

**VILLAGE OF BOSTON HEIGHTS  
REGULAR COUNCIL MEETING**

**August 8, 2012 - 8:00 PM**

**AGENDA**

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CORRESPONDENCE

AUDIENCE PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

**RESOLUTION AA - 2012  
(Third Reading)  
*Adopted: Res 33-2012***

**A RESOLUTION AUTHORIZING ADVANCING OF LOCAL TAXES.**

COMMITTEE REPORTS

OLD BUSINESS

NEW BUSINESS

ADJOURN

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RICHARD HUBER, FISCAL OFFICER

**ORDINANCE U - 2012**  
**AUGUST 8, 2012**  
**(Second Reading)**

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to allow for the continued operations of the Village departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing Ordinance\_\_\_\_- 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the \_\_\_day of August, 2012.

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

**ORDINANCE V - 2012**  
**AUGUST 8, 2012**  
**(First Reading)**

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

WHEREAS, The Village of Boston Heights routinely incurs professional fees and related costs in association with its review of applications and requests that come before the Village and its departments, including but not limited to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, the Board of Zoning Appeals, Solicitor, and/or other Village officials; and,

WHEREAS, it is fitting and proper that the fees and costs associated with review of applications and requests submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, the Board of Zoning Appeals and/or other Village officials be absorbed by the applicant for such review; and,

WHEREAS, it is in the interest of the citizens and taxpayers of the Village of Boston Heights to not completely absorb professional fees and costs and other related fees and costs associated with construction, zoning, planning, and/or development;

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

Section 1: That Codified Ordinance 1101.06 of the Codified Ordinances of the Village of Boston Heights be established and state as follows:

**(a) All persons submitting an application, license, or other request to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals shall be required to reimburse the Village for any professional fees and related costs associated with the Village's review, analysis, inspection, and other activity related to such request.**

**(b) The Planning Commission shall, subject to the approval of the Mayor and a majority vote of Council, establish a Professional Fees, Costs, and Review account for the Village of Boston Heights. The funds placed in this review account are subject to the deposit and fee schedules described in subparts (c) and (d) herein.**

**(c) A Professional Fees and Costs Deposit shall accompany each application, license, or request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission,**

**and/or the Board of Zoning Appeals. The Deposit shall be placed in a Professional Fees, Costs, and Review account, which shall be maintained for each separate application, license or request. The initial Deposit shall be received before the Village will incur any professional fee or cost associated with the Village's review, analysis, inspection, and other activity related to an applicant's request. The specific amount for an initial Deposit shall be established in a schedule created by the Mayor and approved by the Village Engineer and a majority vote of Council. The Mayor may, on a case by case basis, assess an applicant an additional Deposit based upon anticipated future professional fees and costs. At all times during the pendency of an application, license or request where professional fees and/or costs for the Village are required, such fees and costs shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis and a positive balance shall be maintained in an applicant's professional review account. The Village shall give notice to an applicant once the balance in the applicant's professional review account reaches a Five Hundred Dollar (\$500.00) or lower balance if an additional Deposit will be required. Should the fees as set forth in subpart (d) consume the entire initial Professional Fees and Costs Deposit, all reviews, consideration, deliberation and analysis of the subject application, license or request by the Village shall be suspended and no further construction, work, and/or further use shall be done by the applicant or its agents until a supplemental Deposit is assessed and deposited. The balance of the Deposit funds on hand, after fees are assessed to said applicant, shall be returned to the applicant within 90 days of the final conclusion of the project and any potential legal matter pertaining to the request, application or license.**

**(d) The Mayor shall also create a fee schedule for various tasks associated with the professional review, inspection or other conduct required in association with any application, request or license submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. The fee schedule shall be created by the Mayor with the approval of the Village Engineer and a majority vote of Council. The fees shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis. The fees set forth in the schedule shall not conflict with any other fee established by the Codified Ordinances.**

**(e) No approvals shall be granted for any application, license, or other request submitted to the Village Engineer, Street**

**Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals unless and until the required initial and/or supplemental Deposit have been made.**

**(f) The commencement, undertaking and/or completion of any construction, grading, soil preparation or other activity conducted by an applicant related to a project that requires a Deposit under this Codified Ordinance is strictly prohibited until an initial and/or supplemental Deposit has been made. Any such work completed without the submission of an initial and/or supplement Deposit shall be subject to removal and/or demolition by the Village at the applicant's costs.**

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

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

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing Ordinance \_\_\_ - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the \_\_\_ day of August, 2012.

