

Village of Mogadore

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COUNCIL MEETING AGENDA

January 18, 2023

5:30 p.m.

1. Moment of Reflection – Mr. W. Bauer
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from January 4, 2023, Council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on pending legislation
7. Committee Reports
8. Old Business – None.
9. New Business –
Resolution 2023-10 – Ms. K. Miller – Resolution Providing for Appointment to the Village of Mogadore Board of Zoning Appeals.

Resolution 2023-11 – Ms. B. Van Dike – A Resolution Amending Resolution No. 2022-93, including Exhibit A thereto, entitled “Wage and Benefit Package for Full-Time Employees other than the Police Officers,” to revise the vacation benefits provided to such employees.
10. Comments
 1. Public
 2. Council
 3. Law Director
 4. Village Engineer
 5. Clerk-Treasurer
 6. Mayor
11. Adjournment

COUNCIL MEETING

January 4, 2023

Council met in regular session at 5:30 p.m. with Mayor Rick presiding.

Mr. J. Tonsic asked everyone to join him in a moment of reflection for their own intentions. The Pledge of Allegiance to the Flag was recited by all.

Council Meeting was held in Council Chambers. The meeting was open to the public and live-streamed on Facebook.

Roll Call: Council Members Present: Mr. C. Yoho, Mr. R. McDowall, Ms. B. Van Dike, Mr. M. Raddish, Mr. J. Tonsic, Mr. W. Bauer, and Ms. K. Miller.

Others Present: Mayor Rick, Council Clerk Rachel Osborne, Clerk-Treasurer Scott Varney, and Law Director Jason Dodson.

Motion by Mr. M. Raddish, second by Ms. K. Miller for the approval of the agenda as presented. Vote. Unanimous ayes. Motion carried.

Motion by Mr. M. Raddish, second by Mr. W. Bauer to adopt the minutes from the December 21, 2022, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION – No Comments.

COMMITTEE REPORTS –

UTILITIES – Mr. Bauer had no report.

SAFETY – Mr. Yoho reported he had no report.

PARKS – Mr. McDowall has two pieces of legislation to read.

PLANNING AND ZONING – Ms. Miller reported she has three pieces of legislation to read.

FINANCE/AUDIT – Ms. B. Van Dike reported she has four pieces of legislation to read.

STREETS – Mr. J. Tonsic had no report.

Council President Mr. Raddish announced the next Work Session will be held Wednesday, January 25, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

NEW BUSINESS -

Ms. B. Van Dike presented Resolution 2023-1 sponsored by Finance Committee as follows:

A RESOLUTION APPROVING AND ACCEPTING THE PORTAGE COUNTY BUDGET COMMISSION'S ALTERNATIVE METHOD OF APPORTIONING AND DISTRIBUTING THE LOCAL GOVERNMENT FUND AND DECLARING AN EMERGENCY.

Ms. B. Van Dike made a motion to suspend the rules requiring three readings; Mr. R. McDowall seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. B. Van Dike to adopt Resolution 2023-1, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

Ms. K. Miller presented Resolution 2023-2 sponsored by Mayor Rick as follows:

RESOLUTION PROVIDING FOR APPOINTMENTS TO THE VILLAGE OF MOGADORE PLANNING AND ZONING COMMISSION AND DECLARING AN EMERGENCY.

Ms. K. Miller made a motion to suspend the rules requiring three readings; Mr. J. Tonsic seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. K. Miller to adopt Resolution 2023-2, a second was made by Mr. W. Bauer.

Mayor Rick stated this is to appoint Jim Moore. Mayor Rick indicated that Mr. Moore has served on the Parks and Recreation Board for many years and has agreed to switch over and fulfill the term that Rob Schrock had on the Planning and Zoning Board.

Vote. Unanimous ayes. Motion carried.

