

Village of Mogadore

135 South Cleveland Avenue
Mogadore, OH 44260

Phone: (330) 628-4896 | Fax: (330) 628-5850

Web Site: www.mogadorevillage.org

COUNCIL MEETING AGENDA

Wednesday, February 5, 2025
5:30 p.m.

1. Moment of Reflection – Mr. Tonsic
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from January 15, 2025, council meetings presented for changes, corrections, and adoption
6. Comments from the Audience on the pending legislation
7. Committee Reports

8. Old Business – **Second Reading**

Ordinance 2025-2 – Ms. Miller – Sponsor: Planning and Zoning Committee – (Exhibits A, B)
AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED WITHIN THE VILLAGE FROM AN R-3 ZONING DISTRICT DESIGNATION TO AN R-1 ZONING DISTRICT DESIGNATION.

9. New Business –

Ordinance 2025-4 – Ms. Van Dike – Sponsor: Finance Committee – (Exhibits A, B, C)
AN ORDINANCE LEVYING A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY LOCATED AT 3764 MOGADORE ROAD, MOGADORE, OHIO 44260, AND DECLARING AN EMERGENCY.

Resolution 2025-5 – Ms. Van Dike – Sponsor: Mayor Rick
A RESOLUTION AUTHORIZING THE MAYOR TO SELL AN AMBULANCE AND BUCKET TRUCK VIA ONLINE AUCTION THROUGH GOVDEALS.COM, AND DECLARING AN EMERGENCY.

Resolution 2025-6 – Mr. Yoho – Sponsor: Safety Committee
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH STRYKER TO PURCHASE TWO NEW CARDIOPULMONARY RESUSCITATION MACHINES AT STATE-TERM CONTRACT PRICING AT AN AMOUNT NOT TO EXCEED \$42,000.00, AND DECLARING AN EMERGENCY.

Resolution 2025-7 – Mr. Yoho – Sponsor: Safety Committee
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SPRINGFIELD TOWNSHIP, OHIO FOR THE SALE OF TWO CARDIOPULMONARY RESUSCITATION UNITS, AND DECLARING AN EMERGENCY.

Resolution 2025-8 – Mr. Tonsic – Sponsor: Streets Committee
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A SAFE ROUTES TO SCHOOLS GRANT, IN CONJUNCTION WITH THE MOGADORE LOCAL SCHOOL DISTRICT, TO CONSTRUCT AND INSTALL

SIDEWALKS ALONG CURTIS STREET AND HERBERT STREET AND A DRIVEWAY IMPROVEMENT AT O.H. SOMERS ELEMENTARY SCHOOL, AND DECLARING AN EMERGENCY.

Resolution 2025-9 – Mr. Tonsic – Sponsor: Streets Committee

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE HERBERT STREET EXTENSION AND NORWICH AVENUE PROJECT WITHIN THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

Resolution 2025-10 – Mr. Tonsic – Sponsor: Streets Committee

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR NECESSARY 2025 CHIP AND SEAL STREET REPAIRS WITHIN THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

Resolution 2025-11 – Mr. Bauer – Sponsor: Utilities Committee

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONTRACT WITH WILSON ELECTRONIC DISPLAYS, LLC FOR SUPPLYING LABOR AND MATERIALS FOR THE REPLACEMENT OF THE EXISTING MONUMENT SIGN AT VILLAGE HALL WITH A NEW ELECTRONIC MONUMENT SIGN, AND DECLARING AN EMERGENCY.

Resolution 2025-12 – Ms. Van Dike – Sponsor: Finance Committee

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

Ordinance 2025-13 – Ms. Van Dike – Sponsor: Finance Committee – (Exhibit A)

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025, 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

Wednesday, January 15, 2025

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

Mr. Raddish asked everyone to join him in a moment of reflection on 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 the Village's Facebook Page.

Roll Call: Yoho, McDowall, Van Dike, Raddish, Tonsic, Bauer, and Miller were present.

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

Motion by Raddish second by McDowall for the approval of the agenda as presented. Vote. Unanimous ayes. Motion carried.

Motion by Van Dike second by Bauer to adopt the minutes from the January 2, 2025, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION –

Jon Mencer, 242 South Cleveland Avenue, referenced Ordinance 2025-2; asked if zoned to single family will the development still have an HOA.

Dodson stated yes, the HOA is a declaration that gets put on the property by recording at the county. The obligations over the HOA of what's private and what is public do not change by this.

Mencer then asked if the HOA would still be responsible for maintaining their roads.

Dodson stated yes. The rezoning of the development does not change what is already public and what is private.

Mencer asked what the benefit to the Village would be by rezoning said property to Residential-1.

Mayor Rick stated that rezoning the property from Residential-3 to Residential-1 eliminates the building of apartments.

COMMITTEE REPORTS

UTILITIES – Mr. Bauer has no report.

SAFETY – Mr. Yoho has no report.

PARKS & RECREATION – Mr. McDowall has no report.

PLANNING AND ZONING – Ms. Miller has no report.

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

STREETS – Mr. Tonsic has no report.

Council President Raddish announced the January Work Session will be held Wednesday, January 22nd at 5:30 p.m. with all committees reporting.

OLD BUSINESS – None.

NEW BUSINESS – Three pieces of legislation.

Ms. Miller presented Ordinance 2025-1 sponsored by Planning and Zoning Committee as follows:

AN ORDINANCE AMENDING SECTION 152.018 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “NONCONFORMING USES” CONCERNING THE RESTORATION OF NONCONFORMING ATTACHED SINGLE-FAMILY DWELLINGS WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

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

A motion was made by Miller to adopt Ordinance 2025-1; a second was made by Tonsic.

Dodson explains the change and uses the Wynstone Development as an example.

Vote. Unanimous ayes. Motion carried.

Ms. Miller presented Ordinance 2025-2 sponsored by Planning and Zoning Committee as follows:

AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED WITHIN THE VILLAGE FROM AN R-3 ZONING DISTRICT DESIGNATION TO AN R-1 ZONING DISTRICT DESIGNATION.

Ms. Miller stated this is the first reading.

Ms. Miller presented Ordinance 2025-3 sponsored by Planning and Zoning Committee as follows:

AN ORDINANCE APPROVING THE FINAL PLAT OF PHASE 1 OF THE WEST VILLAGE SUBDIVISION, AND ACCEPTING THE DEDICATED RIGHT-OF-WAYS, EASEMENTS, OPEN-SPACES AND PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN SAID SUBDIVISION, AND DECLARING AN EMERGENCY.

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

A motion was made by Miller to adopt Ordinance 2025-3; a second was made by Tonsic.

Dodson stated Testa will be moving forward with Ryans Homes. Testa cannot sell any lots until the Final Plat is approved by the council. Everything is moving along as it should be.

Vote. Unanimous ayes. Motion carried.

COMMENTS from the Public: *Carl Housley, 67 First Avenue*, stated he never got an answer to the question he asked last June regarding the amount of income tax collected from the work done at the West Village development in 2023. Housley stated Mr. Varney confirmed it was being collected but never indicated the amount.

Dodson stated only two or three months in 2023 and most of the work was done during 2024.

Mayor Rick asked Clerk-Treasurer Scott Varney to get that information to Mr. Housley.

COMMENTS from the Council: Councilman Bauer and Councilman Tonsic commended the Street Department for keeping the street plowed.

COMMENTS from the Law Director: No Comments.

COMMENTS from the Village Engineer: No Comments.

COMMENTS from the Clerk-Treasurer: No Comments.

COMMENTS from Mayor Rick: Mayor Rick read aloud a letter he received in the mail from a resident commending the Street Department for a great job done keeping the roads plowed.

Meeting adjourned at 5:47 p.m.

Attest:

Mayor

Date

Clerk-Treasurer

RECORD OF ORDINANCES

Ordinance No. 2025-2

Passed _____, 2025

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED WITHIN THE VILLAGE FROM AN R-3 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 Village desires to rezone that certain real property located within Village depicted on Exhibit A and listed in Exhibit B (collectively the "Property") from an R-3 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 an R-3 zoning district designation to an R-1 zoning district designation on January 8, 2025, pursuant to Section 152.133 of the Village's Codified Ordinances; and

WHEREAS, on January 8, 2025, the Village's Planning Commission voted unanimously to recommend the rezoning of the Property from an R-3 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 an R-3 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:

