

# 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

May 1, 2024

5:30 p.m.

1. Moment of Reflection – Mr. Bauer
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from the April 17, 2024, Council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on the pending legislation
7. Committee Reports
8. Old Business – None.
9. New Business –

**Resolution 2024-28** – Mr. Yoho – Safety Committee

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

**Ordinance 2024-29** – Mr. Yoho – Safety Committee

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.

**Resolution 2024-30** – Mr. Yoho – Safety Committee

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.

**Ordinance 2024-31** – Mr. Tonsic – Streets Committee

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.

**Resolution 2024-32 – Mr. Yoho – Safety Committee**

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.

**Resolution 2024-33 – Mr. Yoho – Safety Committee**

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

**Resolution 2024-34 – Mr. McDowall – Parks Committee**

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

April 17, 2024

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

Mr. Tonsic asked everyone to join him 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 not present.

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 3, 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 has no report.

PARKS – Mr. McDowall has no report.

PLANNING AND ZONING – Ms. Miller announced there will be a Zoning Board of Appeals Meeting on Monday, May 20, 2024, at 7 p.m. here in the council chambers.

FINANCE/AUDIT – Ms. Van Dike reported she has two pieces of legislation to read.

STREETS – Mr. Tonsic has no report.

Council President Mr. Raddish announced the April Work Session will be held next Wednesday, April 24, 2024, at 5:30 p.m. with all committees reporting.

OLD BUSINESS – None.

### NEW BUSINESS –

Ms. Van Dike presented Resolution 2024-26 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.

Ms. Van Dike 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 2024-26, a second was made by Mr. McDowall. Vote. Unanimous ayes. Motion carried.

Ms. Van Dike presented Ordinance 2024-27 sponsored by Mayor Rick as follows:

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.

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

A motion was made by Ms. Van Dike to adopt Ordinance 2024-27, a second was made by Ms. Miller. Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Carl Housley, 67 First Avenue, thanked Matt Glass for answering the question he asked at the last council meeting. Housley brought up the previous inquiries he originally made back in November of 2023 regarding the old fire ladder truck and mutual aid calls the fire department went on. Housley stated since he received the records the Village provided him, any questions he has made since then the Village's answers contradict the records/reports that were provided.

Mayor Rick told Housley he would have the Fire Chief answer his list of questions at the upcoming work session since Chief Cain is not at the council meetings.

Jon Mencer, 242 S Cleveland Avenue, asked questions about the TIFF Agreement for the new development.

Mr. Dodson explained in detail which governmental agencies get the taxes from the TIFF.

Mencer stated he does not recall any discussions made at previous work sessions regarding the adjustments made to the TIFF before legislation was passed. Mencer stated that legislation should have gone through three readings so there could have been more insight/investigation done.

Mr. Dodson stated the previous adjustments were discussed before the legislation was passed. Dodson stated the development and TIFF have been talked about many times at previous meetings. Dodson told Mencer he could provide him with a copy of the original agreement and the current agreement.

Viki Henico, 3773 Argonne Street, read a statement about being kind and stated her concerns regarding the news of a former Village employee charged with theft in the office. Henico stated she does not feel that Mr. Varney is doing a good job at handling the Village's finances and he cannot answer questions asked during meetings. Henico stated the council should give updates during their committee reports even if it's not regarding the current legislation. She asked what the status is regarding the new playground equipment and grant for the park.

Mayor Rick stated the Village did not end up getting the grant, but the Village is still moving forward with getting new playground equipment. Mayor Rick also stated changes have been made in the office to prevent theft from happening, one by not taking cash payments.

June Long, 4061 Etter Road, asked the Village Engineer to look at the ditch in front of her house.

Mr. Glass stated he would help her with the permit.

COMMENTS from Council: No Comments.

COMMENTS from the Law Director: No Comments.

COMMENTS from the Village Engineer: Matt Glass stated what a good job the Mayor and Law Director did in negotiating the TIFF Agreement. Glass said the agreement helped the Village acquire the parcel, eliminate any apartments, widen SR 532, and the Village will get a new fire ladder truck.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: Mayor Rick announced that May 4<sup>th</sup> is Shred Day from 10 a.m. to noon at the Police Station Parking Lot, and Limb Pickup is from May 6<sup>th</sup> to May 10<sup>th</sup>.

Meeting adjourned at 6:30 p.m.

