

**VILLAGE OF BOSTON HEIGHTS
COUNCIL MEETING MINUTES
Tuesday, December 13, 2016
7:00 PM**

The regularly scheduled meeting of the Village of Boston Heights Council was called to order at 7:02 PM on Tuesday, December 13, 2016, by Mayor Bill Gony

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members Present:

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

Absent:

Other Officials Present:

Betty Klingenberg, Fiscal Officer
Marshal Pitchford, Solicitor
Frederick Alderman, Zoning Inspector

APPROVAL OF AGENDA AS PRESENTED TO COUNCIL

Motion to adopt the agenda as presented to Council by **R. Antal** and seconded by **H. Davis**

Motion passed by Roll Call 6-0

OPEN FORUM

Bob Bartko

See attached narrative

Mary Griffiths

- Asks council “for the safety and peace of mind for everyone, please do not overload Boston Heights with unnecessary business”

- Olde 8 has a lot of trucks as they have no other way to reach their destination which is dangerous when people are walking and riding bikes
- Believes this new plan will bring traffic 24/7; and if office buildings were put in, traffic would not be as bad
- Costco and Arhaus do not need their trucks to use Route 8 – the trucks are traveling more than the speed limit and the road is in terrible condition
- Please show respect to the residents who have lived in Boston Heights all their lives or moved to Boston Heights for what it had to offer
- Mr. Griffiths chose not to give the Fiscal officer a copy of her statement to attach to the minutes

Richard Herbig

- Addresses the council and Mayor Goncy, excluding Bob Bartko
- Asked for clarification from Janet Miller in regards to a comment he states that she made to him about residents being intimidated to attend council meetings. Janet Miller did not recall making said statement
- Believes the overlay will ruin the Village
- Thinks that the overlay needs to be gone over again and the residents of the Village should vote on it and not the Council
- Over a year ago was told by a council person that taxes would be lowered due to all of the development, and he has not seen it yet

Oath of office for two PT Patrolman will be done at the Finance Meeting on Tuesday, December 20, 2016

CORRESPONDENCE

- Letter given to Police Chief from a resident thanking the P.D. for their response to their residence, which has a security gate that was left open. Also thanked the P.D. and Council for their services

APPROVAL OF COUNCIL MEETING MINUTES dated Wednesday, November 9, 2016

Motion to approve the Council Meeting minutes dated November 9, 2016 made by **D. Polyak** and seconded by **J. Miller**

Motion passed by Roll Call 6-0

Motion to approve 2017 Council / Finance Meetings made by **R. Antal** and seconded by **R. Fenn** – Motion to accept the changes, Finance Meeting will be Wednesday, December 20, 2017

Motion passed by roll call 6-0

Motion to accept monetary donation from Nature Stone Flooring Company to the BHPD made by **R. Antal** and seconded by **H. Davis**

Motion passed by Roll Call 6-0

ORDINANCES:

ORDINANCE 2016-9-15
(Third Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1143.99 AND REPEALING CODIFIED ORDINANCE 1175.99 REGARDING PENALTIES FOR IMPROPER STORAGE FACILITIES, AND CODIFIED ORDINANCE 1177.04 REGARDING IMPROPER TREE AND TIMBER CUTTING, AND DECLARING AN EMERGENCY

Moved to adopt by D. Polyak and seconded by J. Miller

Discussion held

Motion passed by Roll Call 5-1
B. Bartko - no

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ORDINANCE 2016-9-17
(Third Reading)

AN ORDINANCE AMENDING CODIFIED CODIFIED ORDINANCE 1171.09 OF THE CODIFIED ORDINANCE ENTITLED "PRIVATE GROUP RECREATION AREAS" AND DECLARING AND EMERGENCY

Motion to amend with the effective date of January 1, 2017 made by **R. Fenn** and seconded by **H. Davis**

Motion passed by Roll Call 6-0

Motion to adopt made by **H. Davis** and seconded by **D. Polyak**

2-Motion to adopt by H. Davis and seconded by D> Polyak

Discussion held

Motion passed by Roll Call 6-0

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ORDINANCE 2016-10-18
(Third Reading)

AN ORDINANCE ADOPTING THE HINES HILL
CORRIDOR PLAN FOR THE VILLAGE OF BOSTON
HEIGHTS, OHIO

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

Discussion held:

- J. Miller addressed some concerns about overlay impacting residents along Olde 8
- B. Bartko states that 3 people on the Planning Commission are not elected and that they are appointed
- As a resident, B. Bartko has a hard time with the fact that the Planning Commission will have the final say on what can be built and not the residents
- B. Bartko claims that the Planning Commission has historically given developers whatever they want

