

VILLAGE OF BOSTON HEIGHTS

COUNCIL MEETING - 7:00PM

AUGUST 14, 2013

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

APPROVAL OF AGENDA

APPROVED "as amended" though no amendment was made at the meeting. However, the actual agenda at the time of the meeting was different than the only version distributed before the meeting earlier.

CORRESPONDENCE

Mayor Goncy read a letter of resignation from one of the police officers, who had taken a job elsewhere. He also read a letter from Council member Ron Antal regretting his absence this evening and endorsing the proposed fire/EMS contract with Valley Fire District. The Mayor also read a notice from the Cuyahoga Valley National Park about upcoming public meetings on deer management in the Park.

APPROVAL OF MINUTES:

May 8, 2013, May 28, 2013 (Special Meeting), June 12, 2013, July 10, 2013

TABLED until next regular meeting

OPEN FORUM

Pamela Web - Akron Zoo Ms. Web spoke about the upcoming Community Days at the Akron Zoo, listed a number of improvements to the facility, and mentioned the Zoo's upcoming levy renewal on the November ballot.

A variety of members of the Boston Heights Fire Department spoke on their objections to the proposed fire/EMS contract with Valley Fire District, and questioned the response and the competence of the Valley Fire District in general. Several other residents also had questions and objections to the proposal. Council members, the Mayor and the Solicitor answered a few of the remarks and questions. Further shout-outs from the audience occurred throughout the meeting.

ORDINANCES

Note: Ordinance 2013-6-20 amending Chapter 1121 of the Codified Ordinance will re-appear on the September Council agenda after a public hearing before that month's meeting.

ORDINANCE 2013-8-21
(First Reading)
ADOPTED: ORD 2013-8-21

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF BOSTON, OHIO AND DECLARING AN EMERGENCY

ED.NOTE: The changes to the Village's Codified Ordinances have not been codified nor published since March 2012. (This includes the online publication on the Walter-Drane website.) It is hoped that this measure certifies that the Village's published codes are finally being brought up to date.

ORDINANCE 2013-8-22
(First Reading)
ADOPTED: ORD 2013-8-22

AN ORDINANCE AMENDING CHAPTER 705 OF CODIFIED ORDINANCES REGARDING PEDDLERS AND SOLICITORS AND DECLARING AN EMERGENCY

NOTE: Mr. Baxter asked for clarification on how non-commercial solicitors such as schoolchildren and scouts would be handled under this ordering. Solicitor Pitchford expanded on the distinction between commercial and non-commercial solicitation, and how a registration and permit was required for the former and not for the latter. Mr. Baxter seemed satisfied with this information.

RESOLUTIONS

RESOLUTION 2013-7-33
(Second Reading)
HELD FOR 3rd READING

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

NOTE: Last month, Solicitor Pitchford stated that this agreement would resolve all claims with EQ, the Krejci Dump remediation contractor, with respect to Hines Hill Road, for the lump sum payment of \$200K. Upon further discussion, this item was held for further revision. This month, Mr. Pitchford explained that a revision had been made to avoid returning funds to EQ if other recoveries were made from the US Government. As EQ had not yet responded to this revision, the issue was held for another month.

ED. NOTE: *Despite several public records requests, we had not been given a copy of the original document as read by Council at the July or August meetings. We finally obtained a copy at the August 22, 2013 Special Council Meeting, and it can be found in those notes.*

RESOLUTION 2013-8-34
(First Reading)
ADOPTED: RES 2013-8-34

A RESOLUTION APPOINTING RON FENN TO THE SAFETY COMMITTEE AND DECLARING AN EMERGENCY

NOTE: This appointment was in response to Ms. Blakeney's resignation from that Committee, a few months ago.

RESOLUTION 2013-8-35
(First Reading)

ADOPTED: RES 2013-8-35

RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER OF VILLAGE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE STATE AUDITOR REGARDING ITS UNIFORM ACCOUNTING NETWORK AND DECLARING AN EMERGENCY

NOTE: Mr. Polyak asked for clarification on this issue. Fiscal Officer Betty Klingenberg explained that the UAN is an accounting system created and supported by the Auditor of the State of Ohio, whereby the Village will receive new accounting software and computer hardware. The Village should receive this in October.

RESOLUTION 2013-8-36
(First Reading)

ADOPTED: RES 2013-8-36

A RESOLUTION APPROVING THE SUMMIT COUNTY 9-1-1 PLAN AND DECLARING AN EMERGENCY

RESOLUTION 2013-8-37
(First Reading)

ADOPTED: RES 2013-8-37

RESOLUTION 2013-8-37 A RESOLUTION TO HIRE TEMPORARY, PART-TIME OFFICE HELP IN THE VILLAGE FISCAL OFFICE, EFFECTIVE JULY 15, 2013, AND DECLARING AN EMERGENCY

NOTE: Ms. Klingenberg introduced Lisa Spraggins, who will be helping to bring the Council and PC/BZA minutes up to date (no doubt among other things.)