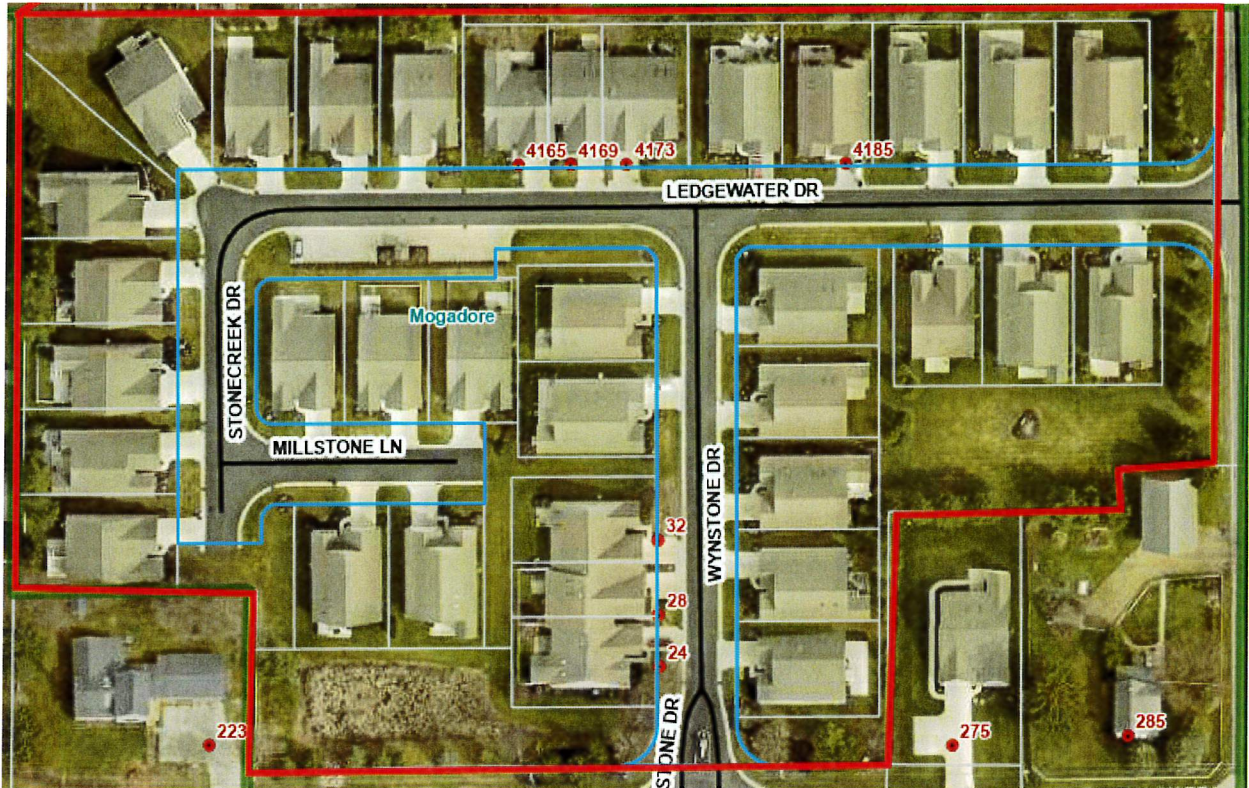
SECTION 1: Pursuant to Section 152.133 of the Village's Codified Ordinances, this Council hereby rezones the Property from an R-3 zoning district designation to an R-1 zoning district.

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.

Map of Rezoned Area
Wynstone Development
Ordinance 2025-2

EXHIBIT A



List of Parcels
Wynstone Development
Ordinance 2025-2
EXHIBIT B

39-046-50-00-001-001
39-046-50-00-001-002
39-046-50-00-001-003
39-046-50-00-001-004
39-046-50-00-001-005
39-046-50-00-001-006
39-046-50-00-001-022
39-046-50-00-001-023
39-046-50-00-001-024
39-046-50-00-028-000
39-046-50-00-029-000
39-046-50-00-030-000
39-046-50-00-001-025
39-046-50-00-001-026
39-046-50-00-001-027
39-046-50-00-001-028
39-046-50-00-001-029
39-046-50-00-001-034
39-046-50-00-001-019
39-046-50-00-001-020
39-046-50-00-001-021
39-046-50-00-001-033
39-046-50-00-001-008
39-046-50-00-001-007
39-046-50-00-001-032
39-046-50-00-009-000
39-046-50-00-008-000
39-046-50-00-007-000
39-046-50-00-043-000
39-046-50-00-001-030
39-046-50-00-001-013
39-046-50-00-001-012
39-046-50-00-001-011
39-046-50-00-001-010
39-046-50-00-001-009
39-046-50-00-001-016
39-046-50-00-001-015
39-046-50-00-001-014
39-046-50-00-001-017
39-046-50-00-001-018
39-046-50-00-001-031
39-046-50-00-044-000

RECORD OF ORDINANCES

Ordinance No. 2025-4Passed _____, 2025

SPONSOR: FINANCE COMMITTEE

AN ORDINANCE LEVYING A SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY LOCATED AT 3764 MOGADORE ROAD, MOGADORE, OHIO 44260, AND DECLARING AN EMERGENCY.

WHEREAS, in July 2021, the Village brought suit in the Summit County Court of Common Pleas against Kevin J. Landenberger, as the owner of the real property located at 3764 Mogadore Road, Mogadore, Ohio 44260, PPN 5501125 (the "Property"), seeking to enjoin Mr. Landenberger's use of the Property in violation of the Village's Codified Ordinances and further seeking to abate a nuisance upon the Property, said case being captioned as the Village of Mogadore, et al. v. Kevin J. Landenberger, Case. No. CV-2021-07-2243; and

WHEREAS, on February 4, 2022, the Court in the above-captioned matter issued an Order enjoining Mr. Landenberger's violations upon the Property, authorizing the Village to take necessary actions to abate the nuisance upon the Property, authorizing the Village to assess the costs of the Village in abating the nuisance upon the Property if the same are not timely paid by Mr. Landenberger, and further levying a tax in the amount of \$300.00 against the Property, in addition to the costs incurred by the Village to abate the nuisance, pursuant to Section 3767.08 of the Ohio Revised Code. A copy of said Order is attached hereto as Exhibit A; and

WHEREAS, on May 10, 2023, the Court in the above-captioned matter issued a Stipulated Order whereby, among other items, the Court ordered Mr. Landenberger to pay to the Village the sum of \$26,673, which includes the costs of the Village in abating the nuisance upon the Property and the tax levied pursuant to Section 3767.08 of the Ohio Revised Code, within sixty (60) days of the stipulated order. A copy of the Stipulated Order is attached hereto as Exhibit B; and

WHEREAS, pursuant to Resolution 2023-60, because said sum was unpaid by the Mr. Landenberger, this Council levied said unpaid sums as special assessments against the Property as permitted by the Stipulated Order; and

WHEREAS, again in February 2024, the Village was required to further abate the nuisance upon the Property by engaging Excellent Excavations Concrete and Construction at a cost of \$6,617.40; and

WHEREAS, pursuant to Resolution 2024-54, because the \$6,617.40 was unpaid by Mr. Landenberger, this Council levied said unpaid sums as special assessments against the Property as permitted by the Stipulated Order; and

WHEREAS, unfortunately, Mr. Landenberger continues to not comply with the requirements of the Order and Stipulated Order, and, in December 2024 the Village was required to abate the nuisance upon the Property by engaging Excellent Excavations Concrete and Construction at a cost of \$5,875.40 and Braden's Auto, LLC at a cost of \$757.00, for a total of \$6,632.40.

RECORD OF ORDINANCES

Ordinance No. 2025-4Passed _____, 2025

WHEREAS, Mr. Landenberger has not paid to the Village any portion of such \$6,632.40 incurred by the Village to abate the nuisance upon the Property in December, and the Village is entitled to assess those costs against the Property pursuant to the Order and Stipulated Order; and

WHEREAS, Section 93.53 of the Codified Ordinance of the Village further authorizes the Village to assess an administrative fee of \$100.00 for each occurrence wherein the Village is required to serve notice of violation in addition to the charges for abatement of hazardous property conditions, and said administrative fee may also be placed upon the tax duplicate of said real property as a special assessment to be collected as other taxes and assessments upon such real property, and remitted to the Village for deposit into the General Fund; and

WHEREAS, to levy such costs as special assessments against the Property, this Council must certify said special assessments to the Summit County Fiscal Officer to be placed on the tax duplicate for the Property, collected as other taxes and assessments upon the Property, and remitted to the Village for deposit into the General Fund; 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 certify to the Summit County Fiscal Officer the aforementioned costs in the amount set forth in Exhibit C to be placed on the tax duplicate for the Property, collected as other taxes and assessments upon the Property, and remitted to the Village for deposit into the General Fund.

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

SECTION 1: This Council hereby certifies to the Summit County Fiscal Officer the aforementioned unpaid costs in the amount set forth in Exhibit C, attached hereto and incorporated herein by reference, to be placed on the tax duplicate for the Property as a special assessment, collected as other taxes and assessments upon the Property, and remitted to the Village for deposit into the General Fund, as provided for in the Order and Stipulated Order.

SECTION 2: The special assessment in the amount set forth on Exhibit C against the Property is hereby adopted.

SECTION 3: The Clerk-Treasurer shall deliver a copy of this Ordinance to the Summit County Fiscal Officer within five (5) business days after its adoption.

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.

