

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, July 01, 2026 @ 5:30 p.m.

1. Moment of Reflection – Mr. Tonsic
2. Pledge to the flag
3. Roll Call
4. Recognition for Joey Carrozzi
5. Approval of the Agenda
6. Minutes from June 17, 2026, council meeting presented for changes, corrections, and adoption
7. Comments from the Audience on the pending legislation
8. Committee Reports
9. Old Business
10. New Business -

Resolution 2026-37 – Mr. Tonsic – Sponsor: Streets Committee

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GPD GROUP FOR DESIGN OF STATE ROUTE 532 (N CLEVELAND AVENUE) AND MOGADORE ROAD INTERSECTION IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Resolution 2026-38 – Mr. Tonsic – Sponsor: Streets Committee

A RESOLUTION AUTHORIZING THE VILLAGE OF MOGADORE TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND ALL OTHER NECESSARY DOCUMENTS FOR THE IMPROVEMENT OF THE INTERSECTION OF CLEVELAND AVENUE (S.R. 532) AND ALBRECHT AVENUE (PID NO. 120949) APPROPRIATING THE NECESSARY FUNDS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

Ordinance 2026-39 – Mr. Yoho – Sponsor: Safety Committee

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE TO REGULATE LOW-SPEED MICROMOBILITY DEVICES, ELECTRIC SCOOTERS, AND ELECTRIC BICYCLES, AND DECLARING AN EMERGENCY.

Ordinance 2026-40 – Ms. Van Dike – Sponsor: Finance Committee

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE V OF THE CHARTER OF THE VILLAGE, ENTITLED “FISCAL OFFICER,” AND PROPOSED TO BE RETITLED AS “FISCAL OFFICER; CLERK”, AND DECLARING AN EMERGENCY.

Ordinance 2026-41 – Ms. Van Dike – Sponsor: Finance Committee

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE IV SECTION 4.03 OF THE CHARTER OF THE VILLAGE, ENTITLED “ABSENCE OR VACANCY” AND TO BE RETITLED “INCAPACITY, ABSENCE OR VACANCY”, AND DECLARING AN EMERGENCY.

Ordinance 2026-42 – Ms. Van Dike – Sponsor: Finance Committee

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE III SECTION 3.12 OF THE CHARTER OF THE VILLAGE, ENTITLED “PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES”, AND DECLARING AN EMERGENCY.

Ordinance 2026-43 – Ms. Van Dike – Sponsor: Finance Committee

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE X OF THE CHARTER OF THE VILLAGE, ENTITLED “BOARD OF ZONING APPEALS”, AND DECLARING AN EMERGENCY.

Resolution 2026-44 – Mr. Yoho – Sponsor: Safety Committee

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE RENEWAL OF AN EXISTING 3.5 MIL TAX LEVY, WITH AN INCREASE OF 1.23 MILLS, FOR A TOTAL OF 4.73 MILLS IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF THE PAYMENT OF FIREFIGHTING COMPANIES OR PERMANENT, PART-TIME, OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE, OR COMMUNICATIONS PERSONNEL, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE OHIO REVISED CODE, OR OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT OR FIREFIGHTING COMPANY, OR FOR THE PAYMENT OF OTHER RELATED COSTS OF THE VILLAGE OF MOGADORE PURSUANT TO SECTIONS 5705.19(I) OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

11. Comments

1. Public
2. Council
3. Law Director
4. Village Engineer
5. Clerk-Treasurer
6. Mayor

12. Adjournment

RECORD OF ORDINANCES

Resolution No. 2026-37

Passed _____, 20____

SPONSOR: STREETS COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GPD GROUP FOR DESIGN OF STATE ROUTE 532 (N CLEVELAND AVENUE) AND MOGADORE ROAD INTERSECTION IMPROVEMENTS, AND DECLARING AN EMERGENCY.

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

WHEREAS, GPD Group ("GPD"), who serves as the Village Engineer, submitted a proposal to the Village to provide engineering services for the design of the improvements at the intersection of State Route 532 (N Cleveland Avenue) and Mogadore Road, in an amount not to exceed \$153,850.00; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to authorize the Mayor to enter into an engineering services agreement with GPD for the design of design of the improvements at the intersection of State Route 532 (N Cleveland Avenue) and Mogadore Road, for the amount of \$153,850.00.

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

SECTION 1: The Mayor is hereby authorized to execute an engineering services agreement with GPD to provide engineering services for the design of the improvements at the intersection of State Route 532 (N Cleveland Avenue) and Mogadore Road, in an amount not to exceed \$153,850.00.