Motion passed by Roll Call 5-1

B. Bartko – no

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ORDINANCE 2016-10-19
(Third Reading)

AN ORDINANCE AMENDING C.O. 1151.01 AND
1141.16 AND ADOPTING C.O. CHAPTER 1163
ENCOMPASSING THE 2016 HINES HILL CORRIDOR
OVERLAY FOR THE VILLAGE PLANNING AND
ZONING CODE

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

M. Pitchford requested a Motion to include in the final version of the Hines Hill Overlay to include the following: Factors in determining whether the density bonus contributes a significant public benefit include, but are not limited to: the improved preservation of contiguous natural open space; dedication of open space for public use; additional community services; whether the proposed project/application includes development within the Village Center District with a proposed permitted or approved conditional use other than residential; and, the use of higher quality materials in the development than would otherwise be utilized without the bonus

Move to substitute Ordinance and its attachment as proposed made by **R. Fenn** and seconded by **J. Miller**

Motion passed by Roll Call 5-1

B. Bartko – no

Motion to amend as stated by **D. Polyak** and seconded by **R. Antal**

Motion passed by Roll Call 5-1

B. Bartko – no

ORDINANCE 2016-12-21
(First 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 suspend the 3-Reading Rule by **H. Davis** and seconded by **R. Antal**

Motion passed by Roll Call 6-0

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

Discussion held

- Purpose is to be in conformity with the State and Federal level

MOVED TO SECOND READING

RESOLUTIONS:

RESOLUTION 2016-12-49
(First Reading)

A RESOLUTION GIVING CONSENT AUTHORIZING
BRIDGE INSPECTION PROGRAM SERVICES AND
DECLARING AN EMERGENCY

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

Motion passed by Roll Call 6-0

Motion to adopt by **R. Antal** and seconded by **B. Bartko**

Discussion held

- Mr. Alderman advises that inspection is required by ODOT yearly

- No cost to Village unless something other than inspection needs done

Motion passed by Roll Call 6-0

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RESOLUTION 2016-12-50
(First Reading)

A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE CITY OF CUYAHOGA FALLS REGARDING DISPATCH AND RELATED SERVICES AND DECLARING AN EMERGENCY

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

Motion passed by Roll Call 6-0

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

Discussion held

- Replacing Richfield with Cuyahoga Falls
- Less than half of the cost

Motion passed by Roll Call 6-0

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RESOLUTION 2016-12-51
(First Reading)

A RESOLUTION APPROVING THE PERMANENT APPROPRIATIONS #2 FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2016 AND DECLARING AN EMERGENCY

Motion to suspend the 3-Reading Rule by **R. Antal** and seconded by **B. Bartko**

Motion passed by Roll Call 6-0

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

Discussion held

- B. Klingenberg advised that there will be a 3rd appropriation measure after the books have been closed for the year that will acknowledge increases or decreases based on the revenues we did not receive as expected or received more than expected

Motion passed by Roll Call 6-0

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RESOLUTION 2016-12-52
(First Reading)

A RESOLUTION AUTHORIZINT THE MAYOR OF OF THE VILLAGE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT RETROACTIVELY WITH THE LAW OFFICES OF ROBERT A. SCHUERGER CO., LPA, REGARDING COLLECTION AGENCIES SERVICES FOR THE MAYOR'S COURT

Motion to suspend the 3-Reading Rule by **R. Antal** and seconded by **B. Bartko**

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

Discussion held

Motion to amend to substitute by **D. Polyak** and second **R. Antal**

Motion passed by Roll Call 6-0

MAYOR:

- Santa delivery was last weekend and everything went well, a puppy was among the gifts delivered
- One gift was not delivered because the mother went into labor
- J. Paris construction will be starting the demo of the old driving range
- April 2017 will mark the 30th anniversary in Summit County known as Child and Family Awareness month
- Booklets of the Village directory will be made and passed out

FISCAL OFFICER: None

COMMITTEE REPORTS:

SAFETY COMMITTEE / VALLEY FIRE DISTRICT R. Antal

- Safety – mileage up to date
- Valley Fire - still working on financing for ambulance
- New radios – money donated from Valley resident

ROADS COMMITTEE / CEMETERY TRUSTEES R. FENN

- Roads committee – copy of everything the Roads Committee is doing over the next 10 years was sent to Bill Hinkle to put online
- Cemetery is “shut down” for the winter