Ms. K. Miller presented Resolution 2023-3 sponsored by Mayor Rick as follows:

RESOLUTION PROVIDING FOR APPOINTMENTS TO THE VILLAGE OF MOGADORE PLANNING AND ZONING COMMISSION AND DECLARING AN EMERGENCY.

Ms. K. Miller made a motion to suspend the rules requiring three readings; Mr. W. Bauer seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. K. Miller to adopt Resolution 2023-3, a second was made by Mr. W. Bauer.

Mayor Rick stated this is to reappoint Rob Shutler.

Vote. Unanimous ayes. Motion carried.

Mr. R. McDowall presented Resolution 2023-4 sponsored by Mayor Rick as follows:

RESOLUTION PROVIDING FOR APPOINTMENTS TO THE VILLAGE OF MOGADORE CEMETERY BOARD AND DECLARING AN EMERGENCY

Mr. R. McDowall made a motion to suspend the rules requiring three readings; Ms. J. Tonsic seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. R. McDowall to adopt Resolution 2023-4, a second was made by Mr. J. Tonsic.

Mayor Rick stated this is to reappoint Linda Sansom to the Cemetery Board.

Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-5 sponsored by Finance Committee as follows:

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 2022-4; ESTABLISHING COMPENSATION FOR THE MAYOR'S COURT MAGISTRATE, AND DECLARING AN EMERGENCY

Ms. B. Van Dike made a motion to suspend the rules requiring three readings; Ms. K. Miller seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. B. Van Dike to adopt Resolution 2023-5, a second was made by Ms. K. Miller. Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-6 sponsored by Finance Committee as follows:

A RESOLUTION AMENDING RESOLUTION NO. 2022-5, SECTION 1; ESTABLISHING COMPENSATION AND BENEFITS FOR THE PART-TIME POSITION OF CEMETERY SEXTON OF THE VILLAGE OF MOGADORE AND DECLARING AN EMERGENCY.

Ms. B. Van Dike made a motion to suspend the rules requiring three readings; Mr. W. Bauer seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. B. Van Dike to adopt Resolution 2023-6, a second was made by Ms. K. Miller. Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-7 sponsored by Finance Committee as follows:

A RESOLUTION GRANTING RETROACTIVE PAY INCREASES TO CERTAIN PART-TIME EMPLOYEES FOR THE VILLAGE OF MOGADORE AND DECLARING AN EMERGENCY.

Ms. B. Van Dike made a motion to suspend the rules requiring three readings; Mr. R. McDowall seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. B. Van Dike to adopt Resolution 2023-7, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

Ms. K. Miller presented Resolution 2023-8 sponsored by Mayor Rick as follows:

RESOLUTION PROVIDING FOR APPOINTMENT TO THE VILLAGE OF MOGADORE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY

Ms. K. Miller made a motion to suspend the rules requiring three readings; Mr. W. Bauer seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. K. Miller to adopt Resolution 2023-8, a second was made by Mr. W. Bauer

Mayor Rick stated this is to reappoint Shelby Boyce to the Zoning Board of Appeals.

Vote. Unanimous ayes. Motion carried

Mr. R. McDowall presented Resolution 2023-9 sponsored by Mayor Rick as follows:

RESOLUTION PROVIDING FOR APPOINTMENT TO THE VILLAGE OF MOGADORE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

Mr. R. McDowall made a motion to suspend the rules requiring three readings; Mr. J. Tonsic seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. R. McDowall to adopt Resolution 2023-9, a second was made by Mr. J. Tonsic. Mayor Rick stated this is a new appointment for Olivia Manuella.

Vote. Unanimous ayes. Motion carried

COMMENTS from the Public: Carl Housley, 67 First Avenue, stated he wants to clarify a few things from the last council meetings. Housley stated he is not opposed to giving the Fire Department raises. Housley stated that when he asked how much raises would cost the Village, no one could give him the answer. Housley said that in December, council passed a resolution to transfer \$40,000 into the Fire budget to pay the bills. Housley indicated that it is concerning that the Budget was \$40,000 short one year and council gave raises the next year without knowing the costs of the raises. Housley said he wants the council to be good stewards of the Village's money and when they can't answer how much a raise would cost, that concerns him.

