

# Village of Mogadore

135 S Cleveland Avenue  
Mogadore, OH 44260

Phone: (330) 628-4896 | Fax: (330) 628-5850

*Web Site: [www.mogadorevillage.org](http://www.mogadorevillage.org)*

## COUNCIL MEETING AGENDA

June 7, 2023

5:30 p.m.

1. Moment of Reflection – Ms. K. Miller
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from May 17, 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 2023-38** – Mr. J. Tonsic - A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH CEMENTECH, INC. TO SUPPLY LABOR AND MATERIALS NECESSARY FOR THE DICK STREET AND FENTON AVENUE INFRASTRUCTURE IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

**Resolution 2023-39** – Mr. J. Tonsic - A RESOLUTION APPROVING THE APPOINTMENT OF GARY W. MAAG AS ROAD SUPERVISOR FOR THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

**Ordinance 2023-40** – Mr. J. Tonsic - AN ORDINANCE VACATING PERO STREET WITHIN THE MUNICIPAL LIMITS OF THE VILLAGE OF MOGADORE, 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

May 17, 2023

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

Mr. W. Bauer 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. J. Tonsic, Mr. W. Bauer, and Ms. K. Miller. Mr. M. Raddish was excused.

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. C. Yoho, second by Mr. R. McDowall to appoint Ms. B. Van Dike for President Pro-Temp. Vote. Unanimous ayes. Motion carried.

Motion by Ms. B. Van Dike second by Mr. W. Bauer for the approval of the agenda as presented. Vote. Unanimous ayes. Motion carried.

Motion by Mr. W. Bauer, second by Mr. R. McDowall to adopt the minutes from May 3, 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 had no report.

PLANNING AND ZONING – Ms. Miller announced there will be a P&Z Meeting on May 30<sup>th</sup> at 7 p.m. here in the council chambers.

FINANCE/AUDIT – Ms. Van Dike reported she has one piece of legislation to read.

STREETS – Mr. Tonsic had no report.

Mayor Rick announced the Work Session will be held Wednesday, May 31, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

### NEW BUSINESS –

Ms. B. Van Dike presented Resolution 2023-37 sponsored by Finance Committee 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. R. McDowall seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. B. Van Dike to adopt Resolution 2023-37, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Carl Housley, 67 First Avenue, asked the council what the current balance of the Fire Levy Fund is.

Clerk-Treasurer Scott Varney stated he would get back to him with that information at the next meeting.

Pamela Anderson, 69 Second Avenue, questioning the ordinance on travel trailers parked in driveways. Anderson stated her trailer has been parked in her driveway for years and knew nothing about this ordinance until she received a notice on her door a few days ago.

Mayor Rick stated the ordinance states mobile homes have to be parked in the rear of the yard. Mayor Rick stated 152.029 mobile homes and trailers ordinance will be discussed at the next Planning and Zoning Meeting, and the Law Director will present the committee with some alternatives.

Wayne Anderson, 69 Second Avenue, asked the council if he could leave his mobile trailer parked in his driveway.

Mayor Rick stated Mr. Anderson could leave the mobile trailer parked there for now.

COMMENTS from Council: Mr. Yoho stated he was approached by the Athletic Booster Club they would like to put scoreboards down at Lions Park for the ballfields, and their concerns about the field dressing they think is tearing up the boy's uniforms.

Mayor Rick stated they will look into it and discuss it at their next work session.

Ms. Van Dike brought in a sample bag with information from a free women's self-defense class sponsored by Summit County Prosecutor Sherri Bevan Walsh to give to Chief Higgins which was discussed at the last work session.

COMMENTS from the Law Director: Dodson provided information that was asked at a prior council meeting by Mr. Mencer regarding the completion time for the Testa Development. Dodson stated Phase 1 has to be started within a year of them executing the Development Agreement, which was signed at the end of August last year. Testa must complete Phase 1 infrastructure improvements one year after that, so one year from this August Testa will have to have Phase 1 infrastructure in and done, which includes roads, sewer, water, stormwater, curb, and gutters.

Mr. Bauer asked if Testa has to do anything this August.