Attest:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

RECORD OF ORDINANCES

Resolution No. 2024-28

Passed \_\_\_\_\_, 2024

SPONSOR: SAFETY COMMITTEE

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

WHEREAS, Section 3.10(B) of the Village Charter provides Council the right to create positions and fix the compensation for Village employees; and

WHEREAS, the Chief of Police has requested that this Council create a part-time position entitled Police Officer-in-Training for the employment of unsworn individuals who are attending the police academy but are not yet OPOTA-certified; 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 create the aforementioned part-time Police Officer-in-Training position.

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

SECTION 1: There is hereby created a part-time position entitled Police Officer-in-Training for the employment of unsworn individuals who are attending the police academy but are not yet OPOTA-certified. While said employees may assist a sworn officer with an arrest, they may not conduct an arrest without a sworn officer present, must be accompanied by a sworn officer at all times while on duty, and may not carry a firearm while on duty. Said employees shall be compensated in accordance with any Resolution or Ordinance adopted by this Council concerning such compensation. The Mayor and Police Chief may hire the appropriate number of individuals, in their discretion, to fill such position.

SECTION 2: The Mayor, Police Chief and all other Village officials are authorized and directed to any actions and/or execute any documents necessary to create the position.

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 creating the aforementioned part-time position for the orderly and efficient training of future Village police officers, 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



RECORD OF ORDINANCES

Ordinance No. 2024-29

Passed \_\_\_\_\_, 2024

SPONSOR: SAFETY COMMITTEE

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.

WHEREAS, Section 3.10(D) of the Village's Charter provides this Council with the authority to establish and determine the compensation of the employees of the Village; and

WHEREAS, this Council has created the position of part-time Police Officer-in-Training and desires to provide for the compensation of the individuals in such position; and

WHEREAS, this Council further desires to provide to for the compensation of all part-time Police Officers and part-time Police Officers-in-Training in one Ordinance; 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 provide for the compensation of part-time Police Officers and part-time Police Officers-in-Training as set forth in this Ordinance.

NOW, THEREFORE, be it ordained, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio that:

SECTION 1: Effective December 30, 2023, the part-time Police Officer positions shall be compensated at the hourly rate of \$20.60 per hour. In addition, part-time Police Officers will receive a clothing and equipment allowance of \$600.00 annually. All part-time Police Officers shall receive pay for hours worked on any holiday recognized by the Village at a rate of pay of two (2) times the part-time Police Officer's regular rate of pay, provided, however, that such holiday pay shall be paid for hours actually worked on the actual holiday rather than upon the day in which the holiday is observed.

SECTION 2: Effective as of the date of the adoption of this Ordinance, the part-time Police Officer-in-Training positions shall be compensated at the hourly rate of \$16.00 per hour. In addition, part-time Police Officers-in-Training will receive a clothing and equipment allowance of \$450.00 annually. Part-time Police Officers-in-Training will not be compensated beyond their normal hourly rate of pay for holidays.

SECTION 3: Any sections of any resolutions or ordinances previously adopted by this Council that are in conflict with this Ordinance are hereby repealed in their entirety.

SECTION 4: The Village of Mogadore 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

Resolution No. 2024-30

Passed \_\_\_\_\_, 2024

SPONSOR: SAFETY COMMITTEE

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.

WHEREAS, the Village previously entered into the South Summit County Fire Investigation Unit Memorandum of Understanding (“MOU”) on June 1, 2022 with the City of Barberton, Coventry Township, City of Green, Village of Lakemore, City of New Franklin, Springfield Township and Uniontown Fire Department (collectively the “Parties”); and

WHEREAS, three (3) additional communities - Greentown Fire Department, the City of Tallmadge and the City of Norton - would like to participate in the South Summit County Fire Investigation Unit; and

WHEREAS, the Parties now desire to amend the MOU to add Greentown Fire Department, the City of Tallmadge and the City of Norton as additional parties to the MOU; 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 Addendum to the South Summit County Fire Investigation Unit Memorandum of Understanding to add Greentown Fire Department, the City of Tallmadge and the City of Norton as additional parties to the MOU.