Mr. Raddish stated that the money comes into the Village's General Fund and Scott Varney disperses it to the Department funds that need the money. Raddish stated he is very pleased with how Scott Varney has handled the Village's finances.

Mr. Bauer stated that the funds are adjusted during the year.

Mayor Rick indicated that Scott Varney handles all the finances/budget for the Village. Mayor Rick asked Varney if he wants to comment now or provide that information at the next meeting.

Varney stated he would provide information at the next council meeting.

Mayor Rick indicated the rates for part-time firefighters are below ten thousand.

Housley stated that is an answer to his question, which tells him that they have looked at it.

Mayor Rick apologized to Housley he thought Scott Varney had provided Housley with that information at the last meeting.

COMMENTS from Council: Mr. Raddish stated he would like to see the font size a little bigger on future legislation.

COMMENTS from the Law Director: New Law Director Jason Dodson thanked the council for allowing him to work with them and he looks forward to it.

COMMENTS from the Village Engineer: No Comments.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: Mayor Rick stated the Village is not financially hurting in any way and he appreciates Housley's concerns. Mayor Rick indicated the Village is doing very well financially and has been since he has been Mayor so we can give our employees a raise every year. Mayor Rick stated he will talk with Scott Varney some more and give Housley answers next meeting.

Meeting adjourned at 5:46 p.m.

Attest:

Mayor

Date

Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2023-11

Passed _____, 20____

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AMENDING RESOLUTION NO. 2022-93, INCLUDING EXHIBIT A THERETO, ENTITLED "WAGE AND BENEFIT PACKAGE FOR FULL-TIME EMPLOYEES OTHER THAN POLICE OFFICERS," TO REVISE THE VACATION BENEFITS PROVIDED TO SUCH EMPLOYEES, AND DECLARING AN EMERGENCY.

WHEREAS, it is the recommendation of the Mayor and the Finance Committee that this Council amend Resolution No. 2022-93, and Exhibit A attached thereto, entitled "Wage and Benefits Package for Full-Time Employees Other Than Police Officers," to revise the vacation benefits provided to full-time employees of the Village other than police officers; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to amend Resolution No. 2022-93 and the Exhibit A attached thereto in order to revise the vacation benefits provided to full-time employees of the Village other than police officers.

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

SECTION 1: Resolution 2022-93 and Exhibit A attached thereto are hereby amended as set forth in the attached Exhibit A, entitled "Wage and Benefit Package for Full-Time Employees Other Than Police Officers," which is incorporated herein.

SECTION 2: The effective date of Resolution 2022-93 of January 1, 2023 shall remain in full force and effect, and the revisions made by the aforementioned amendment shall take effect and be in force retroactively to January 1, 2023.

SECTION 3: All other ordinances, resolutions, or parts of other ordinances and resolutions which may be in conflict with the provisions of this ordinance are hereby declared null and void and are of no further force and effect.

SECTION 4: 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 5: This Resolution is hereby declared to be an emergency measure necessary to immediately revise the benefits for the full-time employees other than police officers of the Village for purposes of equity and for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and shall take effect and be in force upon its approval by the Mayor or at the earliest period allowed by law.

RECORD OF ORDINANCES

Resolution No. 2023-11

Passed _____, 20__

President of Council Date

Mayor Date

Attest:

Clerk-Treasurer

**WAGE AND BENEFIT PACKAGE FOR
FULL TIME EMPLOYEES OTHER THAN POLICE OFFICERS
FOR THE YEAR 2023**

SECTION 1: WAGES. Effective beginning January 1, 2023, employees shall be compensated according to the following scale:

Street Department Full Time Employees: 2023 - \$24.28 per hour

Street Department Supervisor: 2023 - \$31.59 per hour

SECTION 2: NEW FULL TIME EMPLOYEES.

