

# Village of Mogadore

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## COUNCIL MEETING AGENDA

June 21, 2023

5:30 p.m.

1. Moment of Reflection – Mr. C. Yoho
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from June 7, 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 –  
**Ordinance 2023-41** – Ms. B. Van Dike - AN ORDINANCE ADOPTING SECTION 38.14 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “GRANT APPLICATIONS AND GRANT AWARD AGREEMENTS,” TO AUTHORIZING THE MAYOR TO APPLY FOR AND EXECUTE GRANT APPLICATIONS AND GRANT AWARD AGREEMENTS, AND DECLARING AN EMERGENCY.  
  
**Ordinance 2023-42** – Mr. C. Yoho - AN ORDINANCE ADOPTING SECTION 76.10 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “PARKING OF NON-COMMERCIAL TRAILERS, RECREATIONAL VEHICLES AND MOTOR HOMES ON PUBLIC STREETS PROHIBITED,” TO PROHIBIT THE PARKING OF NON-COMMERCIAL TRAILERS, RECREATIONAL VEHICLES AND MOTOR HOMES ON PUBLIC STREETS AND RIGHT OF WAYS IN THE VILLAGE, 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

June 7, 2023

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

Ms. K. Miller 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, 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, and Assistant Law Director Natalie Rothenbuecher.

Motion by Mr. W. Bauer 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. R. McDowall to adopt the minutes from May 17, 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 had no report.

FINANCE/AUDIT – Ms. Van Dike had no report.

STREETS – Mr. Tonsic reported he has three pieces of legislation to read.

Council President Mr. Raddish announced that June's Work Session will be held Wednesday, June 28, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

### NEW BUSINESS –

Mr. J. Tonsic presented Resolution 2023-38 sponsored by Streets Committee as follows:

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.

Mr. J. Tonsic 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 Mr. J. Tonsic to adopt Resolution 2023-38, a second was made by Mr. W. Bauer.

Mr. Yoho asked if this is from Mogadore Road up to Curtis Street.

Mayor Rick stated yes.

Vote. Unanimous ayes. Motion carried.

Mr. J. Tonsic presented Resolution 2023-**39** sponsored by Streets Committee as follows:

**A RESOLUTION APPROVING THE APPOINTMENT OF GARY W. MAAG AS ROAD SUPERVISOR FOR THE VILLAGE OF MOGADORE, 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 2023-39, a second was made by Mr. R. McDowall.

Mayor Rick stated Gary Maag has been interim supervisor since the end of November of last year and has done a fantastic job.

Mr. Raddish agreed with Mayor Rick.

Vote. Unanimous ayes. Motion carried.

Mr. J. Tonsic presented Ordinance 2023-**40** sponsored by Streets Committee as follows:

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

Mr. J. Tonsic 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 Mr. J. Tonsic to adopt Ordinance 2023-40, a second was made by Ms. K. Miller.

Mayor Rick stated this is the driveway on the south side of the Municipal Building that has been vacated and now belongs to Synthomer.

Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Wayne Anderson, 69 Second Avenue, asked the council if there was an update on the ordinance regarding trailers and mobile homes.

Mayor Rick stated the Planning and Zoning Commission has only discussed this matter. They have not voted on changing anything at this time. Mayor Rick stated the next Planning and Zoning meeting will be held on June 12<sup>th</sup> and the commission will discuss.

COMMENTS from Council: Mr. Tonsic stated the Memorial Day service was wonderful.

Mayor Rick stated Officer Love did a great job on his speech.

Mr. Yoho commended both Chief Cain and Chief Higgins for putting together the safety drill for the active shooter that was held at Somers Elementary yesterday.

Mayor Rick also thanked both Chiefs, John Knapp, and everyone that participated in the safety drill.

COMMENTS from the Assistant Law Director: No Comments.

COMMENTS from the Village Engineer: No Comments.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: Mayor Rick announced there will be a public hearing on June 12<sup>th</sup> between the council and the planning and zoning commission. Mayor Rick reminded everyone the summer park program starts next Monday from 9:00 a.m. to 3 p.m. Monday through Friday.

Mr. Raddish asked how many kids have been signed up for the summer park program.

Mayor Rick stated they have fifty kids so far.