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

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately beginning the design engineering work to ensure timely installation of the intersection improvements, 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. 2026-38

Passed _____, 20____

SPONSOR: STREETS

A RESOLUTION AUTHORIZING THE VILLAGE OF MOGADORE TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND ALL OTHER NECESSARY DOCUMENTS FOR THE IMPROVEMENT OF THE INTERSECTION OF CLEVELAND AVENUE (S.R. 532) AND ALBRECHT AVENUE (PID NO. 120949), APPROPRIATING THE NECESSARY FUNDS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, on December 17, 2025, the Village enacted Resolution 2025-89, proposing cooperation with the Director of Transportation for the described project:

The project consists of improvements to the intersection of Cleveland Avenue (S.R. 532) and Albrecht Avenue by installing a new traffic signal, including drainage upgrades, combination curb and gutter, concrete walk, ADA compliant curb ramps, traffic signal upgrades, and pavement markings, lying within the Village of Mogadore; and

WHEREAS, the Village shall cooperate with the Director of Transportation in the above described project as follows:

The Village agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the Village limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

WHEREAS, the share of the cost of the Village is now estimated in the amount of One Hundred Thirty-Seven Thousand Six Hundred Twenty-One and 00/100 Dollars, (\$137,621.00), but said estimated amount is to be adjusted in order that the Village's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this Council; and

WHEREAS, the Village finds and determines that it is necessary, and in the best interest of the Village for the Director of Transportation to proceed with the aforesaid highway improvement.

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

RECORD OF ORDINANCES

Resolution No. 2026-38

Passed _____, 20____

SECTION 1: The estimated sum of One Hundred Thirty-Seven Thousand Six Hundred Twenty-One and 00/100 Dollars, (\$137,621.00), is hereby appropriated for the improvement described above and the Clerk-Treasurer is hereby authorized and directed to issue an order on the treasury of the Village for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. This Council hereby agrees to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

SECTION 2: This Council hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SECTION 3: This Council hereby authorizes the Mayor to enter into an agreement with the State, attached hereto as Exhibit A, and that the Mayor be, and is hereby authorized to execute said agreement, providing for the payment of the Village the sum of money set forth herein above for improving the described project. The Mayor is further authorized to enter into any other documents necessary to undertake the project.

SECTION 4: The Clerk-Treasurer is hereby authorized and directed to transmit to the Director of Transportation a fully-executed copy of this Resolution.

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 ensuring that the deadlines of the project 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. 2026-38

Passed _____, 20____

President of Council

Date

Mayor

Date

Attest:

Clerk-Treasurer

This is to certify that this Resolution was duly passed by the Village on the ____ day of _____, 2026, and that the same is a true and correct copy of the record of said Resolution and the action of the Mogadore Village Council thereon.

We further certify that said Resolution and the action of the Mogadore Village Council thereon is recorded in the journal of said Village for the calendar year in which it was adopted upon the pages set forth above.

Clerk-Treasurer

SEAL
(if applicable)

PID No. 120949

CLERK-TREASURER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify that the money, to wit: \$137,621.00 required for the payment of the cost other than that thereof assumed by the Federal Government, for the improvement of that portion of S.R. 532 - 0.80, lying within the corporate limits of the Village of Mogadore, more particularly described as follows:

The project consists of improvements to the intersection of Cleveland Avenue (S.R. 532) and Albrecht Avenue by installing a new traffic signal, including drainage upgrades, combination curb and gutter, concrete walk, ADA compliant curb ramps, traffic signal upgrades, and pavement markings, lying within the Village of Mogadore; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied, placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the Council of the Village of Mogadore, Ohio, after said Council passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said Council.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said Clerk-Treasurer, this _____ day of _____, 2026.

(Clerk-Treasurer Seal)
(If Applicable)

Clerk-Treasurer
Village of Mogadore, Ohio

EXHIBIT A

CONTRACT

(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the Village of Mogadore, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5522 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the STATE; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of improvements to the intersection of Cleveland Avenue (S.R. 532) and Albrecht Avenue by installing a new traffic signal, including drainage upgrades, combination curb and gutter, concrete walk, ADA compliant curb ramps, traffic signal upgrades, and pavement markings, lying within the Village of Mogadore.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the STATE.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Thirty-Seven Thousand Six Hundred Twenty-One and - - - 00/100 Dollars, (\$137,621.00).**
5. **The LPA agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the LPA limits, less the amount of Federal-Aid funds set aside by the STATE for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the STATE and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required to fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto;

- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the STATE.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

**Village of Mogadore
135 South Cleveland Avenue
Mogadore, Ohio 44260**

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, MS 4110
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The STATE may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
Village of Mogadore

Director of Transportation

Mayor

Date

Approved:
Dave Yost
Attorney General of Ohio

Approved as to form and correctness:

Jason D. Dodson, Law Director

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

RECORD OF ORDINANCES

Ordinance No. 2026-39

Passed _____, 20____

SPONSOR: SAFETY

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE TO REGULATE LOW-SPEED MICROMOBILITY DEVICES, ELECTRIC SCOOTERS, AND ELECTRIC BICYCLES, AND DECLARING AN EMERGENCY.

WHEREAS, the Village desires to promote the safety of pedestrians, motorists, and users of emerging mobility technologies; and

WHEREAS, the use of low-speed micromobility devices, electric scooters, and electric bicycles has increased within the Village; and

WHEREAS, Council finds it necessary to amend the Codified Ordinances to establish clear regulations consistent with the Ohio Revised Code and local safety concerns; and

WHEREAS, this Council finds and determines that the adoption of these regulations is necessary for the public health, safety, and welfare;

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Sections 72.058 and 75.09 of the Codified Ordinances of the Village and to adopt Section 72.060 of the Codified Ordinances of the Village, as set forth on Exhibit A, attached hereto and incorporated herein by reference.

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 Sections 72.058 and 75.09 of the Codified Ordinances of the Village and adopts Section 72.060 of the Codified Ordinances of the Village, as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: 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 immediate regulation of electric scooters and similar devices is necessary to address safety concerns, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

EXHIBIT A

§ 72.058 LOW-SPEED MICROMOBILITY DEVICES.

(A) “Low-speed micromobility device” means a human-powered or electrically assisted device designed for individual transportation at low speeds, excluding electric scooters as defined in §72.060, electric bicycles as defined in §4511.01 of the Ohio Revised Code and §75.09, motorized bicycles as defined in §4511.01 of the Ohio Revised Code and §75.09, electric personal assistive mobility devices as defined in §72.056, and motorized wheelchairs.

~~(A)(B)~~ (1) A low-speed micromobility device may be operated on the public streets, highways, sidewalks, and shared-use paths, and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this title that by their nature could apply to a low-speed micromobility device do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

~~(B)(C)~~ No operator of a low-speed micromobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

(a) A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;

(b) A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

~~(C)(D)~~ (1) No person who is under 16 years of age shall rent a low-speed micromobility device.

(2) No person shall knowingly rent a low-speed micromobility device to a person who is under 16 years of age.

(3) No person shall knowingly rent a low-speed micromobility device on behalf of a person who is under 16 years of age.

~~(D)(E)~~ No person shall operate a low-speed micromobility device at a speed greater than 20 miles per hour.

~~(E)(F)~~ (1) Whoever violates this section is guilty of a minor misdemeanor.

(2) Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and R.C. §2901.20 does not apply. The designation of that offense

as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

~~—(F)Notwithstanding division (A)(1) of this section, the municipality, county, township, metropolitan park district, township park district, recreation district, or any division of the Ohio Department of Natural Resources if the division has the approval of the Ohio Director of Natural Resources may do any of the following:~~

~~—(1) Regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction;~~

~~—(2) Include low-speed micromobility devices that are adapted to expand access for people with various physical limitations into a shared bicycle, shared electric bicycle, or similar vehicle sharing program, under its jurisdiction;~~

~~—(3) Require the owner or operator of a low-speed micromobility device rental service or low-speed micromobility device sharing program to maintain commercial general liability insurance related to the operation of the devices, with limits of up to \$1,000,000 per occurrence and \$2,000,000 per aggregate.~~

(R.C. § 4511.514) Penalty, see § 70.99

§72.060 ELECTRIC SCOOTERS.

(a) “Electric scooter” or “e-scooter” means a device consisting of a footboard mounted on two or more wheels with a steering handle, powered by an electric motor, and designed to allow the rider to stand or sit while keeping both feet on the footboard. An e-scooter shall not include a motorized bicycle as defined in §4511.01 of the Ohio Revised Code and §75.09. An e-scooter under this Section shall also not include electric personal assistive mobility devices as defined under Section §72.056 or low-speed micromobility devices as defined under Section §72.058.