RECORD OF ORDINANCES

Ordinance No. 2025-4

Passed _____, 2025

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 authorizing said special assessment within the time period allowed by law so that the Village may recover its costs incurred in abating the nuisances upon the Property, 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

ORDINANCE NO. 2025-4

PARCEL No #	FISCAL USE	EFFECTIVE TAX YEAR	ANNUAL # of Years	PROJECT TYPE	OPTIONAL JURISDICTION USE
5501125		2025	1	87	<i>Address, Property Description, Notes, etc.</i> Rubbish Clean-Up. 3764 Mogadore Road

TOTALS 6,732.40

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

THE VILLAGE OF MOGADORE, OHIO,)	CASE NO.: CV-2021-07-2243
)	
and)	JUDGE JOY M. OLDFIELD
)	
STATE OF OHIO EX. REL MARSHAL M. PITCHFORD,)	
)	<u>ORDER FOR PLAINTIFFS' MOTION</u>
)	<u>FOR APPROVAL OF STIPULATED</u>
Plaintiffs,)	<u>ORDER</u>
)	
-vs.-)	
)	
KEVIN J. LANDENBERGER)	
)	
Defendant.)	

Upon Plaintiff's Motion for Approval of Stipulated Order and for good cause shown, this Court hereby executes and enters the Stipulated Order of the Plaintiffs the Village of Mogadore, Ohio, State of Ohio Ex. Rel Marshal M. Pitchford, and Defendant Kevin J. Landenberger on all Counts.

IT IS SO ORDERED.

JUDGE JOY MALEK OLDFIELD

Approved:

Kathryn A. Vadas, Esquire (0071510)
Attorney for Plaintiff

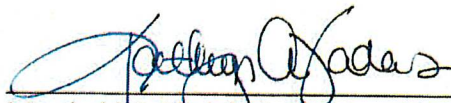
IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

THE VILLAGE OF MOGADORE, OHIO,)	CASE NO.: CV-2021-07-2243
)	
and)	JUDGE JOY M. OLDFIELD
)	
STATE OF OHIO EX. REL MARSHAL M. PITCHFORD,)	<u>PLAINTIFFS' MOTION FOR</u>
)	<u>APPROVAL OF STIPULATED ORDER</u>
Plaintiffs,)	
)	
-vs.-)	
)	
KEVIN J. LANDENBERGER)	
)	
Defendant.)	

Now comes Plaintiffs the Village of Mogadore, Ohio and State of Ohio Ex. Rel Marshal M. Pitchford (“The Village”), by and through undersigned counsel, and hereby moves this Court for approval and entry of the attached Stipulated Order. The parties in this matter have negotiated and executed the Stipulated Order, which is a variation of the original Order granting the Village of Mogadore the right to abate the public nuisance located at 3764 Mogadore Road, Mogadore, Ohio. The Stipulated Order, which is attached hereto as Exhibit 1, provides Defendant Kevin Landenberger the opportunity to abate the nuisances inside both houses on the property at times that are convenient to him within the time parameters identified in the Stipulated Order. By allowing the Defendant to abate the nuisance, it will lessen the inconvenience to him associated with the abatement. As such, the Parties respectfully request that this Honorable Court approve and execute the attached Stipulated Order.

Respectfully submitted,

DICAUDO, PITCHFORD & YODER, LLC



Marshal M. Pitchford, Esquire (0071202)

mpitchford@dpylaw.com

Kathryn A. Vadas, Esquire (0071510)

KVadas@dpylaw.com

209 South Main Street, Third Floor

Akron, OH 44308

Telephone: (330) 762-7477

Facsimile: (330) 762-8059

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

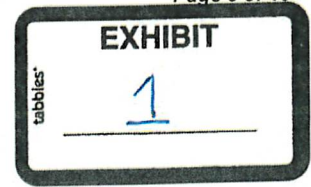
I certify that on this 1ST day of May, 2023, the foregoing was served via regular

U.S. mail upon:

Kevin J. Landenberger
3764 Mogadore Road
Mogadore, OH 44260



Kathryn A. Vadas



**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

**THE VILLAGE OF MOGADORE,
OHIO**

**STATE OF OHIO EX. REL.
MARSHAL PITCHFORD,**

Plaintiffs,

v.

KEVIN LANDENBERGER,

Defendant.

CASE NO. CV-2021-07-2243

JUDGE JOY MALEK OLDFIELD

STIPULATED ORDER

On February 4, 2022, this Honorable Court issued an Order declaring that Defendant, Kevin Landenberger’s (“Defendant”) property located at 3764 Mogadore Road, Mogadore, Ohio (hereinafter the “Premises”) constituted a public nuisance. The Order, which is attached hereto as Exhibit A and incorporated by reference as if fully rewritten herein, provides for the abatement of the public nuisance. The Parties have reached stipulations/agreements as to the further handling of the abatement, which stipulations/agreements the Court adopts as its Order of Execution in accordance with Ohio Civil Rule 70 herein:

1. The Village of Mogadore (hereinafter “Village”) retains all the rights granted it by the Court in its February 4, 2022 Order as if fully rewritten herein.
2. The Village has cleaned up the grounds and exterior of the real property located at 3764 Mogadore Road, Mogadore, Ohio 44236 (hereinafter the “Premises”).
3. The expenses for the aforementioned cleanup incurred by the Village and/or taxed in the Order to be paid by Defendant are as follows:
 - a. Village Employment Costs:

10.26.2022	\$23.52 x 5 emp x 5 hrs = \$588.00	Exhibit B
10.28.2022	\$23.52 x 5 emp x 5 hrs = \$588.00	Exhibit C
11.1.2022	\$23.52 x 5 emp x 6.5 hrs = \$764.40	Exhibit D
11.10.2022	\$23.52 x 3 emp x 1.5 hrs = \$105.84	Exhibit E
Total = \$2,046.24		

b. Village Equipment Rental Fees:

10.26.2022	Backhoe \$50.00 x 5 hrs = \$250.00	Exhibit B
	Dump Truck \$21.00 x 2 hrs = \$42.00	
10.28.2022	Backhoe \$50.00 x 5 hrs = \$250.00	Exhibit C
	Dump Truck \$21.00 x 2 hrs = \$42.00	
11.1.2022	Backhoe \$50.00 x 6.5 hrs = \$325.00	Exhibit D
11.10.2022	Bobcat \$30.00 x 1.5 hrs = \$45.00	Exhibit E
Total = \$954.00		

c. Kimble Dumpster Rental Fees:

10.26.2022	\$793.49	Exhibit F
10.28.2022	\$793.49	Exhibit G
11.1.2022	\$793.49	Exhibit H
Total = \$2,380.47		

**Grand total with below tax but absent Attorney Fees:
\$5,680.71**

d. The three hundred dollars (\$300.00) taxed by the Court Order.

e. Village Attorney Fees billed at \$165.00 per hour:

June 2021	DPY Invoice # 3693	\$2,227.50
July 2021	DPY Invoice # 3751	\$2,892.25
August 2021	DPY Invoice # 3813	\$82.50
September 2021	DPY Invoice # 3873	\$536.25

October 2021	DPY Invoice # 3922	\$742.50
November 2021	DPY Invoice # 3949	\$948.75
January 2022	DPY Invoice # 4028	\$2,598.75
February 2022	DPY Invoice # 4074	\$1,402.50
March 2022	DPY Invoice # 4138	\$3,135.00
April/May 2022	DPY Invoice # 4220	\$907.50
June 2022	DPY Invoice # 4244	\$453.75
July 2022	DPY Invoice # 4295	\$1,476.75
August 2022	DPY Invoice # 4357	\$371.25
September 2022	DPY Invoice # 4418	\$1,155.00
October 2022	DPY Invoice # 4436	\$3,506.25
November 2022	DPY Invoice # 4494	\$825.00
February 2023	DPY Invoice # 4618	\$330.00
March 2023	DPY Invoice #	XXXXX
		\$20,992.75

Total Due the Village: \$26,673.46

4. Defendant agrees to tender payment to the Village of the above amounts within sixty (60) days of signing this Order.
5. Because the Village is legitimately concerned that Defendant will allow the Premises to fall into disrepair and again constitute a public nuisance, the parties agree that the Village shall have the right to continued inspection of the grounds and exterior of the Premises for a period of at least five (5) years.
 - a. The Village may inspect the Premises up to six (6) times per year.
 - b. The Village shall provide Defendant written notice of the inspection at least forty-eight (48) hours before entry onto the Premises, which shall be taped by a police officer to the front door of the rear house on the Premises.

- c. If the Village inspection reveals that the Premises is falling into disrepair or constitutes a public nuisance, it has the right to order Defendant to clean the Premises up within thirty (30) days.
 - d. The Village will reinspect the Premises thirty-one (31) days after ordering Defendant to clean up the Premises.
 - e. If the Premises remains in disrepair or constitutes a nuisance upon such further inspection, the Village has the right to immediately clean up the Premises and dispose of all items creating the disrepair or nuisance.
 - f. If the Premises remains in compliance with all applicable local, state, county and federal laws for a period of five (5) years, the Village's right to inspection will terminate.
 - g. If the Premises fails to remain in compliance with all applicable local, state, county and federal laws for a period of five (5) years, the Village receives an additional year of inspection rights for each failure and Order to clean up the premises.
 - h. Any costs incurred by the Village as a result of Defendant's non-compliance with this Section may be recovered by the Village as set forth in Section 8 of this Order.
6. In return for granting the Village the right to continued inspection of the Premises, the Village will provide Defendant the right to abate the nuisance and bring the front house into compliance with all local, state and federal laws.
 - a. Defendant has the right to retain properly licensed professionals to inspect the electrical, plumbing, and HVAC systems in the front house, provided that said inspections shall be completed within one hundred twenty (120) days from the date Defendant signs this Order.

