

Village of Mogadore

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COUNCIL MEETING AGENDA

October 16, 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 October 2, 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 2024-65 – Mr. McDowall – Sponsor: Mayor Rick

A RESOLUTION APPROVING THE APPOINTMENT OF KRISTA ADOLPH TO THE VILLAGE OF MOGADORE CEMETERY BOARD, AND DECLARING AN EMERGENCY.

Resolution 2024-66– Mr. McDowall – Sponsor: Mayor Rick

A RESOLUTION ESTABLISHING THE RATES OF PAY AND ADDITIONAL COMPENSATION FOR THE PART-TIME PARKS AND CEMETERY EMPLOYEES OF THE VILLAGE, AND DECLARING AN EMERGENCY.

Resolution 2024-67 – Ms. Van Dike – Sponsor: Finance Committee

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND, THE PARK AND RECREATION FUND, AND THE FIRE CAPITAL EQUIPMENT RESERVE FUND AND DECLARING AN EMERGENCY.

Resolution 2024-68 – Ms. Van Dike – Sponsor: Mayor Rick

A RESOLUTION AUTHORIZING THE AVANCE OF FUNDS FROM THE GENERAL FUND TO THE PARK AND RECREATION FUND, AND DECLARING AN EMERGENCY.

Resolution 2024-69 – Ms. Van Dike – Sponsor: Finance Committee

A RESOLUTION AUTHORIZING THE AVANCE OF FUNDS FROM THE GENERAL FUND TO THE PARK AND RECREATION FUND, 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

October 2, 2024

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

Mr. McDowall 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 the 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. Raddish, Mr. Tonsic, Ms. Miller, and Mr. Bauer.

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

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

Motion by Ms. Van Dike second by Mr. Raddish adopt the minutes from the September 18, 2024, Council meetings. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION – No comments.

COMMITTEE REPORTS –

UTILITIES – Mr. Bauer had no report.

SAFETY – Mr. Yoho had no report.

PARKS – Mr. McDowall had no report.

PLANNING AND ZONING – Ms. Miller reported there will be a Zoning Board of Appeals Meeting on Monday, October 28th here in council chambers at 7 p.m.

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

STREETS – Mr. Tonsic had no report.

Council President Mr. Raddish announced the October Work Session will be held Wednesday, October 23rd at 5:30 p.m. with all committees reporting.

OLD BUSINESS – None.

NEW BUSINESS – None.

COMMENTS from the Public: Carl Housley, 67 First Avenue, asked how much has been applied for in reimbursement for the SAFER Grant and how much has been received. How much has the Village received on the Levy and what is the balance of the account?

Mayor Rick stated Scott Varney would look at it and get back to him.

Housley asked what kind of curbs will be installed in the new allotment for the Testa Development.

Dodson stated there were no variances granted so they are standard curbs that conform to newer construction.

Joe Henico, 3773 Argonne Street, commented on how nice the new playground equipment looked at Lions Park.

Jill Kirsch, 948 Pontius Road NW, Hartville, gave an update on the status of cats that have been surrendered to Summit County Animal Control. Kirsch stated as of September 30th thirty-nine cats were taken to SCAC, fifteen of those cats were killed, and the rest were transferred to One of A Kind. This is not a solution; this is a transfer of your problems to someone else. The cats taken by One of A Kind only because they value their lives and do not want them to be killed is an unneeded burden on a shelter that is not designed to house feral cats. One of A Kind has incurred great costs to spay, neuter, vaccinate, feed, and pay their employees to take care of. Kirsch has spoken to the businesses about the cats and the TRN plan and has not received any opposition. No one wants the cats harmed or starved, and has received positive feedback on Facebook and Nextdoor as well. Kirsch finds it disrespectful of the council not to address the issue and efforts put forth not only by private citizens but one of your council members Mr. McDowall, and since this is not being discussed at council meetings nor work sessions, talks must be going on privately. Kirsch encourages anyone in Mogadore that is missing a cat to contact Cripple Creek Ferals and Friends on Facebook. Kirsch questions how it's not illegal to take someone else's property and sign it over as their own. Kirsch asked the council why this issue which drew the attention of three News stations, and was brought up by Mr. McDowall at the last council meeting not discussed at the last work session, and now that you have expended \$975.00 of the allotted \$1,000.00 of the taxpayers money, what is your plan moving forward.

Chris Riggi, Co-founder of Riggi Rescue out of Akron, proposed TRN again to the council members. Mr. Riggi and his rescue trapped forty-seven cats last week and spent over \$3,000.00. Mr. Riggi suggested not renewing their contract with SCAC, and investing in a TNR program that is a much better solution and much more effective. We will come in and train everyone.

