

# Village of Mogadore

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Mogadore, OH 44260

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

## COUNCIL MEETING AGENDA

August 2, 2023

5:30 p.m.

1. Moment of Reflection – Mr. M. Raddish
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from July 19, 2023, Council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on pending legislation
7. Committee Reports
8. Old Business – Third 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.

9. New Business –

**Ordinance 2023-53** – Mr. W. Bauer - AN ORDINANCE VACATING SPRING STREET AND MILL STREET WITHIN THE MUNICIPAL LIMITS OF THE VILLAGE OF MOGADORE UPON THE SATISFACTION OF CERTAIN CONDITIONS BY THE WHEELING AND LAKE ERIE RAILWAY COMPANY, AND DECLARING AN EMERGENCY.

**Resolution 2023-54** – Mr. M. Raddish - A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREETS CONSTRUCTION/MAINTENANCE FUND, AND DECLARING AN EMERGENCY.

**Resolution 2023-55** – Mr. C. Yoho - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION FOR THE OPERATION OF A LAW ENFORCEMENT CANINE PROGRAM, AND DECLARING AN EMERGENCY.

**Resolution 2023-56 – Mr. W. Bauer - A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A CONGESTION MITIGATION AIR QUALITY PROGRAM GRANT FROM THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY TO ACQUIRE AND INSTALL A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF NORTH CLEVELAND AVENUE AND ALBRECHT AVENUE, 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

July 19, 2023

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

Ms. B. Van Dike 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, Ms. B. Van Dike, Mr. M. Raddish, Mr. J. Tonsic, and Mr. W. Bauer. Mr. R. McDowall came in late, and Ms. K. Miller was excused.

Others Present: Council Clerk Rachel Osborne, Village Engineer Matt Glass, Law Director Jason Dodson, and Clerk-Treasurer Scott Varney. Mayor Rick was not present.

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

Motion by Mr. W. Bauer, second by Ms. B. Van Dike to adopt the minutes from July 5, 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 reported he has three pieces of legislation to read.

PARKS – Mr. McDowall was not present.

PLANNING AND ZONING – Ms. Miller was not present.

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

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

### OLD BUSINESS - Second Reading:

Mr. J. Tonsic 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.

### NEW BUSINESS –

Mr. J. Tonsic presented Ordinance 2023-**47** sponsored by Planning and Zoning Committee as follows:

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.

Mr. J. Tonsic 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 Mr. J. Tonsic to adopt Ordinance 2023-47, a second was made by Mr. W. Bauer. Vote. Unanimous ayes. Motion carried.

Mr. J. Tonsic presented Ordinance 2023-48 sponsored by Planning and Zoning Committee as follows:

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.

Mr. J. Tonsic 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 Mr. J. Tonsic to adopt Ordinance 2023-48, a second was made by Mr. C. Yoho.

Dodson stated 2023-47 is the nuisance provision that would make it a minor misdemeanor if exterior lighting went beyond your property limits and onto someone else's property. Dodson stated 2023-48 is the zoning provision that applies to all districts in the Village that essentially is the same as 2023- 47.

Vote. Unanimous ayes. Motion carried.

Mr. C. Yoho presented Resolution 2023-49 sponsored by Safety Committee as follows:

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.

Mr. C. Yoho 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. C. Yoho to adopt Resolution 2023-49, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

Mr. C. Yoho presented Resolution 2023-50 sponsored by Safety Committee as follows:

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

Mr. C. Yoho 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 Mr. C. Yoho to adopt Resolution 2023-50, a second was made by Mr. R. McDowall. Vote. Unanimous ayes. Motion carried.

Mr. C. Yoho presented Resolution 2023-51 sponsored by Mayor Rick as follows:

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.

Mr. C. Yoho 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. C. Yoho to adopt Resolution 2023-51, a second was made by Mr. W. Bauer. Vote. Unanimous ayes. Motion carried.