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 Addendum to the South Summit County Fire Investigation Unit Memorandum of Understanding to add Greentown Fire Department, the City of Tallmadge and the City of Norton as parties to the MOU, a copy of said Addendum 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 letting additional communities participate and contribute resources to the investigation of fires within the Village, and, provided this Resolution receives the affirmative vote of

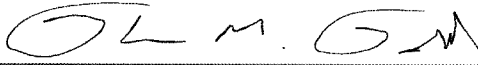


**Addendum to SOUTH SUMMIT COUNTY FIRE INVESTIGATION UNIT  
MEMORANDUM OF UNDERSTANDING**

**(Original MOU dated June 1, 2022 Attached to this Addendum)**

**Three additional communities would like to participate in the South Summit  
County Fire Investigation Unit. They are as follows:**

**Greentown Fire Department**



Date: 4/6/2024

Thomas Todd, Board President

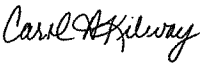
Approved as to form and correctness:

*Porter R. Welch*

Date: 4/3/2024

Porter Welch, Legal Counsel  
Greentown Volunteer Fire Department, Inc.

**Tallmadge Fire Department**



Date: 4/8/2024

Carol Kilway, Mayor

Approved as to form and correctness:

*Megan Raber*

Date: 4/8/2024

Megan Raber, Director of Law  
City of Tallmadge

**Norton Fire Department**

*Dennis Loughry* Date: 4/8/2024

Dennis Loughry, Administrative Officer

Approved as to form and correctness:

*Justin Markey* Date: 4/8/2024

Justin Markey, Director of Law  
City of Norton

**The original document follows (and is attached to) this addendum.**

# South Summit County Fire Investigation Unit

## Fire Investigation Cooperation – Memorandum of Understanding

**Whereas;** the following communities in Summit and adjacent counties intend to direct their fire department personnel to cooperatively participate in the investigation of the origin and cause of fires;

**Therefore;** let this agreement, entered into this day June 1, 2022, stand as documentation of this mutual aid agreement as allowed under and pursuant to ORC-5502.29 and ORC-9.60 governing the establishment of mutual aid responses.

**Parties to the Agreement:** Cities of Barberton, Green and New Franklin, the Villages of Lakemore and Mogadore, the Townships of Coventry and Springfield and the Uniontown Fire Department.

**Procedure:** Activation of Fire Investigation members will be done through their respective dispatch centers. When an Incident Commander or Officer-in-Charge at a fire scene in any of the participating jurisdictions requires assistance conducting an investigation of a fire, they will notify their dispatch and advise them to ask their respective dispatch centers to page available fire investigators for a non-emergency response to the scene. The senior investigator on scene, under the direction of the Incident Commander or Officer-in-charge, will coordinate the response of the investigators, lead the investigation and serve as the liaison between the team and the department with jurisdiction.

When responding and functioning as fire investigators, the members of the team are acting in the official capacity of their own department and are participating as if they were acting under the community mutual aid agreements already in effect for the participating communities. As such, they are compensated, covered for liability and insured by their home jurisdiction while they are responding, working and investigating as their training requires.

The members of this team can work under the direction of the State Fire Marshall within the above listed municipalities and other jurisdictions and municipalities if required.

Members of this Investigation Team must be trained to the standards of NFPA 1033 and 921.

In witness whereof, this agreement has been executed on behalf of each party by a duly authorized official as of the date first written above.

**City of Barberton**

William B. Judge Date: 7/21/2022

William B. Judge, Mayor

Approved as to form and correctness:

Lisa Miller Date: 5/25/2022

Lisa Miller, Director of Law  
City of Barberton

**Coventry Township**

Ed Diebold Date: 8/5/2022

Ed Diebold, Trustee

Approved as to form and correctness:

Irving Sugerman Date: 5/25/2022

Irving Sugerman, Director of Law  
Coventry Township

**City of Green**

Gerard Neugebauer Date: 7/21/2022

Gerard Neugebauer, Mayor

Approved as to form and correctness:

Lisa Carey Dean Date: 5/24/2022

Lisa Carey Dean, Director of Law  
City of Green

**Village of Lakemore**

  
\_\_\_\_\_

Date: 8/23/2022

Richard Cole, Jr., Mayor

Approved as to form and correctness:

  
\_\_\_\_\_

Date: 6/28/2022

Ben G. Chojnacki, Director of Law  
Village of Lakemore

**Village of Mogadore**

  
\_\_\_\_\_

Date: 8/24/2022

Michael Rick, Mayor

Approved as to form and correctness:

  
\_\_\_\_\_

Date: 6/28/2022

Marshall Pitchford, Director of Law  
Village of Mogadore

**City of New Franklin**

  
\_\_\_\_\_

Date: 8/24/2022

Paul Adamson, Mayor

Approved as to form and correctness:

