

Village of Mogadore

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COUNCIL MEETING AGENDA

April 5, 2023

5:30 p.m.

1. Moment of Reflection – Mr. R. McDowall
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from March 15, 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 2023-27 - Mr. J. Tonsic - A RESOLUTION AUTHORIZING THE RESURFACING OF MOGADORE ROAD AND RANDOLPH ROAD FROM GILCHRIST ROAD TO MARTIN ROAD, INCLUDING PAVEMENT REPAIR, CASTING ADJUSTMENTS, AND PAVEMENT MARKINGS, LYING WITHIN THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

Resolution 2023-28 - Mr. J. Tonsic - A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE DICK STREET AND FENTON AVENUE INFRASTRUCTURE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Resolution 2023-29 – Mr. C. Yoho - A RESOLUTION AUTHORIZING THE MAYOR AND FIRE CHIEF TO ESTABLISH INTERIM POLICIES AND PROCEDURES FOR THE FIRE DEPARTMENT PERSONNEL SUBJECT TO FINAL APPROVAL OF THIS COUNCIL WITHIN ONE YEAR, AND DECLARING AN EMERGENCY.

Resolution 2023-30 - Ms. B. Van Dike - A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE DEBT SERVICE FUND, AND DECLARING AN EMERGENCY.

Resolution 2023-31 – Mr. C. Yoho - A RESOLUTION AMENDING ARTICLE IV, SECTION B OF THE FULL-TIME FIREFIGHTER HANDBOOK, ENTITLED “HOLIDAYS, VACATION, LEAVE AND ABSENCES,” AND DECLARING AN EMERGENCY.

10. Comments
 1. Public
 2. Council
 3. Law Director
 4. Village Engineer
 5. Clerk-Treasurer
 6. Mayor

11. Adjournment

COUNCIL MEETING

March 15, 2023

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

Ms. B. Van Dike asked everyone to join her 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, Ms. B. Van Dike, Mr. M. Raddish, Mr. J. Tonsic, Ms. K. Miller, and Mr. W. Bauer. Mr. R. McDowall was not present.

Others Present: Mayor Rick, Council Clerk Rachel Osborne, Clerk-Treasurer Scott Varney, Assistant Law Director Natalie Rothenbuecher, and Village Engineer Matt Glass.

Motion by Mr. M. Raddish, second by Mr. C. Yoho for the approval of the agenda as presented.

Vote. Unanimous ayes. Motion carried.

Police Department Award Ceremony – Chief Higgins gave awards to some Police Officers and people in the community.

Motion by Mr. M. Raddish, second by Ms. K. Miller to adopt the minutes from March 1, 2023, 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 had no report.

PARKS – Mr. McDowall – not present.

PLANNING AND ZONING – Ms. Miller had no report.

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

STREETS – Mr. Tonsic reported he has one piece of legislation to read.

Council President Mr. Raddish announced the next Work Session will be held on Wednesday, March 22, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

NEW BUSINESS –

Ms. B. Van Dike presented Ordinance 2023-24 sponsored by Finance as follows:

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE FOR THE FISCAL YEAR ENDING DECEMBER

31, 2023, AND DECLARING AN EMERGENCY.

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

A motion was made by Ms. B. Van Dike to adopt Ordinance 2023-24, a second was made by Ms. K. Miller. Vote. Unanimous ayes. Motion carried.

Mr. J. Tonsic presented Resolution 2023-**25** sponsored by Streets Committee as follows:

A RESOLUTION AWARDING THE BID FOR THE 2023 CHIP AND SEAL STREET REPAIRS PROJECT TO GEAUGA HIGHWAY COMPANY, AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH GEAUGA HIGHWAY COMPANY TO PROVIDE LABOR AND MATERIALS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

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

A motion was made by Mr. J. Tonsic to adopt Resolution 2023-25, a second was made by Mr. W. Bauer.