- b. These licensed professionals shall prepare reports of the violations in the electrical, plumbing, and HVAC systems along with a detailed explanation of the steps, cost, and timeline needed to bring each system into compliance with all applicable local, state, and federal laws, including without limitation the Village of Mogadore Codified Ordinances, Summit County Codified Ordinances, which incorporate the 2006 Residential Code of Ohio for One-, Two- and Three-Family Dwellings, as amended, and the the National Electric Code, as amended.
- c. Defendant agrees to have the systems brought into compliance no later than December 31, 2023 unless the Village consents, in writing, to a later date.
- d. Defendant agrees to provide the Village with updates on the work performed on the front house every thirty (30) days.
- e. Defendant agrees to personally obtain or have his professional contractors obtain all permits necessary to complete the work on the Premises.
- f. Defendant agrees to have both houses properly hooked up to all available public utilities no later than December 31, 2023 unless the Village consents to a later date.
- g. As part of this process, the two houses on the Premises shall each have, and operate upon, separate electric meters and be properly hooked up to obtain electricity.
- h. In the event Defendant fails to follow the above plan set forth in this Section, then the Village may enter upon the Premises and complete the work set forth in this Section.

- i. Any costs incurred by the Village as a result of Defendant's non-compliance with this Section, including the completion of the work as provided in the preceding paragraph, may be recovered by the Village as set forth in Section 8 of this Order.
7. Defendant shall comply with all Village of Mogadore Codified Ordinances in the abatement of the nuisance, including the Planning and Zoning provisions.
8. The failure to comply with the requirements of this Order shall constitute contempt and subject the violating party or parties to sanctions, including but not limited to, attorney fees, penalties and/or interest. Further, this Court shall have the immediate right to grant Plaintiff, the Village of Mogadore, an order to: prohibit Defendant from violating the Village's Zoning Code; grant access to the Village to bring the Premises into compliance with the Village's Zoning Code; award the costs of any such remediation costs and legal fees to the Village; and/or to declare the award of such costs and legal fees as a lien or assessment against the Premises.
9. The Court retains jurisdiction to enforce the stipulations/agreements as set forth above.


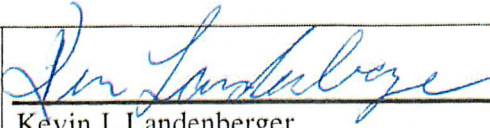
Court costs shall be paid by Defendant.

There is no just cause for delay. This is a final appealable Order.

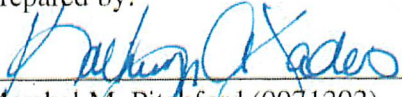
IT IS SO ORDERED.

JUDGE JOY MALEK OLDFIELD

Approved by and so stipulated:

 <hr/> Mayor Mike Rick Village of Mogadore 4-17-23	 <hr/> Kevin J. Landenberger Defendant 4-17-23
---	--

Prepared by:



 Marshal M. Pitchford (0071202)
mpitchford@dpylaw.com
 Kathryn A. Vadas, (0071510)
KVadas@dpylaw.com
 209 South Main Street, Third Floor
 Akron, OH 44308
 Telephone: 330.762.7477
 Facsimile: 330.762.8059

Counsel for Village of Mogadore



IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

THE VILLAGE OF MOGADORE,
OHIO,

STATE OF OHIO EX. REL.
MARSHAL PITCHFORD,

Plaintiffs,

v.

KEVIN LANDENBERGER

Defendant

CASE NO. CV-2021-07-2243

JUDGE JOY MALEK OLDFIELD

ORDER

This matter comes before this Court upon Plaintiffs' Motion to Compel and Deem Requests for Admissions Admitted and Motion for Default Judgment. This Court will review Plaintiffs' motion in two parts, as follows:

MOTION FOR DEFAULT JUDGMENT

First, this Court will address Plaintiffs' Motion for Default Judgment. Upon review of Plaintiffs' motion, supporting exhibits, and this Court's docket, this Court finds that Plaintiffs have established the following facts:

1. Plaintiffs filed its Complaint against the Defendant Kevin Landenberger on July 19, 2021.
2. Kevin Landenberger was served with the Complaint on October 25, 2021.
3. Kevin Landenberger's Answer or response to the Complaint was due on November 3, 2021.
4. To date, Kevin Landenberger has not filed a response to the Complaint or sought leave to file its answer or responsive pleading.

Sandra Kurt, Summit County Clerk of Courts

Sandra Kurt, Summit County Clerk of Courts

Applying these facts to Civ.R. 12(A)(I), Landenberger was required to serve his "Answer within twenty-eight days after service of the summons and Complaint upon him..." Landenberger failed to Answer or request leave within twenty-eight days. Accordingly, Plaintiffs' motion requests default judgment pursuant to Civ. R. 55(A). Civ. R. 55(A) provides for the entry of default judgment against "a party against whom a judgment for affirmative relief is sought" when that party "has failed to plead or otherwise defend as provided by these rules..."

Applying the aforementioned facts to the applicable rules, this Court finds that Plaintiffs are entitled to default judgment and hereby enters Judgment in favor of Plaintiffs on the Complaint.

MOTION TO DEEM ADMISSIONS ADMITTED

Upon review of Plaintiffs' motion, supporting exhibits, this Court finds that Plaintiffs have established the following facts:

FINDINGS OF FACT

1. Plaintiffs served Interrogatories, Requests for Production of Documents and Requests for Admissions on November 9, 2021.
2. Plaintiffs' service letter advised Defendant Landenberger that his failure to respond to the discovery would result in the case being decided against him and recommended he seek assistance of counsel.
3. Kevin Landenberger's responses to written discovery were due on or about December 7, 2021.
4. To date, Kevin Landenberger has not responded to the written discovery, including the request for admission.

LAW AND DECISION

Sandra Kurt, Summit County Clerk of Courts

Sandra Kurt, Summit County Clerk of Courts

Pursuant to Civ. R. 36,

Each matter of which an admission is requested shall be separately set forth. **The matter is admitted unless, within a period designated in the request, not less than twenty-eight days after service thereof or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney.** If objection is made, the reasons therefor shall be stated[.]

The language of this Rule unambiguously provides that the Requests are deemed admitted unless answered within a period of twenty-eight (28) days. Where a party has failed to respond to a request for admissions, “the admissions [become] facts of record, which the court must recognize.” *Cleveland Trust Co. v. Willis*, 20 Ohio St.3d 66, 67, 20 Ohio B. 364, 485 N.E.2d 1052. Accordingly, the following requests for admission are deemed admitted and recognized as facts as follows:

1. Kevin J. Landenberger owns the Premises located at 3764 Mogadore Road, Mogadore, Ohio.
2. The Premises contains two houses.
3. Kevin J. Landenberger resides in the house on the rear/back of the Premises.
4. Kevin J. Landenberger’s son resides in the house nearest the road/public thoroughfare on the Premises.
5. Kevin J. Landenberger received a Notice of Violation on February 26, 2020, for failure to obtain a permit to build an addition on the garage at the Premises.
6. Kevin J. Landenberger received a Notice of Violation on March 3, 2020, for failure to obtain a permit to build an addition on the garage at the Premises.
7. Kevin J. Landenberger received a letter from the Village of Mogadore Law Director Marshal M. Pitchford dated May 4, 2020 that warned you that your failure to bring the Premises into compliance with the Village of Mogadore’s Ordinances would result in your being penalized.

8. Kevin J. Landenberger received a Village of Mogadore Notice of Violation dated June 4, 2020 for failure to obtain a permit to build an addition on the garage at the Premises.
9. Kevin J. Landenberger received a citation and summons to appear before the Village of Mogadore Mayor's Court dated September 30, 2020, for failure to obtain a permit to build an addition on the garage at the Premises.
10. Kevin J. Landenberger appeared before the Village of Mogadore Mayor's Court on October 9, 2020.
11. Kevin J. Landenberger was fined for the condition of the Premises when you appeared before the Village of Mogadore Mayor's Court on October 9, 2020.
12. The Village of Mogadore Mayor's Court provided Kevin J. Landenberger thirty (30) days to bring the condition of the Premises into compliance with the Village of Mogadore Codified Ordinances.
13. The Village of Mogadore Police Department issued a citation and summons for Kevin J. Landenberger to appear before the Village of Mogadore Mayor's Court dated January 15, 2021.
14. Kevin J. Landenberger appeared before the Village of Mogadore Mayor's Court on January 21, 2021, regarding violations of the Village of Mogadore Codified Ordinances §93.26 and §93.55.
15. On January 21, 2021, the Mayor's Court Magistrate found Kevin J. Landenberger guilty for violating the Village of Mogadore Codified Ordinances §93.26 and §93.55.
16. On January 21, 2021 the Mayor's Court Magistrate provided Kevin J. Landenberger until March 1, 2021 to bring the Premises into compliance with the Village of Mogadore Codified Ordinances §93.26 and §93.55.