(b) Every person operating an e-scooter upon any public street or roadway within the Village shall obey all traffic laws, rules of the road, and right-of-way requirements applicable to bicycles, except as otherwise provided in this Section.

(c) E-scooters may be operated in the following location and manner:

(1) E-scooters may be operated on public streets and roadways where bicycles are permitted, subject to the limitations set forth herein.

(2) E-scooters shall not be operated on sidewalks or any path located in a Village park.

(3) No e-scooter shall be operated in a manner that impedes pedestrian movement or endangers persons or property.

(4) No person shall operate an e-scooter at a speed greater than fifteen (15) miles per hour.

(d) No person operating an e-scooter shall do any of the following:

(1) Carry more than one person on the device at any time;

(2) Operate the device in a reckless, negligent, or unsafe manner;

(3) Operate the device while wearing earphones or headphones covering both ears;

(4) Alter the e-scooter from the original manufacturer’s design in a manner that increases speed or power.

(e) Age and Safety Equipment.

(1) No person under twelve (12) years of age shall operate an e-scooter in the Village.

(2) No person under fourteen (14) years of age shall operate or use an e-scooter on Cleveland Avenue, Mogadore Road, Gilchrist Road, or Albrecht Road, in any manner or for any purpose

(3) Any person under sixteen (16) years of age operating an e-scooter shall wear a properly fitted and fastened protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(f) No person shall operate an e-scooter between sunset and sunrise unless the device or operator is equipped with:

(1) A white light visible from at least five hundred (500) feet to the front; and

(2) A red reflector or red light visible from at least one hundred (100) feet to the rear.

(g) No person shall operate a gas-powered or combustion-driven scooter of any kind on any public street, sidewalk, path or public property within the Village.

(h) A violation of this section shall be a minor misdemeanor unless otherwise specified by law.

(i) The provisions of this section are intended to supplement, not replace, any existing codified ordinances concerning other mobility devices. Compliance with this Section does not exempt individuals from adhering to all applicable ordinances and regulations governing such devices.

(j) This section is intended to be compliant with the Americans with Disabilities Act (ADA) and does not intend to circumvent or limit any rights or protections provided under the ADA. In the event of any conflict between the provisions of this section and the ADA, the ADA shall supersede and take precedence over any such restriction.

§75.09 ELECTRIC BICYCLES.

(A) (1) “Electric bicycle” and “class 1 electric bicycle,” “class 2 electric bicycle,” and “class 3 electric bicycle,” shall all have the means ascribed to them in §4511.01 of the Ohio Revised Code.

(2) On and after January 1, 2020, manufacturers and distributors of electric bicycles shall permanently affix a label, in a prominent location, to each electric bicycle. The label shall specify whether the electric bicycle is a class 1, class 2, or class 3 electric bicycle, the top assisted speed that the electric bicycle is capable of reaching, and the motor wattage of the electric bicycle.

~~(2)~~(3) No person shall modify an electric bicycle in a manner that changes the top assisted speed that the electric bicycle is capable of reaching unless the person also modifies the label required under division (A)(1) of this section to reflect the modification.

(B) (1) The manufacturer of an electric bicycle shall ensure that the electric bicycle complies with the equipment and manufacturing requirements for bicycles established by the consumer product safety commission under 16 C.F.R. §1512, et seq.

(2) The manufacturer shall manufacture all class 1 electric bicycles and class 3 electric bicycles so that when the rider ceases pedaling the electric motor ceases to provide assistance. The manufacturer shall manufacture all class 2 electric bicycles so that when the rider applies the brakes or releases or activates a switch or similar mechanism the electric motor ceases to provide assistance.

(3) All class 3 electric bicycles shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.

(C) (1) Class 1, class 2 and class 3 bicycles may be operated on public streets and roadways where bicycles are permitted, subject to the limitations set forth herein.

(2) Class 1, class 2 and class 3 bicycles shall not be operated on sidewalks or any path located in a Village park.

(3) No class 1, class 2 or class 3 bicycles shall be operated in a manner that impedes pedestrian movement or endangers persons or property.

~~The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Village county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.~~

~~— (2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Village county, township, municipal corporation, or local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.~~

~~— (3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or~~

~~other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use, unless the Village county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.~~

(4) Divisions (C)(12) ~~to~~ and (C)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.

(D) (1) No person under 12 years of age shall operate a class 1 or class 2 electric bicycle; however, a person under 12 years of age may ride as a passenger on a class 1 or class 2 electric bicycle that is designed to accommodate passengers.

