

**VILLAGE OF BOSTON HEIGHTS  
COUNCIL MEETING MINUTES  
Tuesday, February 14, 2017  
7:00 PM**

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The regularly scheduled meeting of the Village of Boston Heights Council was called to order at 7:00 PM on Tuesday, February 14, 2017, by Mayor Bill Goncy

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**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

Council Members Present:

Ron Antal  
Bob Bartko  
Janet Miller  
Heather Davis  
Ron Fenn  
Don Polyak

Other Officials Present:

Betty Klingenberg, Fiscal Officer  
Marshal Pitchford, Solicitor (arrived 7:07 PM)  
Frederick Alderman, Zoning Inspector

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**OPEN FORUM**

Richard Herbig

- There are too many ordinances in Boston Heights
- The ordinance regarding marijuana should be dropped as there are enough Federal and State laws that cover it
- Does not agree with the ordinance regarding discharging of firearms because the State Law protects you if someone breaks into your home,
- Residents should be able to participate at PC and BZA meetings
- Would like to have the same detailed information on proposed ordinances that the Council has as well as participate at the PC and BZA meeting

**CORRESPONDENCE**

- Save for Mayors Report

**APPROVAL OF AGENDA AS PRESENTED TO COUNCIL**

Motion to adopt the agenda as presented to Council made by **J. Miller** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

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**APPROVAL OF COUNCIL MEETING MINUTES dated Tuesday, January 10, 2017**

Correct spelling of Mr. Kuchar's name

Motion to approve the corrected Council Meeting minutes made by **D. Polyak** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

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**ORDINANCES:**

**ORDINANCE 2016-12-21**  
(Third Reading)

AN ORDINANCE AMENDING CODIFIED  
ORDINANCE 549.08 OF THE CODIFIED  
ORDINANCES REGARDING THE DISCHARGING OF  
WEAPONS WITHIN THE VILLAGE AND DECLARING  
AN EMERGENCY

Motion to adopt by **J. Miller** and seconded by **R. Antal**

Mr. Pitchford recommends that we substitute the second version in place of the original:  
additional language under Section (1) detailing exceptions discussed previously.

Discussed changes in ordinances

Motion to approve substitution made by **R. Antal** and seconded by **H. Davis**

Motion passed by Roll Call 6-0

Motion to adopt by **J. Miller** and seconded by **R. Antal**

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**ORDINANCE 2017-1-2**  
(Second Reading)

AN ORDINANCE ESTABLISHING NEW SECTION 730.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS, OHIO TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MARIJUANA FOR THE PURPOSE OF MEDICINAL USE AND DECLARING AN EMERGENCY

Discussion held

Motion tabled until Moratorium Ordinance discussed later in the meeting

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**ORDINANCE 2017-2-3**  
(First Reading)

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENTS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

Motion to suspend the 3-Reading Rule made by **R. Antal** and seconded by **D. Polyak**

Motion to adopt by **R. Antal** and seconded by **D. Polyak**

Discussion held:

Mr. Pitchford clarified that Walter Drane is not adopting any new code revisions, it is simply a restatement of all of the Codified Ordinances that the Village has amended or established within the last year; also, restates the number of codified ordinances that corresponds with traffic or criminal code that was changed by the General Assembly during 2016

Motion passed by Roll Call 6-0

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**ORDINANCE 2017-2-4**  
(First Reading)

AN ORDINANCE AMENDING SECTION 549.10 OF THE CODIFIED ORDINANCES REGARDING BLASTING WITHIN THE VILLAGE AND DECLARING AN EMERGENCY

Motion to adopt by **D. Polyak** and seconded by **R. Antal**

Discussion held:

Mr. Pitchford suggests an amendment be made to sub part (A) to read “blasting in connection with construction or development of a particular site” as opposed to “blasting in general”

Motion to amend made by **D. Polyak** and seconded by **R. Antal** - after “compound”, insert “in connection with construction or development of a site no person or company shall blast with dynamite”

Motion passed by Roll Call 6-0

Motion to adopt by **D. Polyak** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

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**ORDINANCE 2017-2-5**  
(First Reading)

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE PART 5 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

Per Mr. Pitchford Ordinances 2017-2-5, 2017-2-6 and 2017-2-7 are to be labeled “NO ACTION” as they were included in the previous Walter Drane ordinance

Motion to move three items made by **J. Miller** and seconded by **D. Polyak**

All in favor, motions tabled

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**ORDINANCE 2017-2-6**  
(First Reading)

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE 3 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

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**ORDINANCE 2017-2-7**  
(First Reading)

AN ORDINANCE AMENDING SECTION 1519.04 OF THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

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**ORDINANCE 2017-2-8**

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OR PROCESSING OF ANY LICENSE, BUILDING PERMIT, CERTIFICATE OF OCCUPANCY, CONDITIONAL USE OR OTHER AUTHORIZATION THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR DISPENSING OF MEDICAL MARIJUANA WITHIN THE VILLAGE OF BOSTON HEIGHTS FOR A PERIOD OF ONE YEAR IN ORDER TO ENABLE THE VILLAGE TO STUDY AND REVIEW THE NEW OHIO MEDICAL MARIJUANA LAW AND DECLARING AN EMERGENCY

Motion to suspend the 3-Reading Rule made by **J. Miller** and seconded by **B. Bartko**

Motion passed by Roll Call 6-0

Motion to adopt made by **D. Polyak** and seconded by **B. Bartko**

Discussion held

Mr. Polyak suggests adding the date of February 28, 2018, after one year and shall be in effect starting February 28, 2017 and continuing for a period of one year following said Moratorium referred to in section one of this Ordinance unless otherwise expressly extended or revoked by this Council