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

**ORDINANCE W - 2012  
AUGUST 8, 2012  
(First Reading)**

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

WHEREAS, it is in the general interests of the residents of the Village of Boston Heights that certain Permitted and Conditional Uses as designated in the Village's Ordinances be amended; and,

WHEREAS, the Planning Commission of the Village of Boston Heights has approved the amendments herein;

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

Section 1: That Codified Ordinance 1153.02 be amended to state as follows:

**1153.02 PERMITTED USES.**

**A building or premises within the Residential District shall be used only for the following purposes:**

- (a) Single-family dwelling; home occupation;**
- (b) Accessory buildings and uses customarily incidental to any of the above uses and not involving the conduct of business including:
  - (1) Quarters for hired help employed on the premises. Such quarters must be located within the primary structure residence on the premises; and,**
  - (2) Private garage, home occupation and private stable as regulated as to the number of animals that may be kept as provided in Section 1141.36.****
- (c) Agriculture, including greenhouses and the usual agricultural buildings and structures.**

Section 2: That Codified Ordinance 1153.03 be amended to state as follows:

**1153.03 CONDITIONAL USES.**

**The Planning Commission may issue conditional zoning certificates for uses listed herein:**

- (a) Residential conservation development in accordance with Section 1153.08;**
- (b) Bed and Breakfast establishments; and,**
- (c) Parks, playgrounds and conservation areas.**

Section 3: That Codified Ordinance 1157.03 be amended to state as follows:

**1157.03 CONDITIONAL USES.**

**The Planning Commission may issue conditional zoning certificates for uses listed herein and subject to the general requirements of Section 1145.04 and Chapter 1151:**

- (a) Restaurants, barbers, hair dressers and other services supporting an office complex;**
- (b) All accessory or conditional uses as permitted in the section Office/Professional District shall satisfy the following conditions:**
  - (1) Such use shall serve employees in office development;**
  - (2) Such use shall not be the principal use or primary use of any free standing building;**
  - (3) Such use shall not occupy more than 30% of the usable floor area of the building; and,**
  - (4) Such use shall not have an entrance leading directly outside of its building.**



Section 4: That Codified Ordinance 1161.03 be amended to state as follows:

**1161.03 CONDITIONAL USES.**

**The Planning Commission may issue conditional zoning certificates for uses listed herein and subject to the general requirements of Chapter 1151 where the methods or processes in such uses do not cause or emit smoke, odor, dust, fumes, noise, vibrations, or discharge unsatisfactorily treated waste and where no product or any material or ingredient may pose a hazard to the persons or property in the immediate surrounding area:**

**(a) Manufacturing operations, assembly of components, light manufacturing, and ancillary activities;**

**(b) Production involving mixing, blending and bottling;**

**(c) Warehousing and distribution where goods and materials are stored in a building dedicated to that use;**

**(d) Conditional uses permitted in the Office/Professional and General Business Districts;**

**(e) All uses permitted in the General Business District;**

**(f) Governmental or quasi-governmental use;**

**(g) Churches and other places of worship, Sunday school buildings and parish houses, parochial schools and necessary accessory buildings subject to the approval of a site plan as follows:**

**(1) Structures and activity area including roading and facilities (other than off-street parking) shall be located at least seventy-five feet from the street right of way;**

**(2) All points of ingress and egress shall be located at least 200 feet from all major road intersections and at least 100 feet from all local or minor street intersections. All State and County highways shall be considered major streets;**

**(3) All structures shall be located so as to have access to a dedicated street; and,**

**(4) Locations should be adjacent to parks or other commercial uses such as schools or shopping centers where use can be made of joint parking facilities.**

**(h) Public and private elementary, middle and high schools; charter schools; public and private colleges and universities; public career centers;**

**(i) Buildings or properties owned and/or operated by a political subdivision of the government including Village Hall, community center building, fire engine house, parks, playgrounds and conservation areas subject to the regulations of Section 1151.07 and 1151.08;**

**(j) Cemeteries including mausoleums, providing that any new cemetery shall contain at least twenty acres of land and the location has been approved by the Planning Commission;  
Or,**

**(k) Golf courses, including such buildings and uses as are necessary for their operation, providing that any golf course shall contain at least one hundred acres of land and the location has been approved by the Planning Commission.**

Section 5: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing Ordinance \_\_\_ - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the \_\_\_ day of August, 2012.

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

**ORDINANCE X - 2012**  
**AUGUST 8, 2012**  
**(First Reading)**

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

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

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

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

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

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

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

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

Section 3: That this Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety and to allow for the continued operations of the Village departments and shall take effect and be in force from and immediately as its passage.