  
\_\_\_\_\_

Date: 7/5/2022

Irving B. Sugerman, Director of Law  
City of New Franklin



**Springfield Township**

Dean Young Date: 9/1/2022

Dean Young, Trustee

Approved as to form and correctness:

John Galonski Date: 7/5/2022

John Galonski, Legal Counsel  
Springfield Township

**Uniontown Fire Department**

Robert Gurinowitsch Date: 9/15/2022

Robert Gurinowitsch, President, Uniontown Fire Board of Directors

Approved as to form and correctness:

David Comstock Date: 7/21/2022

David C. Comstock, Legal Counsel  
Uniontown Fire Department

RECORD OF ORDINANCES

Ordinance No. 2024-31

Passed \_\_\_\_\_, 2024

SPONSOR: STREETS COMMITTEE

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.

WHEREAS, Section 150.224 of the Codified Ordinances of the Village provides for the removal of dead, diseased or dangerous trees and limbs in certain situations; and

WHEREAS, the Village desires to have clarity and consistency surrounding the situations when the Village may remove dead, diseased or dangerous trees and limbs; and

WHEREAS, the Mayor has proposed amending Section 150.224 as set forth on Exhibit A, attached hereto and incorporated herein by reference; 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 amend Section 150.224 as set forth in the attached Exhibit A.

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

SECTION 1: Section 150.224 of the Codified Ordinances of the Village is hereby amended as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 2: Any prior Ordinances adopted by this Council, or any provisions thereof, that are in conflict with Section 1 of this Ordinance are hereby rescinded and repealed in their entirety.

SECTION 4: 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 5: 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 providing the Village with clear authority to remove dead, diseased or dangerous trees and limbs in 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

Ordinance No. 2024-31

Passed \_\_\_\_\_, 2024

\_\_\_\_\_  
President Pro-Temp                      Date

\_\_\_\_\_  
Mayor                                      Date

Attest:

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

## EXHIBIT A

### Ordinance No. 2024-31

#### 150.224 TREELAWN LANDSCAPING OR PLANTINGS.

- (A) Right-of-way permit application (to allow work within village R/W).
- (1) The term "treelawn" for the purposes of this section of the Code shall mean any unpaved area within the village right-of-way (whether there is a sidewalk on not).
  - (2) Submit a right-of-way permit application to Village Clerk (with fees and deposit).
  - (3) Submit neat drawings of proposed plantings and features. Show distance from intersections, hydrants, drives etc. Provide data sheets for proposed trees/plantings.
  - (4) A zoning permit is not required.
  - (5) The Village Engineer and Planning Commission review the permit application.
- (B) Village fees. Right-of-way permit application fee and other fees/deposits described in the latest Village Permits and Approvals Fee Schedule required with application submittal.
- (C) Village standards.
- (1) Many of the village streets include storm/pavement subgrade drains behind the curb. The tendency of roots to migrate into and plug drains may be cause for the denial of requests to plant trees or vegetation within the tree-lawn (devil's strip).
  - (2) No trees except those hereafter designated shall be planted in a "devil strip". Trees permitted: Trident Maple (*Acer buergerianum*), Amur Maple (*Acer ginnala*), Paperback Maple (*Acer griseum*), Tatarian Maple (*Acer tataricum*), Red Buckeye (*Aesculus pavia*), Serviceberry - tree form (*Amelanchier* sp.), Lavalley Hawthorn (*Crataegus x lavalleyi*), Green Hawthorn (*Crataegus viridis* 'Winter King'), Amur Maackia (*Maackia amurensis*), Crabapple (*Malus* sp. - oval or upright forms and cultivars only), Persian Parrotia - tree form (*Parrotia persica*), Japanese Tree Lilac (*Syringa reticulata*).
  - (3) No trees or vegetation, whether mentioned in this section or not, shall be allowed to grow or develop or be placed in such a way as to intrude upon, impede, or obstruct the sidewalk, the pavement, the safe travel of motor vehicles or pedestrians.
  - (4) The village shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
  - (5) Corner clearance. At any corner, no obstruction to view in excess of two feet in height shall be placed within a triangle formed by the street right-of-way lines and a line connecting them at a point 30 feet from the intersection of said right-of-way lines. Every owner of any tree overhanging any street or right-of-way within the village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk and a clear space of 12 feet above the portion of a street outside the curb or that

portion of a street or right-of-way subject to vehicular traffic. Said owners shall remove all dead, diseased, or dangerous trees, or dead, broken, ~~or~~ decayed or dangerous limbs which constitute a menace to the safety of the public. The village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with the ability of drivers to see other drivers or pedestrians or interferes with visibility of any traffic-control device or sign.