Dodson stated yes. Testa must begin pushing dirt on site and satisfy a set of conditions Glass gave them regarding the improvement plans, post a bond, and sign a construction agreement with the Village by the end of August. Dodson stated his firm sent an email outlining that information to Testa earlier this week.

COMMENTS from the Village Engineer: No Comments.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: Mayor Rick reminded everyone the Memorial Ceremony and Parade start at 10 a.m., and there will be a bicycle decorating contest at Synthomer. Mayor Rick stated the last day for signups for the summer park program will be held on Thursday, June 1<sup>st</sup> here at the Municipal Building.

Meeting adjourned at 5:43 p.m.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2023-38

Passed \_\_\_\_\_, 20\_\_\_\_

SPONSOR: STREETS COMMITTEE

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH CEMENTECH, INC. TO SUPPLY LABOR AND MATERIALS NECESSARY FOR THE DICK STREET AND FENTON AVENUE INFRASTRUCTURE IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14.03 of the Village's Charter provides that all purchases 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 "Project"); and

WHEREAS, the Village Engineer prepared plans and specifications for the Project, which are on file in the Office of the Clerk-Treasurer, and estimated 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 require competitive bidding; and

WHEREAS, pursuant to Resolution No. 2023-28, this Council authorized and directed the Clerk-Treasurer to advertise for bids for labor and materials for the Project; and

WHEREAS, the Clerk-Treasurer advertised for bids for labor and materials for the Project, and the lowest responsive and responsible bidder was Cementech, Inc. in the amount of \$1,695,530.90; 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 accept the aforementioned bid and to authorize the Mayor and Clerk-Treasurer to enter into a construction contract with Cementech, Inc. to supply labor and materials necessary for the Project in an amount not to exceed \$1,695,530.90.

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 Clerk-Treasurer are hereby authorized to enter into a construction contract with Cementech, Inc. to supply labor and materials necessary for the Project in an amount not to exceed \$1,695,530.90.

SECTION 2: The Clerk-Treasurer is authorized to refund all bonds or certified checks to the successful and unsuccessful bidders upon execution of the aforementioned construction contract.

## RECORD OF ORDINANCES

Resolution No. 2023-38

Passed \_\_\_\_\_, 20\_\_\_\_

**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 authorizing the Mayor and Clerk-Treasurer to execute the aforementioned construction agreement so that the Project may commence in a timely fashion, 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.

President of Council

Date

Mayor

Date \_\_\_\_\_

Attest:

Clerk-Treasurer

## RECORD OF ORDINANCES

Resolution No. 2023-39

Passed \_\_\_\_\_, 20\_\_\_\_

SPONSOR: STREETS COMMITTEE

A RESOLUTION APPROVING THE APPOINTMENT OF GARY W. MAAG AS ROAD SUPERVISOR FOR THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

WHEREAS, due to a vacancy in the position of Street Supervisor, the Mayor has appointed Gary W. Maag to the position of Street Supervisor, subject to the affirmative vote of at least five (5) members of this Council, to be effective upon such approval by Council; 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 approve the appointment of Gary W. Maag to the position of Street Supervisor, effective upon the adoption of this Resolution.

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 appointment by the Mayor of Gary W. Maag to the position of Street Supervisor is hereby approved, effective upon the adoption of this Resolution.

SECTION 2: Gary W. Maag shall be paid at the rate of \$31.59 per hour as the Street Supervisor until such time as this Council revises such rate of pay.

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 approving the appointment of Gary W. Maag to the position of Street Supervisor so that the Street Department may continue orderly operations, 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.

