

VILLAGE OF BOSTON HEIGHTS
45 E. Boston Mills Road
Hudson, OH 44236

PUBLIC HEARING
ZONING AMENDMENTS RE: PARKING SPACES
7:30 P.M.

REGULAR COUNCIL MEETING
OF
October 14, 2009 – 8:00 P.M.

AGENDA
ROLL CALL
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
MINUTES PRESENTED FOR CHANGE OR CORRECTION OR ADOPTION
CORRESPONDENCE
AUDIENCE PARTICIPATION

- ORDINANCE L - 2009** **AN ORDINANCE PROVIDING FOR AN ADDITION TO CHAPTER 147 OF THE ADMINISTRATIVE CODE SECTION OF THE CODIFIED ORDINANCE OF THE VILLAGE OF BOSTON HEIGHTS ENTITLED FAIRNESS IN VILLAGE EMPLOYMENT AND DECLARING AN EMERGENCY**
- ORDINANCE M - 2009** **AN ORDINANCE AMENDING THE PERMANENT ANNUAL APPROPRIATIONS ORDINANCE (ORDINANCE 2-2009) FOR THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY**
- ORDINANCE N - 2009** **AN ORDINANCE AUTHORIZING THE CREATION OF A NEW SECTION KNOWN AS SECTION 133.07 "RECORDS COMMISSION" IN THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS UNDER THE ADMINISTRATIVE CODE CHAPTER SECTION OF PUBLIC RECORDS AND DECLARING AN EMERGENCY**
- ORDINANCE O - 2009** **AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING CODE OF THE VILLAGE OF BOSTON HEIGHTS TO AMEND CHAPTER 1151.07 "OFF STREET PARKING SPACES" AND 1151.08 "PARKING REQUIREMENTS"**
- RESOLUTION EE - 2009** **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY**

RESOLUTION FF - 2009

**A RESOLUTION AUTHORIZING THE
MAYOR OF THE VILLAGE OF BOSTON
HEIGHTS TO ENTER INTO AN
EMPLOYMENT CONTRACT ON BEHALF
OF THE VILLAGE OF BOSTON HEIGHTS,
WITH VICKY MCCAULEY FOR THE
POSITION OF PART-TIME ENGINEERING
CONSULTANT. THE PERIOD OF
EMPLOYMENT THROUGH DECEMBER 31,
2009.**

RESOLUTION GG - 2009

**A RESOLUTION AMENDING RESOLUTION
22-2009 REGARDING THE QUOTE OF
CARRON ASPHALT PAVING FOR THE
RESTORATION OF VARIOUS AREAS OF
VILLAGE ROADWAYS AND DECLARING
AN EMERGENCY**

MOTIONS:

**APPROVAL OF JULY 2009 FINANCIAL STATEMENT
APPROVAL OF AUGUST 2009 FINANCIAL STATEMENT
APPROVAL OF TWENTY (20) HOURS FOR TRANSPORT OF
VEHICLES FOR FIRE DEPT. MAINTENANCE**

**COMMITTEE REPORTS
OLD BUSINESS
NEW BUSINESS**

ADJOURN

CAROL ZEMAN, CLERK-TREASURER

AN ORDINANCE PROVIDING FOR AN ADDITION TO CHAPTER 147
OF THE ADMINISTRATIVE CODE SECTION OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS
ENTITLED FAIRNESS IN VILLAGE EMPLOYMENT AND
DECLARING AN EMERGENCY

WHEREAS the Village of Boston Heights finds it necessary to comply with the Summit County and the State of Ohio regulations regard fairness in employment and

WHEREAS the Auditor of State has noted in past audit a lack of a policy regarding nepotism.

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

Section 1: That the new section 147.01(a) is to be created for the fairness in employment in the Village of Boston Heights as per Exhibit "A"

Section 2: That the existing section 147.01 entitled Qualifications; Oaths of Officials will now be numbered as 147.01(b)

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

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, the daily operations of the municipal departments and the compliance with County and State regulations and shall take effect and be in force from and after its passage.

PASSED:

ATTEST:

BILL GONCY, MAYOR

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance -2009 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 9th day of September, 2009.

