

VILLAGE OF BOSTON HEIGHTS

COUNCIL MEETING - 7:00PM

JUNE 12, 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 **X** - D.Blakeney **X** - G.Blakeney **X** - Fenn **X** - Polyak **NO**

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

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

APPROVAL OF MINUTES **NONE OFFERED**

OPEN FORUM

Mrs. Carol Zeman of Brandywine Road, the former Village Clerk-Treasurer, reiterated her difficulties in having her public records requests met in a timely and responsive fashion. She pointed out, on the financial and reconciliations reports that she had received, that there appeared to be a significant discrepancy, in excess of \$200,000, between the balances shown on different reports. She noted that everything had balanced upon her retirement from the Clerk-Treasurer job (as of April 2012). Fiscal Officer Betty Klingenberg replied that there was in fact such a problem, that it predated her employment with the Village, and that the state auditor's office was eventually going to look into it. She added that she was sure it was a matter of bookkeeping error, not 'missing money'. Mrs. Zeman suggested that Council members Don Polyak and Ron Antal look into it too, and added that the Village's books could be balanced by manual means even if there was a problem doing so with the usual computer software.

Note: There was no discussion as to how Council had been regularly approving the various fiscal statements without this issue being addressed -- no question had been raised in previous public Council meetings.

CORRESPONDENCE

Mayor Goncy acknowledged a communication from ODOT concerning the approval of the plan for the environmental study associated with the Akron-Cleveland Road Bridge project. That study can then be conducted when the project moves forward.

ORDINANCES

ORDINANCE 2013-6-20
(First Reading)
HELD FOR 2nd READING

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

NOTE: Solicitor Pitchford reported that this version had been recommended to Council by the Planning Commission [at its June meeting]

RESOLUTIONS

~~RESOLUTION 2013-4-17~~
~~(Third Reading)~~

THIS RESOLUTION WAS REMOVED FROM THE AGENDA AS ACTUALLY CONSIDERED BY COUNCIL. SEE RES 2013-6-26 BELOW.

RESOLUTION OF NECESSITY TO ESTABLISH AN ADDITIONAL TAX LEVY AT THE TAX RATE OF __ AND REQUESTING THE SUMMIT COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THIS ADDITIONAL LEVY AND DECLARING AN EMERGENCY

ED. NOTE: This item had been held over for a third reading and further discussion by the Road and/or Finance Committees. In concerns a proposed additional or increased Road Levy.

RESOLUTION 2013-6-23
(First Reading)

A RESOLUTION TO PARTICIPATE IN THE R.I.T.A. DELINQUENT PROGRAM FOR 2013-2014 AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-6-23

NOTE: It was explained that this enabled RITA (the Village's income tax collection authority) to conduct mediation sessions with delinquent or otherwise complaining taxpayers at the Village Hall. This had last been done in 2010.

RESOLUTION 2013-6-24
(First Reading)

RESOLUTION AUTHORIZING CHANGE ORDER WITH SPECIALIZED CONSTRUCTION, INC. AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-6-24

NOTE: The Village Engineer explained that the contractor that performed last year's road repairs will do this year's road repairs this year at the same prices, under this extended contract for maximum \$50,000. This does not include any more chip sealing.

RESOLUTION 2013-6-25
(First Reading)

HELD FOR 2nd READING

A RESOLUTION APPROVING SUPPLEMENT PERMANENT APPROPRIATIONS (#3) REQUESTING AN UPDATED CERTIFICATE OF ESTIMATED RESOURCES AND DECLARING AN EMERGENCY

NOTE: No explanation was offered for this resolution. It may be a routine mid-year reallocation of funding. Mrs. Klingenberg suggested that she might have further work to do on the proposal, and Council seemed to agree to look at it further at the next Finance Committee meeting.

RESOLUTION 2013-6-26
(First Reading)

ADOPTED: RES 2013-6-26

Baxter : yes

G.Blakeney : yes

R. Antal: no

D. Polyak: absent

D. Blakeney: yes

R. Fenn: yes

ED.NOTE: the Mayor stated that the motion had failed, but we have since been informed that this was in error, and the motion to adopt the resolution did in fact pass. There may have been some confusion as to whether a supermajority was required.

