

# Village of Mogadore

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## COUNCIL MEETING AGENDA

September 20, 2023

5:30 p.m.

1. Moment of Reflection – Ms. K. Miller
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from the September 6, 2023, Council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on pending legislation
7. Committee Reports
8. Old Business – None.
9. New Business –

### **Resolution 2023-66** - Ms. B. Van Dike – Finance Committee

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, OHIO, AUTHORIZING THE NECESSARY TAX LEVIES, CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY.

### **Resolution 2023-67** – Mr. R. McDowall – Parks Committee

A RESOLUTION AWARDED THE BID FOR THE REPAIRS OF THE EXTERIOR WALLS AT THE RUSSELL M. PRY COMMUNITY CENTER, AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH McMAHON MASONRY RESTORATION LTD. TO PROVIDE LABOR AND MATERIALS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

### **Resolution 2023-68** – Mr. C. Yoho – Safety Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WRIGHT HEATING AND AIR CONDITIONING, INC. IN AN AMOUNT NOT TO EXCEED \$28,352.00 FOR THE LABOR AND MATERIAL NECESSARY TO PURCHASE AND INSTALL TWO ROOFTOP HVAC UNITS FOR THE MUNICIPAL BUILDING, AND DECLARING AN EMERGENCY.

10. Comments

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

11. Adjournment

RECORD OF ORDINANCES

Ordinance No. 2023-66

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

SPONSOR: FINANCE COMMITTEE

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, OHIO, AUTHORIZING THE NECESSARY TAX LEVIES, CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 5705.34 of the Ohio Revised Code, the Budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council in fiscal year 2024, and what part thereof is without, and what part is within the ten-mill tax limitation; and

WHEREAS, pursuant to Section 5705.34 of the Ohio Revised Code, it is necessary and in the best interest of the Village to accept the amounts and rates as determined by the Budget Commission of Summit County, authorize the necessary tax levies and to certify the same to the Summit County Fiscal Officer.

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 amounts and rates to be levied upon the tax duplicate of the Village in fiscal year 2024, as determined by the Budget Commission of Summit County, Ohio in its certification, be and the same are hereby accepted.

SECTION 2: This Council hereby authorizes the amounts and rates of each tax necessary to be levied upon the tax duplicate of the Village within and without the ten-mill limitation as follows:

	Amount approved by Budget Commission Inside and Outside 10 Mill limitation	County Auditor's estimate of tax rate to be levied
<u>General Fund</u>		
Summit and Portage County	\$183,604.00	1.85
<u>Police Pension</u>		
Summit and Portage County	\$29,773.00	0.30
<u>Fire &amp; EMS</u>		
Summit and Portage County	<u>\$347,058.00</u>	<u>3.50</u>
Total	\$560,435.00	5.65

RECORD OF ORDINANCES

Ordinance No. 2023-66

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

SECTION 3: The Clerk-Treasurer is hereby directed to certify a copy of this Resolution to the Summit County Fiscal Officer.

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 taking the actions set forth herein in a timely manner to comply with the requirement that the same be completed and the rates and amounts of the levies be certified to the Summit County Fiscal Officer no later than October 1, 2023, 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.

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President of Council

Date

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Mayor

Date

Attest:

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Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2023-67

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

SPONSOR: PARKS COMMITTEE

A RESOLUTION AWARDING THE BID FOR THE REPAIRS OF THE EXTERIOR WALLS AT THE RUSSELL M. PRY COMMUNITY CENTER, AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH McMAHON MASONRY RESTORATION LTD. TO PROVIDE LABOR AND MATERIALS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14.03 of the Village’s Charter provides that all purchases exceeding one-half (1/2) of the statutory threshold of \$50,000.00 shall be undertaken by advertising for and accepting sealed bids, except when five (5) members of this Council determine the purchase should proceed without such sealed bids due to an emergency; and

WHEREAS, in accordance with Section 14.03 of the Village’s Charter, this Council previously adopted Resolution No. 2023-18 to authorize and direct the Mayor to advertise for bids for the repairs of the exterior walls at the Russell M. Pry Community Center (the “Project”); and

WHEREAS, thereafter, the Mayor advertised for bids for the Project and the Village Engineer received bids for the same; and

WHEREAS, upon review of the bids, the Village Engineer recommended that this Council award the bid for the Project to McMahan Masonry Restoration Ltd. as the lowest responsive and responsible bidder in an amount not to exceed \$78,200.00; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to award the bid for the project to McMahan Masonry Restoration, Ltd. and to authorize the Mayor and Clerk-Treasurer to enter into a construction contract for McMahan Masonry Restoration, Ltd. to provide labor and materials for the Project in an amount not to exceed \$78,200.00.

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 awards the bid for the Project to McMahan Masonry Restoration, Ltd. as the lowest responsive and responsible bidder in an amount not to exceed \$78,200.00.

SECTION 2: The Mayor and Clerk-Treasurer are hereby authorized and directed to enter into a construction contract with McMahan Masonry Restoration, Ltd. to provide labor and materials for Phase the Project.

## RECORD OF ORDINANCES

Resolution No. 2023-67

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

SECTION 3: The Clerk-Treasurer is hereby authorized and directed to refund all bonds or certified checks to the successful and unsuccessful bidders upon the execution of the aforementioned construction contract.

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 providing immediately providing for the Project to proceed in order to mitigate any long term damage to the Russell M. Pry Community Center, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Date

Attest:

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

RECORD OF ORDINANCES

Ordinance No. 2023-68

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

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WRIGHT HEATING AND AIR CONDITIONING, INC. IN AN AMOUNT NOT TO EXCEED \$28,352.00 FOR THE LABOR AND MATERIAL NECESSARY TO PURCHASE AND INSTALL TWO ROOFTOP HVAC UNITS FOR THE MUNICIPAL BUILDING, 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, except when five (5) members of this Council determine the purchase should proceed without such sealed bids due to an emergency; and

WHEREAS, the Village’s Fire Chief recently determined that the two HVAC units on the roof of the Municipal Building can no longer properly function and need replaced; and

WHEREAS, the Village has received a quote from Wright Heating and Air Conditioning, Inc. for the labor and materials necessary to purchase and install two new HVAC units at a cost not to exceed \$28,352.00; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to authorize the Mayor to enter into an agreement with Wright Heating and Air Conditioning, Inc. for the labor and materials necessary to purchase and install two HVAC rooftop units at the Municipal Building at a cost not to exceed \$28,352.00, and this Council further finds and determines that entering into the same on an emergency basis without sealed bids is necessary and appropriate so that the Village may ensure the quality of air and heat in the Municipal Building is sufficient and safe for the upcoming seasons.

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 for the labor and materials necessary to purchase and install two HVAC rooftop units from Wright Heating and Air Conditioning, Inc. at a cost not to exceed \$28,352.00.

SECTION 2: This Council further finds and determines that entering into the aforementioned agreement on an emergency basis without sealed bids is necessary and appropriate so that the Village may have a fully functional and safe HVAC system in the Municipal Building.

SECTION 3: 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 carry forth the provisions of

