

Village of Mogadore

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COUNCIL MEETING AGENDA

July 19, 2023

5:30 p.m.

1. Moment of Reflection – Ms. B. Van Dike
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. President Pro Temp
6. Minutes from July 5, 2023, Council meeting presented for changes, corrections, and adoption
7. Comments from the Audience on pending legislation
8. Committee Reports
9. Old Business – Second Reading:

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.

10. New Business –

Ordinance 2023-47 – Ms. K. Miller - AN ORDINANCE ADOPTING SECTION 93.56 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “EXTERIOR LIGHTING,” TO REGULATE THE USE OF EXTERIOR LIGHTING IN THE VILLAGE, AND DECLARING AN EMERGENCY.

Ordinance 2023-48 – Ms. K. Miller - AN ORDINANCE ADOPTING SECTION 152.037 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “EXTERIOR LIGHTING,” AND AMENDING SECTION 152.113, ENTITLED “SPECIFIC REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES,” FOR THE PURPOSE OF PROVIDING ZONING REGULATIONS AND RESTRICTIONS ON THE USE OF EXTERIOR LIGHTING IN ALL ZONING DISTRICTS IN THE VILLAGE, AND DECLARING AN EMERGENCY.

Resolution 2023-49 – Mr. C. Yoho - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT CONTROL AGREEMENT WITH THE SUMMIT AREA REGIONAL COUNCIL OF GOVERNMENTS AS THE OPERATOR OF THE SUMMIT EMERGENCY COMMUNICATIONS CENTER FOR ACCESS TO THE LAW ENFORCEMENT AUTOMATED DATA SYSTEM, AND DECLARING AN EMERGENCY.

Resolution 2023-50 – Mr. C. Yoho - A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A 2022 FEMA ASSISTANCE TO FIREFIGHTERS GRANT, AND DECLARING AN EMERGENCY.

Resolution 2023-51 – Mr. C. Yoho - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A 2024 FORD POLICE INTERCEPTOR SUV FROM FAIRWAY FORD AT STATE- TERM CONTRACT PRICING WHICH WILL NOT EXCEED \$52,000.00, AND DECLARING AN EMERGENCY.

Resolution 2023-52 – Mr. J. Tonsic - A RESOLUTION AUTHORIZING THE MAYOR TO SELL A JOHN DEERE TRACTOR VIA ONLINE AUCTION THROUGH GOVDEALS.COM, 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

July 5, 2023

Council met in regular session at 5:30 p.m. with Mr. Raddish presiding.

Mr. R. McDowall 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: Council Clerk Rachel Osborne, Village Engineer Matt Glass, and Assistant Law Director Natalie Rothenbuecher. Mayor Rick, Clerk-Treasurer Scott Varney, and Law Director Jason Dodson were not present.

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

Motion by Mr. W. Bauer, second by Ms. K. Miller to adopt the minutes from June 21, 2023, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION –

COMMITTEE REPORTS –

UTILITIES – Mr. Bauer had no report.

SAFETY – Mr. Yoho had no report.

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

PLANNING AND ZONING – Ms. Miller reported she has one piece of legislation to read.

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 that June's Work Session will be held Wednesday, July 26, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

NEW BUSINESS –

Ms. B. Van Dike presented Resolution 2023-43 sponsored by Finance Committee as follows:

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE FIRE FUND AND CEMETERY FUND, 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 2023-43, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

Ms. B. Van Dike presented Resolution 2023-44 sponsored by Finance Committee as follows:

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.

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 2023-44, a second was made by Mr. W. Bauer. Vote. Unanimous ayes. Motion carried.

First Reading:

Ms. K. Miller presented Ordinance 2023-45 sponsored by Planning Committee as follows:

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.

Mr. R. McDowall presented Resolution 2023-46 sponsored by Parks Committee as follows:

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.

Mr. R. McDowall 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. R. McDowall to adopt Resolution 2023-46, a second was made by Ms. K. Miler.

Glass stated this is phase one work for the path along the east side of the baseball field and on the north side of the creek going back to the existing trail. Glass stated the Village currently has an application submitted for the recreation trails program grant through ODNR that would be for phase 2 for paving.

Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public:

Carl Housley, 67 First Avenue, Housley referenced 2023-42 and asked for more clarity on what the Village's definition is of larger vehicles.

Rothenbuecher stated she would speak with Law Director Dodson and discuss more with Mayor Rick.