---

President of Council
Date

---

Mayor \_\_\_\_\_
Date \_\_\_\_\_

Attest:

---

Clerk-Treasurer

RECORD OF ORDINANCES

Ordinance No. 2023-40

Passed \_\_\_\_\_, 20\_\_\_\_

SPONSOR: STREETS COMMITTEE

AN ORDINANCE VACATING PERO STREET WITHIN THE MUNICIPAL LIMITS OF THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 723.05 of the Ohio Revised Code authorizes this Council to adopt an ordinance to vacate any street or alley in the Village provided that this Council determines that there is good cause for vacating the street or alley, or any part thereof, and that such vacation will not be detrimental to the general interest of the public; and

WHEREAS, Pero Street is currently located within the Village of Mogadore, running east off of South Cleveland Avenue to a dead end, is comprised of only 0.696 acres, and is surrounded entirely by property owned by Omnova Solutions Inc.; and

WHEREAS, this Council finds that there is good cause for vacating Pero Street, as more fully depicted on the Pero Street Vacation Plat attached hereto as Exhibit A, given that the street is not used for public purposes and currently comprises a portion of the driveways and parking lots serving the Synthomer (successor in interest to Omnova Solutions Inc.) industrial facility within the Village; and

WHEREAS, this Council finds that the vacation of Pero Street will not be detrimental to the general interest of the public given its current use as a driveway and parking lot for the aforementioned Synthomer industrial facility and no other public purpose; and

WHEREAS, Omnova Solutions Inc., as the sole property owner adjacent to Pero Street, has requested and acknowledged the vacation of Pero Street; 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 vacate Pero Street within the municipal limits of the Village of Mogadore as set forth on Exhibit A.

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

SECTION 1: This Council hereby orders and declares Pero Street to be vacated by the Village, as more fully set forth and depicted on the Pero Street Vacation Plat attached hereto as Exhibit A.

SECTION 2: This Council hereby authorizes the Mayor and Village Engineer to execute the Pero Street Vacation Plat in the form attached hereto as Exhibit A.

SECTION 3: The Clerk-Treasurer is hereby authorized and directed to file the Pero Street Vacation Plat and a certified copy of this Ordinance with the Portage County Recorder.





# BASIS OF BEARING

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, North Zone, on the North American Datum of 1983 (NAD 83).

# STREET VACATION PLAT

Situated in Village of Mogadore, County of Portage and State of Ohio: Being part of Original Lot 47, Suffield Township and being all of Pero Street as recorded in Plat Volume 3, Page 10 of Portage County Records