CAROL ZEMAN, Clerk of the Village of Boston Heights

EXHIBIT "A"

147.01

(a) FAIRNESS IN VILLAGE EMPLOYMENT

In the interest of providing proper and reasonable protection against the negative aspects of nepotism, the following prohibitions are established:

- (1) No person shall be eligible for Village employment if the person is related to an elected official or Village employee as a spouse, sister, brother, child, parent, half-sister, half-brother, step-child, step-parent, step-sister, step-brother, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, or cousin of the first degree.
- (2) No person shall have supervisory responsibility over their spouse, sister, brother, child, parent, half-sister, half-brother, step-child, step-parent, step-sister, step-brother, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, or cousin of the first degree.
- (3) This Section shall govern only those seeking Village employment after the effective date of this Section and does not prohibit the continued employment by the Village of any person who holds Village employment on or before the effective date of this Section. This Section also does not prohibit the continued employment by the Village of a person employed by the Village prior to the election of an elected official who is related to the employee as spouse, sister, brother, child, parent, half-sister, half-brother, step-child, step-parent, step-sister, step-brother, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, or cousin of the first degree.
- (4) Any person hired, after it's effective date, in violation of this Section shall be immediately terminated. The Village Clerk-Treasurer/Fiscal Officer shall not make salary payments to persons hired in violation of this Section.
- (5) "Village Employment" for purposes of this Section shall be defined as any position for which the Village Clerk-Treasurer/Fiscal Officer issues payment of compensation .

AN ORDINANCE AMENDING THE PERMANENT ANNUAL APPROPRIATIONS ORDINANCE (ORDINANCE 2-2009) FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2009 AND DECLARING AN EMERGENCY

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

SECTION 1: The Permanent Annual Appropriations for the Village of Boston Heights (Ordinance 2 – 2009) for the year 2009 are hereby amended to reflect the changes as set forth on Exhibit “A” attached hereto and incorporated herein by reference.

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.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and the daily operations of the municipal departments and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance -2009 was duly passed by the Council of Boston Heights, County of Summit, State of Ohio at a meeting on the 14th day of October, 2009.

Carol Zeman, Clerk of the Village of Boston Heights

ANNUAL APPROPRIATION ORDINANCE 2009		2009	AMENDED APPROP.	AMENDED APPROP.	AMENDED APPROP.	AMENDED APPROP.
GENERAL FUND	SECURITY OF PERSONS AND PROPERTY		ORD. 8 - 2009 1ST AMENDMENT	ORD. 13-2009 2nd AMENDMENT	ORD. 13-2009 2nd AMENDMENT	AMENDED APPROP. 3rd AMENDMENT
POLICE LAW ENFORCEMENT		2009				
Salaries/Wages		Appropriation				
Benefits		374,000.00				
Uniform Allow.		155,000.00				
Contractual						
Supplies						
Capital Outlay		655,086.34				
FIREFIGHTING, PREVENTION & INSPECTION						
Salaries/Wages		34,000.00				
Benefits		4,500.00				
Contractual						
Supplies		77,200.00				
Street Lighting		8,200.00				
Traffic Signals		210.00				
TOTAL PROGRAM I		740,696.34				
PROGRAM II - PUBLIC HEALTH AND HUMAN SERVICES						
Pymt to Cty Health District		24,675.24				
TOTAL PROGRAM II		24,675.24				
PROGRAM IV - COMMUNITY ENVIRONMENT						
Planning/Zoning/Bldg/Elec.						
Salaries/Wages		6,000.00				
Benefits		1,000.00				
Contractual						
Supplies		7,500.00				
Engineering		12,000.00				
TOTAL PROGRAM IV		19,500.00				
PROGRAM VI - TRANSPORTATION						
Salaries/Wages		117,500.00				
Benefits		37,000.00				
Contractual						
Supplies		186,500.00				
TOTAL PROGRAM VI		186,500.00				

