No

**A RESOLUTION AUTHORIZING THE MAYOR TO FILE, ON BEHALF OF THE VILLAGE OF BOSTON HEIGHTS, AN APPLICATION TO THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY (SASWMA) FOR COMMUNITY RECYCLING ACCESS GRANT**

WHEREAS, Boston Heights desires to assist in implementing and supporting new and existing community recycling programs that assist the Authority in meeting the goals and objectives of the State of Ohio's solid waste management plan and the Authority's approved plan; and

WHEREAS, the Authority has developed the Community Recycling Access Grant to support projects which would sustain and increase recycling activities within Summit County; and

WHEREAS, recommendation has been made to the Council of the Village of Boston Heights to apply to the Authority for the Grant which will further the goals to sustain and increase recycling activities within Summit County.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF BOSTON HEIGHTS AS FOLLOWS:

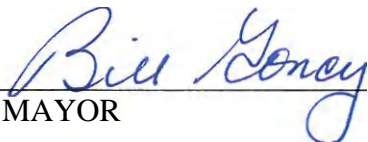
Section 1: The Mayor is hereby authorized and directed, for and on behalf of the Village of Boston Heights to apply for the Grant in order to sustain and increase recycling activities within Summit County; and

Section 2: The Fiscal Officer is hereby directed to send the Authority a copy of this resolution to the attention of Jenny Markovich, Program Coordinator, The Summit/Akron Solid Waste Management Authority, 12 East Exchange Street, Third Floor, Akron, OH 44308; and

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Village of Boston Heights in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

PASSED:

\_\_\_\_\_  
BILL GONCY, MAYOR



ATTEST:

  
BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer of the Village of Boston Heights, Summit County, OHIO, do hereby certify that the forgoing Resolution 2013-2-9, was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of the Council on the 13th day of February, 2013.