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing Ordinance\_\_\_\_ - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the \_\_\_ day of August, 2012.

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

**ORDINANCE Y - 2012**  
**AUGUST 8, 2012**  
**(First Reading)**

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

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

**Section 1:** All non elected employees of the Village of Boston Heights shall be classified as hourly employees for purposes of compensation. The stating of rates of compensation for non-elected employees as salary shall not affect this classification.

**Section 2:** Pay levels one (1), two (2), and three (3) are hereby established in each department and defined as follows:

- A. The following rate levels shall be based upon the employee's performance and adoption in and on the job.
- B. Pay Level 1: Pay rate per hour for employees from date of hire until the first anniversary date of hire.
- C. Pay Level 2: Pay rate per hour for employees after first year from date of hire with approval of the Supervisor, Mayor and consent of Council.
- D. Pay Level 3: Pay rate per hour for employees after second year from date of hire with approval of the Supervisor, Mayor and consent of Council.

Council may by resolution start an employee at any level depending upon the experience of the employee and the needs of the Village.

**Section 3:** Except as otherwise provided herein, by law, or act of Village Council, compensation shall be as follows for hourly employees:

- 1. No employee, department head or supervisor shall schedule or permit an employee to work overtime without the prior approval of the Mayor, or in his absence, the president Pro Tempore of Council.
- 2. Compensation shall be recorded and paid in fifteen (15) minute increments.
- 3. All time cards shall reflect the start and end time of the actual hours worked.

**Section 4:** That the rates of compensation for the following positions in the Village work force are hereby revised as follows:

- A. Police Department

1. Full Time Police Officers: (rates are noted as dollars per hour)

	<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
Lieutenant	\$24.12	\$24.87	\$25.62
Police Officer	\$19.31	\$20.32	\$21.09
Sergeant	\$21.83	\$22.63	\$23.37
Chief	\$26.53	\$27.59	\$29.77

2. Jailers: The position of Jailer shall be compensated at the rate of Nine and 29/100 Dollars (\$9.29) per hour. The Jailer shall be entitled to a minimum of two (2) hours show up time.

3. Members of the Police Department, including Auxiliary Officers, shall be credited a minimum of two (2) hours work time for "court time" if they are not working during any part of the time that they are "in court." If the officer is on duty during all or part of the time he is "in court" he shall be credited only with the actual time he is in court.

4. Members of the Police Department, including Auxiliary Officers, shall be credited with up to two (2) hours minimum work time for attendance at the required training sessions within the police department. If the officer is on duty during all or part of the training session he shall be credited only with the actual time of attendance while not on duty.

5. Auxiliary Police Officers: The position of Auxiliary Police Officer shall be compensated at a rate of Thirteen and 37/100 Dollars (\$13.37) per hour. This class of officers shall be limited to 78 hours per pay period. Auxiliary Officers who work on a special assignment or task force assignment shall be compensated at the rate of Twenty-seven and 33/100 Dollars (\$27.33) per hour for such time worked.

B. Fire Department:

1. The salary of the members of the Village of Boston Heights Fire Department shall be as follows:

Chief	\$459.72 per month
Assistant Chief	\$328.38 per month
Engineer	\$328.38 per month
Captain	\$262.71 per month
Lieutenant	\$229.87 per month
Fire Inspector	\$220.00 per month

The officers listed above are considered to be in salaried positions and any individual filling those positions shall not receive any compensation for drills or inspections, unless otherwise noted.

2. All members of the Fire Department, other than officers, shall receive Thirteen and 37/100 Dollars (\$13.37) each for every drill attended and for every truck duty performed.
3. All members of the Fire Department, other than officers, shall receive Thirteen and 37/100 Dollars (\$13.37) for each Hazardous Material Training Session that they attend.
4. Each member of the Fire Department shall receive Thirteen and 37/100 Dollars (\$13.37) an hour for all hours actually worked in connection with a response. All responders shall be paid a minimum of one (1) hour for each response.
5. Each member of the Fire Department, including Officers, shall receive Eleven and 25/100 Dollars (\$11.25) an hour for all hours actually worked in connection with Council approved Special Detail. Each Special Detail needs to have a separate sheet of detail for purposes of payroll and detailing the approved projects.
6. Each member of the Fire Department serving as First Responder and not otherwise classified in any other position in the Fire Department shall receive Thirteen and 37/100 Dollars (\$13.37) per hour for all hours actually worked in connection with a response.
7. Each member of the Fire Department, including Officers, shall receive Thirteen and 37/100 Dollars (\$13.37) per hour for working scheduled hours during any of the following holidays:
  - a. Presidents Day
  - b. Martin Luther King Day
  - c. Memorial Day
  - d. Independence Day
  - e. Labor Day

