

Village of Mogadore

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COUNCIL MEETING AGENDA

June 5, 2024

5:30 p.m.

1. Moment of Reflection – Mr. Yoho
2. Pledge to the flag
3. Roll Call
4. Vote for President Pro-Temp
5. Approval of the Agenda
6. Minutes from the May 15, 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 2024-37 – Mr. Tonsic – Streets Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH GPD GROUP FOR DESIGN OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF SOUTH CLEVELAND AVENUE AND ALBRECHT AVENUE, AND DECLARING AN EMERGENCY.

Ordinance 2024-38 – Ms. Miller – Planning Committee

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 286 NORTH CLEVELAND AVENUE FROM A C-1 ZONING DISTRICT DESIGNATION TO AN R-1 ZONING DISTRICT DESIGNATION.

Resolution 2024-39 – Mr. Yoho – Safety Committee

A RESOLUTION APPROVING AND ADOPTING THE SUMMIT COUNTY 9-1-1 PLAN, AND DECLARING AN EMERGENCY.

Resolution 2024-40 – Mr. McDowall – Parks Committee

A RESOLUTION AUTHORIZING THE MAYOR TO SALVAGE THE EXISTING PLAYGROUND EQUIPMENT AT LIONS PARK, 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 15, 2024

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

Ms. Miller 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, Mr. McDowall, Ms. Van Dike, Mr. Tonsic, and Ms. Miller were present. Mr. Raddish and Mr. Bauer were excused.

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

Mr. McDowall made a motion to nominate Ms. Van Dike as President Pro-Temp, a second was made by Ms. Miller.

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

Motion by Mr. McDowall second by Ms. Van Dike adopt the minutes from the May 1, 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 reported he has one piece of legislation to read.

PLANNING AND ZONING – Ms. Miller reported there will be a Zoning Board of Appeals meeting on May 20th at 7 p.m. and a Joint Public Hearing with the Council and the Planning and Zoning Committee regarding rezoning property located at 286 North Cleveland Avenue from C-1 to R-1.

Law Director Jason Dodson updated the council regarding the status of the Testa Development. Dodson stated the construction for the stormwater started yesterday, a bond was posted for the stormwater work before starting construction and received final approval from the EPA for the water and sewer.

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

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

Mayor Rick reminded the council the May Work Session will be held Wednesday, May 29, 2024, after the Joint Public Hearing at 5:30 p.m.

OLD BUSINESS – None.

NEW BUSINESS –

Mr. Tonsic presented Resolution 2024-**35** sponsored by Streets Committee as follows:

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.

Mr. Tonsic 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. Tonsic to adopt Resolution 2024-35, a second was made by Ms. Miller.

Mayor Rick stated this is the Herbert Street extension from Meadowridge to Marion. The cost is estimated at around \$1.6 million. The Village has received a grant from ODOT for half of the amount.

Vote. Unanimous ayes. Motion carried.

Mr. McDowall presented Resolution 2024-**36** sponsored by Parks Committee as follows:

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.

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 2024-36, a second was made by Ms. Miller.

Mayor Rick stated ParkPlay Solutions is a local company located in Portage County.

Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: Carl Housley, 67 First Avenue, asked Ms. Miller for clarification on the rezoning property located at 286 North Cleveland Avenue.

Ms. Miller stated the request to rezoning property from commercial (C-1) to residential (R-1).

Housley asked who is billed for EMS services in the Village.

Scott Varney will look into the billing for EMS services and get back to Mr. Housley.

John Mencer, 242 S Cleveland Avenue, told the council the Street Department has done a fabulous job at keeping the Village clean.

COMMENTS from Council: No Comments.

COMMENTS from the Law Director: No Comments.

COMMENTS from the Village Engineer: Mr. Glass was not present.

RECORD OF ORDINANCES

Resolution No. 2024-37

Passed _____, 2024

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH GPD GROUP FOR DESIGN OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF SOUTH CLEVELAND AVENUE AND ALBRECHT AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14.03 of the Village’s Charter provides the Village may enter into agreements for services upon the authorization of this Council; and

WHEREAS, GPD Group (“GPD”), who serves as the Village Engineer, submitted a proposal to the Village to provide engineering services for the new traffic signal design at the intersection of South Cleveland Avenue and Albrecht Avenue, in an amount not to exceed \$52,925.00; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to authorize the Mayor to enter into an engineering services agreement with GPD for the design of a new traffic signal design at the intersection of South Cleveland Avenue and Albrecht Avenue for the amount of \$52,935.00.

