

## COUNCIL MEETING

May 3, 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, Village Engineer Matt Glass, Law Director Jason Dodson, and Assistant Law Director Natalie Rothenbuecher.

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

Motion by Ms. B. Van Dike, second by Mr. W. Bauer to adopt the minutes from April 19, 2023, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION – Carl Housley, 67 First Avenue, referenced Resolution 2023-36. Housley asked how much money was put into the SAFER Fund when it was initially established.

Varney stated \$50,000 was the amount.

Housley then asked how much the Village has received in reimbursement so far.

Varney stated the Village has not received any reimbursements.

### COMMITTEE REPORTS –

UTILITIES – Mr. Bauer had no report.

SAFETY – Mr. Yoho – reported he has one piece of legislation to read.

PARKS – Mr. McDowall reported he has one piece of legislation to read.

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 had no report.

Council President Mr. Raddish announced the next Work Session will be held Wednesday, May 31, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

NEW BUSINESS –

Mr. R. McDowall presented Resolution 2023-**33** sponsored by Mayor Rick as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES NATUREWORKS PROGRAM TO SUPPORT THE ACQUISITION AND INSTALLATION OF NEW PLAYGROUND EQUIPMENT IN LIONS PARK, 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 2023-33, a second was made by Ms. B. Van Dike.

Mayor Rick stated the deadline for this grant is June 1<sup>st</sup>.

Vote. Unanimous ayes. Motion carried.

Mr. C. Yoho presented Ordinance 2023-**34** sponsored by Safety Committee as follows:

AN ORDINANCE AMENDING SECTIONS 72.090 AND 70.99 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE TO PROHIBIT OPERATION OF A MOTOR VEHICLE WHILE USING OR HOLDING AN ELECTRONIC WIRELESS COMMUNICATION DEVICE, AND TO PROVIDE SPECIFIC PENALTIES FOR DISTRACTED DRIVING, AND DECLARING AN EMERGENCY.

Mr. C. Yoho 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 Mr. C. Yoho to adopt Ordinance 2023-34, a second was made by Ms. K. Miller.

Mayor Rick stated his understanding of this is modifying the Village's Codified Ordinances to mirror the State Law.

Dodson agreed with Mayor Rick. Dodson stated the main change is going from a secondary offense only to now it can be charged as a primary offense if an officer observes someone using an electronic device.

Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-**35** sponsored by Finance Committee as follows:

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREETS CONSTRUCTION/MAINTENANCE FUND AND PARKS & RECREATION FUND, 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 Resolution 2023-35, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-36 sponsored by Finance Committee as follows:

A RESOLUTION AUTHORIZING THE ADVANCE OF FUNDS FROM THE GENERAL FUND TO THE SAFER GRANT FUND, 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 2023-36, a second was made by Mr. C. Yoho. Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Carl Housley, 67 First Avenue, stated the Public Hearing for the Testa Development ran smoothly. Housley asked how many roads come out onto 532 from the development.

Matt Glass stated there are two on phase one, three total.

Housley asked for an update on the railroad regarding the bridge on Spring Street.

Glass stated the Village is waiting to receive their vacation plat, and site plan with additional comments the Village has made.

Jon Mencer, 242 S Cleveland Avenue, asked if the road leading into the Testa Development off of 532 is one way.

Glass stated the Village required the entrance at the top of the hill to be a right-in and a right-out only and explained more on those drives.

Mencer asked how long Testa has to complete phase one.

Dodson started either a year or two years after they start the work. Dodson told Mencer he will have to look at the agreement and get back to him.

Mencer asked if Testa will have to go through the same process when they start phase two.

Dodson stated the preliminary plan they will not need unless there is a change made. Dodson stated their plat will need to be approved by Planning and Zoning, then the council will have to approve phase one and the plat for the dedicated right-of-way.

COMMENTS from Council: No Comments.

COMMENTS from the Law Director: No Comments.

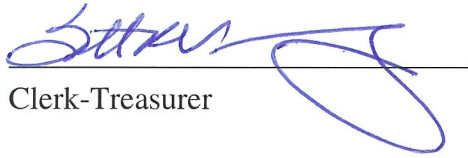
COMMENTS from the Village Engineer: No Comments.

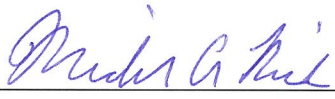
COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: Mayor Rick reminded everyone of the upcoming Shred Day and Food Drive this Saturday, May 6<sup>th</sup> at the Police Station from 10 AM to Noon. Mayor Rick announced the signups for the Summer Park Program will be held at the Municipal Building on May 9<sup>th</sup> and May 11<sup>th</sup> from 6 PM to 8 PM.

Meeting adjourned at 5:45 p.m.

Attest:

  
Clerk-Treasurer

 5-17-23  
Mayor Date