17. Kevin J. Landenberger received a letter from the Village of Mogadore Zoning Inspector dated January 26, 2021, reiterating the Magistrate decision to provide you until Marcy 1, 2021 to bring the Premises into compliance with the Village of Mogadore Codified Ordinances §93.26 and §93.55.
18. The house on the Premises located closest to the street caught fire on February 12, 2021.
19. The Village of Mogadore Fire Department responded to the fire in the house on the Premises located closest to the street on February 12, 2021.
20. The Village of Mogadore Fire Department had the proper authorities disconnect the electricity to the house on the Premises located closest to the street on February 12, 2021.
21. After the fire, Kevin J. Landenberger had the electricity restored to the house on the Premises located closest to the street.
22. First Energy did not reconnect electricity to the Premises.
23. Kevin J. Landenberger did not obtain the requisite permits to reconnect the electricity to the Premises after the February 2021 fire.
24. Kevin J. Landenberger did not obtain a permit to upgrade the interior electricity in the house located closest to the street on the Premises.
25. Kevin J. Landenberger received a letter from the Village of Mogadore Zoning Inspector dated January 26, 2021.
26. The letter Kevin J. Landenberger received from the Village of Mogadore Zoning Inspector dated January 26, 2021 reiterated the Mayor's Court Magistrate's decision ordering you to bring the Premises into compliance with with the Village of Mogadore Codified Ordinance §93.26 and §93.55.

27. The letter dated January 26, 2021 provided Kevin J. Landenberger until March 1, 2021 to bring the Premises into compliance with the Village of Mogadore Codified Ordinance §93.26 and §93.55.
28. The current state of the electrical system in the front house on the Premises is in violation of the National Electric Code.
29. The current state of the Premises creates an imminent danger to itself.
30. The current state of the Premises creates an imminent danger to the neighboring buildings.
31. The current state of the Premises creates an imminent danger to the residents of the Village.
32. The current state of the Premises creates an imminent danger to the occupants.
33. The current state of the Premises creates an imminent danger to fire personnel.
34. The current state of the Premises creates an imminent danger to itself, the neighboring buildings, the residents of the Village, the occupants, and fire personnel.
35. The current state of the Premises violates provisions of the Mogadore Codified Ordinances.
36. The current state of the Premises violates provisions of the Summit County Building Code.
37. The current state of the Premises violates provisions of the National Electric Code.
38. The Premises is a Public Nuisance.
39. The Premises is a fire hazard.
40. The Village of Mogadore provided Kevin J. Landenberger time to correct the condition of the Premises.
41. The Village of Mogadore provided Kevin J. Landenberger time to bring the Premises into compliance with the Village of Mogadore Codified Ordinances.

42. Kevin J. Landenberger failed to bring the Premises into compliance with the Village of Mogadore Codified Ordinances.
43. The natural gas was disconnected to the front house on the Premise.
44. The front house on the Premises has unprotected, visible electric wiring running throughout the house.
45. The house on the back of the Premises received its electricity sharing the electric meter on the front house.
46. The front house on the Premises has an open hole in the yard with a ladder going down into it.
47. The open hole in the yard of the front house on the Premises is used to bury items.

In addition, this Court has been provided no evidence to contradict any of these facts.

DECISION

Based on the undisputed facts as established by Plaintiffs and deemed admitted, this Court finds that the Village has established that:

1. Kevin J. Landenberger is the owner of the property located at 3764 Mogadore Road, Mogadore, Summit County, Ohio (hereinafter "the Premises").
2. Kevin J. Landenberger has maintained the Premises in violation of Mogadore Ordinances § 93.26 and §93.55, Ohio Revised Code § 715.44, common law provisions protecting the rights and privileges of neighboring properties, the Summit County Building Code and the National Electric Code for more than two years.
3. Kevin J. Landenberger has been ordered by the Village Municipal Court on multiple occasions to correct the violations and clean up the Premises.
4. Kevin J. Landenberger ignored the Village Municipal Court Orders and all requests of the Village to bring the Premises into compliance with Mogadore Ordinances § 93.26 and §93.55, Ohio Revised Code § 715.44, common law provisions protecting the rights and privileges of neighboring

properties, the Summit County Building Code and the National Electric Code.

5. The condition of the Premises directly and proximately causes a life-threatening, dangerous, and hazardous condition for the inhabitants of the Village of Mogadore and is a direct threat to their health, safety, and welfare.
6. Kevin J. Landenberger's conduct demonstrates that a clear intention to continue to maintain the Premises in a condition which creates a continuing danger of harm to neighboring properties and the inhabitants of the Village of Mogadore.
7. The Village has exhausted all remedies available to it and it has no other adequate remedy at law.
8. The Village is entitled to relief in this matter.

THEREFORE, this Court grants Judgment in favor of Village of Mogadore, and provides Plaintiffs the following rights:

- A. The Premises located at 3764 Mogadore Road Mogadore, Ohio, 44236, constitutes a public nuisance as defined by Mogadore C.O. § 93.26 and §93.55 and R.C. § 3719.10.
- B. Kevin J. Landenberger is enjoined from continuing to maintain the Premises as a public nuisance in violation of Mogadore C.O. § 93.26 and §93.55 and R.C. § 3719.10.
- C. Kevin J. Landenberger has refused to comply with all prior efforts of the Plaintiffs' to have him bring his property in compliance with law, to clean up his property, or abate the nuisance.
- D. The Village is permitted to abate the public nuisance and bring the Premises into compliance with all applicable local, state, county, and federal laws.
- E. To abate the nuisance, the Village is granted authority to take any or all of the following actions to abate the public nuisance:

- 1) Disconnect or have the electric service and other utilities disconnected to the property pending inspection(s);
 - 2) Retain a certified building inspector or other necessary professionals to inspect the Premises, including all structures thereon, to determine the nature and extent of the hazards created by both houses, other structures, and the real property;
 - 3) Retain properly licensed professionals, laborers, other personnel, or use Village Employees to bring the property into compliance with all local, state and federal laws;
 - 4) Remove all debris, trash, vehicles, boats, and rubbish sitting on the Premises and dispose of the same in any manner deemed appropriate by the Village;
 - 5) Remove all debris, trash, furniture, vehicles, boats, rubbish, or other items maintained in holes in the real property, fill in the hole, and level out and grade the yard, i.e., fill in the hole with clean fill;
 - 6) Demolition of all structures, residences, and buildings on the property;
 - 7) Remove the debris caused by demolition of all structures, residences and buildings on the property;
 - 8) All other actions necessary to abate the nuisance and bring the Premises into compliance with the Village of Mogadore Codified Ordinances, Summit County Building Code, the National Electric Code, and other applicable laws; and,
 - 9) Invoice Kevin J. Landenberger for the costs associated with all actions taken by the Village to abate the public nuisance on the Premises.
- F. All costs associated incurred by the Village of Mogadore to abate the public nuisance shall be paid by Defendant within thirty (30) days of the date on the Village's

invoice. The Defendant's failure to tender payment of any invoice from the Village within thirty (30) days shall cause the amount of the invoice to be added to the tax duplicate on said Premises for collection with other real estate taxes and assessments.

- G. That a tax of three hundred dollars (\$300.00) be imposed upon said nuisance and against Defendant pursuant to R.C. § 3767.08.

IT IS SO ORDERED, ADJUDGED AND DECREED.



JUDGE JOY MALEK OLDFIELD

Copies to all counsel of record and unrepresented parts .

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

**THE VILLAGE OF MOGADORE,
OHIO,**

**STATE OF OHIO EX. REL.
MARSHAL PITCHFORD,**

Plaintiffs,

v.

KEVIN LANDENBERGER

Defendant

CASE NO. CV-2021-07-2243

JUDGE JOY MALEK OLDFIELD

ORDER

This matter comes before this Court upon Plaintiffs' Motion to Compel and Deem Requests for Admissions Admitted and Motion for Default Judgment. This Court will review Plaintiffs' motion in two parts, as follows:

MOTION FOR DEFAULT JUDGMENT

First, this Court will address Plaintiffs' Motion for Default Judgment. Upon review of Plaintiffs' motion, supporting exhibits, and this Court's docket, this Court finds that Plaintiffs have established the following facts:

1. Plaintiffs filed its Complaint against the Defendant Kevin Landenberger on July 19, 2021.
2. Kevin Landenberger was served with the Complaint on October 25, 2021.
3. Kevin Landenberger's Answer or response to the Complaint was due on November 3, 2021.
4. To date, Kevin Landenberber has not filed a response to the Complaint or sought leave to file its answer or responsive pleading.