- (6) Dead, ~~or~~ diseased or dangerous tree or limb removal on private property. The village shall have the right to cause the removal of any dead, ~~or~~ diseased or dangerous trees or dead, broken, decayed or dangerous limbs on private property within the village, when such trees or limbs constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the village. The Clerk-Treasurer or Zoning Inspector will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 45 ~~60~~ days after the date of service of notice. In the event of failure of owners to comply with such provisions, the village shall have the authority to remove such trees and charge the cost of the removal on the owner's property tax notice.
- (7) Removal of stumps. All stumps shall be removed below the surface of the ground to facilitate landscaping.
- (8) Disturbed areas shall be repaired with a minimum of three inches of screened topsoil, a high quality residential seed mix, mulching and watering/fertilizer as needed to ensure full germination within 60 calendar days.

RECORD OF ORDINANCES

Resolution No. 2024-32

Passed \_\_\_\_\_, 2024

SPONSOR: SAFETY COMMITTEE

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.

WHEREAS, the Village has experienced an increase in the amount of feral cats roaming the Village; and

WHEREAS, Summit County Animal Control accepts surrendered feral cats for a standard surrender fee of \$25.00, said fee ordinarily being paid by the person surrendering the cat; and

WHEREAS, to encourage the residents of the Village to assist in reducing the number of feral cats in the Village, the Village desires to enter into an agreement with Summit County Animal Control whereby the Village will pay the standard surrender fee of \$25.00 for all feral cats surrendered by residents of the Village through December 31, 2024, in an amount not to exceed \$1,000.00; 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 the aforementioned agreement with Summit County Animal Control.

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 with Summit County Animal Control whereby the Village will pay the standard surrender fee of \$25.00 for all feral cats surrendered by residents of the Village through December 31, 2024, in an amount not to exceed \$1,000.00.

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 attempting to reduce the feral cat population within the Village, 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. 2024-32

Passed \_\_\_\_\_, 2024

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

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

RECORD OF ORDINANCES

Resolution No. 2024-33

Passed \_\_\_\_\_, 2024

SPONSOR: SAFETY COMMITTEE

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

WHEREAS, Section 3.10(F) of the Charter of the Village of Mogadore provides this Council the power to determine the method, manner, consideration and procedure for the sale or disposal of real and personal property on behalf of the Village; and

WHEREAS, Section 721.15(C) of the Ohio Revised Code empowers this Council with the authority to determine that personal property of the Village is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, and to further determine that the personal property may be discarded or salvaged; and

WHEREAS, the Fire Department is in possession of a commercial dryer that no longer operates and, as such, this Council hereby determines that the same is obsolete, unfit for the use for which it was acquired, and has no value; and

WHEREAS, this Council further finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the Mayor and Fire Chief to salvage the aforementioned commercial dryer on behalf of the Village.

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 Fire Chief are hereby authorized to salvage the commercial dryer currently possessed by the Fire Department as the same is obsolete, unfit for the use for which it was acquired, and has no value.

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 7: 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 salvaging the aforementioned commercial dryer that no longer provides any benefit for the Village, 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. 2024-34

Passed \_\_\_\_\_, 2024

SPONSOR: PARKS COMMITTEE

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

WHEREAS, Section 9.48(B)(2) of the General Provisions of the Ohio Revised Code permit the Village to participate in a cooperative purchasing program operated by or through a national or state association of political subdivisions in which the Village is eligible for membership; and

WHEREAS, the Houston-Galveston Area Council has established a cooperative purchasing program pursuant to the State of Texas Interlocal Cooperation Act; and

WHEREAS, the Village is eligible to become a member of the Houston-Galveston Area Council and to enter into an Interlocal Contract for Cooperative Purchasing with the Houston-Galveston Area Council; 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 enroll the Village for membership in the Houston-Galveston Area Council's cooperative purchasing program and to execute the aforementioned Interlocal Contract for Cooperative Purchasing.

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 enroll the Village for membership in the Houston-Galveston Area Council's cooperative purchasing program and to execute the aforementioned Interlocal Contract for Cooperative Purchasing.

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 enrolling in the aforementioned cooperative purchasing program so that the Village may timely acquire certain playground equipment for which pricing has been established through the said program, 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.