Edward Plotts, 45 Meadowridge Road, pointed out that citizens have come together and raised more than \$2,000.00 so far for a TNR program to help the cats, and at least five different organizations have come in to offer their help so far. Plotts hopes council members seriously consider this alternative approach.

Georgia Lecorchick, Uniontown, stated the people of Mogadore have created a problem. Instead of finding a solution to fixing the problem in a humane way, the council has pushed this problem away to other people and communities. It is not the job of rescues that were already overcrowded to take in more cats because they fear they will be killed by SCAC. Many people and clinics have offered their support and raised over \$2,000.00, and a \$1,200.00 grant to vet the cats and educate the residents and the council members still chose to ignore it. Lecorchick asked the council to set aside their discontent for the cats in order to fix the problem in the Village that will be a long turn from TNR, education all offered by several people, clinics, rescues, and non-profit organizations.

Heather Gilford, Firestone Park, Akron, asked how many written complaints and verbal complaints would the council need to get to counteract the complaints from people who do not want the cats.

Mayor Rick stated he could not answer that, he was not the one to change legislation.

Gilford asked if the council members could answer.

Mayor Rick stated if they wish to when it is their turn to speak.

Gilford then asked what more information, documentation, and commitment the council members needed for them to rescind the trapping and feeding ban.

Mayor Rick stated that it would be up to the council members if they wish to reach out.

COMMENTS from the Council: No Comments.

COMMENTS from the Law Director: No Comments.

COMMENTS from the Village Engineer: Not present.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from the Mayor: Mayor Rick announced limb pickup will run from October 7th through October 11th, and the Historical Society is having its soup and sandwich luncheon next Wednesday from 11 a.m. to 1 p.m.

Meeting adjourned at 5:45 p.m.

Attest:

Mayor

Date

Clerk-Treasurer

RECORD OF ORDINANCES

Resolution No. 2024-66Passed _____, 2024

SPONSOR: MAYOR RICK

A RESOLUTION ESTABLISHING THE RATES OF PAY AND ADDITIONAL COMPENSATION FOR THE PART-TIME PARKS AND CEMETERY EMPLOYEES OF THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, this Council establishes the rates of pay for the various part-time employees of the Village, including the Part-Time Parks Maintenance Supervisor, Part-Time Parks Maintenance Assistant Supervisor, Part-Time Parks Maintenance Workers, Part-Time Parks Recreation Supervisor, Part-Time Parks Recreation Assistant Supervisor, Part-Time Parks Recreation Workers, and Part-Time Cemetery Maintenance Workers (collectively the "Part-Time Parks and Cemetery Employees"); and

WHEREAS, pursuant to Resolution No. 2024-7, this Council increased the maximum base rate of pay for the Part-Time Parks and Cemetery Employees to an amount not to exceed Seventeen Dollars (\$17.00) per hour, payable bi-weekly, provided that the precise amount of pay for the individuals filling those positions be further established by the Mayor; and

WHEREAS, prior to the adoption of Resolution No. 2024-7, this Council had adopted Resolution 2022-23, which provided that when Part-Time Parks and Cemetery Employees perform work as part of the Village's Leaf Pick-up Program or other work with the Streets Department, such individuals shall receive additional compensation for their services at an additional rate of \$3.00 more hourly than their assigned compensation; and

WHEREAS, prior to the adoption of Resolution No. 2024-7, and after the adoption of Resolution 2022-23, this Council adopted Resolution 2023-26, which also established the maximum base rate of part for the Part-Time Parks and Cemetery Employees, but which errantly did not include the provision that when Part-Time Parks and Cemetery Employees perform work as part of the Village's Leaf Pick-up Program or other work with the Streets Department, such individuals shall receive additional compensation for their services at an additional rate of \$3.00 more hourly than their assigned compensation; and

WHEREAS, while Resolution No. 2024-7 amended Resolution No. 2023-26 to adjust the maximum base rate of compensation for the Part-Time Parks and Cemetery Employees, it also errantly did not include the provision that when Part-Time Parks and Cemetery Employees perform work as part of the Village's Leaf Pick-up Program or other work with the Streets Department, such individuals shall receive additional compensation for their services at an additional rate of \$3.00 more hourly than their assigned compensation; and

WHEREAS, this Council desires to provide for the additional compensation set forth in the immediately prior paragraph, retroactively to October 1, 2023; 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 maintain the rate of pay for the

RECORD OF ORDINANCES

Resolution No. 2024-66Passed _____, 2024

Part-Time Parks and Cemetery Employees and provide additional compensation as set forth above.