Applying these facts to Civ.R. 12(A)(1), Landenberger was required to serve his "Answer within twenty-eight days after service of the summons and Complaint upon him..." Landenberger failed to Answer or request leave within twenty-eight days. Accordingly, Plaintiffs' motion requests default judgment pursuant to Civ. R. 55(A). Civ. R. 55(A) provides for the entry of default judgment against "a party against whom a judgment for affirmative relief is sought" when that party "has failed to plead or otherwise defend as provided by these rules..."

Applying the aforementioned facts to the applicable rules, this Court finds that Plaintiffs are entitled to default judgment and hereby enters Judgment in favor of Plaintiffs on the Complaint.

MOTION TO DEEM ADMISSIONS ADMITTED

Upon review of Plaintiffs' motion, supporting exhibits, this Court finds that Plaintiffs have established the following facts:

FINDINGS OF FACT

1. Plaintiffs served Interrogatories, Requests for Production of Documents and Requests for Admissions on November 9, 2021.
2. Plaintiffs' service letter advised Defendant Landenberger that his failure to respond to the discovery would result in the case being decided against him and recommended he seek assistance of counsel.
3. Kevin Landenberger's responses to written discovery were due on or about December 7, 2021.
4. To date, Kevin Landenberber has not responded to the written discovery, including the request for admission.

LAW AND DECISION

Pursuant to Civ. R. 36,

Each matter of which an admission is requested shall be separately set forth. **The matter is admitted unless, within a period designated in the request, not less than twenty-eight days after service thereof or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney.** If objection is made, the reasons therefor shall be stated[.]

The language of this Rule unambiguously provides that the Requests are deemed admitted unless answered within a period of twenty-eight (28) days. Where a party has failed to respond to a request for admissions, “the admissions [become] facts of record, which the court must recognize.” *Cleveland Trust Co. v. Willis*, 20 Ohio St.3d 66, 67, 20 Ohio B. 364, 485 N.E.2d 1052. Accordingly, the following requests for admission are deemed admitted and recognized as facts as follows:

1. Kevin J. Landenberger owns the Premises located at 3764 Mogadore Road, Mogadore, Ohio.
2. The Premises contains two houses.
3. Kevin J. Landenberger resides in the house on the rear/back of the Premises.
4. Kevin J. Landenberger’s son resides in the house nearest the road/public thoroughfare on the Premises.
5. Kevin J. Landenberger received a Notice of Violation on February 26, 2020, for failure to obtain a permit to build an addition on the garage at the Premises.
6. Kevin J. Landenberger received a Notice of Violation on March 3, 2020, for failure to obtain a permit to build an addition on the garage at the Premises.
7. Kevin J. Landenberger received a letter from the Village of Mogadore Law Director Marshal M. Pitchford dated May 4, 2020 that warned you that your failure to bring the Premises into compliance with the Village of Mogadore’s Ordinances would result in your being penalized.

8. Kevin J. Landenberger received a Village of Mogadore Notice of Violation dated June 4, 2020 for failure to obtain a permit to build an addition on the garage at the Premises.
9. Kevin J. Landenberger received a citation and summons to appear before the Village of Mogadore Mayor's Court dated September 30, 2020, for failure to obtain a permit to build an addition on the garage at the Premises.
10. Kevin J. Landenberger appeared before the Village of Mogadore Mayor's Court on October 9, 2020.
11. Kevin J. Landenberger was fined for the condition of the Premises when you appeared before the Village of Mogadore Mayor's Court on October 9, 2020.
12. The Village of Mogadore Mayor's Court provided Kevin J. Landenberger thirty (30) days to bring the condition of the Premises into compliance with the Village of Mogadore Codified Ordinances.
13. The Village of Mogadore Police Department issued a citation and summons for Kevin J. Landenberger to appear before the Village of Mogadore Mayor's Court dated January 15, 2021.
14. Kevin J. Landenberger appeared before the Village of Mogadore Mayor's Court on January 21, 2021, regarding violations of the Village of Mogadore Codified Ordinances §93.26 and §93.55.
15. On January 21, 2021, the Mayor's Court Magistrate found Kevin J. Landenberger guilty for violating the Village of Mogadore Codified Ordinances §93.26 and §93.55.
16. On January 21, 2021 the Mayor's Court Magistrate provided Kevin J. Landenberger until March 1, 2021 to bring the Premises into compliance with the Village of Mogadore Codified Ordinances §93.26 and §93.55.

17. Kevin J. Landenberger received a letter from the Village of Mogadore Zoning Inspector dated January 26, 2021, reiterating the Magistrate decision to provide you until Marcy 1, 2021 to bring the Premises into compliance with the Village of Mogadore Codified Ordinances §93.26 and §93.55.
18. The house on the Premises located closest to the street caught fire on February 12, 2021.
19. The Village of Mogadore Fire Department responded to the fire in the house on the Premises located closest to the street on February 12, 2021.
20. The Village of Mogadore Fire Department had the proper authorities disconnect the electricity to the house on the Premises located closest to the street on February 12, 2021.
21. After the fire, Kevin J. Landenberger had the electricity restored to the house on the Premises located closest to the street.
22. First Energy did not reconnect electricity to the Premises.
23. Kevin J. Landenberger did not obtain the requisite permits to reconnect the electricity to the Premises after the February 2021 fire.
24. Kevin J. Landenberger did not obtain a permit to upgrade the interior electricity in the house located closest to the street on the Premises.
25. Kevin J. Landenberger received a letter from the Village of Mogadore Zoning Inspector dated January 26, 2021.
26. The letter Kevin J. Landenberger received from the Village of Mogadore Zoning Inspector dated January 26, 2021 reiterated the Mayor's Court Magistrate's decision ordering you to bring the Premises into compliance with with the Village of Mogadore Codified Ordinance §93.26 and §93.55.

27. The letter dated January 26, 2021 provided Kevin J. Landenberger until March 1, 2021 to bring the Premises into compliance with the Village of Mogadore Codified Ordinance §93.26 and §93.55.
28. The current state of the electrical system in the front house on the Premises is in violation of the National Electric Code.
29. The current state of the Premises creates an imminent danger to itself.
30. The current state of the Premises creates an imminent danger to the neighboring buildings.
31. The current state of the Premises creates an imminent danger to the residents of the Village.
32. The current state of the Premises creates an imminent danger to the occupants.
33. The current state of the Premises creates an imminent danger to fire personnel.
34. The current state of the Premises creates an imminent danger to itself, the neighboring buildings, the residents of the Village, the occupants, and fire personnel.
35. The current state of the Premises violates provisions of the Mogadore Codified Ordinances.
36. The current state of the Premises violates provisions of the Summit County Building Code.
37. The current state of the Premises violates provisions of the National Electric Code.
38. The Premises is a Public Nuisance.
39. The Premises is a fire hazard.
40. The Village of Mogadore provided Kevin J. Landenberger time to correct the condition of the Premises.
41. The Village of Mogadore provided Kevin J. Landenberger time to bring the Premises into compliance with the Village of Mogadore Codified Ordinances.

42. Kevin J. Landenberger failed to bring the Premises into compliance with the Village of Mogadore Codified Ordinances.
43. The natural gas was disconnected to the front house on the Premise.
44. The front house on the Premises has unprotected, visible electric wiring running throughout the house.
45. The house on the back of the Premises received its electricity sharing the electric meter on the front house.
46. The front house on the Premises has an open hole in the yard with a ladder going down into it.
47. The open hole in the yard of the front house on the Premises is used to bury items.

In addition, this Court has been provided no evidence to contradict any of these facts.

DECISION

Based on the undisputed facts as established by Plaintiffs and deemed admitted, this Court finds that the Village has established that:

1. Kevin J. Landenberger is the owner of the property located at 3764 Mogadore Road, Mogadore, Summit County, Ohio (hereinafter “the Premises”).
2. Kevin J. Landenberger has maintained the Premises in violation of Mogadore Ordinances § 93.26 and §93.55, Ohio Revised Code § 715.44, common law provisions protecting the rights and privileges of neighboring properties, the Summit County Building Code and the National Electric Code for more than two years.
3. Kevin J. Landenberger has been ordered by the Village Municipal Court on multiple occasions to correct the violations and clean up the Premises.
4. Kevin J. Landenberger ignored the Village Municipal Court Orders and all requests of the Village to bring the Premises into compliance with Mogadore Ordinances § 93.26 and §93.55, Ohio Revised Code § 715.44, common law provisions protecting the rights and privileges of neighboring

properties, the Summit County Building Code and the National Electric Code.

5. The condition of the Premises directly and proximately causes a life-threatening, dangerous, and hazardous condition for the inhabitants of the Village of Mogadore and is a direct threat to their health, safety, and welfare.
6. Kevin J. Landenberger's conduct demonstrates that a clear intention to continue to maintain the Premises in a condition which creates a continuing danger of harm to neighboring properties and the inhabitants of the Village of Mogadore.
7. The Village has exhausted all remedies available to it and it has no other adequate remedy at law.
8. The Village is entitled to relief in this matter.