RESOLUTION 2013-8-38
(First Reading)

**3-reading rule suspended.
FAILED:
3 yea: R.Fenn, D.Blakeny,
G.Blakeny
1 nay: F. Baxter
1 abstention: D. Polyak
1 absentee: R. Antal**

A RESOLUTION AUTHORIZING MAYOR TO ENTER A SHARED SERVICES ARRANGEMENT WITH VALLEY FIRE DISTRICT AND DECLARING AN EMERGENCY

NOTE: After a bit more commentary (and shouting) from the audience, several Council members and the Mayor made statements about their stand on this issue. Mr. Fenn, Ms. Blakeney and Mayor Gony all spoke of the need for the Village to ensure timely emergency response, and their doubts that the current system could guarantee this going forward. Mr. Polyak spoke of his conflict about his concerns on that point versus the dissolution of Village's Fire Department. Mr. Baxter mentioned those concerns also but felt that the matter would be better handled by a public ballot.

RESOLUTION 2013-8-39
(First Reading)

ADOPTED: RES 2013-8-39

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CARDINAL ASPHALT, INC. FOR THE IMPROVEMENT OF AKRON-PENINSULA ROAD, AND DECLARING AN EMERGENCY

NOTE: Village Engineer Dave Krock stated that this was the 1st of two contractors, and that the Village was working with Peninsula on this project.

RESOLUTION 2013-8-40
(First Reading)

ADOPTED: RES 2013-8-40

RESOLUTION REGARDING THE SELECTION OF A
CONTRACTOR FOR COMPLETION OF THE IMPROVEMENT OF
HINES HILL ROAD AND DECLARING AN EMERGENCY

NOTE: Village Engineer Dave Krock stated that some parts of this project might yet be started this year, but otherwise in 2014.

RESOLUTION 2013-8-41
(First Reading)

ADOPTED: RES 2013-8-41

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH LYTLE CONSTRUCTION FOR THE
IMPROVEMENT OF AKRON-PENINSULA ROAD, AND
DECLARING AN EMERGENCY

NOTE: Village Engineer Dave Krock stated that this was the 2nd of two contractors, and that the Village was working with Peninsula on this project.

RESOLUTION 2013-8-42
(First Reading)

ADOPTED: RES 2013-8-42

RESOLUTION REGARDING THE SELECTION OF A
CONTRACTOR FOR COMPLETION OF THE VILLAGE HALL
WATER QUALITY, PHASE 1, AND PARKING LOT
IMPROVEMENT, AND DECLARING AN EMERGENCY

NOTE: Village Engineer Dave Krock stated that the contract would in fact be doing no more work that could be paid for by the SWFT grant already received by the Village, which is approximately \$75K. The work may be done this year.

REPORTS

MAYOR

B. GONCY

The Mayor noted that there would be a public meeting at 6:45PM before the September Council meeting.

(This is for the proposed update to the Village's Platting and Subdivision Code.)

FISCAL OFFICER

B. KLINGENBERG

No report.

SAFETY COMMITTEE

F. BAXTER

No report.

ROAD COMMITTEE

D. BLAKENEY

No report. Village Engineer Dave Krock did report that Metro Parks Serving Summit County had agreed to up their contribution to the Akron-Cleveland Road Bridge project, to \$281K, and that final engineering plans were due soon; he also mentioned that there was no update on the costs to move the Sunoco gas pipeline under that bridge. He said right-of-way & easement acquisitions had begun, and that these were minor.

LANDS AND BUILDINGS COMMITTEE

G. BLAKENEY

Mr. Blakeney reported that the L&B Committee had discussed the Village Hall paving project and Police Station improvements, among other matters. The Park Board was planning the Fall Festival.

CEMETERY TRUSTEES

R. FENN

[CEMETERY COMMITTEE]

Mr. Fenn reported that the Cemetery Association had a work session this coming Saturday, and was also working on plans for the Fall Festival.

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

No report.

PLANNING COMMISSION / BZA

D. POLYAK

[ZONING COMMITTEE]

Mr. Blakeney, who has sat in for Mr. Polyak, reported on the recent Planning Commission meeting, where a used car lot has been conditionally approved on Chittenden Road, and plans were discussed for a piano retailer at the former Liberty Harley-Davidson building on Hines Hill Road.

ENGINEER

DAVE KROCK

No further report.

OLD BUSINESS

None.

NEW BUSINESS

None.