New full-time employees shall be hired at one dollar (\$1.00) less per hour during a six-month probationary period.

SECTION 3: CLOTHING ALLOWANCE.

In addition to the uniforms provided by the Village of Mogadore to full-time street employees including the street supervisor, said employees shall receive an allowance of \$400.00 for 2023 per man for the purchase of foul weather clothing. Upon proof of purchase of said clothing by way receipts presented to the Clerk, said full-time employee shall be reimbursed for said expense. Purchase of jackets or any other type of wearing apparel shall be of uniform color.

SECTION 4: INSURANCE.

1) The Employer will provide insurance on behalf of each full-time employee and eligible dependents for hospitalization, medical, optical, and dental insurance. For 2023, monthly premium payroll deductions and required co-pays for all employees shall be in accordance with the schedule provided by Employee Benefits International.

The term "Full-Time Employees" shall include all elected officials of the Village, who are regularly employed and compensated on a full-time basis

2) Insurance coverage shall be also provided for the surviving spouse and/or eligible children of a deceased employee for a period of three (3) months after death.

3) The Employer will provide and pay the full premium for all full-time employees for a life insurance policy in the face of forty thousand dollars (\$40,000.00).

4) The Employer expressly reserves the right to change insurance coverage or carriers, so long as the new coverage meets the requirements contained within Section 1, Section 2, Section 3, and Section 4, contained herein.

SECTION 5: LONGEVITY.

On the first day of the month following a full-time employee's completion of four, nine, fourteen, nineteen, and twenty-four years of service with the Village of Mogadore said full-time employees other than police officers shall be entitled to, in addition to current base salary an amount equal to two, three, four, five, and six percent respectively of the current base salary.

SECTION 6: ACTING SUPERVISOR.

In the absence of the Street Supervisor for vacation, personal or sick time, the person who has been designated to be Acting Supervisor will be compensated at a rate of Four Dollars (\$4.00) per hour over and above his normal rate of compensation. Said compensation applies to any hours worked as an acting supervisor and shall be the responsibility of the Street Supervisor to identify said person and hours per time cards when warranted. Said rate of compensation for the acting supervisor will be in effect September 8, 2006.

SECTION 7: SHIFT DIFFERENTIAL.

Street Department workers and the Street Supervisor will be compensated with a SHIFT DIFFERENTIAL of fifty cents (\$0.50) per hour paid for hours regularly scheduled between the hours of 3:30 p.m. and 7:30 a.m. The shift differential will only be paid for regular hours worked. Shift differential will not be paid if the employee works between 3:30 p.m. and 7:30 a.m. and these are overtime hours. The employee will receive overtime pay only for these hours.

SECTION 8: WORK WEEK.

Work week shall be defined as five (5) eight (8) hour days, totaling forty (40) hours, from 12:00 a.m. Monday through Friday.

All employees, for work performed in excess of eight (8) hours per day or eighty (80) hours in the standard work period, shall be compensated at the rate of one and one-half times the employee's regular rate for all overtime. All hours that are paid shall be included in the computation of overtime.

Paychecks shall be issued Bi-weekly.

SECTION 9: SICK LEAVE.

All full-time employees of the Village of Mogadore, other than elected officials and police officers shall be entitled to accumulate one and one-quarter (1-1/4) days of sick leave for each month worked. Unused sick leave may be cumulative up to one hundred fifty (150) days. Upon a bona fide retirement with the Public Employee Retirement System of Ohio, or upon disability while an employee of the Village, cash payment of a maximum of seventy-five (75) days shall be compensated to such employee at the option of the Village either as a lump sum or as an early retirement, to be paid in cash along with the general Village payroll.

In order to be entitled to sick leave of over three (3) consecutive days, employees must submit a

doctor's certificate attesting to the sickness involved, which must be submitted to the Mayor. The Mayor shall have full authority to investigate such claims for sick leave and allow or disallow the leave, subject to the right of the employee to resubmit his application to the Street Department and in turn the full Council in the event of its disallowance.