Motion made by **D. Polyak** and seconded by **B. Bartko**

Motion passed by Roll Call 6-0

Motion to adopt by **D. Polyak** and seconded by **B. Bartko**

Motion passed by Roll Call 6-0

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**ORDINANCE 2017-2-9**  
(First Reading)

AN ORDINANCE APPROVING THE UPDATED VILLAGE CLASSIFICATION MAP

Motion to suspend the 3-Reading Rule made by **D. Polyak** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

Motion to adopt by **D. Polyak** and seconded by **J. Miller**

Discussion held

Public Hearing on **March 14, 2017**

Moved to Second Reading

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**RESOLUTIONS:**

**RESOLUTION 2017-1-4**  
(First Reading)

A RESOLUTION AMENDING THE PERMANENT ANNUAL APPROPRIATIONS #3 FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2016 AND DECLARING AN EMERGENCY

Motion to suspend the 3-Reading Rule by **R. Fenn** and seconded by **H. Davis**

Motion passed by Roll Call 6-0

Motion to adopt by **D. Polyak** and seconded by **R. Antal**

Discussion held

Motion passed by Roll Call 6-0

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**RESOLUTION 2017-2-7**  
(First Reading)

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO REQUEST ADVANCES ON THE LOCAL TAX REVENUES THROUGHOUT SUMMIT COUNTY

Motion to suspend the 3-Reading Rule by **D. Polyak** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

Motion to adopt by **J. Miller** and seconded by **H. Davis**

Discussion held

Motion passed by Roll Call 6-0

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**RESOLUTION 2017-2-9**  
(First Reading)

**A RESOLUTION CONVERTING BOND  
CONSTRUCTION AND CEMETERY TRUST FUND  
NUMBERS AND DECLARING AN EMERGENCY**

Motion to suspend the 3-Reading Rule by **J. Miller** and seconded by **R. Fenn**

Motion passed by Roll Call 6-0

Motion to adopt by **J. Miller** and seconded by **H. Davis**

Discussion held

Motion passed by Roll Call 6-0

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**MAYOR:**

- May 2, 2017 will be a Primary Special Election and Village Hall offices will be closed
- Village Hall office was closed on February 6, 2017 because furnace broke
- Police Department received Ohio Collaborative Law Enforcement Agency Certificate
- Village of Boston Heights received Appreciation Award from Special Olympics
- Simple Recycling 2016 year-end report, poundage diverted from landfill was 7541 pounds

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**FISCAL OFFICER:** None

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**COMMITTEE REPORTS:**

**SAFETY COMMITTEE / VALLEY FIRE DISTRICT**      **R. Antal**

- Police Department is pleased with the transition to Cuyahoga Falls

**ROADS COMMITTEE / CEMETERY TRUSTEES**      **R. FENN**

- Roads Committee held met tonight and went over OHM Road Evaluations on streets in the Village and the second paving schedule for 2017
- Cemetery Association meeting will be held on March 6, 2017 in preparation of the Easter Egg Hunt on April 8, 2017. April 6, 2017,

Cemetery Association will meet at Village Hall to fill approximately 4000 eggs

- o accepting donations of candy

Motion to sanction the Easter Egg Hunt on April 8, 2017 and the Easter Egg Decorating Class on April 6, 2017 made by **R. Fenn** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

LANDS AND BUILDING / PARK

J. MILLER

- None

COMMUNITY DEVELOPMENT

J. MILLER

- None

PLANNING COMMISSION / BZA

D. POLYAK

- Met on February 1, 2017, election of chair for 2017. Mr. Hinkle, Chair of BZA and John Codrea chair of PC
- Request from East Ohio Gas Company on tower height
- The Girl Scouts presented their site plan which was approved
- Penske Corp requested to have a truck parked at storage facility on Chittenden Road; approved by BZA, awaiting more information at PC
- Rock Motor Cars requested for approval for art work and use; approved
- Tiki Underground Restaurant requested to change artwork and approval for extension of conditional use to use as restaurant; granted
- Don Polyak reported that Bill Goncy had requested approval of a planning variance and a request for approval of a major subdivision change; approved unanimously on condition of approval of Village Engineer and all Governing Agencies within the jurisdiction and also approval via Motion of Village Council

**GAVEL PASSED TO D. POLYAK (PRES. PRO TEMP) WHILE  
BILL GONCY SPOKE AS A RESIDENT**

Bill Goncy wanted to clarify that his request was not for a major subdivision as previously stated. Presently has 6 long skinny lot parcels; request is to reconfigure these parcels

PC approved requested lot configuration

Frederick Alderman, Zoning Inspector stated that Bill Goncy, property owner, has created easement that meets the Zoning requirements

Motion to confirm the Planning Commission approval for site reconfiguration as approved by the Planning Commission made by **R. Fenn** and seconded by **R. Antal**

Motion passed by Roll Call 6-0



ENGINEER

F. Alderman

- Akron Cleveland paving job has been completed, finishing paperwork
- Local Street Paving Project is on schedule
- Olde 8 culvert plans delivered, out to bid this weekend and project to start within next couple of months
- Zoning map distributed

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**OLD BUSINESS:** At the Finance Meeting, January 24, 2017, the Finance Committee approved to support the Cemetery Trustees "Greeting Card Making" program at the Village Hall, February 4, 2017

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**NEW BUSINESS:**

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**REMINDER:**

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**EXECTUIVE SESSION:** No Executive Session

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**ADJOURN**

Motion by **R. Fenn** and seconded by **R. Antal**

The meeting was adjourned at 8:26 PM

All in favor

  
(Attested by Betty Klingenberg, Fiscal Officer)

3/20/17  
Date