Mr. J. Tonsic presented Resolution 2023-52 sponsored by Streets Committee as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO SELL A JOHN DEERE TRACTOR VIA ONLINE AUCTION THROUGH GOVDEALS.COM, 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 2023-52, a second was made by Mr. C. Yoho. 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.

Dodson stated the revised code does not state the size of recreation vehicles. Legislation in surrounding areas is the same.

Housley asked how much money has been received from the Safer Grant.

Varney stated no money has been received yet, but he is working on the application requesting reimbursement.

Housley asked how many full-time firefighters are there.

Varney stated there are five full-time medics.

Jon Mencer, 242 S Cleveland Avenue, stated the tree branches on Albrecht Avenue by the park are severely overgrown to the road and need to be trimmed. Mencer also mentioned the Springfield Township School district loading/unloading sign that blocks the view of his son's car window.

Glass stated he will have the branches trimmed and look at the signage concern as well. Glass stated if needed he will reach out to Springfield Township.

COMMENTS from Council: Mr. Yoho thanked everyone that worked at the festival the turnout was good.

Mr. McDowall thanked everyone who helped at the festival it was a big success.

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 Acting: Mr. Raddish stated whoever organized the fireworks did a fantastic job at the festival.

Meeting adjourned at 5:51 p.m.

Attest:

\_\_\_\_\_

Mayor

Date

\_\_\_\_\_

Clerk-Treasurer

RECORD OF ORDINANCES

First Reading: July 5, 2023  
Second Reading: July 19, 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

First Reading: July 5, 2023  
Second Reading: July 19, 2023Ordinance No. 2023-45

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

SECTION 4: 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 amending the zoning designation for the Property so that the owners of the Property may proceed with the construction of an apartment addition to the house located on the Property, 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



## RECORD OF ORDINANCES

Ordinance No. 2023-53

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

SPONSOR: STREETS COMMITTEE

AN ORDINANCE VACATING SPRING STREET AND MILL STREET WITHIN THE MUNICIPAL LIMITS OF THE VILLAGE OF MOGADORE UPON THE SATISFACTION OF CERTAIN CONDITIONS BY THE WHEELING AND LAKE ERIE RAILWAY COMPANY, 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, Spring Street is currently located within the Village of Mogadore, running west off of South Cleveland Avenue to a dead end; Mill Street runs south off of the aforementioned Spring Street. Collectively, Spring Street and Mill Street are comprised of 1.294 acres, and are bordered by The Wheeling and Lake Erie Railway Company, Brayden J. Guyer, and Carter Jones Lumber Company; and

WHEREAS, this Council finds that there is good cause for vacating Spring Street and Mill Street, as more fully depicted on the Spring/Mill Street Road Vacation Plat attached hereto as Exhibit A, given that the streets are no longer used for public purposes; and

WHEREAS, this Council finds that the vacation of Spring Street and Mill Street will not be detrimental to the general interest of the public; and

WHEREAS, as a condition to the vacation of Spring Street and Mill Street, The Wheeling and Lake Erie Railway Company must undertake certain actions before the Mayor is authorized to sign the vacation plat, to-wit:

- (i) An access drive must be installed by The Wheeling and Lake Erie Railway Company upon its parcel at a location approved by the Village Engineer.
- (ii) The Wheeling and Lake Erie Railway Company must remove all asphalt on the vacated portion of Spring Street between North Cleveland Avenue and the railroad overpass to the west, and subsequently fill and seed the same, to the Village Engineer's satisfaction.
- (iii) The Wheeling and Lake Erie Railway Company must install and/or repair the sidewalk that runs along North Cleveland Avenue in the to-be-vacated portion of Spring Street and the balance of the property owned by said Company along North Cleveland Avenue, to the Village Engineer's satisfaction.
- (iv) The Wheeling and Lake Erie Railway Company must clean-up the fill material used to fill in under the railroad overpass crossing the to-be-vacated Spring Street.
- (v) The Wheeling and Lake Erie Railway Company must execute and/or provide a performance guaranty that the above items will be completed.

