

Village of Mogadore

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Mogadore, OH 44260

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COUNCIL MEETING AGENDA

December 6, 2023

5:30 p.m.

1. Moment of Reflection – Mr. J. Tonsic
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Oath – Full-Time Fire/Medic (Nicholas Nash & Michael Englehart)
6. Short Recess
7. Minutes from the November 15, 2023, Council meeting presented for changes, corrections, and adoption
8. Comments from the Audience on the pending legislation
9. Committee Reports
10. Old Business – None.

11. New Business –

Resolution 2023-84 – Mr. C. Yoho – Safety Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE U.S. DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING PROGRAM GRANT IN THE AMOUNT OF \$125,000 AND DECLARING AN EMERGENCY.

Resolution 2023-85 – Mr. C. Yoho – Safety Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$40,000.00 FROM THE STATE OF OHIO BUREAU OF WORKERS' COMPENSATION SAFETY INTERVENTION PROGRAM, AND DECLARING AN EMERGENCY.

Resolution 2023-86 – Mr. C. Yoho – Safety Committee

A RESOLUTION AUTHORIZING THE MAYOR TO HIRE AN ADDITIONAL PATROLMAN IN THE MOGADORE POLICE DEPARTMENT, THEREBY INCREASING THE TOTAL NUMBER OF AUTHORIZED OFFICERS IN THE MOGADORE POLICE DEPARTMENT TO NINE OFFICERS, INCLUDING PATROLMEN, SERGEANTS, AND THE CHIEF OF POLICE, AND DECLARING AN EMERGENCY.

Resolution 2023-87 – Mr. W. Bauer – Utilities Committee

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE INTO AN AGREEMENT WITH BUCKEYE ENERGY BROKERS, INC. TO PROVIDE OPT-OUT ELECTRICITY AGGREGATION SERVICES FOR RESIDENTS AND BUSINESSES WITHIN THE VILLAGE AND DECLARING AN EMERGENCY.

Resolution 2023-88 – Mr. R. McDowall – Parks Committee

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR PHASE II OF THE LIONS PARK TRAIL IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Resolution 2023-89 – Mr. C. Yoho – Safety Committee

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE SUMMIT COUNTY PUBLIC DEFENDER’S COMMISSION FOR CALENDAR YEAR 2024, AND DECLARING AN EMERGENCY.

Ordinance 2023-90 – Ms. K. Miller – Planning and Zoning Committee

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION, OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING AN EMERGENCY.

12. Comments

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

13. Adjournment

RECORD OF ORDINANCES

Resolution No. 2023-84

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE U.S. DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING PROGRAM GRANT IN THE AMOUNT OF \$125,000, AND DECLARING AN EMERGENCY.

WHEREAS, the U.S. Department of Justice Office of Community Oriented Policing Services ("COPS") Hiring Program is responsible for advancing the practice of community policing through grant resources; and

WHEREAS, the State of Ohio secured investments from the COPS Hiring Program to hire and retain 129 law enforcement officers to serve 21 communities and law enforcement agencies across Ohio; and

WHEREAS, the Village has been awarded a grant in the amount of \$125,000 from the State for a period of three (3) years to hire one (1) new law enforcement officer who will serve as a school resource officer; 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 grant in the amount of \$125,000 for a period of three (3) years from the COPS Hiring Program.

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 grant in the amount of \$125,000 from the COPS Hiring Program for a period of three (3) years to hire one (1) new law enforcement officer who will serve as a school resource officer. In accordance with said authorization, the Mayor is hereby authorized and directed to execute the grant agreement to accept and receive said grant funds.

SECTION 2: The Mayor, Clerk-Treasurer, and Police Chief are hereby authorized to sign all other agreements and documents and take all other actions necessary to accept and receive the aforementioned grant.

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 accepting the grant so that the Village may hire one (1) new law enforcement officer who will serve as the school resource officer as expeditiously as possible, and,

RECORD OF ORDINANCES

Resolution No. 2023-84

Passed _____, 20____

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. 2023-85

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$40,000.00 FROM THE STATE OF OHIO BUREAU OF WORKERS' COMPENSATION SAFETY INTERVENTION PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the Village has been awarded a grant in the amount of \$40,000.00 from the State of Ohio Bureau of Workers' Compensation Safety Intervention Program; and

WHEREAS, the State of Ohio Bureau of Workers' Compensation Safety Intervention Program requires a \$17,093.56 match by 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 accept the grant in the amount of \$40,000.00 from the State of Ohio Bureau of Workers' Compensation Safety Intervention Program.