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 present.

COMMENTS from the Mayor Acting: Mr. Raddish thanked everyone for coming and to be careful on their way home.

Meeting adjourned at 5:41 p.m.

Attest:

Clerk-Treasurer

Mayor Acting

Date

RECORD OF ORDINANCES First Reading: July 5, 2023

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

Ordinance No. 2202-47

Passed _____, 20____

SPONSOR: PLANNING & ZONING COMMITTEE

AN ORDINANCE ADOPTING SECTION 93.56 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED "EXTERIOR LIGHTING," TO REGULATE THE USE OF EXTERIOR LIGHTING IN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 93 of the Village of Mogadore Codified Ordinances sets forth the nuisance code of the Village; and

WHEREAS, the Mayor has recommended that this Council adopt Section 93.56 of the Codified Ordinances of the Village, entitled "Exterior Lighting," as set forth on Exhibit A, attached hereto and incorporated herein by reference, which will regulate the use of exterior lighting in the Village to prevent the same from becoming a nuisance; 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 93.56 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 93.56 of the Codified Ordinances of the Village, entitled "Exterior Lighting," 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 use of exterior lighting that may constitute a nuisance in the Village, 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.

EXHIBIT A

93.56 EXTERIOR LIGHTING

(A) No owner or occupant of property shall place or permit the placement of exterior lighting upon any building or property owned or occupied by him or her unless such lighting is designed and placed in such a manner and is of such illumination as to confine illumination to the property upon which it is placed and prevent unreasonable shining, lighting, glare or reflection upon neighboring residential premises or upon public streets.

(B) Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day the violation persists shall be deemed a separate violation.

RECORD OF ORDINANCES

Ordinance No. 2023-48

Passed _____, 20____

SPONSOR: PLANNING & ZONING COMMITTEE

AN ORDINANCE ADOPTING SECTION 152.037 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “EXTERIOR LIGHTING,” AND AMENDING SECTION 152.113, ENTITLED “SPECIFIC REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES,” FOR THE PURPOSE OF PROVIDING ZONING REGULATIONS AND RESTRICTIONS ON THE USE OF EXTERIOR LIGHTING IN ALL ZONING DISTRICTS IN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 152 of the Village of Mogadore Codified Ordinances serves as the zoning code of the Village; and

WHEREAS, the Mayor has recommended that this Council adopt Section 152.037 of the Codified Ordinances of the Village, entitled “Exterior Lighting,” as set forth on Exhibit A, attached hereto and incorporated herein by reference, which will provide zoning regulations and restrictions on the use of exterior lighting in the Village; and

WHEREAS, the Mayor has also recommended that this Council amend Section 152.113 of the Codified Ordinances of the Village, entitled “Specific Regulations Pertaining to Conditionally Permitted Uses,” as set forth on Exhibit A, attached hereto and incorporated herein by reference, to require that all conditional uses comply with Section 152.037; 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 152.037 and amend Section 152.113 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 152.037 of the Codified Ordinances of the Village, entitled “Exterior Lighting,” as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council hereby amends Section 152.113 of the Codified Ordinances of the Village, entitled “Specific Regulations Pertaining to Conditionally Permitted Uses,” as set forth on Exhibit A, attached hereto and incorporated herein by reference.

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.

EXHIBIT A

152.037 EXTERIOR LIGHTING.

In addition to Section 150.218 concerning the lighting and illumination of signs and billboards, Section 152.024 concerning off-street parking, and Section 152.047 concerning car lots in C-1 Commercial Districts, all external lighting in all districts shall comply with the following:

(a) All external lighting used to light the general area of a specific portion or property shall be shielded to reduce glare and shall be so arranged as to reflect lights away from, and shield glare from, and not shine directly upon, all adjacent residential districts, adjacent residences, and adjacent streets and public right of ways.

(b) All external lighting, other than lighting for the illumination of buildings or lighting and illumination of signs and billboards, shall be directed toward and confined to the ground areas of lawns or parking lots on the property where the lighting is located.

(c) All lighting used for the external illumination of buildings, so as to feature such buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent property or adjacent streets and public right of ways.

(d) All lighting or illumination of signs and billboards shall comply with Section 150.218 of these Codified Ordinances.

152.113 SPECIFIC REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES.

...

~~(E) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.~~ All lighting shall comply with Section 152.037 of these Codified Ordinances.