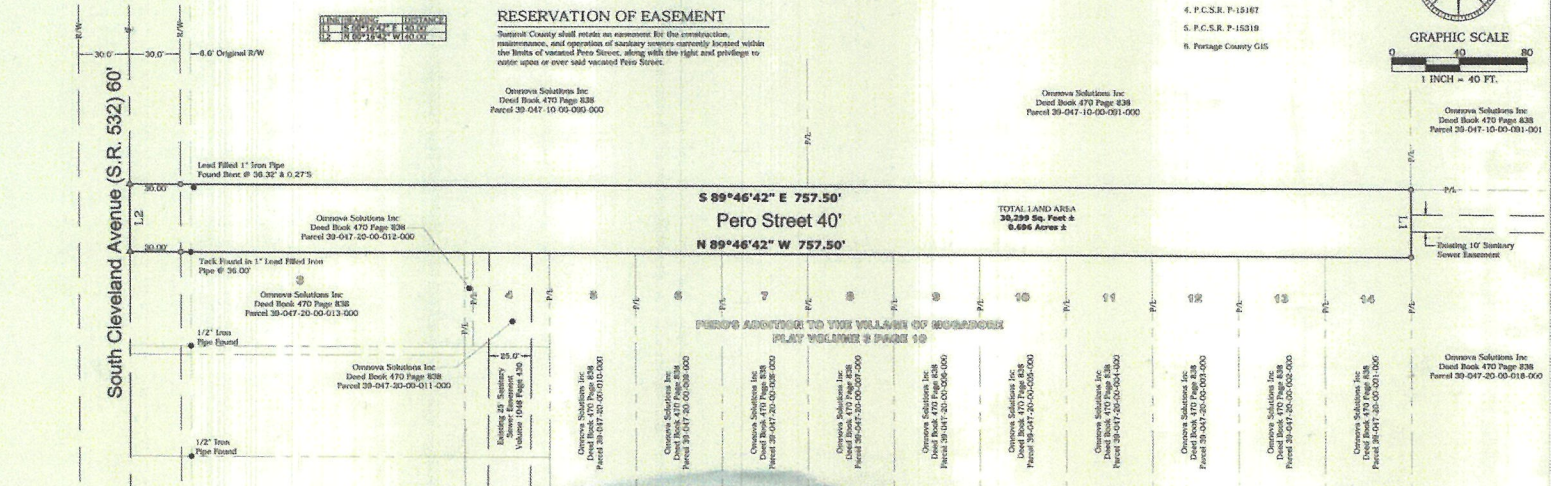
# SURVEY REFERENCES

1. Deeds as shown herein
2. Plat Volume 3, Page 10
3. P.C.S.R. P-14476
4. P.C.S.R. P-15167
5. P.C.S.R. P-15318
6. Portage County GIS



GRAPHIC SCALE

1 INCH = 40 FT.



# ADJOINING OWNERS ACKNOWLEDGMENT

WE, THE UNDERSIGNED OWNERS OF ALL LANDS ADJOINING THE RIGHT OF WAY OF PERO STREET, ACKNOWLEDGE THIS STREET VACATION PLAT TO BE OUR FREE ACT AND DEED.

IN WITNESS WHEREOF, THIS 31 DAY OF MAY, 2022,  
 OWNER: Blue Jay PRINTED NAME: BLUE JAY  
 OWNER: \_\_\_\_\_ PRINTED NAME: \_\_\_\_\_  
 OWNER: \_\_\_\_\_ PRINTED NAME: \_\_\_\_\_  
 OWNER: \_\_\_\_\_ PRINTED NAME: \_\_\_\_\_

# NOTARY PUBLIC

STATE OF OHIO  
 COUNTY OF Portage

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED OWNERS OR CORPORATE REPRESENTATIVES, WHO ACKNOWLEDGED THE SAVING OF THE FOREGOING INSTRUMENT, THAT THEY ARE DULY AUTHORIZED TO EXECUTE THIS INSTRUMENT AS OWNERS (S) OR ON BEHALF OF SAID CORPORATION AND THAT THE SAME IS THEIR FREE ACT AND DEED AND FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT Synthomer, THIS 31 DAY OF MAY, 2022.

NOTARY PUBLIC: Michael R. Dorman



# VILLAGE ENGINEER

APPROVED THIS 1st DAY OF June, 2023  
Matthew Shaw  
 Village Engineer

# VILLAGE COUNCIL

THIS VACATION PLAT WAS DULY ACCEPTED BY ORDINANCE OF THE MOGADORE VILLAGE COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ UNDER ORDINANCE NO. \_\_\_\_\_

CLERK: \_\_\_\_\_  
 MAYOR: \_\_\_\_\_

# TAX MAP

RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

TAX MAP REPRESENTATIVE: \_\_\_\_\_

# AUDITOR

TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

# PORTAGE COUNTY AUDITOR

# RECORDER

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

IN PLAT \_\_\_\_\_

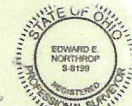
# PORTAGE COUNTY RECORDER

# CERTIFICATION

I hereby certify that this map is a true and correct copy of the original map as shown to me in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733.27 of the Ohio Administrative Code. The field work was completed on March 1, 2023.

Signature Date: Edward S. Northrop 5-15-23

Edward S. Northrop, P.S.  
 Ohio Professional Surveyor No. 81190  
 For and on behalf of Titan USA Commercial Real Estate Services, LLC



# SUMMIT COUNTY DEPT. OF ENGINEER SANITARY SEWER SERVICES

APPROVED THIS 5 DAY OF JUNE, 2023  
Michael Shaw  
 SUMMIT COUNTY ENGINEER, SANITARY SEWER SERVICES

Plat Prepared For  
 Omnova Solutions  
 165 South Cleveland Avenue  
 Mogadore, OH 44206

Phone: 330-842-7671 www.titanres.com

**TITAN** U.S.A.  
 COMMERCIAL REAL ESTATE SERVICES  
 4821 Heights Drive, Ste. 101  
 Surveying & Mapping  
 ALTA/NSPS Land Title Survey Specialists Email: [survey@titanres.com](mailto:survey@titanres.com)

Project No. 1809

Drafted By: KJT Checked By: EEN

Sheet No. **1** of **1**