Mr. Raddish asked Mayor Rick if Geauga Highway was the same company that did the last Chip and Seal Project.

Mayor Rick stated yes.

Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-**26** sponsored by Finance as follows:

A RESOLUTION ESTABLISHING RATES OF PAY FOR THE PART-TIME PARKS AND CEMETERY EMPLOYEES OF THE VILLAGE, AND DECLARING AN EMERGENCY.

Ms. B. Van Dike 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. B. Van Dike to adopt Resolution 2023-26, a second was made by Mr. W. Bauer. Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Tracy Wagner, 3773 Prospect Street, asked the council if they could get a committee together to put up Christmas lights on the poles downtown.

Mayor Rick stated they would look into that.

Carl Housley, 67 First Avenue, asked the council what was said at the last work session regarding the evacuation plan Mr. Mencer inquired about a few weeks ago. Housley was concerned about the Hazmat's involvement in an evacuation.

Mayor Rick stated there are several evacuation plans for different situations. Mayor Rick stated he will have Fire Chief come to the next meeting to explain as much as he can.

COMMENTS from Council: Ms. Miller congratulated the Police who received an award this evening.

Mr. Tonsic stated the Police Award ceremony was nice and he enjoyed it.

Mr. Yoho stated it is good to recognize people doing good in the community.

Ms. B. Van Dike stated it was nice recognizing not only the Police Officers but other people in the community.

COMMENTS from the Law Director: No Comments.

COMMENTS from the Village Engineer: No Comments.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: No Comments.

Meeting adjourned at 6:05 p.m.

Attest:

Clerk-Treasurer

Mayor

Date

RECORD OF ORDINANCES

Resolution No. 2023-27

Passed _____, 20__

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE RESURFACING OF MOGADORE ROAD AND RANDOLPH ROAD FROM GILCHRIST ROAD TO MARTIN ROAD, INCLUDING PAVEMENT REPAIR, CASTING ADJUSTMENTS, AND PAVEMENT MARKINGS, LYING WITHIN THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

WHEREAS, on October 5, 2022, the Village enacted legislation proposing cooperation with the Ohio Director of Transportation for resurfacing Mogadore Road and Randolph Road from Gilchrist Road to Martin Road, including pavement repair, casting adjustments, and pavement markings, lying within the Village of Mogadore, PID No. 115353; and,

WHEREAS, the Village intends to cooperate with the Ohio Director of Transportation in the above-described project by assuming and bearing one hundred percent (100%) of the cost of the improvement within the Village limits, less the amount of Federal-Aid funds set aside by the Ohio Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation; and,

WHEREAS, the share of the cost of the Village is now estimated in the amount of One Hundred Eighty-Three Thousand Four Hundred Forty-Nine and 41/100 Dollars, (\$183,449.41), but said estimated amount is to be adjusted in order that the Village's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and,

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the Village desires the Director of Transportation to proceed with the aforesaid highway improvement; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the resurfacing of Mogadore Road and Randolph Road from Gilchrist Road to Martin Road, including pavement repair, casting adjustments, and pavement markings, lying within the Village.

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 estimated sum of One Hundred Eighty-Three Thousand Four Hundred Forty-Nine and 41/100 Dollars, (\$183,449.41), is hereby appropriated for the improvement described above and the Village Clerk-Treasurer is hereby authorized and directed to issue an order for said sum upon the requisition of the Ohio Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

RECORD OF ORDINANCES

Resolution No. 2023-28

Passed _____, 20____

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE DICK STREET AND FENTON AVENUE INFRASTRUCTURE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14.03 of the Village's Charter provides that all contracts exceeding one-half (1/2) of the statutory threshold of \$50,000.00 shall be undertaken by advertising for and accepting sealed bids; and

WHEREAS, the Village Engineer has recommended infrastructure improvements to Dick Street between Pearl Avenue and Fenton Avenue and to Fenton Avenue between Curtis Street and Mogadore Road (the "Dick Street and Fenton Avenue Infrastructure Improvements"); and

WHEREAS, the Village Engineer has prepared plans and specifications for the Dick Street and Fenton Avenue Infrastructure Improvements, which are on file in the Office of the Clerk-Treasurer, and estimates that the cost for labor and materials for the project will exceed the threshold set forth in Section 14.03 of the Village's Charter and therefore will require competitive bidding; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize and direct the Clerk-Treasurer to advertise for bids for labor and materials for the Dick Street and Fenton Avenue Infrastructure Improvements.