LANDS AND BUILDING / PARK J. MILLER

- None

COMMUNITY DEVELOPMENT J. MILLER

- None

PLANNING COMMISSION / BZA D. POLYAK

- BZA held Wednesday, December 7, 2016 – two items were on agenda
- PC also met – issues granted

ENGINEER Fritz

- Will Put a year-end report together for first meeting in January 2017

OLD BUSINESS: None

NEW BUSINESS: Finance Meeting is on Tuesday, December 20, 2017 at 7 PM

REMINDER:

EXECTUIVE SESSION: No Executive Session

ADJOURN

Motion by **R. Antal** and seconded by **H. Davis**

The meeting was adjourned at 9:20 PM

All in favor


(Attested by Betty Klingenberg, Fiscal Officer)


Date

FOR THE RECORD, I AM BOB BARTKO OF 91 GRANDVIEW DR.
AND AS A RESIDENT OF BOSTON HTS. I'M ADDRESSING THE COUNCIL
OF BOSTON HTS. ON TUESDAY AUGUST 9, 2016 AT 6:30 PM
A PUBLIC MEETING WAS HELD DISCUSSING THE REPEAL OF
CODIFIED ORDINANCE 1175.99 AND CODIFIED ORDINANCE 1171.04
REGARDING PENALTIES FOR IMPROPER STORAGE FACILITIES AND
IMPROPER TREE AND TIMBER CUTTING IN BOSTON HTS. RESIDENTS
IN ATTENDANCE VOICED THEIR CONCERNS ABOUT REPEALING A
10 YEAR OLD ORDINANCE PENALIZING DEVELOPERS AND LARGE
LAND OWNERS FOR LAND CLEARING, PROPERTY FOR FINANCIAL GAINS.
SO, A SECOND PUBLIC HEARING WAS SCHEDULED FOR NOVEMBER
9, 2016 AT 5:15 PM! EVEN THOUGH THIS MEETING WAS AT
SUCH AN EARLY TIME, A LOT OF RESIDENTS SHOWED UP.
THOUGH THESE ORDINANCES WERE GIVEN BACK TO THE BZA
AND PLANNING COMMISSION AS A RESULT OF THE AUGUST 9, 2016
MEETING, NOTHING WAS CHANGED. ACCORDING TO THE VILLAGE
LEGAL ADVISOR, MARSHAL PRITCHFORD THESE ORDINANCES WOULD
NOT BE ENFORCEABLE IN COURT BECAUSE THEY ARE SO EXTREME.
10 YEARS AGO THE VILLAGE AND THE COUNCIL WERE SO APALLED BY
THE LAND CLEARING ON EAST BOSTON MILLS RD. THEY PASSED THIS
ORDINANCE TO DISCOURAGE DEVELOPERS AND LARGE LAND OWNERS
FROM EVER DOING THIS AGAIN. THIS ORDINANCE HAS BEEN IN
EFFECT FOR 10 YEARS. NOW MYSTERIOUSLY ACCORDING TO
MARSHAL PRITCHFORD THIS ORDINANCE IS UNENFORCEABLE.
I CAME TO FIND OUT FROM A RESIDENT THAT A FEW YEARS
AGO THESE ORDINANCES WERE AMENDED (TWEAKED) BY JOHN KODREA
JOHN KODREA IS A LAWYER AND THE CHAIR OF THE

PLANNING COMMISSION. IF THESE ORDINANCES WEREN'T ENFORCEABLE THEN HE WOULD KNOW. LIKE I SAID HE IS THE CHAIR OF THE PLANNING COMMISSION AND HIGHLY REGARDED BY THIS VILLAGE. I AM PUBLICLY ADDRESSING VILLAGE COUNCIL ABOUT VOTING ABOUT REPEALING THESE ORDINANCES. I AM ALSO ADDRESSING ALL THE RESIDENTS IN ATTENDANCE TONIGHT. TO WITNESS THE VOTE OF VILLAGE COUNCIL AND REMEMBER THIS AT VOTING TIME.

THE SECOND SUBJECT I WOULD LIKE TO ADDRESS IS THE HINES HILL RD. CORRIDOR OVERLAY PLAN, DEVISED BY OHM ADVISORS. I QUOTE: "THANK YOU FOR REQUESTING A SCOPE OF SERVICES AND FEE FROM OHM ADVISORS REGARDING PLANNING FOR THE HINES HILL RD. CORRIDOR. WE BELIEVE THIS PROPOSAL WILL HELP ADVANCE THE DEVELOPMENT OF HINES HILL RD. IN A COORDINATED MANNER THAT MEETS THE GOALS OF THE VILLAGE TO GUIDE AND PROMOTE HIGH QUALITY DEVELOPMENT IN THIS IMPORTANT ECONOMIC CORRIDOR." THE VILLAGE, TAXPAYERS, RESIDENTS PAID OHM ADVISORS \$34,000.00 FOR THIS PLAN.