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 accept the grant in the amount of \$40,000.00 from the State of Ohio Bureau of Workers' Compensation Safety Intervention Program and provide a match in the amount of \$17,093.56. In accordance with said authorization, the Mayor is hereby authorized and directed to execute the grant agreement to accept and receive said grant funds.

SECTION 2: The Mayor, Clerk-Treasurer, and Fire Chief are hereby authorized to sign all other agreements and documents and take all other actions necessary to accept and receive the aforementioned grant.

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 authorizing the Mayor to accept the grant funds so that the same may be received and spent by the Village as expeditiously as possible, 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. 2023-85

Passed _____, 20____

President of Council

Date

Mayor

Date

Attest:

Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2023-86

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO HIRE AN ADDITIONAL PATROLMAN IN THE MOGADORE POLICE DEPARTMENT, THEREBY INCREASING THE TOTAL NUMBER OF AUTHORIZED OFFICERS IN THE MOGADORE POLICE DEPARTMENT TO NINE OFFICERS, INCLUDING PATROLMEN, SERGEANTS, AND THE CHIEF OF POLICE, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 3.10(D) of the Charter of the Village of Mogadore, this Council has the authority to establish the number of employees of any department of the Village; and

WHEREAS, the number of officers authorized for the Mogadore Police Department was previously established by this Council as eight (8), inclusive of Patrolmen, Sergeants, and the Chief of Police; and

WHEREAS, pursuant to Resolution No. _____, this Council authorized the Mayor to accept a grant in the amount of \$125,000 for a period of three (3) years from the Community Oriented Policing Services (“COPS”) Hiring Program; and

WHEREAS, pursuant to the terms of the COPS Hiring Program grant, the Village is required to hire one additional Patrolman; and

WHEREAS, the Mayor has requested the authority of this Council to hire an additional Patrolman within the Mogadore Police Department to meet the aforementioned terms of the COPS Hiring Program grant; and

WHEREAS, the hiring of an additional Patrolman would increase the total number of authorized officers within the Mogadore Police Department to nine (9) officers, including Patrolmen, Sergeants and the Chief of Police; 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 hire an additional Patrolman in the Mogadore Police Department, thereby increasing the total number of authorized officers in the Mogadore Police Department to nine (9) officers, including Patrolmen, Sergeants and the Chief of Police.

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 hire an additional Patrolman in the Mogadore Police Department.

SECTION 2: The total number of authorized officers in the Mogadore Police Department is hereby increased to nine (9) officers, including Patrolmen, Sergeants, and the Chief of Police.

RECORD OF ORDINANCES

Resolution No. 2023-87

Passed _____, 20____

SPONSOR: UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE INTO AN AGREEMENT WITH BUCKEYE ENERGY BROKERS, INC. TO PROVIDE OPT-OUT ELECTRICITY AGGREGATION SERVICES FOR RESIDENTS AND BUSINESSES WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the Village seeks to reduce the overall energy costs of its residents and businesses by providing an opt-out electric aggregation program, which was previously approved by the residents of the Village; and

WHEREAS, Buckeye Energy Brokers, Inc. is certified by the Public Utilities Commission of Ohio to offer energy brokerage and electric aggregation services; and

WHEREAS, the Mayor has proposed that the Village enter into an agreement with Buckeye Energy Brokers, Inc. (“Buckeye”) for a term of five (5) years, commencing in May 2024, whereby Buckeye would provide opt-out electric aggregation services to the Village in consideration of an administrative fee of \$0.001/kWh consumed in the Village payable by the selected supplier on at least a quarterly basis for the length of the agreement; and

WHEREAS, this Council finds and determines that it is in the best interest of the Village, and the residents and businesses located within the limits of the Village, to authorize the Mayor to execute an agreement with Buckeye to provide opt-out electric aggregation services pursuant to the aforementioned terms.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MOGADORE, PORTAGE AND SUMMIT COUNTIES, STATE OF OHIO THAT:

SECTION 1: The Mayor is hereby authorized to execute an agreement with Buckeye Energy Brokers, Inc. (“Buckeye”) for a term of five (5) years, commencing in May 2024, whereby Buckeye would provide opt-out electric aggregation services to the Village in consideration of an administrative fee of \$0.001/kWh consumed in the Village payable by the selected supplier on at least a quarterly basis for the length of the agreement.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