- f. Columbus Day
- g. Veterans Day
- h. Thanksgiving Day
- i. Christmas Day
- j. New Years Day

8. Each member of the Fire Department, including Officers, shall receive Thirteen and 37/100 Dollars (\$13.37) per hour, when scheduled by the Fire Chief (1) with more than 12-hour notice, and, (2) during those times when Extreme, Adverse Weather is forecast by the National Weather Service. "Extreme, Adverse Weather" shall include only those times when the National Weather Service has done one of the following:

- (a) Issued a flood warning;
- (b) Issued a high wind warning;
- (c) Issued a ice storm warning;
- (d) Issued a blizzard warning; and/or,
- (e) Issued a winter storm warning with snow accumulation in excess of six inches.

9. Each member of the Fire Department, including Officers, shall receive Thirteen and 37/100 Dollars (\$13.37) per hour for hours actually worked on a Saturday or Sunday, so long as the Mayor has been provided in advance a completed monthly schedule with names for those Saturdays and Sundays to be worked and he or she is notified in writing prior to substitution of any individual on that schedule.

10. Each member of the Fire Department as an on staff scheduled employee working within the hours designated and approved by Council shall receive Thirteen and 37/ 100 Dollars (\$13.37) per hour for every hour worked within the approved schedule of hours.

C. Mayor's Court

1. Office Clerk/Clerk of Mayor's Court: The Office Clerk/Clerk of Court shall be compensated according to the following rates, as noted in dollars per hour:

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$14.86	\$15.92	\$18.77



2. Part-time Clerk: The rate of pay for the position of Part-time Office Clerk shall be Twelve and 31/100 Dollars (\$12.31) per hour. As the Assistant to the Clerk/Clerk of Mayor's Court, the hours will be either up to 20 hours per week or up to 40 hours per pay period.

D. Fiscal Officer: The pay rate for the position of Fiscal Officer of the Village of Boston Heights, Ohio shall be Eighteen and 77/ 100 Dollars (\$18.77) per hour. The pay rate for the position of Assistant to the Fiscal Officer of the Village of Boston Heights, Ohio shall be Twelve and 31/100 Dollars (\$12.31) per hour.

E. Zoning Inspector: The rate of pay for the position of Zoning Inspector shall be Two Hundred Sixty-Five and 23/100 Dollars (\$265.23) per month and an additional Ten and 61/100 Dollars (\$10.61) per hour for all time spent traveling to, from and in court.

F. Road Department: The Road Department shall consist of a superintendent/supervisor, no more than one (1) full time CDL Truck Driver/Laborer, no more than one (1) full time Non-CDL Truck Driver/Laborer and as many additional part-time employees as required with the approval of the Mayor and consent of Council.

1. Supervisor: The position of Road Department Superintendent shall be compensated according to the following rate: (rates as noted are in dollars per hour)

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$19.64	\$20.70	\$24.24

2. CDL Truck Driver/Laborer: The position of CDL Truck Driver/Laborer shall be compensated according to the following schedule: (rates as noted are in dollars per hour)

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$13.80	\$14.86	\$17.48

3. Non CDL Truck Driver/Laborer; The position of Non CDL Truck Driver/Laborer shall be compensated according to the following schedule: (rates as noted are in dollars per hour)

<u>LEVEL 1</u>	<u>LEVEL 2</u>	<u>LEVEL 3</u>
\$11.94	\$12.73	\$13.54

4. The position of Casual Laborer shall be compensated at the rate of Nine and 86/100 Dollars (\$9.86) per hour.

5. The position of part-time Truck Driver (CDL/Laborer shall be compensated at the rate of Twelve and 56/100 Dollars (\$12.56) per hour.
6. The position of part-time mechanic shall be compensated at the rate of Twelve and 67/100 dollars (\$12.67) per hour. The part-time mechanic shall be compensated at the rate of Thirteen and 03/100 (\$13.03) per hour after one year of service with the Village. Total hours for part-time mechanic work shall not exceed 40 hours per pay period.

