

Village of Mogadore

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COUNCIL MEETING AGENDA

May 15, 2024

5:30 p.m.

1. Moment of Reflection – Ms. Miller
2. Pledge to the flag
3. Roll Call
4. Vote for President Pro-Temp
5. Approval of the Agenda
6. Minutes from the May 1, 2024, Council meeting presented for changes, corrections, and adoption
7. Comments from the Audience on the pending legislation
8. Committee Reports
9. Old Business – None.
10. New Business –
 - Resolution 2024-35** – Mr. Tonsic – Streets Committee
A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE HERBERT STREET EXTENSION AND MEADOWRIDGE ROAD CONSTRUCTION PROJECT WITHIN THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.
 - Resolution 2024-36** – Mr. McDowall – Parks Committee
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE PLAYGROUND EQUIPMENT FROM PARKPLAY SOLUTIONS, LLC AT COST NOT TO EXCEED \$144,000.00, WHICH IS BASED UPON PRICING FROM THE HOUSTON-GALVESTON AREA COUNCIL'S COOPERATIVE PURCHASING PROGRAM, 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

May 1, 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. Yoho, Ms. Van Dike, Mr. McDowall, Mr. Raddish, Mr. Tonsic, and Ms. Miller were present. Mr. Bauer was 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 Ms. Miller adopt the minutes from the April 17, 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 reported he has five pieces of legislation to read.

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

PLANNING AND ZONING – Ms. Miller has no report.

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

STREETS – Mr. Tonsic reported he has one piece of legislation to read.

Council President Mr. Raddish announced the May Work Session will be held Wednesday, May 29, 2024, at 5:30 p.m. with all committees reporting.

OLD BUSINESS – None.

NEW BUSINESS –

Mr. Yoho presented Resolution 2024-28 sponsored by Safety Committee as follows:

A RESOLUTION CREATING THE PART-TIME POSITION OF POLICE OFFICER-IN-TRAINING, AND DECLARING AN EMERGENCY.

Mr. Yoho made a motion to suspend the rules requiring three readings; Mr. McDowall seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Ms. Van Dike to adopt Resolution 2024-28, a second was made by Mr. Tonsic.

Mayor Rick stated this is to create a part-time position for an officer in the academy who is training. The officer will not make the same hourly rate as a current part-time officer, will not carry a gun, and will not have the authority to make an arrest, but they will ride along with another officer.

Vote. Unanimous ayes. Motion carried.

Mr. Yoho presented Ordinance 2024-**29** sponsored by Safety Committee as follows:

AN ORDINANCE AMENDING ORDINANCE 2023-104 AND 2022-90 TO PROVIDE FOR THE COMPENSATION OF PART-TIME POLICE OFFICERS AND PART-TIME POLICE OFFICERS-IN-TRAINING, AND DECLARING AN EMERGENCY.

Mr. Yoho made a motion to suspend the rules requiring three readings; Mr. McDowall seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. Yoho to adopt Ordinance 2024-29, a second was made by Ms. Miller.

Mayor Rick stated the current part-time officer makes \$20.60 an hour and the part-time officer-in-training will make \$16.00 an hour.

Vote. Unanimous ayes. Motion carried.

Mr. Yoho presented Resolution 2024-**30** sponsored by Safety Committee as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ADDENDUM TO THE SOUTH SUMMIT COUNTY FIRE INVESTIGATION UNIT MEMORANDUM OF UNDERSTANDING TO ADD ADDITIONAL COMMUNITIES INTO THE COOPERATIVE INVESTIGATION OF THE ORIGIN AND CAUSE OF FIRES, AND DECLARING AN EMERGENCY.

Mr. Yoho made a motion to suspend the rules requiring three readings; Ms. Van Dike seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. Yoho to adopt Resolution 2024-30, a second was made by Mr. Tonsic. Vote. Unanimous ayes. Motion carried.

Mr. Tonsic presented Ordinance 2024-**31** sponsored by Street Committee as follows:

AN ORDINANCE AMENDING SECTION 150.224 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED "TREELAWN LANDSCAPING OR PLANTINGS" TO CLARIFY THE VILLAGE'S AUTHORITY TO REMOVE DEAD, DISEASED OR DANGEROUS TREES AND LIMBS, AND DECLARING AN EMERGENCY.

Mr. Tonsic made a motion to suspend the rules requiring three readings; Mr. McDowall seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. Tonsic to adopt Ordinance 2024-31, a second was made by Ms. Miller.

Mayor Rick stated the changes that have been made from 60 days to 45 days to remove dead trees, and the Zoning Inspector has the authority to notify the owners too, along with the Clerk-Treasurer.

Vote. Unanimous ayes. Motion carried.

Mr. Yoho presented Resolution 2024-**32** sponsored by Safety Committee as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUMMIT COUNTY ANIMAL CONTROL FOR THE PAYMENT OF SURRENDER FEES ASSOCIATED WITH THE SURRENDER OF FERAL CATS FROM THE VILLAGE, AND DECLARING AN EMERGENCY.

Mr. Yoho made a motion to suspend the rules requiring three readings; Ms. Van Dike seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. Yoho to adopt Resolution 2024-32, a second was made by Mr. McDowall.