PROGRAM VII - GENERAL GOVERNMENT			2009	
Mayor				
	Salaries/Wages		15,750.00	
	Benefits		2,700.00	
	Contractual			
	Supplies		20,950.00	
Council				
	Salaries/Wages		18,000.00	
	Benefits		2,200.00	
	Contractual		20,200.00	
	Supplies			
Clerk of Courts				
	Salaries/Wages		66,700.00	
	Benefits		21,000.00	
	Contractual			
	Supplies			
Clerk-Treasurer				
	Salaries/Wages		88,700.00	
	Benefits		37,000.00	
	Contractual		7,000.00	
	Supplies			
	Land & Buildings		46,000.00	
	Salaries/Wages			
	Benefits			
	Contractual			
	Supplies			
	EMS Service			
	Capital Outlay			
			122,950.00	
Auditor & Treasurer Fees				
Delinquent Collections				
State Examiners Fees				
Election Fees/Solid Waste				
Solicitor				
Worker's Compensation				
Charges & Service Fees				
Loan Payment/Interest				
Transfer to Park				
TOTAL PROGRAM VII			20,000.00	
			461,841.34	
GRAND TOTAL GENERAL FUND			1,433,212.92	
Certificate of Estimated Resources				10,000.00
Less Reserve Amount				51,905.11
Total Available for Expenditures				61,905.11
Difference				-7346.44
				Change in Local Government
Street Construction, Maintenance & Repair Fund				
				2009
Street Maint. & Repair				Appropriations
230 Contractual				
240 Supplies				
Loan Payment				
Total			130,956.68	
Street Cleaning, Snow & Ice Removal				
240 Supplies				
Total			42,000.00	
County Permissive Tax				
Fund Total			172,956.68	
State Highway Fund				
Traffic Signals Sign, Etc.				
230 Contractual				
230 Traffic Signals				
250 Capital Outlay				
Fund Total			33,159.33	
Parks and Recreation Fund				
Salaries & Wages	211			
Benefits	212		20,000.00	
Contractual	230		1,781.63	
Supplies	240			
Capital Outlay	250			
Transfer				
Fund Total			20,000.00	
			49,581.63	
Road Levy				
Contractual Services	230			
Supplies	240			
Auditors Fees	230			
Del. Ad. & Coll.	230			
Dretac Fees	230			
Loan Payment	250			
Total Fund			296,472.31	
Plus Encumbrances				
Total Appropriations			296,472.31	

Fire Levy				2009 Appropriations			
Contractual		230					
Supplies		240					
Auditors Fees		230					
Del. Ad. & Coll.		230					
Dretac Fees		230					
Capital Outlay		250					
Loan Payment		250					
Fund Total				364,347.47			
Computer Fund							
Salaries		211		-			
Benefits		212		-			
Contractual		230					
Supplies		240					
Capital Outlay		250					
Fund Total				30,676.06			
Law Enforcement Trust Fund							
Contractual		230					
Supplies		240					
Fund Total				2,419.72			
Cemetery Trust Fund							
Contractual							
Supplies							
Fund Total				1,500.00			
Refundable Performance Bond Fund							
Contractual		230	48,727.58				
Fund Total				48,727.58			
Capital Projects Fund							
Contractual		230					
Supplies		240					
Auditors Fees		230					
Del. Ad & Coll.		230					
Dretac Fees		230					
Capital Outlay		250					
Fund Total				52,747.21			
Federal Forfeiture Fund							
				-			

AN ORDINANCE AUTHORIZING THE CREATION OF A NEW SECTION KNOWN AS SECTION 133.07 "RECORDS COMMISSION" IN THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS UNDER THE ADMINISTRATIVE CODE CHAPTER SECTION PUBLIC RECORDS AND DECLARING AN EMERGENCY

WHERE AS the Ohio Revised Code 149.39 has stated the need for a Records Commission within the municipalities in the County of Summit, State of Ohio and

WHERE AS the Records Commission shall provide rules for the retention and disposal of all Village records and

WHERE AS the Records Commission shall review all applications for the retention and disposal of Village records prior to being presented to the Ohio Historical Society

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BOSTON HEIGHTS, COUNTY OF SUMMIT, STATE OF OHIO the formation of a Records Commission in accordance with Ohio Revised Code 149.39 as follows:

- The Mayor or his appointed representative
- The Chief Fiscal Officer
- The Chief Legal Officer
- A citizen appointed by the Mayor (this position will have no term limit)

Section 1: The Records Commission shall appoint a secretary, who may or may not be a member of the commission and who shall serve at the pleasure of the commission. The commission may employ an archivist or records manager to serve under its direction. The commission shall meet at least once every six months and upon call of the chairperson.

Section 2: The commission shall provide rules for retention and disposal of records of the Village of Boston Heights and review applications for disposal of obsolete records and schedules of records retention and disposition submitted by offices of the Village of Boston Heights. The commission may dispose of records pursuant to the procedure outlined in Ohio Revised Code Section 149.39 and may at any time review any schedule it has previously approved and for good cause shown revise that schedule.

Section 3: 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 any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and to insure that the Village of Boston Heights remains in compliance with the State of Ohio regulations regarding the handling and disposal of Village records.