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RECORD OF ORDINANCES

Resolution No. 2023-49

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT CONTROL AGREEMENT WITH THE SUMMIT AREA REGIONAL COUNCIL OF GOVERNMENTS AS THE OPERATOR OF THE SUMMIT EMERGENCY COMMUNICATIONS CENTER FOR ACCESS TO THE LAW ENFORCEMENT AUTOMATED DATA SYSTEM, AND DECLARING AN EMERGENCY.

WHEREAS, the Summit Area Regional Council of Governments has been created by the County of Summit and the Cities of Cuyahoga Falls, Fairlawn, Stow and Tallmadge (“SARCOG”) for the operation of a joint public safety dispatch facility at 630 North Ave., Tallmadge, OH 44278 known as the Summit Emergency Communications Center (“SECC”); and

WHEREAS, it is anticipated that the Village will contract with SARCOG to perform public safety dispatching on behalf of the Village; and

WHEREAS, Ohio Administrative Code Section 4501:2-10-03(A)(2) requires the any joint dispatching facility enter into a management control agreement with each criminal justice agency it serves to ensure compliance by that joint dispatching facility with Law Enforcement Automated Data System (“LEADS”) rules; and

WHEREAS, for the reasons set forth above, the Mayor has recommended that the Village enter into a management control agreement with SARCOG, on behalf of the SECC, in the form attached hereto as Exhibit A, attached hereto and incorporated herein, together with any revisions thereto approved by the Village Law Director that are not materially adverse to 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 of Mogadore to authorize the Mayor to execute the management control agreement with SARCOG on behalf of the SECC.

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 is hereby authorized execute the management control agreement with SARCOG, on behalf of the SECC, in the form attached hereto as Exhibit A, attached hereto and incorporated herein, together with any revisions thereto approved by the Village Law Director that are not materially adverse to the Village.

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.

EXHIBIT A

Management Control Agreement between the Village of Mogadore on behalf of the Mogadore Police Department and the Summit Area Regional Council of Governments on behalf of the Summit Emergency Communications Center

This Management Control Agreement is entered into by and between the Summit Area Regional Council of Governments, on behalf of the Summit Emergency Communications Center ("SECC"), having its principal place of business located at 630 North Ave. Tallmadge, Ohio 44278 and the Village of Mogadore on behalf of the Mogadore Police Department ("AGENCY"), having its principal place of business located at 1235 S. Cleveland Ave., Mogadore, OH 44260, collectively known as "Parties".

WHEREAS, Ohio Administrative Code (OAC) 4501:2-10-03(A)(2) requires that a criminal justice agency has a written agreement with a governmental division which operates the data equipment used by agencies to access Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) to assure the criminal justice agency has management control. This includes regional dispatch centers as a cooperative effort by political subdivisions in a particular area for the purpose of providing consolidated and computer-assisted dispatch for public safety purposes; that is, police, fire, and rescue services; and

WHEREAS, AGENCY, a criminal justice agency as designated by the State of Ohio LEADS, is a Terminal Agency that qualifies for their originating agency identifier (ORI OHXXXXXXXX); and

WHEREAS, SECC, a cooperative dispatching agency designated under OAC 4501:2-10-03(A)(5), is a Terminal Agency that qualifies for an originating agency identifier (ORI XXXXXXXX); and

WHEREAS, the purpose of this agreement is to establish and enforce Security Control of the access and use of the CJI, LEADS and associated ODPS, FBI and other systems in a location where access to and/or use of that system is accomplished by a CJA with the assistance of NCJA.

DEFINITIONS

- a. Law Enforcement Automated Data System (LEADS) — A computerized network administered by the Ohio State Highway Patrol, which provides computerized data and communications for criminal justice agencies within the state of Ohio. (OAC 4501:210-01(W))
- b. National Crime Information Center (NCIC) — The nationwide computerized filing system established for criminal justice agencies at the local, state, and federal levels and is managed by the Federal Bureau of Investigation (FBI). (OAC 4501:2-10-01(11))
- c. Criminal Justice Functions — hardware, software, network, dispatching functions
- d. Criminal Justice Information (CJI) — the abstract term used to refer to all of the LEADS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person (includes driver's license photo, SSN, etc.), organization, property (when accompanied by any personally identifiable information), and case/incident history data. The following type of data are exempt from the protection levels required for CJI: transaction control type numbers (e.g. ORI, NIC, FNU, etc.) when not accompanied by information that reveals CJI or PII and BMV driving records. (OAC 4501:2-10-01(M))
- e. Security Controls — Activities including, but not limited to, the supervision of applicable equipment system design programming and operating procedures associated with the development implementation and operation of any computerized message switching or database systems utilized by the served law enforcement agency for agencies. Computer

sites must have adequate physical security to protect against any unauthorized viewing or access to computer terminals access devices or stored slash printed data.