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

SECTION 1: The Mayor is hereby authorized to enter into an engineering services agreement with GPD to provide engineering services for the design of a new traffic signal at the intersection of South Cleveland Avenue and Albrecht Avenue, in an amount not to exceed \$52,925.00.

SECTION 2: The Mayor and the Clerk-Treasurer are authorized and directed to sign and/or enter into any other documents necessary to effectuate the provisions of this Resolution.

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 beginning the design engineering work to ensure timely installation of the new traffic signal, 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

Ordinance No. 2024-38

Passed _____, 2024

SPONSOR: PLANNING COMMITTEE

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 286 NORTH CLEVELAND AVENUE FROM A C-1 ZONING DISTRICT DESIGNATION TO AN R-1 ZONING DISTRICT DESIGNATION.

WHEREAS, Section 152.133 of the Village's Codified Ordinances provides this Council the authority to modify the number, shape or area of the districts established by the Codified Ordinances and set forth on the Village's zoning map, including amending said zoning map, provided that the Village complies with the procedural requirements contained therein; and

WHEREAS, the owners of the real property located at 286 North Cleveland Avenue, Mogadore, OH 44260, consisting of approximately 2.50 acres and identified in the Summit County Records as Parcel No. 5501692 (the "Property") previously filed an application with the Clerk-Treasurer to rezone the Property from a C-1 zoning district designation to an R-1 zoning district designation; and

WHEREAS, following proper notice, this Council and the Village's Planning Commission held a joint hearing on the application for the rezoning of the Property from a C-1 zoning district designation to an R-1 zoning district designation on May 29, 2024, pursuant to Section 152.133 of the Village's Codified Ordinances; and

WHEREAS, on May 29, 2024, the Village's Planning Commission voted unanimously to recommend the rezoning of the Property from a C-1 zoning district designation to an R-1 zoning district designation; 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 rezone the Property from a C-1 zoning district designation to an R-1 zoning district as set forth herein, and to amend the Village's zoning map accordingly.

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

SECTION 1: Pursuant to Section 152.133 of the Village's Codified Ordinances, this Council hereby rezones the Property from a C-1 zoning district designation to an R-1 zoning district.

SECTION 2: The Village's zoning map is hereby amended to reflect the Property as part of the Village's R-1 zoning district designation.

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.

RECORD OF ORDINANCES

Resolution No. 2024-39

Passed _____, 2024

SPONSOR: SAFETY COMMITTEE

A RESOLUTION APPROVING AND ADOPTING THE SUMMIT COUNTY 9-1-1 PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, Section 128.06 of the Ohio Revised Code establishes that every county shall maintain a county 9-1-1 Program Review Committee and that committee shall maintain and approve a plan for implementing and operating the county 9-1-1 system (the “Plan”); and

WHEREAS, the Plan identifies each of the Public Safety Answering Points (“PSAPs”) in the County, indicates how they operate, the expense of operation and establishes processes for expending funds that the County receives from the State of Ohio 9-1-1 Government Assistance Fund; and

WHEREAS, 128.08 of the Ohio Revised Code requires that the final plan shall be adopted by the legislative authorities of municipal corporations and townships that contain at least sixty per cent of the county's population; and

WHEREAS, the Plan was updated in coordination with representatives from each PSAP located in Summit County; and

WHEREAS, the updated Plan was subsequently approved by the Summit County 9-1-1 Program Review Committee on March 27, 2024; 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 approve and adopt the aforementioned 9-1-1 Plan.

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 2024 Summit County 9-1-1 Plan (the “Plan”), a copy of which is attached hereto as Exhibit A and incorporated fully herein, is hereby approved and adopted by this Council.

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 approving the Plan in conformity with the Ohio Revised Code, 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. 2024-40

Passed _____, 2024

SPONSOR: PARKS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO SALVAGE THE EXISTING PLAYGROUND EQUIPMENT AT LIONS PARK, 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 Village is purchasing new playground equipment to replace the existing playground equipment at Lions Park; and

WHEREAS, this Council hereby determines that the existing playground equipment is no longer needed for public use, 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 playground equipment 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 is hereby authorized to salvage the existing playground equipment at Lions Park 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 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 salvaging the aforementioned playground equipment 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.