PASSED:

BILL GONCY, Mayor

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, State of Ohio do hereby certify that the foregoing Ordinance -2009 was duly passed by the Council of Boston Heights, County of Summit, State of Ohio at a meeting on the 14th day of October, 2009

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING CODE OF THE VILLAGE OF BOSTON HEIGHTS TO AMEND CHAPTER 1151.07 "OFF STREET PARKING SPACES" AND 1151.08 "PARKING REQUIREMENTS"

WHEREAS, The Planning Commission of the Village of Boston Heights has reviewed and recommended the amendment of Chapters 1151.07 and 1151.08 of the Village's Comprehensive Zoning Code as per Exhibit A (copy attached); and

WHEREAS, a Public Hearing was conducted on October 14, 2009 at 7:30 pm, regarding the proposed amendment to the Village's Comprehensive Zoning Code.

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

Section 1: That the existing chapters 1151.07 and 1151.08 are hereby repealed in their entirety and replaced with the Planning Commission recommended amendments as per the attached Exhibit A.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance was duly adopted and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance - 2009 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 14th day of October, 2009.

1151.07 OFF STREET PARKING SPACES.

(a) The following minimum allocation of off street parking spaces shall apply to business uses in the Office/Professional, General Business, Retail Business and Light Manufacturing Districts, and conditional uses in the Residential District:

- (1) Automotive Repair Services: Two spaces for each service bay, plus one space per employee, not counting space for cars being fueled.
- (2) Automotive Service Stations: One space per fuel pump, plus one space for each 1.5 employees.
- (3) Automotive Dealers: One space for each 400 square feet of floor area or any portion thereof, one space for each 1000 square feet of outside display space or any portion thereof, plus one (1) for each employee.
- (4) Banks and other Financial: One space for each 400 square feet of floor Institutions area plus sufficient stacking space at drive-up facilities to accommodate the number of automobiles equal to five times the number of teller windows.
- (5) Bars/Taverns: One space for each 100 square feet of floor area.
- (6) Bed and Breakfast Inn: One space for each guest room plus two spaces for the permanent residence.
- (7) Car Wash Facilities: Automobile car washes shall provide sufficient stacking spaces for four vehicles per bay, and one space per employee.
- (8) Commercial Nursery: One space per 1,000 square feet of floor or greenhouse area plus one space per 2,000 square feet of land area.
- (9) Commercial School: One space per 300 square feet of floor area.
- (10) Contractor Yard: One space for each 1,000 square feet of floor area plus one space for each facility vehicle.
- (11) Convalescent Care Facility: One space for every six (6) beds plus one space for every two (2) employees.
- (12) Convenience Store: One space for each 200 square feet of floor area.
- (13) Convention or Conference: One space for each 3 (three) seats.
- (14) Day Care Center: One space for each 500 square feet of floor area plus one space for each employee.

Recommended by PC to Council 02/4/2009

- (15) Elementary and Middle schools: One space per teacher or employee plus one space per 15 students.
- (16) Business, technical or trade school, college or university: One space per 5 students over 16 years old plus one space per teacher or employee.
- (17) Entertainment & amusement: One space for each three seats or one space for each 200 feet of floor area, whichever is greater.
- (18) Funeral Home: Four spaces per 300 square feet of floor area.
- (19) Golf Course: One space per two employees, plus three per golf hole.
- (20) Group Home: One space for each four beds.
- (21) High Schools: One space per 2 (two) teachers, employees, and administrators, plus one space per 10 (ten) students.
- (22) Hospitals: One space for each two beds.
- (23) Hotel/Motels: One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space.
- (24) Industrial/Manufacturing: One space for each employee on the shift with the highest number of employees plus six.
- (25) Medical Clinics: One space for each 100 square feet of floor area.
- (26) Office: One space for each 400 square feet of floor area as the minimum parking space requirement and one space for each 250 square feet of floor area as the maximum permitted parking
- (27) Service: One space for each 200 square feet of floor area.
- (28) Printing and Related Trades: One space for each 500 square feet of floor area.
- (29) Private Member Recreation: One space per 200 square feet of floor area or one space for each four seats, whichever is greater.
- (30) Public Buildings: One space for each 200 square feet of floor area.
- (31) Recording, Radio, or TV: One space per 400 square feet of floor area.
- (32) Recreational: One space for each 2 participants at maximum utilization.