II. SCOPE OF MANAGEMENT CONTROL

- a. This agreement is prepared to comply with the LEADS requirements for SECC personnel who may function under LEADS administrative roles during the course of business.
- b. The SECC agrees to sign and execute a LEADS Terminal Agency Agreement and, by doing so, agrees to abide by all the rules and regulations required by that agreement.
- c. Administrative Control over SECC assets, personnel and infrastructure will remain with SECC.
- d. Unauthorized personnel will be restricted access to SECC property and infrastructure systems.
- e. SECC agrees to utilize interconnected state and national repositories (LEADS, NCIC, NLETS) and information contained therein, in accordance with LEADS and criminal justice agency standards.
- f. SECC agrees to develop local policy and procedure to meet the requirements if the LEADS Terminal Agency Agreement.

III. TERM AND TERMINATION

- a. This Agreement shall commence on the first day the Agency's dispatch center transfers to SECC and shall continue in full force and effect until either party has a change of Agency Administrator.
- b. This Agreement may be terminated for any reason, with thirty (30) days written notice to the other party.

IV. AMENDMENT

- a. Amendments to this agreement must be in writing and require updated signatures.

V. LEADS Owned Equipment/ Connected Agency Owned Equipment (OAC 4501:2-10-10)

- a. SECC personnel, if called upon to assist in maintaining LEADS equipment shall notify LEADS of any malfunctions of its equipment, if the SECC personnel have not already done so.
- b. SECC owned equipment used to access LEADS, shall be supported by repair service as required by the LEADS security policy as a minimum.
- c. LEADS owned equipment shall not be changed, modified, turned off, unplugged, or rendered inoperable in any manner except in the case of equipment malfunction preventing operation or if directed by LEADS personnel or equipment contract repair personnel.
- d. All repairs on LEADS owned and serviced equipment shall be initiated through LEADS.
- e. LEADS owned equipment shall not be changed in any manner or moved from the installed position without permission of the CMS System Officer (CSO). All written requests to change or move LEADS owned equipment shall be forwarded through the SECC Terminal Agency Coordinator (TAC).
- f. SECC shall provide written notice to LEADS of any relocation of LEADS owned equipment accessing LEADS or any change request shall be submitted in writing at least forty-five days in advance of the move. Prior to relocating equipment, a site inspection may be conducted, and location approved by LEADS staff.

- g. Modifications or additions of any SECC owned equipment connected to LEADS shall be approved in writing by LEADS.
- h. No remote access is permitted to LEADS except as approved by LEADS. Remote access to agency owned equipment is prohibited while the equipment is on-line with LEADS, except as approved and monitored by LEADS control.
- i. SECC owned software is not permitted to be installed in LEADS owned equipment. SECC equipment and/or software believed to be degrading LEADS service shall be disconnected until the problem is resolved.
- j. LEADS owned equipment/software or equipment/software connected to LEADS shall not be interconnected to other systems or networks without written authorization from the CSO.
- k. LEADS owned equipment/software shall not be used for personal benefit.
- l. All equipment/software use will be monitored continually by LEADS control and randomly by LEADS staff or their representatives. Any misuse shall be cause for administrative sanction and/or criminal prosecution.

We, the undersigned Parties, agree to the above purpose, principles, and standards of the management control.

Mayor Michael Rick
Village of Mogadore

Date

Director David O'Neal
Summit Area Regional Council of Governments

Date

RECORD OF ORDINANCES

Resolution No. 2023-50

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A 2022 FEMA ASSISTANCE TO FIREFIGHTERS GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution 2022-72, this Council authorized the Mayor to enter into a Memorandum of Understanding with other communities to apply for a 2022 FEMA Assistance to Firefighters Grant, and to purchase radios with funds from said grant; and

WHEREAS, the Mayor entered into the aforementioned Memorandum of Understanding, the aforementioned grant was applied for, and the aforementioned grant has been awarded to the Village; and

WHEREAS, the Mayor has requested that this Council authorize the Mayor to accept the 2022 FEMA Assistance to Firefighters Grant; 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 to accept the 2022 FEMA Assistance to Firefighters Grant.