## RECORD OF ORDINANCES

Ordinance No. 2023-53

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

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 Spring Street and Mill Street within the municipal limits of the Village of Mogadore as set forth on Exhibit A, upon the completion of the conditions in the immediately preceding recital paragraph.

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, upon satisfaction of the conditions set forth in the recitals, above, as the same will be certified by the Village Engineer, that Spring Street and Mill Street be vacated by the Village, as more fully set forth and depicted on the Spring/Mill Street Road Vacation Plat attached hereto as Exhibit A.

SECTION 2: This Council hereby authorizes the Mayor and Village Engineer, only upon the satisfaction of the conditions set forth in the recitals, above, to execute the Spring/Mill Street Road Vacation Plat in the form attached hereto as Exhibit A.

SECTION 3: The Clerk-Treasurer is hereby authorized and directed to file the Spring/Mill Street Road Vacation Plat and a certified copy of this Ordinance with the Summit County Fiscal Officer at the appropriate time.

SECTION 4: The Mayor, Clerk-Treasurer and Village Engineer are hereby authorized to execute and enter into any agreements necessary to effectuate the conditions to the vacation of Spring Street and Mill Street set forth in the recitals.

SECTION 5: 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 6: 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 vacating Spring Street and Mill Street so that the same may be utilized by The Wheeling and Lake Erie Railway Company to improve its operations within 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.



RECORD OF ORDINANCES

Resolution No. 2023-54

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

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREETS CONSTRUCTION/MAINTENANCE 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 Streets Construction/Maintenance 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 Streets Construction/Maintenance 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 Streets Construction/Maintenance Fund, as follows:

From: General Fund	\$75,000.00
To: Streets Construction/Maintenance Fund	\$75,000.00

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. 2023-55

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

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION FOR THE OPERATION OF A LAW ENFORCEMENT CANINE PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, full-time patrolmen and sergeants employed by the Village are members of the Ohio Patrolmen's Benevolent Association ("OPBA"); and

WHEREAS, the terms and conditions of the employment of OPBA members by the Village is governed by a Collective Bargaining Agreement ("CBA") between the Village and the OPBA, including any amendments thereto; and

WHEREAS, the current CBA between the Village and the OPBA covers calendar years 2021 through 2023; and

WHEREAS, the Village and OPBA desire to enter into a Memorandum of Understanding that will amend the current CBA to provide for the terms and conditions of the operation of a law enforcement canine unit by member of the OPBA; 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 enter into a Memorandum of Understanding with the OPBA to provide for the terms and conditions of the operation of a law enforcement canine unit by member of the OPBA.

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 a Memorandum of Understanding with the OPBA to provide for the terms and conditions of the operation of a law enforcement canine unit by member of the OPBA, a copy of said Memorandum of Understanding is attached hereto as Exhibit A 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 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



## **MOGADOREPOLICE DEPARTMENT CANINE PROGRAM**

### **MEMORANDUM OF UNDERSTANDING**

#### **Resolution 2023-55**

This agreement is entered into this \_\_\_\_ day of August 2023 by and between the Village of Mogadore, Ohio (hereinafter referred to as the Village) and the Ohio Patrolman's Association (hereinafter referred to as the OPBA).

Whereas, in the exercise of its management rights guaranteed by the collective bargaining agreement, the Village has determined to establish a canine program.

Now, therefor, the parties hereby agree as follows with the regard to the effects of the establishment of the canine program on the bargaining unit members:

