

Village of Mogadore

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COUNCIL MEETING AGENDA

July 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. President Pro Temp
6. Minutes from June 21, 2023, Council meeting presented for changes, corrections, and adoption
7. Comments from the Audience on pending legislation
8. Committee Reports
9. Old Business – None.
10. New Business –

Resolution 2023-43 – Ms. B. Van Dike – A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE FIRE FUND AND CEMETERY FUND, AND DECLARING AN EMERGENCY.

Resolution 2023-44 – Ms. B. Van Dike – A RESOLUTION DECLARING THE VILLAGE OF MOGADORE POLICE AND FIRE DEPARTMENTS AS SUBSTANTIALLY DEDICATED TO RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY DURING THE TIME PERIOD OF MARCH 1, 2020 TO DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

Ordinance 2023-45 – Ms. K. Miller – AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 176 NORTH CLEVELAND AVENUE FROM AN R-1 ZONING DISTRICT DESIGNATION TO AN R-2 ZONING DISTRICT DESIGNATION, AND DECLARING AN EMERGENCY.

Resolution 2023-46 – Mr. R. McDowall – A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR PHASE I OF THE LIONS PARK TRAIL IMPROVEMENTS, AND DECLARING AN EMERGENCY.

11. Comments

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

12. Adjournment

COUNCIL MEETING

June 21, 2023

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

Mr. C. Yoho 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. W. Bauer, and Ms. K. Miller. Mr. J. Tonsic was excused.

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

Motion by Ms. B. Van Dike second by Mr. R. McDowall 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 June 7, 2023, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION –

Carl Housley, 67 First Avenue, referenced Ordinance 2023-42. Housley asked the council what problem(s) that have been seen that need to be addressed by this ordinance.

Dodson stated the Village has a prohibition that prohibits other larger vehicles on the roadway, but the Village does not have a prohibition on RVs or motor homes. Dodson stated this would prohibit parking those vehicles on the street or within the right-of-way. Dodson also stated this ordinance is the same as what the City of Tallmadge has.

COMMITTEE REPORTS –

UTILITIES – Mr. Bauer had no report.

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

PARKS –Mr. McDowall had no report.

PLANNING AND ZONING – Ms. Miller had no report.

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

STREETS – Mr. Tonsic not present.

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 –

Ms. B. Van Dike presented Ordinance 2023-41 sponsored by Finance Committee as follows:

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.

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 2023-41, a second was made by Mr. W. Bauer. Vote. Unanimous ayes. Motion carried.

Mr. C. Yoho presented Ordinance 2023-42 sponsored by Safety Committee as follows:

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.

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 2023-42, a second was made by Ms. K. Miller. Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public:

Jon Mencer, 242 S Cleveland Avenue, stated some of the bushes in front of Synthomer have overgrown and take up space on the sidewalk. Mencer asked if they could mention this to Synthomer.

Mayor Rick stated he would let them know tomorrow.

Wayne Anderson, 69 Second Avenue, expressed his concern about deer crossing down by the reservoir by Omega Laboratories. Anderson asked the council if the Village could put up a few deer crossing signs.

Mayor Rick stated he would have the street department put a few deer crossing signs up down there.

COMMENTS from Council: No comments.

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: No Comments.

RECORD OF ORDINANCES

Resolution No. 2023-43

Passed _____, 20____

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE FIRE FUND AND CEMETERY 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 Fire Fund and Cemetery 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 Fire Fund and Cemetery 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 Fire Fund and Cemetery Fund, as follows:

From: General Fund	\$275,000.00
To: Fire Fund	\$250,000.00
Cemetery Fund	\$ 25,000.00

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. 2023-44

Passed _____, 20____

SPONSOR: FINANCE COMMITTEE

A RESOLUTION DECLARING THE VILLAGE OF MOGADORE POLICE AND FIRE DEPARTMENTS AS SUBSTANTIALLY DEDICATED TO RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY DURING THE TIME PERIOD OF MARCH 1, 2020 TO DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

WHEREAS, the COVID-19 pandemic experienced by the Village constituted a public health emergency; and

WHEREAS, for the periods March 1, 2020 to December 31, 2021, the Village utilized the employees of the Police and Fire Departments substantially for the purpose of responding to the public health emergency presented by the COVID-19 pandemic; 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 declare the Mogadore Police and Fire Departments, and the employees of those Departments, substantially dedicated to responding to the public health emergency presented by the COVID-19 pandemic during the time period of March 1, 2020 to December 31, 2021.

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 declares that the Mogadore Police and Fire Departments, and employees of those Departments, as substantially dedicated to responding to, and mitigating, the public health emergency presented by the COVID-19 pandemic during the time period of March 1, 2020 to December 31, 2021, including, but not limited to protecting the health and safety of the residents of the Village during that time.

SECTION 2: 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 3: 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 making the above declaration for the purpose of utilizing federal COVID-19 pandemic relief funds awarded to the Village, 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

Ordinance No. 2023-45

Passed _____, 20____

SPONSOR: PLANNING COMMITTEE

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 176 NORTH CLEVELAND AVENUE FROM AN R-1 ZONING DISTRICT DESIGNATION TO AN R-2 ZONING DISTRICT DESIGNATION, AND DECLARING AN EMERGENCY.

WHEREAS, Section 152.133 of the Village’s Codified Ordinances provides this Council the authority to modify the number, shape or area of the districts established by the Codified Ordinances and set forth on the Village’s zoning map, including amending said zoning map, provided that the Village complies with the procedural requirements contained therein; and

WHEREAS, the owners of the real property located at 176 North Cleveland Avenue, Mogadore, OH 44260, consisting of 1.016 acres and identified in the Summit County Records as Parcel No. 5500181 (the “Property”) previously filed an application with the Clerk-Treasurer to rezone the Property from an R-1 zoning district designation to an R-2 zoning district designation; and

WHEREAS, following proper notice, this Council and the Village’s Planning Commission held a joint hearing on the application for the rezoning of the Property from an R-1 zoning district designation to an R-2 zoning district designation on June 12, 2023, pursuant to Section 152.133 of the Village’s Codified Ordinances; and

WHEREAS, on June 26, 2023, the Village’s Planning Commission voted unanimously to recommend the rezoning of the Property from an R-1 zoning district designation to an R-2 zoning district designation; 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 rezone the Property from an R-1 zoning district designation to an R-2 zoning district as set forth herein, and to amend the Village’s zoning map accordingly.

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

SECTION 1: Pursuant to Section 152.133 of the Village’s Codified Ordinances, this Council hereby rezones the Property from an R-1 zoning district designation to an R-2 zoning district.

SECTION 2: The Village’s zoning map is hereby amended to reflect the Property as part of the Village’s R-2 zoning district designation.

SECTION 3: 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.

RECORD OF ORDINANCES

Resolution No. 2023-46

Passed _____, 20____

SPONSOR: PARKS COMMITTEE

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR PHASE I OF THE LIONS PARK TRAIL 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 certain improvements to the trail at Lions Park (the "Phase I Lions Park Trail Improvements"); and

WHEREAS, the Village Engineer has prepared plans and specifications for the Phase I Lions Park Trail Improvements, 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 Phase I Lions Park Trail 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 Phase I Lions Park Trail 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 Phase I Lions Park Trail 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 Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council,