A RESOLUTION DECLARING IT NECESSARY TO ESTABLISH AN ADDITIONAL TAX LEVY AT THE TAX RATE OF 2.75 MILLS AND REQUESTING THE SUMMIT COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THIS ADDITIONAL LEVY AND DECLARING AN EMERGENCY

ED. NOTE: This levy is an additional levy to allow for more extensive road repairs in the Village, as has been the subject of several Road Committee meetings with the public, and some very vocal resident complaints. This item replaced the earlier RES 2013-4-17. Solicitor Pitchford explained that, in addition to the specification of a millage, the length of the proposed levy had been changed from a fixed term to "continuing" (that is: forever).

Mrs. Klingenberg asked for clarification as to whether this was an additional or replacement levy. Mr. Pitchford confirmed it was additional to the current Road Levy of 2.75 mills, which runs through the 2016 tax year.

Mr. Baxter asked whether the Road Committee had looked further into using property assessments to provide earlier and more extensive road resurfacing in particular neighborhoods. Mrs. Blakeney replied that this was not considered, as the Road Committee had seen lack of support for the idea at earlier meetings.

RESOLUTION 2013-6-27
(First Reading)

ADOPTED: RES 2013-6-27

A RESOLUTION TO APPROVE TRANSFER FROM THE GENERAL FUND TO PARK FUND FOR THE ODNR/SWIF GRANT AND DECLARING AN EMERGENCY

REPORTS

MAYOR

B. GONCY

Mayor Goncy announced that the County had indicated approval of the grant for the Village's purchase of 800MHz radios for the safety services. See RES 2013-5-22 last month.

The Mayor also reported that Boy Scout Jim Timmons, with the assistance of his leader Mr. Fischer, had repaired the pool's slide steps.

Chief Ray Heatwall -- Award

Mayor Goncy read out a citation to Police Chief Ray Heatwall for his actions in Summit County SWAT team response to an armed suspect.

FISCAL OFFICER

B. KLINGENBERG

May 2013 - Monthly Financial Reports

May 2013 - Bank Reconciliation

Fiscal Officer Klingenberg briefly listed the various financial reports she had distributed to the Council members, and reiterated her comments about the apparent discrepancies in the books. After some further discussion, Council decided to table the usual approvals of the financial reports pending further information and possible state auditor investigation. Mrs. Klingenberg asked for additional participation by Council with the development of the 2014 budget for the Village, and expected to hold a work session with Council members at 9AM on Tuesday, 18 June 2013. (Presumably this is a public meeting.) She also asked for a public meeting on that subject to be held before the July Council meeting. She noted about \$135K in bills paid in May, including half of the \$43K due to Hudson Schools in compensation for the Paychex/Hemingway tax abatement, which was the subject of a recent meeting by the Tax Incentive Review Council.

OLD BUSINESS NONE

NEW BUSINESS NONE

SAFETY COMMITTEE

F. BAXTER

No update from Mr. Baxter. In response to a question from Mrs. Blakeney, Mayor Goncy confirmed that fire inspections had begun (presumably by the new Fire Inspector -- questions had been raised about how long it had taken to get these started after hiring the inspector).

ROAD COMMITTEE

D. BLAKENEY

Mrs. Blakeney stated that the recent public meeting by the Road Committee led to the proposed levy above (RES 2013-6-26). She also asked the Engineer to consider claiming the performance bond by the contractor that performed last year's drainage repairs, as there were still ditch and grass seeding problems. Engineer Krock replied that the contractor had been given until 14 June to finish their remediation, after which he would look at the situation. He did express some surprise that there had been so much trouble with this. Mr. Krock and the Mayor also reported that Metro Parks Serving Summit County had seemed receptive to the Village's request for additional funding for the Akron-Cleveland Road Bridge project, as about \$280K of costs were specifically related to features benefiting the Metro Park's Bike & Hike Trail. Mrs. Blakeney stated that she would not support moving the entire bridge project forward until the Metro Parks formally committed these funds; this provoked a relatively short verbal dispute with the Mayor.