G. Municipal Pool and Properties:

1. Pool Manager: The position of Pool Manager shall be compensated at the rate of Thirteen Dollars and 12/100 (\$13.12) per hour.
2. Senior Lifeguard/Assistant Manager: The position of Senior Lifeguard/Assistant Manager shall be compensated at the rate of Ten and 40/100 Dollars (\$10.40) per hour.
3. Lifeguard: The position of Lifeguard shall be compensated at the rate of Eight and 75/100 Dollars (\$8.75) per hour for first year lifeguards. Nine and 30/100 (\$9.30) per hour for 2<sup>nd</sup> and 3<sup>rd</sup> year lifeguards and Nine and 84/100 dollars (\$9.84) per hour for 4<sup>th</sup> year and greater lifeguards.
4. The position of part time maintenance worker for the park and properties for the Village of Boston Heights shall be part time and shall not exceed twenty (20) hours per week without the approval of the Mayor. The part time worker shall be employed for the summer season which shall last from May 1, through September 30 of each year and shall be compensated at a rate of Nine and 55/100 (\$9.55) per hour.

**Section 5:** That this Ordinance shall be effective and shall take effect and be in force from and after the pay period beginning \_\_\_\_\_, 2012.

**Section 6:** That all Resolutions and Ordinances which are in conflict with this Ordinance are hereby replaced and/or amended.

**Section 7:** That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 8:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and to institute without delay fair and equitable pay plans for the employees who serve the various municipal departments and shall take effect and be in force from and after its passage.

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing Ordinance \_\_\_ - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the \_\_\_ day of August, 2012.

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

**ORDINANCE Z - 2012  
AUGUST 8, 2012  
(First Reading)**

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

WHEREAS, The Council of the Village of Boston Heights finds that its Codified Ordinances are in need of a definition for Bed and Breakfast Establishments; and,

WHEREAS, The Council of the Village of Boston Heights finds that its Codified Ordinances are in need of a amendment as to its definitions of "Lodging Houses" and "Boarding Houses", and,

WHEREAS, the Planning Commission of the Village of Boston Heights has approved the amendments herein and the appropriate public hearing has transpired;

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

Section 1: That Codified Ordinance 1141.07 of the Codified Ordinances of the Village of Boston Heights be amended to state as follows:

**1141.07 BED AND BREAKFAST ESTABLISHMENTS.**

**A "Bed and Breakfast Establishment" is an owner-occupied building where overnight lodging and one meal, breakfast, are offered to the public for compensation. The establishment is one that is open to transient guests, as distinguished from a boarding house or lodging house, but has four (4) guest rooms or less. No operator shall permit guests to occupy such accommodations for a period of more than thirty (30) consecutive days.**

Section 2: That Codified Ordinance 1141.25 of the Codified Ordinances of the Village of Boston Heights be amended to state as follows:

**1141.25 LODGING HOUSE AND BOARDING HOUSE.**

**(a) A "Lodging House" or "hostel" means a building where lodging is provided for compensation for three (3) but not more than twenty (20) persons and where table board may or may not be furnished.**

**(b) A "Boarding House" means a building other than a hotel where for compensation by the week or month, lodging or lodging and meals are provided for three (3) but not more than twenty (20) persons.**

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

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, RICHARD HUBER, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing Ordinance\_\_\_\_- 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the \_\_\_\_ day of August, 2012.

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

**RESOLUTION AA - 2012  
AUGUST 8, 2012  
(Third Reading)**

**RESOLUTION AUTHORIZING ADVANCING OF LOCAL TAXES**

WHEREAS, pursuant to Ohio Revised Code Section 321.34, all local authorities entitled to advancement of funds must submit a resolution authorizing advances of local taxes each year; and,

WHEREAS, this Council finds that it is in the best interest of the Village to request advancement of local taxes from the Summit County Fiscal Officer;

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

SECTION 1 . That the Summit County Fiscal Officer be, and hereby is, requested to pay to the Village Fiscal Officer such funds as may be available for distribution by said County Fiscal Officer.

SECTION 2. That the Mayor and the Village Fiscal Officer be, and hereby are, authorized and directed to sign the necessary documents to secure such advances and also the secondary documents to secure such advances and the semi-annual settlement for the 2012 tax year with the County Fiscal Officer payable during the calendar year 2012.

SECTION 3. That the authorization herein conferred shall extend to any advances for the year 2012 tax year that may be required to be paid during the calendar year 2012.

SECTION 4. That the Village Fiscal Officer be and is hereby authorized and directed to forward a certified copy of this resolution to the Summit County Fiscal Officer as may be necessary to make this Resolution effective.

SECTION 5. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. 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.

PASSED:

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

ATTEST:

I, RICHARD HUBER, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution \_\_\_ - 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this \_\_\_ day of August, 2012.

\_\_\_\_\_  
Richard Huber, Fiscal Officer