I TOTALLY UNDERSTAND THAT MARSHAL PRITCHFORD AND VILLAGE OFFICIALS DON'T WANT TO GO TO COURT AGAIN, BECAUSE THEY LOSE SO MISERABLY THE FIRST TIME. SAM PETROS, THE DEVELOPER SUED THE VILLAGE FOR 10 MILLION DOLLARS. I ASKED MYSELF AND YOU MAY ASK YOURSELF, WHERE ~~HE~~ HE CAME UP WITH THE SUM OF 10 MILLION DOLLARS. ACCORDING TO THE LAW OF THE STATE OF OHIO, THE STATE ACTS AS A CO-SIGNOR FOR ANY CITY IN THE STATE UP TO 10 MILLION DOLLARS.

THIS PLAN, OVERSEEN BY PROJECT MANAGER AARON DOMINI, DOESN'T CHANGE ANY OF THE ZONING, PER SE, ALONG HINES HILL RD. THEREFORE BECAUSE THE ZONING, TECHNOLOGY WON'T BE CHANGED IT DOESN'T HAVE TO GO TO THE RESIDENTS OF BOSTON HERE TO VOTE ON. TO BE LEGAL, THE VILLAGE HELD PUBLIC MEETINGS ON THIS PLAN. ALTHOUGH I WAS CORRECTED BY THE MAYOR THAT THESE PUBLIC MEETINGS WEREN'T REQUIRED BY LAW. UNDER THIS PLAN BY OHM ADVISORS THE VILLAGE COULD HAVE MULTI FAMILY HOUSING IN THE MIDDLE OF TOWN. THE PLAN CALLS FOR "MIXED USE" ON THIS PROPERTY. AARON DOMINI, THE PROJECT MANAGER, IS SUGGESTING TO COUNCIL AND THE PLANNING COMMISSION THAT 16 UNITS PER ACRE IS APPROPRIATE SO THAT DEVELOPERS CAN MAKE MONEY. (AFTER ALL, THAT IS WHY SAM PETROS, ONE OF THE THREE LAND OWNERS, SUED THE VILLAGE FOR 10 MILLION DOLLARS.) OF COURSE IT WAS POINTED OUT TO ME BY A VILLAGE COUNCIL MEMBER THAT THE PLAN ONLY CALLS FOR 12 UNITS PER ACRE.

I GREW UP IN CLEVELAND. I WAS THE RICH KID FROM MAPLE HTS. DEAR OLD MOM AND DAD DID EVERYTHING THEY COULD TO PROTECT US FROM THE EVILS OF THE INNER CITY. I GREW UP IN A 2 BEDROOM HOUSE WITH SEVEN BROTHERS AND SISTERS. WE LIVED ON A CITY LOT 40 FT. WIDE BY 120 FT DEEP (1/4 ACRE) IN MAPLE HTS. AND I WAS THE RICH KID. MY MOM AND DAD BUILT A HOUSE ON ROCKSIDE RD FOR \$15,000.00 IN 1951. BECAUSE OF THE CHANGE OVER THE YEARS IN THE CITY, AFTER MOM'S DEATH THE FAMILY WAS LUCKY TO SELL HER HOUSE FOR \$20,000.00 IN 2010.

ON DECEMBER 11, 2016 I WAS 63 YEARS OLD. I LIVE ON A DEAD END STREET (GRANDVIEW DR.) OFF OLDE 8, THESE THINGS THAT ARE HAPPENING TO BOSTON HTS. WON'T AFFECT ME. MY WIFE WONDERS WHY I PUT UP WITH ALL THIS B.S. I COME HOME FROM THESE MEETINGS AND DRINK A LOT OF BEER AND STAY UP ALL NIGHT WORRYING WHAT'S GOING TO HAPPEN TO BOSTON HTS.