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: 2013-8-21
FIRST READING/ **ADOPTED**

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN
ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE
CODIFIED ORDINANCES OF BOSTON, OHIO AND DECLARING AN EMERGENCY**

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Boston Heights, Ohio; and,

WHEREAS, numerous sections of the Traffic and General Offenses Codes need to be amended or enacted so as to conform to enactments of the Ohio General Assembly; and,

WHEREAS, Council has entered into a contract with the Walter II. Drane Company to prepare and publish such revisions which are now before Council.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL of the Village of Boston Heights, County of Summit, and State of Ohio:

SECTION 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Boston Heights, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
06-2012	03-14-12	141.03
07-2012	04-11-12	147.07, 351.15
08-2012	04-11-12	509.12
09-2012	04-11-12	1101.01
11-2012	05-09-12	509.12
12-2012	05-09-12	139.03
14-2012	07-11-12	1151.07
15-2012	07-11-12	1141.34
16-2012	07-11-12	1151.02
17-2012	09-12-12	1179.04
18-2012	09-12-12	113.05
19-2012	09-12-12	133.011,133.0 133.04

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
20-2012	09-12-12	131.05
22-2012	10-10-12	1101.06
23-2012	10-10-12	1153.02,1153.03, 1157.03,1161.03
25-2012	10-10-12	1141.07,1141.25
27-2012	10-10-12	105.03
28-2012	10-10-12	121.02
30-2012	12-12-12	901.01 to 901.99, 903.01,903.03, 903.04, 903.05, 905.04
31-2012	12-12-12	1177
32-2012	12-12-12	121.02
34-2012	12-12.12	123.02
2013-1-1	01-09-13	121.02
2013-2-4	4-10-13	1101.05,1121.04, 1121.06,1145.05, 1147.03,1151.06, 1151.09,1177.05, 1179.03, 1181.08, 1183.10,1183.11, 1303.03, 103.01, 103.2,103.3, 1377.05
2013-2-5	04-10-13	1145.01
2013-3-8	04-10-13	337.31
2013-4-9	04-10-13	513.12,513.121

SECTION 2. The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

- 333.01 Driving or Physical Control While Under the Influence.
(Amended)
- 335.01 Driver's License or Commercial Driver's License Required.
(Amended)
- 335.02 Permitting Operation Without a Valid License. (Amended)
- 335.05 Wrongful Entrustment of a Motor Vehicle. (Amended)
- 335.06 Display of License. (Amended)
- 335.07 Driving Under License Suspension or Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation.
(Amended)

- 335.073 Driving Without Complying With License Reinstatement Requirements. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Added)
- 335.12 Stopping After Accident Upon Streets. (Amended)
- 335.13 Stopping After Accident Upon Property Other Than Street. (Amended)
- 335.14 Vehicle Accident Resulting in Damage to Realty. (Amended)

General Offenses Code

- 501.99 Penalties for Misdemeanors. (Amended)
- 509.06 Inducing Panic. (Amended)
- 509.07 Making False Alarms. (Amended)
- 517.05 Cheating. (Amended)
- 525.02 Falsification. (Amended)
- 537.10 Telecommunication Harassment. (Amended)
- 541.02 Arson. (Amended)
- 545.02 Determining Property Value in Theft Offense. (Amended)
- 545.04 Detention of Shoplifters. (Amended)
- 545.05 Petty Theft. (Amended)
- 545.07 Insurance Fraud. (Amended)
- 545.08 Unauthorized Use of Property. (Amended)
- 545.09 Passing Bad Checks. (Amended)
- 545.10 Misuse of Credit Cards. (Amended)
- 545.13 Criminal Simulation. (Amended)
- 545.14 Tampering With Records. (Amended)
- 545.15 Securing Writings by Deception. (Amended)
- 545.17 Defrauding Creditors. (Amended)
- 545.18 Receiving Stolen Property. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 3. That the Village Fiscal Officer, pursuant to Ohio Revised Code Section 731.21 shall publish a succinct summary of this Ordinance which shall contain notice that the complete text of this Ordinance may be obtained or viewed, and the Codified Ordinances viewed, at the office of the Fiscal Officer and may be viewed at any other location designated by Council. The Solicitor shall review the summary prior to forwarding it to the Fiscal Officer for publication to ensure that the summary is legally accurate and sufficient.

SECTION 4. 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 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the 2012 and 2013 Replacement Pages to the Boston Heights Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid legal entanglements, including conflict with general State law.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-21** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-8-22
FIRST READING/ **ADOPTED**

AN ORDINANCE AMENDING CHAPTER 705 OF THE CODIFIED ORDINANCES REGARDING PEDDLERS AND SOLICITORS AND DECLARING AN EMERGENCY

WHEREAS, The Village of Boston Heights intends to facilitate and protect (he First Amendment Rights of the residents and visitors of the Village; and,

WHEREAS, The Village of Boston Heights intends to protect the privacy rights of the residents of the Village.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL of the Village of Boston Heights, County of Summit, and State of Ohio as follows:

SECTION 1. That Chapter 705 of the Village of Boston Heights Codified Ordinances be amended and changed to state as set forth in Exhibit "A," attached hereto.

SECTION 2. That all prior provisions in Codified Ordinance Chapter 705 are hereby repealed, rescinded and amended, having been replaced by the language as set forth in Exhibit "A."