LANDS AND BUILDINGS COMMITTEE

G. BLAKENEY

Mr. Blakeney reported that the L&B Committee had not met, but the Park Board had. He also reported that some work had been completed by Boy Scouts and Girl Scouts, and other such projects were in progress. In conjunction with the Cemetery Association, a Flea Market at the Park was set for 21 September 2013.

CEMETERY TRUSTEES
[CEMETERY COMMITTEE]

R. FENN

Mr. Fenn reported that the Cemetery Association was conducting a work session at Fairview Cemetery this Saturday, and asked the Mayor to arrange for some topsoil.

ECONOMIC DEVELOPMENT COMMITTEE R. ANTAL

Mr. Antal reported that he was looking into some additional development financing authority for the Village. Solicitor Pitchford mentioned that there was a proposal in the State Legislature to remove the requirement for public meetings on matters of economic development. Mr. Antal thought this was a good idea.

PLANNING COMMISSION / BZA D. POLYAK
[ZONING COMMITTEE]

In the absence of Mr. Polyak, Mayor Goncy reported briefly on the recent Planning Commission meeting. He specifically mentioned the proposed Prestige Homes subdivision preliminary plat plan, which is under review. Solicitor Pitchford added that the PC had also made a final recommendation of the revision to CO 1121 given in proposed ORD 2013-6-20, above.

ENGINEER DAVE KROCK

Village Engineer Dave Krock stated that he expected bidding to begin in July for the Hines Hill Road reconstruction project and the Village Hall partial paving project (aka "SWF Grant"). He also reported that the Cuyahoga Valley National Park seemed to be 'supporting' the Village in its negotiations with the Krejci Dump remediation contractor over compensation for damage to Hines Hill Road during that project.

EXECUTIVE SESSION NONE

ADJOURN

NOTICE

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

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

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

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

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

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

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

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

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

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

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

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2013-6-20** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this ____ day of _____, 2013.

ED.NOTE:

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

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

CHAPTER 1121
Platting Rules and Regulations

1121.01 RULES AND REGULATIONS ADOPTED.

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

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

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

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

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

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

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

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

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

1121.03 STANDARD CODE DOCUMENT MADE AVAILABLE TO THE PUBLIC

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

1121.04 SUBMITTAL OF PLATS; REQUIREMENTS.

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

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

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

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

1121.06 APPROVAL WITHOUT PLAT.

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

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

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-4-17
THIRD READING - **WITHDRAWN**

RESOLUTION OF NECESSITY TO ESTABLISH AN ADDITIONAL TAX LEVY AT THE TAX RATE OF _____ AND REQUESTING THE SUMMIT COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THIS ADDITIONAL LEVY AND DECLARING AN EMERGENCY

[ZONING COMMITTEE]

ED. NOTE: This was removed from the Council Meeting Agenda in favor of RES 2013-6-26.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-6-23
FIRST READING - **ADOPTED**

**A RESOLUTION TO PARTICIPATE IN THE R.I.T.A. DELINQUENT PROGRAM FOR
2013-2014 AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Boston Heights is a member of the Regional Income Tax Agency aka R.I.T.A.; and,

WHEREAS, R.I.T.A. offers its members opportunities to address non-filing taxpayers through participation in R.I.T.A.'s Delinquent Program with no charge to members for the issuance of letters and minimal cost for the issuance of administrative subpoenas.

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 and/or Fiscal Officer are hereby authorized and directed to execute any necessary paperwork so that the Village may participate in the Regional Income Tax Agency's Delinquent Taxpayer Programs for 2013 and 2014.

Section 2: That the Mayor and/or the Village Fiscal Officer are hereby authorized and directed to fully cooperate and share information as appropriate with R.I.T.A. for the Village's participation in its delinquent taxpayer program.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community and improved safety services to the Village and shall take effect and be in force from and after its passage.

PASSED:
BILL GONCY, Mayor

ATTEST:
BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-6-23** 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 12th day of June, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-6-24
FIRST READING - **ADOPTED**

**A RESOLUTION AUTHORIZING CHANGE ORDER FOR CONTRACT WITH
SPECIALIZED CONSTRUCTION. INC. AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Boston Heights, County of Summit, State of Ohio put to bid publicly work for pavement repairs, crack Sealing, chip/fog seal and driveway repair for various locations throughout the Village; and,

WHEREAS, Specialized Construction, Inc. was awarded the contract; and,

WHEREAS, the contract's original date was July 10,2012 for said work; and,

WHEREAS, Specialized Construction, Inc. has submitted a Change Order for the scope of work for various pavement repairs and crack sealing.