I AM UP HERE TONIGHT AT THIS PODIUM TO ADDRESS THE COUNCIL OF BOSTON HTS. AS A RESIDENT. NOT THE NUT AT THE END OF THE COUNCIL TABLE. I REALIZE THAT AS ONE PERSON I HAVE MY OPINION. I AM HOPING THAT BOSTON HTS DOESN'T BECOME THE INNER CITY THAT I WAS TRYING TO ESCAPE. AFTER BEING BURGLARIZED 3 TIMES, I MOVED OUT OF CLEVELAND. AFTER MOVING A NUMBER OF TIMES, I BOUGHT MRS. KELLY'S HOUSE IN 1988. I REMEMBER HER NAME BECAUSE THINGS WERE A LOT DIFFERENT IN BOSTON HTS. BACK THEN, BOSTON HTS. FOR A PERSON WANTING TO LIVE IN A RURAL ENVIRONMENT WAS A WONDERFUL PLACE. TO LIVE IN BOSTON HTS, YOU HAD TO KNOW SOMEBODY. THERE WERE NO REALTY SIGNS. AS SOON AS A HOUSE CAME UP FOR SALE YOU HAD TO MOVE FAST. I REMEMBER I DIDN'T EVEN GO THRU A REALTOR. THAT WAS 1988. TODAY, THINGS HAVE CHANGED. I HAVE TALKED TO NUMEROUS RESIDENTS AND IF THEY HAVE CHILDREN THEY ARE JUST LIVING HERE UNTIL THEIR KIDS GRADUATE FOR THE GREAT SCHOOL SYSTEM. IF THEY'RE OLDER, THEY'RE JUST LIVING HERE UNTIL THEY RETIRE. I HAVE SEEN LONG TIME RESIDENTS, DISGUSTED TO WHAT THINGS HAVE BECOME, MOVE OUT OF BOSTON HTS. AND THERE ARE A LOT OF RESIDENTS WHO

WANT TO MOVE, BUT CAN'T BECAUSE OF FINANCIAL REASONS,
AS FOR ME, LIKE I SAID, I'M 63 YEARS OLD AND I HAVE
SUNK MY SOUL AND HEART INTO THE HOUSE WE LIVE IN NOW.
I'M NOT GOING ANYWHERE.

WITH THE OHM HINES HILLS RD. PLAN THE VILLAGE BOARD OF
ZONING APPEAL (BZA) AND THE PLANNING COMMISSION CAN GIVE
DEVELOPERS PERMISSION TO DEVELOP THIS AREA INTO
MULTI-FAMILY HOUSING (12 UNITS PER ACRE). AARON DOMINI
THE PROJECT MANAGER IS SUGGESTING 16 UNITS PER ACRE.

I'M SORRY THAT I COULDN'T ATTEND THE PUBLIC
MEETING ON NOV. 22, 2016. BUT I GOT A RECORDING OF THIS
MEETING AND I LISTENED TO RESIDENTS IN ATTENDANCE VOICE
THEIR CONCERNS OVER THIS PLAN. AGAIN I UNDERSTAND THAT
VILLAGE OFFICIALS ARE AFRAID OF SAM PETROS, WHO SUED THE VILLAGE
FOR 10 MILLION DOLLARS, AND THE OTHER 2 DEVELOPERS WHO
OWN THIS AREA. ACCORDING TO THE VILLAGE PLANNING COMMISSION,
WHO WEREN'T ELECTED BY RESIDENTS, BUT APPOINTED BY THE MAYOR
~~THE VILLAGE~~ THE RESIDENTS OF THE VILLAGE WANT THIS.

I GUESS I'M JUST SAYING THIS TO COUNCIL BECAUSE
LIKE SO MANY OTHER RESIDENTS OF THE VILLAGE, I'M JUST SO UPSET,
I AM JUST ASKING THE RESIDENTS IN ATTENDANCE TONIGHT TO
WITNESS HOW COUNCIL MEMBERS (WHO WERE ELECTED) VOTE ON THESE
ORDINANCES. AS A RESIDENT I'M JUST SO APPALLED AS TO WHAT
BOSTON HTS. IS BECOMING. BECAUSE OF VILLAGE OFFICIALS ELECTED
BY THE RESIDENTS OF BOSTON HTS.

I'M SORRY IF THIS STRIKES A NERVE IN THE VILLAGE COUNCIL BUT AS THE LAW IS WRITTEN YOU WILL BE VOTING ON VERY IMPORTANT ORDINANCES TONIGHT. THESE ARE MY THOUGHTS AND I THINK THESE ARE THE THOUGHTS OF THE MAJORITY OF BOSTON HTS. HOW YOU VOTE TONIGHT WILL BE PUBLIC RECORD AND THE RESIDENTS OF BOSTON HTS. WILL SEE HOW YOU REPRESENT THEM.

THANK YOU FOR YOUR TIME