SECTION 3. That the Village Fiscal Officer, pursuant to Ohio Revised Code Section 731.21 shall publish a succinct summary of this Ordinance which shall contain notice that the complete text of this Ordinance may be obtained or viewed, and the Codified Ordinances viewed, at the office of the Fiscal Officer and may be viewed at any other location designated by Council.

SECTION 4. 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 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that Chapter 705 of the Boston Heights codified Ordinances becomes immediately compliant with federal court decisions affecting the Village's power to regulate door-to-door solicitation, so as to facilitate administration, daily operation and avoid legal entanglements, including conflict with general State law and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-22** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

Ordinance 2013-8-22

Exhibit A

705.01 DEFINITIONS

As used in this Chapter unless a different meaning clearly appears from the context:

- (a) "Commercial Solicitation" and "commercial solicitor" means any person who calls at residences without an invitation or previous consent of the owner or occupant of such premises for the purpose of any one (1) or more of the following activities:
 - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, investments or products or services of any kind, character or description whatever, for either present or future delivery;
 - (2) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other kind or type of publication;
 - (3) Seeking to sell any goods, articles or services of any kind.

- (b) "Non-Commercial Solicitation" and "Non-Commercial Solicitor" means:
 - (1) Seeking to obtain from an occupant of any residence an indication of such occupant's belief and/or support in regard to any social, political or religious matters;
 - (2) Seeking to obtain contributions or purchase of any goods, articles or services of any kind for the support or benefit of any educational, civic, philanthropic, charitable, religious; or non-profit association, organization, corporation, or project;
 - (3) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter;
 - (4) Taking a poll or census by any person, firm, or corporation, pursuant to a federal, state or local government statute or ordinance.

705.02 HOURS OF SOLICITATION REGULATED

- (a) No Commercial Solicitation shall be conducted before 9:00 AM or after 9:00 PM on weekdays and Saturdays, or at any time on Sundays or a State or National Holiday.

- (b) No Non-Commercial solicitation shall be conducted before 9:00 AM or after 9:00 PM on weekdays, Saturdays and Sundays or at any time on a State or National Holiday.

705.03 COMMERCIAL SOLICITING IN RESIDENTIAL DISTRICTS

No person shall enter upon the lot or land of any residence situated in any Residential District, as established by the -Planning and Zoning Code, for the purpose of Commercial Soliciting unless such person has registered his credentials with the Police Chief as provided in Section 705.04.

705.04 REGISTRATION OF CREDENTIALS FOR COMMERCIAL SOLICITORS; APPLICATION FEE

- (a) Whoever desires to solicit for commercial purposes as defined in Section 705.01(a) shall register with the Police Chief or his designee, during normal business hours, a written application on a form to be provided by the Police Chief correctly setting forth the following information:
- (1) The full name of the applicant;
 - (2) His or her current address and all residences within the immediate prior two (2) years;
 - (3) His or her birth date, demonstrating the person is at least eighteen (18) years of age, height, weight and color of eyes and hair;
 - (4) Whether or not he or she uses a motor vehicle in his or her business, and if so, the make, model, year and current registration number thereof;
 - (5) The state of issue of his or her driver's license and the number thereof;
 - (6) Two (2) one (1) inch square photographs of applicant's face;
 - (7) The name, address and phone of his or her employer, and a contact person therein;
 - (8) A brief description of the goods, wares, merchandise, investments, products or services involved; and
 - (9) Whether or not he or she has ever been convicted of any crime, other than a minor misdemeanor traffic offense, and if so, the nature thereof and the penalty therefor.
- (b) Concurrently with the filing of the application, the applicant shall pay a fee of thirty-five dollars (\$35.00) to compensate for the costs incident to the background investigation, registration and issuance of stamped copies of credentials.
- (c) Within twenty (20) days of compliance of the foregoing provisions of this Section, the Police Chief shall forthwith stamp the original of the application as "Inspected" and, if approved, deliver credentials of approval to the applicant for identification use as hereinafter provided. Such application shall also be stamped with the date of expiration of the registration which in each case shall be the close of the current calendar year, or six (6) months whichever is later.
- (d) Possession of such stamped application shall not entitle the applicant to enter upon any lot or land specified in Section 705.05 or between the hours of 9:00 PM and 9:00 AM on weekdays and Saturdays or at any time on Sundays or a State or National Holiday nor shall such credentials be valid for the solicitation or sale of any goods or services not disclosed in the original application.
- (e) Any applicant who has not reach eighteen (18) years of age shall be required to have a parent, guardian or employer co-sign on the application.
- (f) Any applicant who is discovered to have been convicted of, or who has plead guilty to any criminal offense of the Ohio Revised Code, United States Code, or any other substantially similar state or local code provisions that constitutes any

theft or fraud offense, any offense of burglary, any offenses of violence or any offenses of a sexual nature shall be prohibited from Commercial Solicitation within the Village,

705.05 NOTICE PROHIBITING SOLICITATION

Notice by the owner or occupant of any residence or place of business of the determination to refuse to receive any uninvited solicitors shall be given by displaying a weatherproof card, decal or sign, not less than two inches by three inches in size nor more than one square foot in total surface area, upon or near the main entrance door to the residence or place of business, indicating such determination by the owner or occupancy, containing the words "No Solicitors Invited," or words of similar import, with letters at least 1/3 of an inch in height. Any such sign that complies with the requirements of this Section shall be exempt from any additional or different requirements contained in the provisions of the Codified Ordinances, including but not limited to the Planning and Zoning Code.