THEREFORE, this Court grants Judgment in favor of Village of Mogadore, and provides Plaintiffs the following rights:

- A. The Premises located at 3764 Mogadore Road Mogadore, Ohio, 44236, constitutes a public nuisance as defined by Mogadore C.O. § 93.26 and §93.55 and R.C. § 3719.10.
- B. Kevin J. Landenberger is enjoined from continuing to maintain the Premises as a public nuisance in violation of Mogadore C.O. § 93.26 and §93.55 and R.C. § 3719.10.
- C. Kevin J. Landenberger has refused to comply with all prior efforts of the Plaintiffs' to have him bring his property in compliance with law, to clean up his property, or abate the nuisance.
- D. The Village is permitted to abate the public nuisance and bring the Premises into compliance with all applicable local, state, county, and federal laws.
- E. To abate the nuisance, the Village is granted authority to take any or all of the following actions to abate the public nuisance:

- 1) Disconnect or have the electric service and other utilities disconnected to the property pending inspection(s);
 - 2) Retain a certified building inspector or other necessary professionals to inspect the Premises, including all structures thereon, to determine the nature and extent of the hazards created by both houses, other structures, and the real property;
 - 3) Retain properly licensed professionals, laborers, other personnel, or use Village Employees to bring the property into compliance with all local, state and federal laws;
 - 4) Remove all debris, trash, vehicles, boats, and rubbish sitting on the Premises and dispose of the same in any manner deemed appropriate by the Village;
 - 5) Remove all debris, trash, furniture, vehicles, boats, rubbish, or other items maintained in holes in the real property, fill in the hole, and level out and grade the yard, i.e., fill in the hole with clean fill;
 - 6) Demolition of all structures, residences, and buildings on the property;
 - 7) Remove the debris caused by demolition of all structures, residences and buildings on the property;
 - 8) All other actions necessary to abate the nuisance and bring the Premises into compliance with the Village of Mogadore Codified Ordinances, Summit County Building Code, the National Electric Code, and other applicable laws; and,
 - 9) Invoice Kevin J. Landenberger for the costs associated with all actions taken by the Village to abate the public nuisance on the Premises.
- F. All costs associated incurred by the Village of Mogadore to abate the public nuisance shall be paid by Defendant within thirty (30) days of the date on the Village's

invoice. The Defendant's failure to tender payment of any invoice from the Village within thirty (30) days shall cause the amount of the invoice to be added to the tax duplicate on said Premises for collection with other real estate taxes and assessments.

- G. That a tax of three hundred dollars (\$300.00) be imposed upon said nuisance and against Defendant pursuant to R.C. § 3767.08.

IT IS SO ORDERED, ADJUDGED AND DECREED.



JUDGE JOY MALEK OLDFIELD

Copies to all counsel of record and unrepresented parts .

RECORD OF ORDINANCES

Resolution No. 2025-5

Passed _____, 2025

SPONSOR: MAYOR RICK

A RESOLUTION AUTHORIZING THE MAYOR TO SELL AN AMBULANCE AND BUCKET TRUCK VIA ONLINE AUCTION THROUGH GOVDEALS.COM, 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(D) of the Ohio Revised Code empowers the Village to sell, regardless of the property's value, personal property acquired for use by the Village, which is no longer needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction upon the adoption for each calendar year of a resolution expressing the Council's intent to sell such property by internet auction; and

WHEREAS, the Village owns a certain ambulance and bucket truck that were previously used by the Fire Department and Street Department, respectively, that are no longer needed for public use, are obsolete, and are unfit for use by the Village; and

WHEREAS, the Mayor has recommended to this Council that it authorize the sale of said ambulance and bucket truck via internet auction conducted by Govdeals.com on behalf of the Village; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that the ambulance and bucket truck are no longer needed for public use, are obsolete, and are unfit for use by the Village, and further that it is necessary and in the best interest of the Village to authorize the Mayor to sell the aforementioned ambulance and bucket truck via internet auction conducted by Govdeals.com 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: This Council hereby finds that the ambulance and bucket truck are no longer needed for public use, are obsolete, and are unfit for use by the Village.

SECTION 2: This Council hereby authorizes and directs the Mayor to sell the ambulance and bucket truck via internet auction conducted by Govdeals.com on behalf of the Village. The Mayor, Clerk-Treasurer and any other Village employees are hereby authorized to take all actions reasonable and necessary to effectuate said internet auctions.

SECTION 3: The internet auctions authorized in Section 2 shall be conducted by Govdeals.com and shall not be completed until the passage of the statutory minimum of ten (10) calendar days for bidding on the aforementioned property.

RECORD OF ORDINANCES

Resolution No. 2025-6

Passed _____, 2025

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH STRYKER TO PURCHASE TWO NEW CARDIOPULMONARY RESUSCITATION MACHINES AT STATE-TERM CONTRACT PRICING AT AN AMOUNT NOT EXCEED \$42,000.00, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14.03 of the Village’s Charter provides that all purchases exceeding one-half (1/2) of the statutory threshold of \$75,000.00 shall be approved by Council; and

WHEREAS, Section 14.03 further provides that purchases exceeding one-half (1/2) of the statutory threshold of \$75,000.00 shall be procured through competitive bidding, however, however, this Council may waive this requirement in the event of an emergency affecting the public health, safety and welfare; and

WHEREAS, because the Village owns aging cardiopulmonary resuscitation (“CPR”) machines, the Mayor and Fire Chief desire to place an order with Stryker in an amount not to exceed \$42,000.00 to purchase two new CPR machines; and

WHEREAS, Stryker is the sole source supplier of the CPR machines; and

WHEREAS, to ensure that the Village has modern and updated CPR machines, and because Stryker is a sole supplier of the same, this Council has determined that an emergency exists to purchase said CPR devices in a timely manner, and a competitive bid would unduly and unnecessarily delay the purchase of the devices; 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 to enter into a purchase agreement with Stryker, as a sole source, in an amount not to exceed \$42,000.00 for two new CPR machines.

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 a purchase agreement with Stryker, as a sole source, in an amount not to exceed \$42,000.00 for two new CPR machines.

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.

SECTION 3: To the extent not already done so, the funds required for payment of the obligations

RECORD OF ORDINANCES

Resolution No. 2025-7

Passed _____, 2025

SPONSOR: SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SPRINGFIELD TOWNSHIP, OHIO FOR THE SALE OF TWO CARDIOPULMONARY RESUSCITATION UNITS, 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, the Village has two Zoll Autopulse cardiopulmonary resuscitation (“CPR”) units it no longer needs for municipal purposes; and

WHEREAS, Springfield Township, Ohio has a need for the aforementioned CPR units for use within the Township; and

WHEREAS, the Village desires to enter into an agreement with Springfield Township, Ohio whereby the Village will sell the two aforementioned CPR units to the Township for a total of \$6,000.00; 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 Springfield Township, Ohio for the sale of the CPR units.

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 Springfield Township, Ohio whereby the Village will sell the Township two aforementioned CPR units for \$6,000.00.

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 authorizing the sale and disposal of personal property no longer needed by 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. 2025-8

Passed _____, 2025

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A SAFE ROUTES TO SCHOOLS GRANT, IN CONJUNCTION WITH THE MOGADORE LOCAL SCHOOL DISTRICT, TO CONSTRUCT AND INSTALL SIDEWALKS ALONG CURTIS STREET AND HERBERT STREET AND A DRIVEWAY IMPROVEMENT AT O.H. SOMERS ELEMENTARY SCHOOL, AND DECLARING AN EMERGENCY.

WHEREAS, the United States Congress has set aside monies for Safe Routes to School (“SRTS”) projects which are available through the State of Ohio, Department of Transportation; and

WHEREAS, Local Public Agencies (“LPA”) may apply for SRTS funds and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, while not requiring a match, the SRTS grant program does require LPAs to bear the cost of all construction and installation of eligible projects over and above the maximum amount provided by the State of Ohio, Department of Transportation; and

WHEREAS, the Village Engineer has identified a transportation project eligible for SRTS funding within the Village consisting of the construction and installation of sidewalks along Curtis Street and Herbert Street and the construction and installation of a driveway improvement at O.H. Somers Elementary, at an estimated cost of \$500,709.00 (the “Project”); and

WHEREAS, in conjunction with the Mogadore Local School District, the Village desires to apply for SRTS grant funds for the Project; 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 apply for and accept an SRTS grant to fund the Project, in conjunction with the Mogadore Local School District.

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

SECTION 1: Together with the Mogadore Local School District, the Mayor and all other Village officials are hereby authorized to do all things necessary to apply for a SRTS grant from the State of Ohio, Department of Transportation on behalf of the Village, as the LPA, to fund the construction and installation of the Project. Additionally, any actions of the Mayor and all other Village officials towards applying for the aforementioned grant that occurred prior to the adoption of this Ordinance are hereby approved and ratified.

SECTION 2: Together with the Mogadore Local School District, the Mayor and all other Village officials are hereby authorized to do all things necessary to accept the SRTS grant from the State of Ohio,

RECORD OF ORDINANCES

Resolution No. 2025-9

Passed _____, 2025

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR THE HERBERT STREET EXTENSION AND NORWICH AVENUE 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 Norwich Avenue ("Herbert Street Extension and Norwich Avenue Project") through the Ohio Public Works Commission ("OPWC") fund; and

WHEREAS, the Village Engineer estimates that the cost for the Herbert Street Extension and Norwich Avenue 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 Norwich Avenue 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 Norwich Avenue Project.

