

Village of Mogadore

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COUNCIL MEETING AGENDA

April 3, 2024

5:30 p.m.

1. Moment of Reflection – Mr. Raddish
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from the March 20, 2024, Council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on the pending legislation
7. Committee Reports
8. Old Business – Second Reading

Resolution 2024-22 – Ms. Van Dike – Finance Committee

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET CONSTRUCTION & MAINTENANCE FUND, AND DECLARING AN EMERGENCY.

9. New Business –

Resolution 2024-23 – Mr. Yoho – Safety Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A 2024 FORD E-450 GAS CHASSIS AMBULANCE FROM PENN CARE, INC., AT STATE-TERM CONTRACT PRICING, AT A PRICE NOT TO EXCEED \$245,280.00, AND DECLARING AN EMERGENCY.

Resolution 2024-24 – Mr. Tonsic – Streets Committee

A RESOLUTION AWARDED THE BID FOR THE 2024 CHIP AND SEAL STREET REPAIRS PROJECT TO PHILLIPS PAVING, LLC, AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH PHILLIPS PAVING, LLC TO PROVIDE LABOR AND MATERIALS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

Resolution 2024-25 – Mr. McDowall – Parks Committee

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE REPLACEMENT OF THE FENCE AND BACKSTOP SURROUNDING THE HIGH SCHOOL BOYS BASEBALL FIELD AT LIONS PARK, 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

March 20, 2024

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

Ms. 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.

The Council Meeting was held in Council Chambers. The meeting was open to the public and was live-streamed on Facebook.

Roll Call: Council Members Present: Mr. McDowall, Ms. Van Dike, Mr. Raddish, and Mr. Tonsic were present. Mr. Yoho, Mr. Bauer, and Ms. Miller were excused.

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

Motion by Mr. Raddish second by Ms. Van Dike for the approval of the agenda as presented. Vote. Unanimous ayes. Motion carried.

Motion by Mr. Raddish second by Mr. McDowall adopt the minutes from the March 6, 2024, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION – No Comments.

COMMITTEE REPORTS –

UTILITIES – Mr. Bauer was not present.

SAFETY – Mr. Yoho was not present.

PARKS –Mr. McDowall reported there will be a Parks Board meeting next Monday at 7 PM here in the council chambers.

PLANNING AND ZONING – Ms. Miller was not present.

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

STREETS – Mr. Tonsic has no report.

Council President Mr. Raddish announced the March Work Session will be held on Wednesday, March 27, 2024, at 5:30 p.m. with all committees reporting. Mr. Yoho stated he would not be at the work session because he would be out of town.

OLD BUSINESS – None.

NEW BUSINESS – FIRST READING

Ms. Van Dike presented Resolution 2024-22 sponsored by Finance Committee as follows:

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET CONSTRUCTION & MAINTENANCE FUND, AND DECLARING AN EMERGENCY.

COMMENTS from the Public: Carl Housley, 67 First Avenue, asked for clarification regarding the total number of times the previous ladder truck was used on calls for the fire department. Housley stated in his opinion the Village could not get a grant for the previous ladder truck in the past because it was not utilized enough. Housley also expressed his concern regarding the costs to the Village when hiring new full-time firefighters. Housley stated that since the full-time firefighter program started, the Village has had to hire five more new full-time firefighters to replace ones who have left the fire department.

Mayor Rick stated that the new ladder truck is being donated to the Village and will be free. Mayor Rick stated he would speak with Chief Cain to see if the total number of times the previous ladder truck was used was available.

Clerk-Treasurer Varney addressed Housley's concern regarding the costs of hiring full-time firefighters. Varney stated that almost all the newly hired full-time firefighters were already employed as part-time firefighters with the Village and that the hiring costs at this point have been almost nothing.

Housley then stated that he felt that the recent modifications to the TIF Agreement regarding the Testa development, which was passed at the last council meeting under emergency legislation, should have been publicized more before it was passed.

Jon Mencer, 242 S Cleveland Avenue, asked what the Village's policy is regarding soliciting. Mencer expressed concern about his recent encounter with an individual stating he was from Spectrum who came to his home. Mencer asked the individual if he had a solicitors permit from the Village, and the individual stated he did not need one and left.

Mayor Rick stated that the Village does require all individuals going door-to-door soliciting to obtain a solicitor permit. Mayor Rick told Mr. Mencer that anyone having a question about an unlicensed solicitor should call the non-emergency dispatch number to report it.

Tracey Wagner, 3773 Prospect Street, voiced her concerns regarding the "Vote Yes for the School Levy" sign that was located on the Village's property downtown during the last primary election. Wagner stated she spoke to Mayor Rick in previous days before the election day about the sign and felt both sides should have been represented not just one. Wagner stated Mayor Rick told her she could not put her sign "Vote No" on the Village's property next to the current sign because it did not have a disclaimer on it. Wagner states the Ohio Campaign Laws allow her to display a political sign with no disclaimer on public property, and she feels the Village should not get involved one way or the other in school levies. Wagner also stated that a year ago she asked the Council to address bullying in the Village and they never addressed it.