(2) No person under 16 years of age shall operate a class 3 electric bicycle; however, a person under 16 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(3) No person under 16 years of age shall operate or be a passenger on a class 1 or class 2 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(4) ~~(2)~~ No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(5) No person under 14 years of age shall operate or use any electric bicycle, of any class, on Cleveland Avenue, Mogadore Road, Gilchrist Road, or Albrecht Road, in any manner or for any purpose.

(E) (1) Except as otherwise provided in this division, whoever operates an electric bicycle in a manner that is prohibited under division (C) of this section and whoever violates division (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under division (E)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(R.C. § 4511.522)

RECORD OF ORDINANCES

Ordinance No. 2026-40

Passed _____, 20____

SPONSOR: FINANCE

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE V OF THE CHARTER OF THE VILLAGE, ENTITLED “FISCAL OFFICER,” AND PROPOSED TO BE RETITLED AS “FISCAL OFFICER; CLERK”, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Charter of the Village of Mogadore (the “Village Charter”), the Charter Review Commission convened in 2026; and

WHEREAS, the Charter Review Commission has recommended an amendment to Article V of the Village Charter, entitled “Clerk-Treasurer,” and proposed to be retitled as “Fiscal Officer; Clerk,” as set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council, after reviewing all pertinent information and the recommendations of the Charter Review Commission, finds it necessary and in the best interest of the Village to submit to the electors the proposal to amend Article V of the Village Charter.

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 the recommendation of the Village’s Charter Review Commission, Council hereby proposes that Article V of the Village Charter, entitled “Clerk-Treasurer,” and proposed to be retitled as “Fiscal Officer; Clerk,” be amended as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII of the Village Charter, this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, at the regular election to be held on November 3, 2026 at the usual places of voting in the Village, the amendment to Article V of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to eliminate the appointed office of Clerk-Treasurer and to create the appointed offices of Fiscal Officer to perform the fiscal functions of the Village and Clerk to perform the municipal clerk functions for the Village.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article V shall be and the same is hereby repealed and replaced by the new Article V.

SECTION 4: The ballot language for said issue shall read substantially as follows:

RECORD OF ORDINANCES

Ordinance No. 2026-40

Passed _____, 20____

“VILLAGE OF MOGADORE
PROPOSED AMENDMENT TO CHARTER

Shall Article V of the Charter of the Village of Mogadore, Ohio be changed and amended to eliminate the appointed office of Clerk-Treasurer and to create the appointed offices of Fiscal Officer to perform the fiscal functions of the Village and Clerk to perform the municipal clerk functions of the Village.

- Yes
 No”

SECTION 5: The Clerk-Treasurer is hereby directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 90 days prior to the November 3, 2026 election for submission to the electors of the Village of Mogadore.

SECTION 6: The Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 3, 2026 on the foregoing amendment to the Village Charter, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7: The Clerk-Treasurer is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 3, 2026 as required by Section 731.211 of the Ohio Revised Code.

SECTION 8: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 9: 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 immediate effectiveness of this Ordinance is required in order to timely comply with the statutory deadlines to place the above question before the electors of the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

EXHIBIT A

ARTICLE V ~~CLERK-TREASURER~~FISCAL OFFICER; CLERK

SECTION 5.01 ~~APPOINTMENT OF FISCAL OFFICER~~ELECTION AND TERM.

The ~~Clerk-Treasurer~~ Fiscal Officer shall be appointed by the Mayor, with the affirmative vote of five (5) members of Council.

SECTION 5.02 QUALIFICATIONS OF FISCAL OFFICER.

The ~~Clerk-Treasurer~~Fiscal Officer shall have a Bachelor's Degree or the equivalent of four (4) years of experience in accounting or finance.

SECTION 5.03 ~~INCAPACITY ABSENCE OR VACANCY~~OF FISCAL OFFICER.

A. ~~Absence.~~

~~When the Clerk-Treasurer~~Fiscal Officer is temporarily unable to perform his or her duties due to physical incapacity, mental incapacity, or other condition or reason~~absent or inaccessible or is unable for any cause or reason to perform said duties,~~ or there is a vacancy in such office, ~~the Mayor~~Council may designate an Assistant ~~to the Fiscal Officer~~Clerk-Treasurer to have the powers and perform the duties of the ~~Clerk-Treasurer~~Fiscal Officer in all respects. ~~The Assistant Fiscal Officer may serve in that capacity while also performing other duties as an employee of the Municipality, or serving as the Clerk. In the event of a dispute as to whether the Fiscal Officer is temporarily incapacitated, the Law Director shall render a conclusive opinion as to whether the Fiscal Officer is temporarily incapacitated.~~

SECTION 5.04 CLERK OF COUNCIL.