Mayor Rick stated this is an attempt to help the population of feral cats in the Village. Mayor Rick stated the Village will pay Summit County \$25.00 for each feral cat a resident takes into the animal control facility.

Vote. Unanimous ayes. Motion carried.

Mr. Yoho presented Resolution 2024-**33** sponsored by Safety Committee as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO SALVAGE THE FIRE DEPARTMENT'S COMMERCIAL DRYER, AND DECLARING AN EMERGENCY.

Mr. Yoho made a motion to suspend the rules requiring three readings; Ms. Miller seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. Yoho to adopt Resolution 2024-33, a second was made by Mr. Tonsic. Vote. Unanimous ayes. Motion carried.

Mr. McDowall presented Resolution 2024-**34** sponsored by the Parks Committee as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO ENROLL VILLAGE FOR MEMBERSHIP IN THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Mr. McDowall made a motion to suspend the rules requiring three readings; Ms. Van Dike seconded the motion. Vote. Unanimous ayes. Motion carried.

A motion was made by Mr. McDowall to adopt Resolution 2024-34, a second was made by Ms. Miller.

Mayor Rick stated this authorizes the Village to enroll membership in the purchasing program to help with the purchase of new playground equipment.

Yoho asked if the Village had decided on what equipment to purchase.

Mayor Rick stated the Park and Recreation Committee already looked at everything.

Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Viki Henico, 3773 Argonne Street, thanked the council for listening to the concerns she expressed at the last council meeting. Henico stated since the last meeting she had time to look back at the meeting and wants to clarify a few things. Vicki stated she was shocked, not mad when speaking

about the news of a former village employee being charged with theft in office. Henico stated she had questions about how this happened again. Henico asked if they could know where the money goes that is collected for the Mayor's Court, was one person collecting, does that person handle all deposits and checks, and did they have a supervisor?

Mayor Rick stated they can not answer those questions at this time since the criminal proceedings are not over.

Henico mentioned after attending the last work session, she suggested adding the audio clip of previous work sessions so residents can listen to those since they are not live-streamed.

COMMENTS from Council: Mr. Tonsic stated the Community Fair was very successful and enjoyable.

Mr. McDowall thanked Viki Henico for sharing her concerns and stated it's important to hear from the residents.

Mr. Raddish thanked everyone for coming down and for safe travels on their way home.

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: Mayor Rick reminded everyone of the upcoming Shred Day, Saturday, May 4th at the Police Station from 10 a.m. to noon, and announced limb and branch pickup is next week May 6th through the 10th.

Meeting adjourned at 5:47 p.m.

Attest:

Mayor

Date

Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2024-35

Passed _____, 2024

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE HERBERT STREET EXTENSION AND MEADOWRIDGE ROAD CONSTRUCTION PROJECT WITHIN THE VILLAGE OF MOGADORE, 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, the Village Engineer has recommended the need for construction improvements to Herbert Street Extension and Meadowridge Road (“Herbert Street Extension and Meadowridge Road Construction Project”); and

WHEREAS, the Village Engineer estimates that the cost for the Herbert Street Extension and Meadowridge Road Construction 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 of Mogadore to advertise for bids for the Herbert Street Extension and Meadowridge Road Construction 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: It is hereby determined necessary that the Village enter into a contract for labor and materials necessary for the Herbert Street Extension and Meadowridge Road Construction Project.

SECTION 2: The Clerk-Treasurer of the Village is hereby authorized and directed to advertise for bids for the Herbert Street Extension and Meadowridge Road Construction Project. A report of 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.

RECORD OF ORDINANCES

Resolution No. 2024-35

Passed _____, 2024

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 enabling the Herbert Street Extension and Meadowridge Road construction to commence in a timely fashion, 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. 2024-36

Passed _____, 2024

SPONSOR: PARKS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE PLAYGROUND EQUIPMENT FROM PARKPLAY SOLUTIONS, LLC AT COST NOT TO EXCEED \$144,000.00, WHICH IS BASED UPON PRICING FROM THE HOUSTON-GALVESTON AREA COUNCIL'S COOPERATIVE PURCHASING PROGRAM, 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 9.48(B)(2) of the General Provisions 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 participate in a cooperative purchasing program operated by or through a national or state association of political subdivision in which the Village is eligible for membership; and

WHEREAS, pursuant to Resolution No. 2024-34, the Village is a member of the Houston-Galveston Area Council Cooperative Purchasing Program ("Cooperative Purchasing Program"); and

WHEREAS, the Mayor desires to place an order with ParkPlay Solutions, LLC at the Cooperative Purchasing Program pricing, for the purchase and installation of commercial playground equipment at Lions Park in an amount not to exceed \$144,000.00; 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 for the purchase and installation of playground equipment from ParkPlay Solutions, LLC in an amount not to exceed \$144,000.00, pursuant to the Cooperative Purchasing Program 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 for the purchase and installation of playground equipment from ParkPlay Solutions, LLC in an amount not to exceed \$144,000.00, pursuant to the Cooperative Purchasing Program 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.

RECORD OF ORDINANCES

Resolution No. 2024-36

Passed _____, 2024

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 purchasing the playground equipment so that the Village may maintain a satisfactory and safe recreational park area 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