The following Sick Leave Bonuses will be made available effective the first pay period in January, based on an employee's attendance in the previous calendar year:

- 1) Taken no sick leave - 16 hours pay
- 2) Taken 8 hours or less sick leave - 8 hours pay

SECTION 10: FUNERAL LEAVE.

An employee who has any one of the following described members of his family die shall be excused from work without loss of pay for not more than three (3) days with the third day being the day of the funeral. Said three (3) days shall include scheduled and non-scheduled working days alike. Said members of the family shall be limited to parents, children, spouse, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, great-grandparent, grandchild, great-grandchild, grandparent, and great-grandparent of spouse, or dependent who lives in the household. The above categories of relatives include step-relatives, half relatives, and legally adopted children.

In the application of this clause with respect to in-laws, recognition for any such relationship will be limited to those resulting from the employee's current marital status. Where a marriage has been terminated by death and there has been no subsequent marriage, the in-law relationship will be recognized.

SECTION 11: HOLIDAYS.

Each full-time employee shall be paid for the following holidays: New Year's Day, Martin Luther King Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, and Christmas Day.

In order to receive compensation for any of the above holidays, an employee shall be present on the job the workday immediately preceding and immediately following each such legal holiday unless the said employee shall be on a duly authorized vacation. Compensation for hourly-paid employees for said holidays shall be computed for each individual employee on the basis of such employee's most recent hourly rate and on a forty (40) hour week. If any holiday described above, falls on a Saturday or Sunday, the Friday before or the Monday after, shall be a paid holiday for all full-time employees not scheduled normally to work on such a Saturday or Sunday. If the holiday falls within the period of vacation of any employee, such employee shall be entitled to an additional day of vacation for each occurrence.

If an employee is required to work on any of the holidays listed, he shall be entitled to pay for such time at the rate of two times the employee's regular hourly rate.

In addition, each full-time employee shall be paid for four (4) personal days off at regular pay to

be taken any day through the year with the Street Supervisors' approval.

SECTION 12: VACATION.

All full-time employees of the Village, other than elected officials, hired on or after July 1, 1981, shall be entitled to two (2) weeks vacation per year after completion of one (1) year but less than five (5) years of service with the Village; three (3) weeks vacation per year after completion of five (5) years but less than ten years of service, four (4) weeks vacation per year after completion of ten (10) years but less than fifteen (15) years of service with the Village; and five (5) ~~four (4)~~ weeks vacation per year after completion of fifteen (15) or more years of service with the Village.

For purposes of this provision, the term Full-time employee shall be an employee who is regularly and normally scheduled to work forty (40) hours per week. Also, for purposes of this provision, a week's vacation is defined as forty (40) hours at a straight time rate. Although the Village shall attempt to accommodate its employees in scheduling vacations, all vacations shall be scheduled at the convenience of the Village.

Any member of the Street Department who is entitled to five (5) weeks of vacation, may at the approval of the Service director select to forego the taking of all but two (2) weeks of vacation and receive an amount commensurate with the vacation earned during this time. The compensation will be paid over pay periods in the year in which the vacation could have been taken. Any member wishing to select this option must give notice of intent in writing to the Mayor by March 1st in the year the member wishes to select the option.

SECTION 13: DISABILITY RETIREMENT.

In the event an employee is separated from Village employment by reason of disability retirement, the employee shall receive payment for any unused portion of the earned vacation, based on rate of pay at the time the employee is removed from the payroll.

In the event, an employee is separated from Village employment by reason of disability retirement the employee shall receive payment for unused accumulated sick days, based on rate of pay at the time the employee is removed from the payroll.

SECTION 14: INJURY LEAVE.

If an employee is absent from work because of an injury received in the line of duty, the employee shall continue to receive a salary which, together with Workmen's Compensation, shall equal his regular pay and for a time equal to the employee's allowed sick leave without such time being charged against his sick leave.