703.06 SOLICITATION IN VIOLATION OF NOTICE

It is hereby declared to be unlawful and shall constitute a trespass for any person to go upon any premises and ring the door-bell upon or near any door, rap or knock upon any door or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of Commercial or Non-Commercial Solicitation in defiance of the notice exhibited at the residence in accordance with the provisions of Section 703.05, unless the Commercial or Non-Commercial Solicitor has been previously invited upon the premises by the owner, lessee, or adult occupant thereof.

703.07 LEGAL ACTION

Notwithstanding any penalty provided under the terms of this Chapter, the Village Solicitor or any resident of the Village, Or any other person, firm or corporation, partnership or other entity may commence a civil action in any court of competent jurisdiction against any person, firm, corporation, partnership or other entity who violates the provisions of this Chapter. Such relief shall include any preliminary or permanent injunction to abate such nuisance and such other relief as the court may deem appropriate, including, but not limited to, reasonable attorney's fees, expenses and court costs.

703.08 FALSE INFORMATION; REVOCATION OF REGISTRATION; APPEALS

- (a) No person shall make any false statement or give any false or misleading information or omit any information requested in the application required by Section 703.04.
- (b) Should subsequent information disclose that an applicant has falsified any information required in such application, the Police Chief shall forthwith revoke such registration and notify the holder thereof either in person or by certified mail of the actions so taken. Such remedy shall be in addition to any penalty provided in Section 703.99.

- (c) Any person whose registration is so revoked may, within ten (10) days after receipt of the revocation notice, appeal to the Mayor by filing with the Mayor a signed written statement briefly setting forth his ground of appeal. The Mayor shall forthwith set a time and place for hearing such appeal and give the appellant due notice thereof by certified, mail. The appellant may appear before the Mayor in person or by an attorney. The decision of the Mayor thereon shall be final.

703.09 DISPLAY OF CREDENTIALS UPON REQUEST

- (a) Any police officer of the Village may require any person found engaged in Commercial Solicitation for orders or selling goods, wares, merchandise, investments or services to produce his or her credentials, and to enforce the provisions of this Chapter.
- (b) Every holder of registered and stamped credentials, when engaged in soliciting orders for or selling goods, wares, merchandise, investments or services, shall, upon the request of any owner or occupant of such lot or land, exhibit for examination his credentials issued pursuant to the provisions of this Chapter.
- (c) Every holder of registered and stamped credentials, when engaged in soliciting orders for or selling goods, wares, merchandise, investments or services, shall prominently display his or her credentials in a conspicuous place upon his or her person at all times while soliciting pursuant to this Section.

703.99 PENALTY

Any person, firm, partnership, association or corporation violating any provision of this Chapter shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for a subsequent offense.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-7-33
SECOND READING / HELD FOR THIRD READING

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

ED. NOTE: *Despite several public records requests, we had not been given a copy of the original document as read by Council at the July or August meetings. We finally obtained a copy at the August 22, 2013 Special Council Meeting, and it can be found in those notes.*

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-34
FIRST READING/ **ADOPTED**

**A RESOLUTION APPOINTING RON FENN TO THE SAFETY COMMITTEE AND
DECLARING AN EMERGENCY**

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

Section 1: That Ronald Fenn be appointed effective immediately to the Village Safety Committee. Any and all actions taken by the Safety Committee with his participation during 2013 are hereby ratified.

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community and otherwise comply with the requirements of the Ohio Revised Code and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-34** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-35
FIRST READING/ **ADOPTED**

**RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER OF VILLAGE
OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE STATE
AUDITOR REGARDING ITS UNIFORM ACCOUNTING NETWORK AND
DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code 117.101 authorizes the Auditor of State to establish and maintaining a uniform and compatible computerized financial management and accounting system known as the Uniform Accounting Network (UAN), and to enter into necessary agreements with municipalities for the provision of necessary goods, materials, supplies and services to such public offices; and,

WHEREAS, the Village of Boston Heights desires to participate in the UAN.

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

Section 1: That the Mayor and Fiscal Officer are hereby authorized to enter into a Uniform Accounting Network Agreement attached hereto as an exhibit with an effective date retroactive to July 1, 2013. To the extent that efforts by the Mayor and/or Fiscal Officer and actions have been taken to move this process forward to date, such conduct is hereby ratified.