1. The K-9 Officer and the dog shall compromise a single purpose/ patrol related canine unit as defined in the Ohio Administrative Code. The K-9 Officer agrees to maintain the necessary certifications of the canine unit as required by the Ohio Administrative Code.
2. The Chief of Police will determine who is assigned to the K-9 position. The officer selected serves at the discretion of the Chief of Police and can be removed for unsatisfactory performance. The K-9 position has a one-year probationary period.
3. The K-9 Officer shall work 40 hours per week, the current 12-hour shift schedule or a schedule that is approved by the Chief of Police. The K-9 Officer shall be provided 1 hour per shift off as compensation for the care and maintenance of the dog. The K-9 Officer will be scheduled to work 7 hours or 11 hours shift of the standard 8- or 12-hour shifts. If due to a manpower coverage the K-9 Officer cannot utilize this format, they will be compensated by pay as straight time, which will be submitted on a time sheet at the end of that shifts pay period.
4. The Village may direct the K-9 Officer to adjust the time spent caring for the canine and routine veterinary care. The Village shall compensate with overtime pay when accompanying the dog for veterinary care if such care is an emergency and occurs during the K-9 Officer's non-working hours. Routine travel time transporting the dog to and from the officer's residence shall not be compensated.
5. The K-9 Officer's training days (and frequency) will be assigned at the discretion of the Chief of Police. The K-9 Officer will attend 40 hours or one week of refresher training per year, which is necessary to maintain certifications as required by the Ohio Administrative



Code. Said time will be in lieu of the K-9 Officers regular scheduled shift. The K-9 Officers will not perform any additional training, nor shall the Village compensate the K-9 Officer for any addition training unless first approved by the Chief of Police.

6. The K-9 Officer waives selection of shifts and days off and further agrees that assignment of hours and days off are at the discretion of the Chief of Police and are flexible to meet the needs of any training function or special assignment without overtime unless first approved by the Chief of Police.
7. The Village shall provide the K-9 Officer with the police department vehicle designated to transport the canine for official purposes. The Village shall provide the K-9 Officer with all animal necessities including equipment, food, veterinary care, and medication.
8. The canine is the property of the Village of Mogadore. The handler shall not alter or breed the dog without the permission of the Chief of Police. The handler may apply to purchase the canine for \$1 where: the canine has been retired, relieved of duty due to illness, injury or if the handler retires in good standing and decision is made by the Chief of Police and Public Safety Director not to retain the dog for another handler.
9. All other terms and provisions of the collective bargaining agreement between the Village and the OPBA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement as of the day and year first written above.

VILLAGE:

OPBA:

\_\_\_\_\_

 /TN  
\_\_\_\_\_

Mayor Mike Rick

Tom Austin

UNION:

\_\_\_\_\_

RECORD OF ORDINANCES

Resolution No. 2023-56

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

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A CONGESTION MITIGATION AIR QUALITY PROGRAM GRANT FROM THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY TO ACQUIRE AND INSTALL A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF NORTH CLEVELAND AVENUE AND ALBRECHT AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the Akron Metropolitan Area Transportation Study (“AMATS”) has made, or will make, funds available for Congestion Mitigation Air Quality Program grants; and

WHEREAS, the Village has identified the need for the acquisition and installation of a new traffic signal at the intersection of North Cleveland Avenue and Albrecht Avenue; and

WHEREAS, the Village desires to apply for, and accept, grant funds from AMATS’ Congestion Mitigation Air Quality Program to fund the acquisition and installation of a new traffic signal at the intersection of North Cleveland Avenue and Albrecht Avenue; and

WHEREAS, the Village will be responsible for committing local funds to the aforementioned project in the amount of \$109,072.00, which may also come from Ohio Public Works Commission funds; 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 apply for and accept a grant from AMATS’ Congestion Mitigation Air Quality Program to fund the acquisition and installation of a new traffic signal at the intersection of North Cleveland Avenue and Albrecht Avenue.

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 all other Village officials are hereby authorized to do all things necessary to apply for a grant from AMATS’ Congestion Mitigation Air Quality Program to fund the acquisition and installation of a new traffic signal at the intersection of North Cleveland Avenue and Albrecht Avenue. Additionally, any actions of the Mayor and all other Village officials towards applying for the aforementioned grant that occurred prior to the adoption of this Ordinance are hereby approved and ratified.

SECTION 2: The Mayor and all other Village officials are hereby authorized to do all things necessary to accept the grant from AMATS’ Congestion Mitigation Air Quality Program to fund the acquisition and installation of a new traffic signal at the intersection of North Cleveland Avenue and Albrecht Avenue.

