

RECORD OF ORDINANCES

Revised

Ordinance No. 2019-101

Passed December 18, 2019

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE AMENDING ORDINANCE NO. 2007-47 RETROACTIVELY TO INCLUDE SPECIFICATIONS OF SERVICES AND COMMENCEMENT DATE AND DECLARING AN EMERGENCY

WHEREAS, this Council finds it appropriate and necessary to amend Ordinance No. 2007-47 retroactively to include specification of services and commencement date within the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: That a new Section 4 shall be created in Ordinance No. 2007-47 and shall state as follows:

The Village shall make available and otherwise provide the following services: Water (from the City of Akron), sewer (from Summit County), traditional Police, Fire & EMS protection, Snow Plowing, Leaf Pick Up, and, any other services provided by Village of Mogadore to its residents.

SECTION 2: That a new Section 5 shall be created in Ordinance No. 2007-47 and shall state as follows:

The services provided under Section 4 shall be available at the time of annexation.

SECTION 3: That prior Sections 4 and 5 of Ordinance No. 2007-47 be renumbered sequentially to be new Sections 6 and 7, respectively.

SECTION 4: That each reference to "1.419 acres" in Ordinance No. 2007-47 be stricken and replaced with "1.3930 acres."

SECTION 5: This Ordinance shall be effective, retroactively, as of September 19, 2007.

SECTION 6: 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 7: This Ordinance shall become effective after its passage by Council, at the earliest period allowed by law.

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Michael Ruddish 12-18-19  
President of Council Date

Rutish 12-19-19  
Mayor Date

Attest:

[Signature]  
Clerk - Treasurer

RECORD OF ORDINANCES

Resolution  
Ordinance No. 2019-103

Passed December 18, 2019

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MOGADORE TO ENTER INTO A ONE YEAR EXTENSION AGREEMENT WITH SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT (SUMMIT COUNTY PUBLIC HEALTH) AND DECLARING AN EMERGENCY.

WHEREAS; the Village of Mogadore and the Summit County Combined General Health District (Summit County Public Health) (hereafter Summit County Public Health) are currently parties to a 2013-2018 Memorandum of Understanding and a 2019 Memorandum of Understanding, regarding storm water services; and,

WHEREAS; both Summit County Public Health and the Village of Mogadore are desirous of entering a One-Year Extension Agreement to the aforesaid Memorandum of Understanding; and,

WHEREAS; this extension will allow the Village of Mogadore to immediately preserve the public peace, health, safety, convenience and welfare of its taxpayers and the inhabitants thereof;

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio that:

Section 1: That the Mayor of the Village of Mogadore is hereby authorized and directed to promptly enter into a One Year Extension Agreement with Summit County Public Health regarding storm water services and in an amount not to exceed \$7,500.00.

Section 2: That the Mayor and Clerk-Treasurer are hereby authorized and directed to sign all necessary paperwork to effectuate the entering of, execution and implementation of said agreement/extension.

Section 3: That, to the extent not already done so, the funds required for the payment of the obligations incurred are hereby appropriated for the purposes described.

Section 4: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

Section 5: 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.

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Section 6: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of Village residents, to allow for the timely execution of the Agreement within guidelines and requirements, and to allow for the continued operations of the Village Administration and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

Michael Raddish 12-18-19

President of Council

Date

[Signature] 12-19-19

Mayor

Date

Attest:

[Signature]  
Clerk – Treasurer

## RECORD OF ORDINANCES

Ordinance No. 2019-105Passed December 18, 2019

SPONSOR: MAYOR RICK

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO R.C. 4929.26, AUTHORIZING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION NEWENERGY – GAS DIVISION, LLC TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND APRIL 2020 WHEN THE CURRENT SUPPLY AGREEMENT ENDS AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of Cities, Villages, Townships and Counties to aggregate the retail natural gas loads located in this respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and,

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and,

WHEREAS, this Council finds and determines that it is in the best interest of the Village, its residents, businesses and other Natural Gas consumers located within the limits of the Village to continue its Natural Gas opt-out Aggregation Program subject to the conditions of a Natural Gas Supply Agreement that will take effect on or about April 2020; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: The Mayor is hereby authorized to take all administrative action necessary to support the continuation of the Village's Natural Gas Aggregation Program including entering into an extension of its April 1, 2014 Natural Gas Aggregation Agreement with Constellation NewEnergy – Gas Division, LLC (attached hereto and incorporated herein by reference as Exhibit "A") to facilitate the sale and purchase of Natural Gas to consumers in the Village's opt-out program (titled Third Amendment).