SECTION 2: The Clerk-Treasurer of the Village is hereby authorized and directed to advertise for bids for the Herbert Street Extension and Norwich Avenue 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. 2025-10

Passed _____, 2025

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR LABOR AND MATERIALS FOR NECESSARY 2025 CHIP AND SEAL STREET REPAIRS 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, except when five (5) members of this Council determine the purchase should proceed without such sealed bids due to an emergency; and

WHEREAS, the Village Engineer has recommended chip and seal street repairs to (i) Grant Avenue, (ii) Etter Road between Cleveland Avenue and Lincoln Avenue; and (iii) the Lions Park driveway from Hale Street to the middle parking lot, and (iv) the middle parking lot at Lions Park; and

WHEREAS, the Village Engineer estimates that the cost for labor and materials for the chip and seal street repairs will 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 labor and materials for the chip and seal street repairs 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: It is hereby determined necessary that the Village enter into a contract for labor and materials necessary for the chip and seal street repairs to (i) Grant Avenue, (ii) Etter Road between Cleveland Avenue and Lincoln Avenue; and (iii) the Lions Park driveway from Hale Street to the middle parking lot, and (iv) the middle parking lot at Lions Park.

SECTION 2: The Clerk-Treasurer of the Village is hereby authorized and directed to advertise for bids for the chip and seal street repairs to (i) Grant Avenue, (ii) Etter Road between Cleveland Avenue and Lincoln Avenue; and (iii) the Lions Park driveway from Hale Street to the middle parking lot, and (iv) the middle parking lot at Lions Park. 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. 2025-11

Passed _____, 2025

SPONSOR: UTILITIES COMMITTEE

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONTRACT WITH WILSON ELECTRONIC DISPLAYS, LLC FOR SUPPLYING LABOR AND MATERIALS FOR THE REPLACEMENT OF THE EXISTING MONUMENT SIGN AT VILLAGE HALL WITH A NEW ELECTRONIC MONUMENT SIGN, 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, in accordance with Section 14.03 of the Village's Charter, this Council previously adopted Resolution No. 2024-87 to authorize the Clerk-Treasurer to advertise for bids for labor and materials to replace the existing monument sign at the Village Hall with a new electronic monument sign (the "Project"); and

WHEREAS, thereafter, the Clerk-Treasurer advertised for bids for labor and materials for the Project, and subsequently received the same; and

WHEREAS, upon review of the bids, the Village Engineer recommended that this Council accept the bid for labor and materials for the Project from Wilson Electronic Displays, LLC, as lowest responsive and responsible bidder, in the amount of \$55,900.00. The Village Engineer also recommended that this Council reject the apparent low bid of \$54,500.00 from United Signs, LLC as non-responsive; 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 accept aforementioned bid and to authorize the Mayor and Clerk-Treasurer to enter into a contract with Wilson Electronic Displays, LLC to supply labor and materials necessary for the Project in an amount not to exceed \$55,900.00.

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 bid for labor and materials for the Project from Wilson Electronic Displays, LLC in the amount of \$55,900.00 is hereby accepted, and the Mayor and Clerk-Treasurer are hereby authorized to enter into a contract with Wilson Electronic Displays, LLC in the amount of \$55,900.00 to supply the labor and materials necessary for the Project. Furthermore, this Council rejects the apparent low bid of \$54,500.00 from United Signs, LLC as non-responsive.

SECTION 2: The Clerk-Treasurer is authorized to refund all bonds or certified checks to the successful and unsuccessful bidders upon execution of the aforementioned contract.

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

RECORD OF ORDINANCES

Resolution No. 2025-12

Passed _____, 2025

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND, PARK AND RECREATION FUND, SAFER GRANT FUND AND THE FIRE 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, Park and Recreation Fund, Safer Grant Fund and the Fire 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, Park and Recreation Fund, Safer Grant Fund and the Fire 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, Park and Recreation Fund, Safer Grant Fund and the Fire Equipment Reserve Fund for operating purposes, as follows:

From: General Fund	\$205,000.00
To: Street Fund	\$ 75,000.00
Park and Recreation Fund	\$ 25,000.00
Safer Grant Fund	\$ 50,000.00
Fire Equipment Reserve Fund	\$ 55,000.00

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. 2025-12

Passed _____, 2025

President of Council Date

Mayor Date

Attest:

Clerk-Treasurer

RECORD OF ORDINANCES

Ordinance No. 2025-13

Passed _____, 2025

SPONSOR: FINANCE COMMITTEE

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.

WHEREAS, the Clerk-Treasurer has recommended that this Council amend the annual appropriations for the current expenses and other expenditures of the Village for the Fiscal Year ending December 31, 2025; 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 amend the annual appropriations for the current expenses and other expenditures of the Village for the Fiscal Year ending December 31, 2025.

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

SECTION 1: This Council hereby amends the annual appropriations for the current expenses and other expenditures of the Village for the Fiscal Year ending December 31, 2025, for the various funds of the Village, as follows:

FIRE FUND

Personal Services	\$74,809.72
Other	\$42,878.00

SAFER GRANT

Personal Services	\$38,919.77
-------------------	-------------

SECTION 2: With such amendments specified in Section 1 above, the total revised appropriations for the Village for the Fiscal Year ending December 31, 2025, is now contained in Exhibit A attached hereto and incorporated by reference herein.

SECTION 3: The Clerk-Treasurer is hereby authorized and directed to effectuate the appropriations set forth herein.

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.

EXHIBIT A - ORDINANCE NO. 2025-13
 2025 ANNUAL APPROPRIATIONS ORDINANCE
 AMENDMENT #1

That to provide for the current expenses and Capital Improvements of the Village of Mogadore for the fiscal year ending December 31, 2025, the following sums be and they are hereby set aside and appropriated as follows:

<u>GENERAL FUND</u>			
Administrative (Mayor, Legislative, Solicitor, and Clerk-Treasurer)	Personal Service	\$139,093.31	
	Other	\$1,028,545.00	\$1,167,638.31
Mayor's Court	Personal Service	\$15,675.75	
	Other	\$8,150.00	\$23,825.75
Police Law Enforcement	Personal Service	\$1,098,103.99	
	Other	\$554,592.12	\$1,652,696.11
Service (Land and Buildings) Personal Service	Personal Service	\$0.00	
	Other	\$94,000.00	\$94,000.00
	Transfers Out	\$2,095,600.00	\$2,095,600.00
TOTAL GENERAL FUND APPROPRIATIONS			\$5,033,760.17
<u>FIRE EMS FUND</u>			
	Personal Service	\$0.00	
	Other	\$90,000.00	\$90,000.00
<u>FIRE FUND</u>			
	Personal Service	\$533,188.34	
	Other	\$510,388.00	\$1,043,576.34
<u>SAFETY GRANT</u>			
	Personal Service	\$448,132.27	
	Other	\$121,910.00	\$570,042.27
<u>CEMETERY FUND</u>			
	Personal Service	\$3,486.25	
	Other	\$198,700.00	\$202,186.25
<u>STREETS CONSTRUCTION/MAINTENANCE</u>			
	Personal Service	\$331,997.87	
	Other	\$526,800.00	\$858,797.87
<u>STATE HIGHWAY</u>			
	Personal Service	\$0.00	
	Other	\$17,000.00	\$17,000.00
<u>PARKS & RECREATION</u>			
	Personal Service	\$64,297.50	
	Other	\$336,100.00	\$400,397.50
<u>COURT COMPUTERIZATION FUND</u>			
	Personal Service	\$0.00	
	Other	\$3,000.00	\$3,000.00
<u>COPS GRANT</u>			
	Personal Service	\$72,594.95	
	Other	\$12,860.00	\$85,454.95
<u>BODY ARMOR</u>			
	Personal Service	\$0.00	
	Other	\$1,900.00	\$1,900.00
<u>ENHANCE SAFETY SHIELD</u>			
	Personal Service	\$0.00	
	Other	\$107,187.50	\$107,187.50
<u>CDBG</u>			
	Personal Service	\$0.00	
	Other	\$58,801.51	\$58,801.51
<u>WATER/SEWER MAIN PROJECT</u>			
	Personal Service	\$0.00	
	Other	\$1,264,561.49	\$1,264,561.49
<u>FIRE EQUIPMENT RESERVE</u>			
	Personal Service	\$0.00	
	Other	\$352,300.00	\$352,300.00
<u>HERBERT/MEADOWRIDGE OPWC</u>			
	Personal Service	\$0.00	
	Other	\$832,500.00	\$832,500.00
<u>DEBT SERVICE FUND</u>			
	Personal Service	\$0.00	
	Other	\$65,862.50	\$65,862.50
GRAND TOTAL ALL APPROPRIATIONS FOR 2025			\$10,987,328.35