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 Change Order No. 1 for the July 10, 2012 contract for Specialized Construction, Inc. is authorized as provided herein. Specifically, the Change Order amount up to and including \$50,000 is approved. The revised total contract amount is now \$184,900 for the scope of the authorized work. Work pertaining to Change Order No. 1 shall include pavement repair to various streets throughout the Village and cracked sealant at the following subdivisions: Ledges, Wooded View, Meghans Lane, and Ashbrook.

Section 2: That neither work authorized hereunder nor funds described herein shall be for any services for which the Village Engineer deems to have been previously completed in an unsatisfactory manner.

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 T.I.R.C.** and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-6-24** 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 12th day of June, 2013.

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

**A RESOLUTION APPROVING SUPPLEMENT PERMANENT APPROPRIATIONS (#3)
REQUESTING AN UPDATED CERTIFICATE OF ESTIMATED RESOURCES AND
DECLARING AN EMERGENCY**

ED.NOTE:

We have not yet received the text of this proposed Resolution in response to our public record request.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-6-26
FIRST READING - **ADOPTED**

A RESOLUTION DECLARING IT NECESSARY TO ESTABLISH AN ADDITIONAL TAX LEVY AT THE TAX RATE OF 2.75 MILLS AND REQUESTING THE SUMMIT COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THIS ADDITIONAL LEVY AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Boston Heights finds that the amount of taxes which may be raised within the 10-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Village and it is necessary to levy a tax in excess of that limitation for the purposes of the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges within the Village as provided under O.R.C. 5705.19(G); and,

WHEREAS, in accordance with O.R.C. 5705.03, in order to submit the question of an additional tax levy, this Council must request that the Summit County Fiscal Officer certify (1) the total current tax valuation of the Village, and, (2) the dollar amount of revenue that would be generated by the levy.

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

Section 1: This Council finds, determines and declares that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Village and that it is necessary to levy an additional tax in excess of the ten-mill limitation for the purpose of the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges within the Village in the amount of 2.75 mills for a continuing period of time.

Section 2: Pursuant to Section 5705.25 of the Revised Code, there shall be submitted to the electors of the Village at an election to be held on November 5, 2013, the question of levying an additional tax in excess of the ten-mill limitation at the rate of 2.75 mills for each one dollar of valuation, which amounts to 27.5 cents for each one hundred dollars of valuation, for a continuing period of time (commencing with a levy on the tax list and duplicate for the year 2013 to be first distributed to the Village in calendar year 2014) for the purpose the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges within the Village.

Section 3: This Council requests that the Summit County Fiscal Officer certify both (1) the total current tax valuation of the Village of Boston Heights, and, (2) the dollar amount of revenue that would be generated by 2.75 mill additional levy specified in Section 1.

Section 3: The Village of Boston Heights Fiscal Officer is hereby directed to immediately certify this Resolution to the Summit County Fiscal Officer.

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 and safety and welfare of the community and otherwise comply with the requirements of the Ohio Revised Code regarding the levy of taxes outside the 10 mill limitation, and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-6-27** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 12th day of June, 2013.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-6-27
FIRST READING / **ADOPTED**

**A RESOLUTION TO APPROVE TRANSFER FROM THE GENERAL FUND TO
PARK FUND FOR THE ODNR/SWIF GRANT AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Boston Heights, County of Summit, State of Ohio has been awarded a SWIF grant from the Ohio Department of Natural Resources;

WHEREAS, the Village has committed \$5,000 from its Park Fund for that purpose.

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 and/or Fiscal Officer are hereby authorized and directed to transfer \$5,000 from the Village General Fund to the Park Fund for the purpose of satisfying all requirements and obligations of the Village so that it can accept and proceed with the project for which the Village has been granted a SWIF grant by the Ohio Department of Natural Resources.

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 T.I.R.C. and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:
BILL GONCY, Mayor

ATTEST:
BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-6-26** 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 12th day of June, 2013.