Meeting adjourned at 5:41 p.m.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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

RECORD OF ORDINANCES

Ordinance No. 2023-41

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

SPONSOR: FINANCE COMMITTEE

AN ORDINANCE ADOPTING SECTION 38.14 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “GRANT APPLICATIONS AND GRANT AWARD AGREEMENTS,” TO AUTHORIZING THE MAYOR TO APPLY FOR AND EXECUTE GRANT APPLICATIONS AND GRANT AWARD AGREEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 38 of the Village of Mogadore Codified Ordinances contains Village policies and procedures; and

WHEREAS, the Village is routinely applying for and entering into grants to benefit the Village and its community; and

WHEREAS, the Codified Ordinances of the Village do not contain a specific section authorizing execution of grant applications and awards by the Mayor, and each application and award agreement must be approved by this Council; and

WHEREAS, the Mayor has recommended that this Council add Section 38.14 of the Codified Ordinances of the Village, entitled “Grant Applications and Grant Award Agreements” as set forth on Exhibit A, attached hereto and incorporated herein by reference to (i) authorize the Mayor to execute grant applications for grants requiring a Village match equal to or less than \$25,000.00 without Council approval and (ii) authorize the Mayor to execute and grant award agreements that require no Village match; 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 adopt Section 38.14 for the reasons set forth above.

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 adopts Section 38.14 of the Codified Ordinances of the Village, entitled “Grant Applications and Grant Award Agreements,” as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council 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 3: This Ordinance 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



**Exhibit A**  
**Ordinance 2023-41**

**38.14 GRANT APPLICATIONS AND GRANT AWARD AGREEMENTS.**

The Mayor is hereby authorized to execute grant applications for any grant where the Village's obligation to match or otherwise expend Village funds or share in the expense of the grant activity does not exceed twenty-five thousand dollars (\$25,000). The Mayor is further authorized to execute any grant award agreements for any grant where the Village is not required to provide any matching funds or otherwise expend Village funds or share in the expense of the grant activity. All other grant applications and grant award agreements may only be signed by the Mayor upon the approval of the Village Council pursuant to a resolution.

RECORD OF ORDINANCES

Ordinance No. 2023-42

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

SPONSOR: SAFETY COMMITTEE

AN ORDINANCE ADOPTING SECTION 76.10 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED "PARKING OF NON-COMMERCIAL TRAILERS, RECREATIONAL VEHICLES AND MOTOR HOMES ON PUBLIC STREETS PROHIBITED," TO PROHIBIT THE PARKING OF NON-COMMERCIAL TRAILERS, RECREATIONAL VEHICLES AND MOTOR HOMES ON PUBLIC STREETS AND RIGHT OF WAYS IN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 76 of the Village of Mogadore Codified Ordinances sets forth the traffic code of the Village and provides, in part, for the regulation of parking on public streets and right of ways in the Village; and

WHEREAS, the Mayor and Police Chief have recommended that this Council adopt Section 76.10 of the Codified Ordinances of the Village, entitled "Parking of Non-Commercial Trailers, Recreational Vehicles and Motor Homes on Public Streets Prohibited," as set forth on Exhibit A, attached hereto and incorporated herein by reference, which will regulate the parking of those items on the streets and right of ways within the Village; and

WHEREAS, the Mayor and Police Chief have recommended the adoption of Section 76.10 for the safety of the residents of the Village and to allow safe and clear passage upon the streets and right of ways in the Village; 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 adopt Section 76.10 for the reasons set forth above.

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 adopts Section 76.10 of the Codified Ordinances of the Village, entitled "Parking of Non-Commercial Trailers, Recreational Vehicles and Motor Homes on Public Streets Prohibited," as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council 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 3: This Ordinance 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 regulating the parking of non-commercial trailers, recreational



RECORD OF ORDINANCES

Ordinance No. 2023-42

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

vehicles and motor homes on public streets within the Village to prevent any accident or incident, and, provided this Ordinance 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

**Exhibit A**  
**Ordinance 2023-42**

**SECTION 76.10 PARKING OF NON-COMMERCIAL TRAILERS, RECREATIONAL VEHICLES AND MOTOR HOMES ON PUBLIC STREETS PROHIBITED.**

(A) The terms “non-commercial trailer,” “mobile home,” “recreational vehicle,” “travel trailer,” “house vehicle,” “motor home,” “truck camper,” “fifth wheel trailer,” and “park trailer” shall have the same meanings as those set forth in Section 4501.01 of the Ohio Revised Code.

(B) No person shall park any non-commercial trailer, mobile home, recreational vehicle, travel trailer, house vehicle, motor home, truck camper, fifth wheel trailer, or park trailer on any street or right-of-way within the Village unless the same is being loaded or unloaded and it is parking in an area where motor vehicles are permitted to park. No loading or unloading permitted under this Section shall exceed four (4) hours in length.

(C) Any violation of this Section shall be a minor misdemeanor, punishable by a fine of no more than \$150.00. Any second or additional violation of this Section shall not be a waivable offense. Each day that a non-commercial trailer, mobile home, recreational vehicle, travel trailer, house vehicle, motor home, truck camper, fifth wheel trailer, or park trailer is parked in violation of this Section shall constitute a separate violation of this Section.