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community and otherwise comply with the requirements of the Ohio Revised Code and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-35** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-36
FIRST READING/ **ADOPTED**

**A RESOLUTION APPROVING THE SUMMIT COUNTY 9-1-1 PLAN AND
DECLARING AN EMERGENCY**

WHEREAS, the Summit County 9-1-1 Planning Committee, pursuant to Ohio Revised Code 5507.08(A) met and amended its countywide plan; and

WHEREAS, Summit County has requested approval of the county wide plan;

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

Section 1: The Amendment adopted by Summit County 9-1-1 Planning Committee on May 29, 2013 with respect to a new Public Safety Answering Point (PSAP) is hereby approved. A copy of the Amendment is attached hereto as Exhibit "A."

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community in that it promotes a more efficient and effective 9-1-1 plan and otherwise complies with the requirements of the Ohio Revised Code. This Resolution shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-36** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

Resolution 2013-8-36

Exhibit A

ED.NOTE:

We have not yet received the text of this Resolution's EXHIBIT A in response to our public record request.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-37
FIRST READING/ **ADOPTED**

RESOLUTION 2013-8-37 A RESOLUTION TO HIRE TEMPORARY, PART-TIME OFFICE HELP IN THE VILLAGE FISCAL OFFICE, EFFECTIVE JULY 15, 2013, AND DECLARING AN EMERGENCY

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

Section 1: That Lisa Spraggins be appointed as a temporary, part-time employee in the Village Fiscal Office, effective retroactively to July 15, 2013. She shall be paid at an hourly rate of \$14.00 per hour.

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community in furtherance of the Village Fiscal Office's operations as necessary to fulfill its legal duties, and otherwise comply with the requirements of the Ohio Revised Code and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-37** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-38
FIRST READING/ **FAILED**

RESOLUTION 2013-8-38

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A SHARED
SERVICES ARRANGEMENT WITH THE VALLEY FIRE DISTRICT
AND DECLARING AN EMERGENCY**

WHEREAS, one of the primary obligations and responsibilities of the Village Council is the safety and protection of the Village of Boston Heights residents; and,

WHEREAS, the Village currently operates a “volunteer” only fire department that due to budgetary and other constraints, cannot staff the Village Fire Station on a twenty-four (24) hour, seven (7) days a week basis; and,

WHEREAS, the Village Fire Department typically has only one or two members within the geographical boundaries or within a five (5) mile radius of the Village during business hours; and,

WHEREAS, the Volunteer Village Fire Department does not have or operate an ambulance from within the Village Fire Station; and,

WHEREAS, the Volunteer Village Fire Department has only one paramedic on its roster; and,

WHEREAS, the National Fire Protection Association establishes an advanced life support response time goal of eight (8) minutes, yet historically the response time for ambulances to certain locations within the Village exceeds eight (8) minutes; and,

WHEREAS, the Village of Boston Heights Codified Ordinances require fire inspections to be made on a yearly basis and the Volunteer Village Fire Department for the Village has undergone some challenges in this regard in the past few years; and,

WHEREAS, the Valley Fire District has put forth a proposal that will provide fire, emergency medical, dispatch and related services to the Village of Boston Heights on a twenty-four (24) hour, seven (7) days a week basis with: (1) full time professional staffing, including paramedics and fire inspectors; (2) the opportunity for greater trained firefighters; (3) the full time placement of an ambulance at the Village Fire Station; (4) improved response times for first-responders and ambulances; and, (5) ongoing employment for the current members of the Volunteer Village Fire Department.

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

Section 1: That the Mayor is hereby authorized and directed to enter into a Shared Services Agreement with the Valley Fire District. A copy of the agreement is attached hereto as Exhibit “A.”

Section 2: That the Mayor is hereby authorized and directed to enter into a Village Equipment Lease Agreement with the Valley Fire District. A copy of the agreement is attached hereto as Exhibit "B."

Section 3: That the Mayor is hereby authorized and directed to enter into a Village Fire Station Lease Agreement with the Valley Fire District. A copy of the Agreement is attached hereto as Exhibit "C."

Section 4: That the subject Shared Services Agreement, the Village Equipment Lease Agreement, and the Village Fire Station Lease Agreement (referred to hereinafter as "the Shared Services Arrangement" and attached hereto) are being entered pursuant to Ohio law, including but not limited to Ohio Revised Code 9.482, and the Codified Ordinances of the Village of Boston Heights.

Section 5: That the Village of Boston Heights Council finds as follows:

A. The Village currently operates a "volunteer" only fire department and due to budgetary and other constraints, cannot staff the Village Fire Station on a twenty-four (24) hour, seven (7) days a week basis.