Recommended by PC to Council 02/4/2009

- (33) Religious Places of Worship: One space for each four seats in the place of assembly. Such uses may establish with public or commercial establishments joint parking facilities for up to fifty percent of their required spaces provided that a written agreement thereto is obtained and that all parking areas so designated lie within 300 feet of the main entrance of the church.
 - (34) Research and Development: One space for each 500 square feet of floor area.
 - (35) Restaurants: One space for each two seats of seating capacity.
 - (36) Retail Business: One space for each 300 square feet of floor area.
 - (37) Skating Rink: One space per each 200 square feet of floor area.
 - (38) Swimming Club: One space for each 300 square feet of pool and promenade area.
 - (39) Theaters: One space for each three (3) seats plus one for each two employees.
 - (40) Veterinarian Facility: Four spaces for each examination room.
 - (41) Warehousing: One space for each 1,000 square feet.
 - (42) A minimum of three car stalls for each 1,000.00 square feet of total gross floor area shall be provided whenever building usage is not specified.
- (b) Where two or more uses are provided in the same project, the total number of spaces required shall equal or exceed the sum of their individual requirements.
- (c) The parking spaces required shall be increased to the next highest whole number where a fractional space results from any computation.
- (d) At the express discretion of the Planning Commission, up to 25% of the minimum parking specified in (a) may be set aside for possible future parking needs and left as undeveloped space. This undeveloped space may not be counted in complying with other sections of the zoning code, riparian setback requirements, or wetlands delineations.
- (e) Parking may not exceed 150% of the minimum specified in section (a) except as provided below. Parking beyond 150% of the minimum specified in (a) is permitted only if a permanent green space area equal to twice the area allotted to parking beyond 150% of the minimum specified in (a) is set aside. This is in addition to any green space or open areas required by any other sections of the zoning code, riparian setback requirements, or wetlands delineations.

1151.08 PARKING REQUIREMENTS.

The following parking requirements shall apply to business uses in the Office/Professional, General Business, Retail Business and Light Manufacturing Districts, and conditional uses in the Residential District:

(a) Parking shall be provided with buildings of undesignated uses. The builder or developer must comply with the requirements of Sections 1151.07.

(b) An off-street parking space is a rectangular area for parking one motor vehicle and is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation space, or off-street loading space. Off-street parking spaces shall have the following minimum rectangular dimensions:

Angle of Parking (in degrees)	Minimum Aisle Width (in feet)	Minimum Space Size (in feet)
90	20	10x20
90	25	9x19
60	17 one way travel	9x19
60	20 two way travel	9x19
45	13 one way travel	10x20
45	20 two way travel	10x20
Parallel	25	10x23

(c) The parking area shall be paved with asphalt or concrete and contain adequate base material. Concrete parking areas shall consist of either a six-inch minimum depth of item 452 plain portland cement concrete pavement or six inch minimum depth of item 451 reinforced portland cement concrete pavement, and shall have a sub-base consisting of a minimum thickness of three inches of item 310 as designated by the Ohio Department of Transportation current dated construction and material specifications. Asphalt parking areas shall consist of a one and one-half inch minimum depth of 488 asphalt, and shall have a base consisting of a minimum of two inches of item 304 aggregate base as designated by the Ohio Department of Transportation current dated construction and material specifications.

(d) Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two accessways abutting any one street. Such accessways shall have a throat width of not less than twenty-five feet and a width using a minimum of twenty feet radius curve from the street curb line. All points of ingress and egress

Recommended by PC to Council 02/4/2009

shall be located at least 100 feet from all road intersections as measured between the road right of way and the centerline of the ingress or egress point..

(e) Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading, and storage areas) that contains more than six thousand square feet (6,000 sq. ft.) of area or twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping.

(1) The amount of this interior parking area landscaping shall be not less than five square feet (5 sq. ft.) of landscaped area for each one hundred square feet (100 sq. ft.), or fraction thereof, of off-street parking area.

(2) Landscaped areas shall be dispersed throughout the parking area in peninsulas and islands, provided that each island or peninsula is not less than sixty-four square feet (64 sq. ft.) in size.

(3) Landscaped islands or peninsulas shall be vegetated with grass or similar plant material not to exceed two feet (2 ft.) in height and for each three thousand square feet (3000 sq. ft.) of open parking area, there shall be not less than one, three inch (3 in.) caliber deciduous tree placed in the landscaped islands or peninsulas. Trees shall have a clear trunk of at least five feet (5 ft.) above the ground.