Law Director Dodson stated that the Village's policy has always been, and the Mayor continues to follow, whether you are for or against, you must have a valid committee organized through state law to place a sign on the Village property. Dodson stated that individuals can put signs in their own front yard but the Mayor's policy does not allow signs on Village property who are not sponsored by a valid committee.

COMMENTS from Council: No Comments.

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: No Comments.

Meeting adjourned at 5:48 p.m.

Attest:

Clerk-Treasurer

Mayor

Date

Resolution No. 2024-22

Passed _____, 2024

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET 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 Street Construction & Maintenance Fund for operating purposes; 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 Street Construction and 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 Street Construction & Maintenance Fund for operating purposes, as follows:

From: General Fund	\$150,000.00
To: Street Construction & Maintenance Fund	\$150,000.00

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

First Reading: March 20, 2024
Second Reading: April 3, 2024

Resolution No. 2024-22

Passed _____, 2024

President of Council Date

Mayor Date

Attest:

Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2024-23

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A 2024 FORD E-450 GAS CHASSIS AMBULANCE FROM PENN CARE, INC., AT STATE-TERM CONTRACT PRICING, AT A PRICE NOT TO EXCEED \$245,280.00, 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 \$75,000.00 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 pricing procured by the State of Ohio Department of Administrative Services ("State-Term Contract"); and

WHEREAS, the Mayor desires to place an order with Penn Care, Inc. at State-Term Contract pricing, for a 2024 Ford E-450 Gas Chassis Ambulance in an amount not to exceed \$245,280.00 for use by the Village's Fire Department; 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 E-450 Gas Chassis Ambulance from Penn Care, Inc. in an amount not to exceed \$245,280.00, 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 E-450 Gas Chassis Ambulance from Penn Care, Inc. in an amount not to exceed \$245,280.00, 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 is authorized to enter into any purchase orders of less than the amount required by Section 14.03 of the Village's Charter that are necessary to equip the 2024 Ford E-450 Gas Chassis Ambulance.

SECTION 3: Resolution 2022-84 is hereby repealed and rescinded in its entirety.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning

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Resolution No. 2024-23

Passed _____, 20____

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 E-450 Gas Chassis Ambulance so that the Village may maintain a satisfactory emergency response vehicles 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. 2024-24

Passed _____, 20__

SPONSOR: STREETS COMMITTEE

A RESOLUTION AWARDDING THE BID FOR THE 2024 CHIP AND SEAL STREET REPAIRS PROJECT TO PHILLIPS PAVING, LLC, AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONSTRUCTION CONTRACT WITH PHILLIPS PAVING, LLC 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 \$75,000.00 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. 2024-5 to authorize and direct the Clerk-Treasurer to advertise for bids for the 2024 Chip and Seal Street Repairs Project; and

WHEREAS, thereafter, the Clerk-Treasurer advertised for bids for the 2024 Chip and Seal Street Repairs Project and received bids for the same; and

WHEREAS, upon review of the bids, the Village Engineer recommended that this Council award the bid for the 2024 Chip and Seal Street Repairs Project to Phillips Paving, LLC as the lowest responsive and responsible bidder in the amount of \$91,270.00; 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 2024 Chip and Seal Street Repairs Project to Phillips Paving, LLC and to authorize the Mayor and Clerk-Treasurer to enter into a construction contract for Phillips Paving, LLC to provide labor and materials for said project.

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 2024 Chip and Seal Street Repairs Project to Phillips Paving, LLC as the lowest responsive and responsible bidder in the amount of \$91,270.00.

SECTION 2: The Mayor and Clerk-Treasurer are hereby authorized and directed to enter into a construction contract with Phillips Paving, LLC to provide labor and materials for the 2024 Chip and Seal Street Repairs Project.

RECORD OF ORDINANCES

Resolution No. 2024-25

Passed _____, 20__

SPONSOR: PARKS COMMITTEE

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE REPLACEMENT OF THE FENCE AND BACKSTOP SURROUNDING THE HIGH SCHOOL BOYS BASEBALL FIELD AT LIONS PARK, 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 \$75,000.00 shall be undertaken by advertising for and accepting sealed bids; and

WHEREAS, the Village Engineer has recommended certain improvements to replace the fence and backstop surrounding the high school boys baseball field at Lions Park (“Baseball Field Improvements”); and

WHEREAS, the Village Engineer has prepared plans and specifications for the Baseball Field 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 Baseball Field 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 Baseball Field 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 Baseball Field 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.