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

SECTION 1: It is hereby determined necessary that the Village enter into a contract for labor and materials necessary for the Dick Street and Fenton Avenue Infrastructure Improvements in accordance with the plans and specifications prepared by the Village Engineer.

SECTION 2: The Clerk-Treasurer of the Village is hereby authorized and directed to advertise for bids for the Dick Street and Fenton Avenue Infrastructure Improvements in accordance with the plans and specifications for the project on file in the Office of the Clerk-Treasurer. A report of the responses shall be provided to Council. The Village Engineer shall assist as necessary.

SECTION 3: This Council 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 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of proceeding with the aforementioned competitive bidding as expeditiously as possible so that the project may commence during the appropriate construction season, and, provided this

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Resolution No. 2023-29

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR AND FIRE CHIEF TO ESTABLISH INTERIM POLICIES AND PROCEDURES FOR THE FIRE DEPARTMENT PERSONNEL SUBJECT TO FINAL APPROVAL OF THIS COUNCIL WITHIN ONE YEAR, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Fire Chief have recommended that they undertake an update of the policies and procedures for the Fire Department personnel concerning employment and operational issues (not including compensation and fringe benefits) (the "Policies and Procedures"); and

WHEREAS, the Mayor and Fire Chief have requested the permission of this Council to establish such Policies and Procedures on an interim basis, so that the Fire Department personnel can begin to follow and adhere to such interim Policies and Procedures upon their establishment by the Mayor and Fire Chief, provided, however, that all such interim Policies and Procedures are subject to final approval of this Council within one year; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the Mayor and Fire Chief to establish the Policies and Procedures on an interim basis, provided, however, that the same remain subject to final approval of this Council, as provided below, within one year.

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

SECTION 1: This Council hereby authorizes the Mayor and Fire Chief to establish the Policies and Procedures for the Fire Department personnel concerning employment and operational issues (not including compensation and fringe benefits) on an interim basis, which shall extend no longer than the timeframe set forth in Section 2.

SECTION 2: No later than the one-year anniversary of the adoption of this Resolution, the Mayor and Fire Chief shall request final approval of said interim Policies and Procedures from this Council. The interim Policies and Procedures shall remain in full force and effect until such time as this Council either provides final approval of said Policies and Procedures, in either its original or an amended form, or rejects the same. All interim Policies and Procedures approved by this Council, in either original or amended form, shall be permanent until such time as amended, modified or repealed by this Council. All interim Policies and Procedures rejected by this Council shall be immediately terminated and have no further force or effect.

SECTION 3: This Council 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 4: This Resolution is hereby declared to be an emergency measure necessary for the

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Resolution No. 2023-30

Passed _____, 20____

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE DEBT SERVICE FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Clerk-Treasurer have recommended that this Council authorize the transfer of funds from the General Fund to the Debt Service Fund, as set forth herein; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the transfer of funds from the General Fund to the Debt Service Fund, as set forth herein.

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

SECTION 1: This Council hereby approves the transfer of funds from the General Fund to the Debt Service Fund, as follows:

From: General Fund	\$50,250.00
To: Debt Service Fund	\$50,250.00

SECTION 2: The Clerk-Treasurer is hereby authorized and directed to effectuate the transfer of funds set forth in Section 1.