(f) All parking facilities shall reserve spaces for handicapped persons with parking space numbers, sizes and configurations in conformance with the Americans with Disabilities Act (ADA).

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

The Council of the Village of Boston Heights, Summit County, Ohio, met in a Regular session of Council on the 14th day of October, 2009 at the office of Council with the following members present: _____ Carol Zeman, Clerk-Treasurer and Mayor Bill Goncy.

The adoption of the following Resolution was moved by _____, seconded by _____.

WHEREAS, this Council in accordance with the provisions of law have previously adopted a Tax Budget for the next succeeding fiscal year commencing with January 1, 2010; and

WHEREAS, the budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation;

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

That the amounts and rates as determined by the Budget Commission in its certifications be and the same hereby are accepted.

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said Village that rate each tax necessary to be levied within and without the ten mill limitation as attached hereto as an Exhibit.

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.

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the Village of Boston Heights and to insure the continuing operations of the Village in the fiscal year 2010 and to meet the County of Summit's deadline of November 9, 2009

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, CLERK-TREASURER

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution - 2008 was duly passed by the Council of the Village of Boston Heights, County of summit and State of Ohio at a meeting of Council on the 14th day of October, 2009.

CAROL ZEMAN, Clerk of the Village
of Boston Heights, Ohio



JOHN A. DONOFRIO

Fiscal Officer
County of Summit

September 21, 2009

All Summit County Fiscal Officers, Finance Directors and Treasurers

RE: Certification of Tax Levy

We are providing you with the enclosed Summit County Budget Commission Certification of Tax Levy to adopt a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the Summit County Fiscal Officer. Please attach a copy of your tax levy certificate to your resolution.

Please refer to the information provided on the back of the certificate as it describes the purpose and contents of the certificate.

According to the enclosed extension letter from the Ohio Department of Taxation; the Political Subdivision must provide the approved resolution to the County Fiscal Officer by November 9, 2009.

Your Official Certificate of Estimated Resources for 2010 will be sent to you in November.

If you have any questions, please contact Dennis Killinger at 330-643-2707 or Peggy Moirano at 330-643-2668.

Sincerely

Peggy Moirano

Director of Administration
Tax Settlement and Budget

AUDITOR DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2625
Fax: 330.643.2622

RECORDING DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2719

SERVICE DIVISION
1030 E. Tallmadge Ave.
Akron, Ohio 44310
Phone: 330.630.7226
Fax: 330.630.7240

TREASURER DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2606
Fax: 330.643.7760

**SUMMIT COUNTY BUDGET COMMISSION CERTIFICATION OF TAX LEVY
(ORC Sections 5705.34 & 5705.35)**

POLITICAL ENTITY: **Boston Heights Village**
ESTIMATE

Tax Year 2009/Collection Year 2010

LEVIES INSIDE and OUTSIDE 10 MILL LIMITATION, INCLUSIVE OF DEBT LEVIES

Date: 08103108

1. RES/AG REAL VALUE	56,814,490
2. OTHER REAL VALUE	12,752,610
3. PUBLIC UTILITY PERSONAL VALUE	1,346,860
4. TOTAL REAL AND PU VALUE	70,913,960
5. REMAINING TPP TELEPHONE VALUE	174,623
6. TOTAL VALUE	71,088,583

FUND TYPE	PURPOSE	AUTH BY VOTERS ON MO/DA/YR	NO YRS LEVY TO RUN	Tax Year	Collection Year	Maximum Rate Authorized to be Levied	REDUCTION FACTOR	EFFECTIVE RATE TO BE LEVIED	(A) TANGIBLE	(B) P.U.	(C) RES/AG	(D) OTHER	(E) TOTAL
				Begins/Ends	Begins/Ends		RES/AG OTHER	RES/AG OTHER					
Road and Bridge	Current Expense	Repl/Dec 11/07106	5	07/11	08/12	2.75	0.010929 0.000000	2.719945 2.750000	\$480	\$3,704	\$154,532	\$35,070	\$193,786
General	Inside					1.80		1.800000 1.800000	\$314	\$2,424	\$102,266	\$22,955	\$127,959
Capital Projects	Inside					0.30		0.300000 0.300000	\$52	\$404	\$17,044	\$3,826	\$21,326
Totals						4.85		4.619945 4.850000	\$846	\$6,532	\$273,642	\$81,851	\$343,071