RECORD OF ORDINANCES

Resolution No. 2023-88

Passed _____, 20____

SPONSOR: PARKS COMMITTEE

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR PHASE II 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 II Lions Park Trail Improvements”); and

WHEREAS, the Village Engineer has prepared plans and specifications for the Phase II 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 II 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 II 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 II 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,

RECORD OF ORDINANCES

Resolution No. 2023-89

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE SUMMIT COUNTY PUBLIC DEFENDER'S COMMISSION FOR CALENDAR YEAR 2024, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor has proposed that the Village enter into a contract with the Summit County Public Defender's Commission for calendar year 2024 to provide legal counsel to indigent persons charged with offenses involving the potential loss of liberty within the Village.

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 execute an agreement with the Summit County Public Defender's Commission for calendar year 2024 to provide legal counsel to indigent persons charged with offenses involving the potential loss of liberty within the Village.

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

SECTION 1: The Mayor is hereby authorized and directed to execute a contract with the Summit County Public Defender's Office for calendar year 2024 to provide legal counsel to indigent persons charged with offenses involving the potential loss of liberty within the Village. Said contract 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 and for the purpose of immediately authorizing the aforementioned agreement with the Summit County Public Defender's Commission to ensure the rights of indigent persons charged with offenses involving the potential loss of liberty do not have their Constitutional rights denied or abridged, 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. 2023-89

Passed _____, 20__

President of Council Date

Mayor Date

Attest:

Clerk-Treasurer

AGREEMENT

This Agreement made at the VILLAGE OF MOGADORE, Ohio on this ____ day of _____, _____, by and between the VILLAGE OF MOGADORE, Ohio, acting by and through its Mayor (or designee) duly authorized by Ordinance/Resolution No. _____, _____, passed by the Council of the VILLAGE OF MOGADORE, Ohio on the ____ day of _____, _____, hereinafter referred to as the VILLAGE and the Summit County Public Defender’s Commission, One Cascade Plaza Suite 1940, Akron, Ohio hereinafter referred to as the DEFENDER.

WITNESSETH:

WHEREAS, the VILLAGE has entered into an agreement to obtain the services of the DEFENDER to provide legal counsel to indigent persons charged with loss of liberty offenses in its municipal jurisdiction for 2024; and

WHEREAS, pursuant to Chapter 120 of the Ohio Revised Code and Administrative Code 120-1-09 it is necessary to enter into this Agreement in order for said County to obtain reimbursement pursuant to Chapter 120 and Administrative Rule 120-1-09 of the Ohio Administrative Code.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions, and terms to be kept and performed, it is agreed between the parties as follows:

Section 1. The DEFENDER, through the Legal Defenders Office of Summit County, Ohio, Inc. (DBA Summit Legal Defenders) (“LDO”), shall provide counsel in the Akron Municipal Court and the Summit County Juvenile Court to persons charged with a violation of the Codified Ordinances

of the VILLAGE OF MOGADORE, Ohio for which a sentence of confinement may be imposed on such person should they be convicted, and who meet either of the following specifications:

- a. The judge has determined in accordance with Subsection D of Rule 44 of the Ohio Rules of Criminal Procedure that such person is unable to obtain legal counsel; or
- b. The Defender or LDO determines that the individual is indigent in accordance with Sections 120.05 and 120.15 of the Ohio Revised Code and Section 120-1-03 of the Ohio Administrative Code.

Section 2. The VILLAGE shall pay to the DEFENDER a fee for the services provided in Section 1 of the Agreement of Two Hundred Ten Dollars (\$210.00) per case for all cases closed between January 1, 2024 through December 31, 2024. In the event that a defendant becomes unavailable during the pendency of the case, the Defender shall keep the case open for a period of twelve months from the first missed hearing. At the expiration of that twelve months, the case shall be closed and billed accordingly. If the defendant becomes available after the matter is closed, the case will be re-opened and considered a new case for the purposes of billing at that time.