SECTION 3: This Council 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 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately ensuring the current and other financial obligations of the Village of Mogadore are timely met, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

RECORD OF ORDINANCES

Resolution No. 2023-30

Passed _____, 20____

President of Council

Date

Mayor

Date

Attest:

Clerk-Treasurer

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Resolution No. 2023-31

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AMENDING ARTICLE IV, SECTION B OF THE FULL-TIME FIREFIGHTER HANDBOOK, ENTITLED "HOLIDAYS, VACATION, LEAVE AND ABSENCES," AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution No. 2022-61, this Council adopted the Full-Time Firefighter Handbook (the "Handbook") to govern the employment of the full-time firefighters in the Village, which was subsequently amended by this Council by Resolution No. 2022-85; and

WHEREAS, the Mayor and Fire Chief have recommended further amending Article IV, Section B of the Handbook, entitled "Holidays, Vacation, Lease and Absences," concerning the carry-over of vacation time and the accrual of vacation time by certain newly hired employees with prior years of service credit for other Ohio political subdivisions, said amendments being set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend the Handbook as set forth above.

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

SECTION 1: This Council hereby amends Article IV, Section B of the Handbook, entitled "Holidays, Vacation, Leave and Absences," as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: The amendment provided for in this Resolution shall take effect and be in force retroactively to December 1, 2022 and shall apply to all full-time firefighters hired after that date.

SECTION 3: This Council 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 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately amending the Handbook so that the amended provisions may be applied to recently hired and/or to-be hired employees, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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Resolution No. 2023-31

Passed _____, 20____

EXHIBIT A

Article IV, Section B of the Full-Time Firefighter Handbook, entitled “Holidays, Vacation, Leave and Absences” is hereby amended as follows:

B. Vacation

Except as modified below, full-time employees are entitled to vacation with pay after one (1) year of continuous service with the Village of Mogadore Fire Department. The amount of vacation leave to which an employee is entitled is based upon length of service as follows:

<u>Length of Service</u>	<u>Vacation</u>
1 year, but less than 5 years	96 hours*
5 years but less than 10 years	144 hours
10 years but less than 15 years	192 hours
15 years but less than 20 years	240 hours
20+ years	288 hours

*Except as modified below.

Employees will receive their full allowance of vacation hours on their anniversary date of hire. Employees shall schedule vacations by seniority prior to March 1st of the year of entitlement. Only one full-time employee may be on a vacation at a time. Any vacation time left unscheduled after March 1st shall be scheduled on a first come, first serve basis. Employees shall be permitted to carry over 96 hours of unused vacation each year.

Each employee who is entitled to 240 hours of vacation may, at the approval of the Chief, select to forego the taking of all but 96 hours of vacation and receive an amount commensurate with the vacation earned during this time. This compensation will be paid equally over pay periods in the year in which the vacation could have been taken by the employee. An employee wishing to select this option must give notice of intent to select the option to the Chief by no later than March 1st in this year the employee wishes to select the option.

Any full-time employee who is hired by the Village from another Ohio political subdivision, and who has been employed by that political subdivision for at least one (1) year, may carry with them and start their employment with the Village with up to 144 hours of vacation, provided, that (i) the employee shall not have any rights to “cash out” said vacation as set forth in the prior paragraph, (ii) the employee may carry over up to 96 hours of any unused carried over vacation to the following year, and (iii) the employee may not utilize any carried over vacation until the six (6) month anniversary of the commencement of the employee’s employment with the Village.

Additionally, any employee who meets the requirements of the prior paragraph to carry over vacation hours (regardless of whether the employee in fact carries over any vacation), who also has at least five (5)

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Resolution No. 2023-31

Passed _____, 20____

years of service with political subdivisions in Ohio, shall be entitled to 144 hours of vacation leave for each year of service commencing with one (1) year of service with the Village but less than five (5) years of service with the Village. Thereafter, that employee will accrue leave in accordance with the schedule set forth in this Section.