B. Everyday challenges to volunteer fire departments around the state and the country continue to grow. According to the National Fire Protection Association, the number of volunteer firefighters across the country is declining. Even the Boston Heights Fire Department active roster has decreased in recent years going from eighteen (18) members to just eleven (11). The Volunteer Village Fire Department typically has only one or two members within the geographical boundaries or within a five (5) mile radius of the Village able to respond during business hours.

C. The National Fire Protection Association establishes an advanced life support travel response time goal of eight (8) minutes, yet historically the response time for ambulances to certain locations within the Village has exceeded eight (8) minutes.

D. The Village of Boston Heights Codified Ordinances require fire inspections to be made on a yearly basis and the Volunteer Village Fire Department for the Village has undergone some challenges in this regard in the past few years.

E. Of its eleven (11) members, the Volunteer Village Fire Department currently has only one paramedic on staff.

F. The Volunteer Village Fire Department does not have or operate an ambulance from within the Village Fire Station. An ambulance is dispatched from the City of Macedonia for emergency medical calls.

G. The Valley Fire District has put forth a Shared Services proposal that will provide fire safety, fire inspections, emergency fire and medical, and dispatch services to the Village of Boston Heights on a twenty-four (24) hour, seven (7) days a week basis with full time professional staffing, including paramedics and fire inspectors, the opportunity for improved and better training for firefighters serving the Village, the full time placement of an ambulance at the Village Fire Station, and, ongoing employment for the current members of the Village Fire Department.

H. Under the Shared Services Arrangement, a “volunteer” department will be replaced with a full-time, 24-hour, seven day a week professional department. The Valley Fire Department currently has a roster of 36 members, more than triple the Village Fire Department roster. Valley’s current roster also includes several residents of Boston Heights, including Valley’s Fire Chief, which shall also improve response times for non-scheduled firefighters responding to calls from within the Village.

I. Under the Shared Services Arrangement, the first-responder times within the Village will not change. In fact, it is likely to improve. The Village Fire Chief has reported that, currently, the Village Fire Department typically has only one or two members able to respond during business hours. Members work outside the Village and are not able to respond to calls. For medical emergencies, an ambulance has to come from the City of Macedonia. This is a dangerous situation that will be improved under the Shared Services Arrangement. It is contemplated that first-responders will be stationed and staffed at the Village Fire Station for a minimum of one shift with an expectation of two, eight hour shifts on a regular basis. For those first-responders there will be no travel time to the Village Fire Station, therefore reducing the overall response times on calls throughout the Village. Further, because it will not be necessary for first-responders to be working a scheduled shift in order to respond, other first responders on the Valley Fire Department (including the current Village Fire department and those additional Valley Fire district members) shall also respond to calls throughout the day and evening.

J. Further, with the placement of an ambulance at the Village Fire Station on a twenty-four (24) hour, seven (7) days a week basis within the Village and with responders coming directly from that station during the Village’s anticipated high call volume period, ambulance travel response times to locations throughout the Village shall improve by over half the current response time. Again, the Village has no current ambulance of its own, and all ambulances presently respond from outside the Village.

K. Further, under the Shared Services Arrangement, the citizens of Boston Heights will have paramedics scheduled on each shift. A paramedic will always be on the schedule and able to respond, in contrast to the Village’s current roster which lists only one paramedic. This will mean qualified health care personnel will arrive on calls faster than they do presently.

L. Further, the Shared Services Arrangement eliminates the Village's ongoing challenges with regard to fire inspections due to the fact there are several fire inspectors employed with the Valley Fire District, as opposed to one with the Village Fire Department. In addition, the Valley Fire District has an established, professional inspection in place with a strong record of success.

M. Further, the Shared Services Arrangement will improve the community's ability to secure grants for equipment, training and materials, which will improve the overall safety of the Village and reduce the overall tax burden on Village residents.

N. One of the primary obligations and responsibilities of the Village Council is the safety and protection of Boston Heights' residents. As a result of the Shared Services Arrangement, in total, the safety of the Village's residents will greatly improve.

Section 6: That effective September 1, 2013 due to the commencement of work by the Valley Fire Department as contemplated in the three (3) separate agreements attached hereto (the Shared Services Arrangement), the Village Fire Department will have a lack of work. As a result of the Shared Services Arrangement, and in particular, that Valley Fire District will provide all fire and emergency medical services as outlined in this Resolution and in the attached agreements, the Village projects and finds that there will be no work for anyone currently working in the Village Fire Department. The work required of the Village Fire Department under the Village Codified Ordinances and state law shall transfer to Valley Fire District under the Shared Services Arrangement so long as the three (3) agreements are in place and there has been no uncured breach or termination thereof. Therefore, a lack of work is projected, and there is no need for the employees of the Village Fire Department to work. Any scheduling or other work by the Village Fire Department will be unnecessary in light of the full time, around the clock provision of fire and emergency medical services by the Valley Fire District. A complete reduction in force in the Village Fire Department is required. All employees of the Village Fire Department shall be laid off due to lack of work, effective August 31, 2013 at 11:59 p.m., and provided notice of such. It is the understanding of the Village that all Fire Department employees are being provided an opportunity for employment with the Valley Fire District pursuant to the Shared Services Arrangement. Dispatch services for emergency fire and medical shall be provided by the Village of Richfield, as contemplated under the Shared Services Arrangement. Dispatch services for the Village Police Department shall remain with the City of Macedonia at this time.