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 Part-Time Parks Maintenance Supervisor, Part-Time Parks Maintenance Assistant Supervisor, Part-Time Parks Maintenance Workers, Part-Time Parks Recreation Supervisor, Part-Time Parks Recreation Assistant Supervisor, Part-Time Parks Recreation Workers, and Part-Time Cemetery Maintenance Workers shall receive compensation for their services at a rate between the Ohio minimum wage and an amount not to exceed Seventeen Dollars (\$17.00) per hour, payable bi-weekly. The precise amount paid to the individuals filling these positions, within the range set forth in this Section, shall be further established by the Mayor.

SECTION 2: In addition to Section 1, when the Part-Time Parks Maintenance Supervisor, Part-Time Parks Maintenance Assistant Supervisor, Part-Time Parks Maintenance Workers, Part-Time Parks Recreation Supervisor, Part-Time Parks Recreation Assistant Supervisor, Part-Time Parks Recreation Workers, and Part-Time Cemetery Maintenance Workers perform work as part of the Village's Leaf Pick-up Program or other work with the Streets Department, such individuals shall receive additional compensation for their services at an additional rate of \$3.00 more hourly than their assigned compensation.

SECTION 3: This Resolution and these pay rates shall be effective, retroactively, as of October 1, 2023.

SECTION 4: Any prior Resolutions or Ordinances adopted by this Council, or any provisions thereof, that are in conflict with this Resolution are hereby rescinded and repealed in their entirety.

SECTION 5: 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 6: 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 and appropriately compensating the Part-Time Parks and Cemetery Employees prior to commencement of hiring many of the individuals for those positions for the upcoming seasons, 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. 2024-67

Passed _____, 2024

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND, THE PARK AND RECREATION FUND, AND THE FIRE CAPITAL EQUIPMENT RESERVE 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 Fund, the Park and Recreation Fund and the Fire Capital Equipment Reserve 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 Fund, the Park and Recreation Fund and the Fire Capital Equipment Reserve 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 Fund, the Park and Recreation Fund, and the Fire Capital Equipment Reserve Fund for operating purposes, as follows:

From: General Fund	\$375,000.00
To: Fire Fund	\$150,000.00
Retirement Reserve Fund	\$ 75,000.00
Fire Capital Equipment Reserve	\$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

Resolution No. 2024-68

Passed _____, 20 24

SPONSOR: MAYOR

A RESOLUTION AUTHORIZING THE AVANCE OF FUNDS FROM THE GENERAL FUND TO THE PARK AND RECREATION FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Clerk-Treasurer have recommended that this Council authorize the advance of funds from the General Fund to the Park and Recreation Fund until such time as the reimbursements of Ohio Department of Natural Resources grant funds are received to replenish the same, as set forth herein; 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 advance of funds from the General Fund to the Park and Recreation 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 advance of funds from the General Fund to the Park and Recreation Fund until such time as reimbursement funds are received to replenish the same, at which time the General Fund will be repaid the money, as follows:

From: General Fund	\$150,000.00
To: Park and Recreation	\$150,000.00

SECTION 2: The Clerk-Treasurer is hereby authorized and directed to effectuate the advance 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

Ordinance No. 2024-69

Passed _____, 2024

SPONSOR: FINANCE COMMITTEE

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, OHIO, AUTHORIZING THE NECESSARY TAX LEVIES, CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 5705.34 of the Ohio Revised Code, the Budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council in fiscal year 2025, and what part thereof is without, and what part is within the ten-mill tax limitation; and

WHEREAS, pursuant to Section 5705.34 of the Ohio Revised Code, it is necessary and in the best interest of the Village to accept the amounts and rates as determined by the Budget Commission of Summit County, authorize the necessary tax levies and to certify the same to the Summit County Fiscal Officer.

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 amounts and rates to be levied upon the tax duplicate of the Village in fiscal year 2025, as determined by the Budget Commission of Summit County, Ohio in its certification, be and the same are hereby accepted.

SECTION 2: This Council hereby authorizes the amounts and rates of each tax necessary to be levied upon the tax duplicate of the Village within and without the ten-mill limitation as follows:

	Amount approved by Budget Commission Inside and Outside 10 Mill limitation	County Auditor's estimate of tax rate to be levied
<u>General Fund</u> Summit and Portage County	\$217,379	1.85
<u>Police Pension</u> Summit and Portage County	\$35,251	0.30
<u>Fire & EMS</u> Summit and Portage County	\$347,195	3.50
Total	\$599,825	5.65

RECORD OF ORDINANCES

Ordinance No. 2024-69

Passed _____, 2024

SECTION 3: The Clerk-Treasurer is hereby directed to certify a copy of this Resolution to the Summit County Fiscal Officer.

SECTION 4: 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 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 taking the actions set forth herein in a timely manner to ensure that the same be completed and the rates and amounts of the levies be certified to the Summit County Fiscal Officer as soon 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.

President of Council

Date

Mayor

Date

Attest:

Clerk-Treasurer