Section 3. The Defender or LDO, on behalf of its attorneys and each attorney employed by the Defender or LDO individually, reserves the right to decline to advise or represent any particular person, consistent with the Ohio Rules of Professional Conduct. The Company or LDO further reserves the right to withdraw from representation: (1) for a conflict of interest consistent with the Ohio Rules of Professional Conduct; (2) due to a finding of the client's financial ineligibility for the legal services; or (3) due to an excessive workload as determined by Section 120-1-07 of the Ohio Administrative Code. However,

in the event Company desires to withdraw due to financial ineligibility or excessive workload, the Company or attorney shall continue representation previously commenced at the trial court level through all trial court proceedings, including capias and probation violation proceedings, and shall continue previously taken appeals until the appeals process is terminated by a final action on the merits by the appellate court or until alternate counsel is obtained.

Section 4. The DEFENDER shall send biannual statements to the VILLAGE certifying the number of cases completed during the preceding months. These statements shall be provided electronically. Itemized billing is available upon request.

Section 5. The Agreement shall expire on December 31, 2024.

Section 6. In the event the VILLAGE does not renew this Agreement, the VILLAGE agrees to pay the DEFENDER the amount of Two Hundred Ten Dollars (\$210.00) per pending case upon the completion of said case.

Section 7. Should the DEFENDER be succeeded by a county defender organized in accordance with the Ohio Revised Code, the DEFENDER may assign its duties under this assignment and shall not be made by either party without the prior written consent of the other; provided, however, that the DEFENDER is expressly authorized to provide the services described in Section 1 through the Legal Defender Office of Summit County, Ohio Inc.

Section 8. Should the DEFENDER or any other entity receive reimbursement for the services performed by the DEFENDER, the DEFENDER shall insure the VILLAGE receives its prorated share of such reimbursement

through credit toward the VILLAGE's payment and/or payments, direct or indirect, to the VILLAGE.

Section 9. The DEFENDER shall defend and hold harmless the VILLAGE from any and all claims or liability resulting from the services performed by the DEFENDER under the contract.

Section 10. All amendments to this Agreement shall be in writing and signed by both parties.

Section 11. This contract shall be subject to the approval of the Ohio Public Defender Commission. In addition to indigency determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written.

IN THE PRESENCE OF:

VILLAGE OF MOGADORE

Witness for Mayor/Designee

_____/_____
Mayor (or designee) Date

Witness for Commission

SUMMIT COUNTY PUBLIC
DEFENDER COMMISSION

Approved as to legal form
and correctness:

_____/_____
Date

_____/_____
Law Director Date

CERTIFICATE OF DIRECTOR OF FINANCE

I hereby certify that certificates will be furnished on payment orders issued by the _____ under this contract and that sufficient money is in the treasury under this contract and that sufficient money is in the treasury or in the process of collection to the credit of the appropriate fund or division to discharge the VILLAGE's obligation under this contract as authorized by Ordinance/Resolution No. _____, _____.

Director of Finance

RECORD OF ORDINANCES

Ordinance No. 2023-90

Passed _____, 20____

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION, OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Revised Code effective December 7, 2023, which legalized and provided for the regulation of “adult use cannabis” as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth; and

WHEREAS, Section 3780.25 of the Revised Code will give this Council the authority to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators licensed under Chapter 3780 of the Revised Code within the Village; and

WHEREAS, pursuant to the Village Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning, and business regulations and laws that further the health, safety, welfare, comfort, and peace of its citizens, including restricting or prohibiting certain business uses, and instituting a moratorium providing for a temporary prohibition of business uses; and

WHEREAS, this Council has determined that additional time is needed to review the applicable sections of Chapter 3780 of the Revised Code and the impact of the same on the Village and the Village’s Codified Ordinances; and

WHEREAS, members of the Ohio General Assembly have expressed their intention to amend Chapter 3780 of the Revised Code, thereby creating further uncertainty as to the full and final content of Chapter 3780 following such amendments; 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 establish a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the Village for a period of six months.

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

SECTION 1: This Council hereby establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change

RECORD OF ORDINANCES

Ordinance No. 2023-90

Passed _____, 20____

of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the Village for a period of six months from the date of adoption of this Ordinance.

SECTION 2: No existing business in the Village may expand in any way that would establish the cultivation, processing, distribution or sale of adult use cannabis for the duration of the moratorium period established hereby.

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.

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 reason that this action is necessary to enable the Village to fully analyze and study the impacts of Chapter 3780 of the Revised Code and its effects on the Village and the health, safety and welfare of its inhabitants, 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