SECTION 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

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.



RECORD OF ORDINANCES

Resolution  
Ordinance No. 2019-106

Passed December 18, 2019

SPONSOR: FINANCE COMMITTEE

RESOLUTION AUTHORIZING THE TRANSFERS WITHIN FUNDS AND DECLARING AN EMERGENCY.

BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: It is the recommendation of the Mayor and the Finance/Audit Committee that the following transfer of funds be made from the General Fund.

|                    |             |
|--------------------|-------------|
| From: General Fund | \$50,000.00 |
| To: Streets Fund   | \$50,000.00 |

SECTION 2: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the public peace, health and safety of the residents of the Village of Mogadore and to ensure the current and other financial obligations of the Village of Mogadore are timely met and shall take and be in full force upon its passage by Council and approval by the Mayor or at the earliest period allowed by law.

Michael Roddick 12-18-19  
 President of Council Date

[Signature] 12-19-19  
 Mayor Date

Attest:

[Signature]  
 Clerk-Treasurer



## RECORD OF ORDINANCES

Ordinance No. 2019-107Passed December 18, 2019

## AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY

An Ordinance to make appropriations for Current Expenses and other Expenditures of the Village of Mogadore, State of Ohio, during the fiscal year ending December 31, 2020.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: To provide for the current expenses and other expenditures of the said Village of Mogadore during the fiscal year ending December 31, 2020, the sums of which are attached hereto and made a part thereof as Exhibit A are hereby set aside and appropriated.

SECTION 2: The Village Clerk-Treasurer is hereby authorized to draw warrants for payments from any of the appropriations upon receiving proper certificates and vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION 3: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and for the further reason that the immediate effectiveness of this Ordinance is necessary to establish the Village's annual appropriation and to set aside the necessary funds in order to ensure the timely performance of Village operations and the timely payment of Village current expenses and obligations during the period beginning January 1, 2020 through December 31, 2020.

Michael Raddish 12-18-19

President of Council

Date

[Signature] 12-19-19

Mayor

Date

Attest:

[Signature]  
Clerk-Treasurer



## RECORD OF ORDINANCES

Resolution  
Ordinance No. 2019-109Passed December 18, 2019

SPONSOR: MAYOR RICK

A RESOLUTION APPOINTING SCOTT K. VARNEY AS THE CLERK TREASURER OF THE VILLAGE OF MOGADORE AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ACCOUNTING SERVICES AGREEMENT WITH VARNEY, FINK & ASSOCIATES, INC. TO CARRY OUT ALL RESPONSIBILITIES FOR THE POSITION OF VILLAGE CLERK TREASURER AND DECLARING AN EMERGENCY

WHEREAS, Scott K. Varney currently serves as the Clerk Treasurer for the Village of Mogadore; and

WHEREAS, Mr. Varney performs his duties as Clerk Treasurer in the capacity of an independent contractor and compensation for the Clerk Treasurer is administered pursuant to the terms and conditions contained within an Accounting Services Agreement ("Agreement") between the Village and Varney, Fink & Associates, Inc; and

WHEREAS, The current Agreement expires December 31, 2021; and

WHEREAS, The Mayor and Council believe it is in the best interest of the Village residents to re-appoint Scott K. Varney as the Clerk Treasurer for the Village of Mogadore and enter a new Agreement for his services; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: The Mayor and Council for the Village of Mogadore hereby appoint Scott K. Varney as the Village Clerk Treasurer for the period of January 1, 2020 through December 31, 2021.

SECTION 2: The Mayor is hereby authorized and directed for and on behalf of the Village of Mogadore, Ohio to enter into a contract with Varney, Fink & Associates, Inc., attached hereto as Exhibit A, to carry out all duties and responsibilities associated with the position of Village Clerk Treasurer.

SECTION 3: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

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SECTION 4: Council declares this to be an emergency measure immediate and necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Mogadore, and for the purpose of making an appointment to the position of Clerk Treasurer and entering into an Accounting Services Agreement with Varney Fink provided this legislation receives the affirmative vote of at least five (5) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

Michael Raddish 12-18-19

President of Council

Date

[Signature]

Mayor

12-19-19

Date

Attest:

[Signature]  
Clerk-Treasurer