JOURNAL ENTRY

Date: AUG 27 2009

The Honorable John Donofrio
Summit County Fiscal Officer
Ohio Building
175 South Main Street, Suite 400
Akron, Ohio 44308

Entry Number: 09-08-0329

Re: Approval of Extension for the Summit County Budget Commission to Complete its Work

The Tax Commissioner, upon consideration of the application filed by the County Auditor, as secretary of the county budget commission, on August 17, 2009, for an extension of time beyond the statutory date of September first to complete its work, as provided by Revised Code section 5705.27, finds that the extension of time is necessary and approves October 9, 2009, as the date within which such work shall be completed, pursuant to Ohio Revised Code section 5705.341 (last para.).

The Tax Commissioner also extends the October first deadline contained in Ohio Revised Code section 5705.34 for the political subdivision to authorize the necessary tax levies to the auditor by the same number of days that the extension to certify rates is granted by this entry. Accordingly, the political subdivision must authorize the necessary tax levies to the auditor by November 9, 2009, since November 8, 2009 is a Sunday, O.R.C. §1.14. The County Auditor must notify each political subdivision affected by this entry.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE
ENTRY RECORDED IN THE TAX COMMISSIONER'S JOURNAL

A handwritten signature in cursive script that reads 'Richard A. Levin'.

RICHARD A. LEVIN
TAX COMMISSIONER

/s/ Richard A. Levin

Richard A. Levin
Tax Commissioner

REE

A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF BOSTON HEIGHTS TO ENTER INTO AN EMPLOYMENT CONTRACT ON BEHALF OF THE VILLAGE OF BOSTON HEIGHTS, WITH VICKY MCCAULEY FOR THE POSITION OF PART-TIME ENGINEERING CONSULTANT. THE PERIOD OF EMPLOYMENT THROUGH DECEMBER 31, 2009.

WHEREAS, the Village of Boston Heights has identified the need for a part-time engineer to assist the Village in a consulting capacity for all engineering projects as they arise

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

Section 1: That the Mayor is authorized to enter into an employment contract for the position of part-time Engineering Consultant only for a specified term therein.

Section 2: That the term of the employment contract expires on December 31, 2009.

Section 3: That the only terms of the contract as agreed to by both parties will contain the hourly wage of \$75.00 per hour as well as participation in OPERS for the term of the agreement

Section 4: That other benefits available to part-time employees of the Village, as set forth in the Village Ordinances are not made part of this Employment Contract and will not apply to this contract employee.

Section 5: That Workers Compensation, as set forth by statute applies to this contract employee only during the periods of time said employee is performing authorized Village work within the Village of Boston Heights.

Section 6: That the contract is complete and final as set forth by the terms above.

Section 7: 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 8: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to complete all engineering projects as they arise for the remainder of 2009.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution 2009 was duly passed by the Council on the 14th day of October, 2009.

CAROL ZEMAN, Clerk of the Village
Of Boston Heights

A RESOLUTION AMENDING RESOLUTION 22-2009 REGARDING THE QUOTE OF CARRON ASPHALT PAVING FOR THE RESTORATION OF VARIOUS AREAS OF VILLAGE ROADWAYS AND DECLARING AN EMERGENCY

WHEREAS, this Council has previously determined that certain road ways in the Village of Boston Heights are in need of various degrees of restoration.

WHEREAS, the Village of Boston Heights has received a quote for the restoration of said roadways from Carron Asphalt Paving **and due to excessive deterioration a section of roadway needs addition work.**

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

Section 1: That the Mayor and Clerk-Treasurer are hereby authorized to sign and execute any and all paperwork necessary for Carron Asphalt Paving to commence repairing various areas of the roadways in the Village of Boston Heights

Section 2: That the quote of Carron Asphalt Paving in the amount of \$23.25 per square yard for partial planing and \$49.50 per square yard for full depth repair **is now amended to include the amount of \$16.25 per square yard for full resurface asphalt and is here by approved.** The total amount of work to be done shall not exceed \$190,000.00.

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

Section 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the residents of the Village of Boston Heights and for the purpose of safe passage for all residents and visitors using the Village roadways and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution -22 2009 was duly passed by the Council of Boston Heights, County of Summit, State of Ohio as a meeting on the 9th day of September, 2009.

CAROL ZEMAN, Clerk of the Village of Boston Heights, Ohio