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 to accept the 2022 FEMA Assistance to Firefighters Grant. In accordance with said authorization, the Mayor, Clerk-Treasurer and Fire Chief are hereby authorized and directed to execute all agreements and other documents necessary to accept said grant funds.

SECTION 2: This Council reaffirms the authorization provided in Resolution 2022-72 for the Mayor and/or Fire Chief to purchase the necessary radios using the aforementioned grant funds in a collective amount not to exceed \$25,000.00, and each are authorized to execute any agreements and other documents necessary to effectuate the same.

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.

RECORD OF ORDINANCES

Resolution No. 2023-51

Passed _____, 20__

SPONSOR: MAYOR RICK

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A 2024 FORD POLICE INTERCEPTOR SUV FROM FAIRWAY FORD AT STATE-TERM CONTRACT PRICING WHICH WILL NOT EXCEED \$52,000.00, 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, Section 125.04 of the Ohio Revised Code provides an exception to the Village's requirement for competitive bidding for the purchase of goods and services through the Village's participation in a pricing procured by the State of Ohio Department of Administrative Services ("State-Term Contract"); and

WHEREAS, the Mayor and Chief of Police desire to place an order with Fairway Ford at State-Term Contract pricing, for a 2024 Ford Police Interceptor SUV in an amount not to exceed \$52,000.00; 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 to enter into an agreement to purchase a 2024 Ford Police Interceptor SUV from Fairway Ford for an amount not to exceed \$52,000.00 pursuant to State-Term Contract pricing.

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 is hereby authorized to enter into an agreement to purchase a 2024 Ford Police Interceptor SUV from Fairway Ford for an amount not to exceed \$52,000.00 pursuant to State-Term Contract pricing.

SECTION 2: The Mayor and all other Village officials are authorized and directed to sign and/or enter into any instruments of conveyance or other documents necessary to effectuate the provisions of this Resolution. Additionally, the Mayor and Police Chief are authorized to enter into any purchase orders of less than \$25,000.00 necessary to equip the 2024 Ford Police Interceptor SUV.

SECTION 3: To the extent not already done so, the funds required for payment of the obligations incurred by the Village incurred herein are hereby appropriated.

RECORD OF ORDINANCES

Resolution No. 2023-51

Passed _____, 20____

SECTION 4: 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 5: 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 purchasing the 2024 Ford Police Interceptor SUV so that the Village may maintain a satisfactory fleet of police vehicles, in particular during the ongoing supply chain issues surrounding the same, 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. 2023-52

Passed _____, 20__

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO SELL A JOHN DEERE TRACTOR VIA ONLINE AUCTION THROUGH GOVDEALS.COM, AND DECLARING AN EMERGENCY.

WHEREAS, Section 3.10(F) of the Charter of the Village of Mogadore provides this Council the power to determine the method, manner, consideration and procedure for the sale or disposal of real and personal property on behalf of the Village; and

WHEREAS, Section 721.15(D) of the Ohio Revised Code empowers the Village to sell, regardless of the property's value, personal property acquired for use by the Village, which is no longer needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction upon the adoption for each calendar year of a resolution expressing the Council's intent to sell such property by internet auction; and

WHEREAS, this Council previously adopted Resolution No. 2022-76, which expressed the Council's intent to conduct internet auctions to sell or dispose of unneeded, obsolete or unfit personal property of the Village, and authorized the Mayor to enter into a contract with Govdeals.com for the conduct of such internet auctions on behalf of the Village; and

WHEREAS, the Village owns a certain John Deere tractor that was previously used by the Street Department that is unneeded, obsolete and unfit for use by the Village; and

WHEREAS, the Mayor and Street Superintendent have recommended to this Council that it authorize the sale of said John Deere tractor via internet auction conducted by Govdeals.com on behalf of 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 authorize the Mayor to sell the aforementioned John Deere tractor via internet auction conducted by Govdeals.com on behalf of 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 Mayor is hereby authorized and directed to sell the John Deere tractor via internet auction conducted by Govdeals.com on behalf of the Village. The Mayor, Clerk-Treasurer and any other Village employees are hereby authorized to take all actions reasonable and necessary to effectuate said internet auction.

SECTION 2: The internet auction authorized in Section 1 of this Resolution shall satisfy the statutory minimum of ten (10) calendar days for bidding on the property.