Section 7: That the Mayor and Village Fiscal Officer are hereby authorized and directed to carry out all necessary actions in order to implement the Shared Services Arrangement and the terms of this Resolution.

Section 8: That, Glen Blakeney, Sr., as a member of Village Council, shall be the Village's official representative and liaison to the Valley Fire District for all purposes as designated under the Shared Services Arrangement through January 31, 2014.

Section 9: 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 10: 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 for the reasons set forth in the Recitals, in Section 5 and elsewhere in this Resolution, and to otherwise comply with the requirements of the Ohio Revised Code. It shall take effect and be in force from and after its passage.

PASSED:

_____ **BILL GONCY, Mayor**

ATTEST:

~~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 2013-8-__ was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the __ day of _____, 2013.~~

_____ **BETTY KLINGENBERG, Fiscal Officer**

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-39
FIRST READING/ **ADOPTED**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH CARDINAL ASPHALT, INC. FOR THE IMPROVEMENT OF
AKRON-PENINSULA ROAD, 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: 2013-8-40
FIRST READING/ **ADOPTED**

**RESOLUTION REGARDING THE SELECTION OF A CONTRACTOR FOR
COMPLETION OF THE IMPROVEMENT OF HINES HILL ROAD AND DECLARING
AN EMERGENCY**

WHEREAS, the Village previously advertised: for bids for the reconstruction of I lines Hill Road (the "Improvement"); and

WHEREAS, the Mayor and the Village Engineer have reviewed the bids for the Improvement and TriMor Corporation (the "Contractor") has been determined to be the lowest and best bidder for the Improvement; and

WHEREAS, in order to timely proceed with this Improvement, the Mayor hereby requests authorization from the Council of the Village to award a contract to the Contractor.

NOW, THEREFORE, be it resolved by Council of the Village of Boston Heights, Ohio, as follows:

Section 1: The Council hereby awards a contract to the Contractor for the Improvement in an amount not to exceed \$1,137,860.00 as being the lowest and best bid

Section 2: That the Mayor is hereby authorized to negotiate, execute and deliver a contract for the Improvement with the Contractor.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and 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, 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 **2013-8-40** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-41
FIRST READING/ **ADOPTED**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH LYTLE CONSTRUCTION FOR THE IMPROVEMENT OF AKRON-
PENINSULA ROAD; AND DECLARING AN EMERGENCY**

WHEREAS, the Village desires to enter into a contract with a firm for the single chip seal improvement of Akron-Peninsula Road (the "Improvement"); and

WHEREAS, the Village has determined that the total cost of the Improvement shall not exceed \$30,000 and therefore it may award the contract for the Improvement; to Lytle Construction (the "Contractor") without the requirement of competitive bidding in accordance Ohio Revised Code Section 723.52.

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

Section 1: That the Mayor is hereby authorized to enter into a contract with the Contractor for the Improvement in a maximum amount not to exceed \$18,500. The work is to begin during the month of August 2013 and commence before the end of the year.

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community and otherwise comply with the requirements of the Ohio Revised Code and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-8-41** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-8-42
FIRST READING/ **ADOPTED**

**RESOLUTION REGARDING THE SELECTION OF A CONTRACTOR FOR
COMPLETION OF THE VILLAGE HALL WATER QUALITY, PHASE 1 AND
PARKING LOT IMPROVEMENT AND DECLARING AN EMERGENCY**

WHEREAS, the Village previously advertised for bids for the Village Hall Water Quality, Phase 1 and parking lot Improvement (the "Improvement"); and

WHEREAS, the Mayor and the Village Engineer have reviewed the bids for the Improvement and Lockhart Concrete Co. (the "Contractor") has been determined to be the lowest and best bidder for the Improvement; and

WHEREAS, in order to timely proceed with this Improvement, the Mayor hereby requests authorization from the Council of the Village to award a contract to the Contractor.

NOW, THEREFORE, be it resolved by Council of the Village of Boston Heights, Ohio, as follows:

Section 1: The Council hereby awards a contract to the Contractor for the Improvement in an amount not to exceed \$113,615.00 as being the lowest and best bid

Section 2: That the Mayor is hereby authorized to negotiate, execute and deliver a contract for the Improvement with the Contractor.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and 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, 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 **2013-8-42** was duly passed by the Council of the Village of Boston Heights, Summit County, Ohio at a meeting of Council on the 14th day of August, 2013.

BETTY KLINGENBERG, Fiscal Officer