~~The Clerk-Treasurer shall be the Clerk of the Council, and as such, shall attend all meetings of the Council and shall keep a record of its proceedings in a journal as prescribed in Section 3.06 of this Charter. The Clerk shall keep and have custody of the records of all ordinances, resolutions, rules, regulations, and by-laws adopted by the Council and of its proceedings, and such records shall be available for public inspection.~~

SECTION 5.05 ~~FISCAL OFFICER~~DUTIES OF FISCAL OFFICER.

A. The ~~Clerk-Treasurer~~Fiscal Officer shall be the chief financial ~~Fiscal~~Officer of the Municipality and shall be the head of the Department of Finance, ~~when created, t~~ The Clerk-TreasurerFiscal Officer shall be the financial advisor of the Municipality and shall at all times keep the Mayor and the Council informed of the financial condition and needs of the Municipality.

B. To the extent required by the Constitution Of the State of Ohio the ~~Clerk-Treasurer~~Fiscal Officer shall comply with the applicable laws of the State of Ohio and the terms of this Charter relating to certification for and expenditures of public monies. The ~~Clerk-Treasurer~~Fiscal Officer shall prepare

and execute all warrants for the disbursements of monies of the Municipality and shall audit all payrolls, bills and other claims against the Municipality. Unless such payroll, bill or claim is in proper form, correctly computed and duly approved; that the same is due and payable; that a lawful appropriation has been made for the payment thereof; and that the amount required to pay the same is in the Treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances, the ~~Clerk-Treasurer~~Fiscal Officer shall issue no warrant for the payment thereof.

C. The ~~Clerk-Treasurer~~Fiscal Officer shall prepare the annual estimate of receipts and expenditures and all appropriation measures and submit the same to the Mayor for transmittal to the Council.

D. On or before the 31st day of March of each year, the ~~Clerk-Treasurer~~Fiscal Officer shall prepare and submit to the Mayor and Council a report of the financial condition of the Municipality consistent with Government Finance Officer Association recommendations and Generally Accepted Accounting Principals, showing -and- of receipts and expenditures for the preceding calendar year, carryover balances by fund, and long-term assets and liabilities, which report shall be published in accordance with the provisions of Section 3.12 of this Charter.

SECTION 5.06 OTHER DUTIES.

AE. The ~~Clerk-Treasurer~~Fiscal Officer and the Mayor shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and other instruments to which the Municipality is a party.

FB. The ~~Clerk-Treasurer~~Fiscal Officer shall authenticate and have custody and charge of such financial records, documents and instruments of the Municipality as may be from time to time required by Council.

GC. The ~~Clerk-Treasurer~~Fiscal Officer shall perform such other duties consistent with the nature of the office that are provided by Charter, municipal ordinance, or as the Mayor or the Council may request or direct.

HD. The ~~Clerk-Treasurer~~Fiscal Officer shall be custodian of all monies of the Municipality and of all evidences of investments of Municipality monies, and shall keep and preserve the same in such manner and at such place or places as shall be determined by the Council.

IE. The ~~Clerk-Treasurer~~Fiscal Officer shall pay out from the Municipality's Treasury only on warrants and shall keep a detailed record of all receipts from taxes and other sources, as well as a detailed record of all disbursements and a record of the expenditures and balances of various appropriated funds.

IF. In general, and without limitation as to particularity, the ~~Clerk-Treasurer~~Fiscal Officer shall discharge the duties and functions of a treasurer the Clerk-Treasurer of a Municipality under Section 733.42 of the Ohio Revised Code except as otherwise provided modified in this Charter.

SECTION 5.05 APPOINTMENT OF CLERK.

The Clerk shall be appointed by the Mayor, with the affirmative vote of a majority of the Council. The Clerk may serve in that capacity while also performing other duties as an employee of the Municipality.

SECTION 5.06 QUALIFICATIONS OF CLERK.

The Clerk shall have a high school diploma or a GED certificate.

SECTION 5.07 INCAPACITY OF CLERK; VACANCY.

When the Clerk is temporarily unable to perform his or her duties due to physical incapacity, mental incapacity, or other condition or reason, or there is a vacancy in such office, the duties shall be performed by the Fiscal Officer. In the event of a dispute as to whether the Clerk is temporarily incapacitated, the Law Director shall render a conclusive opinion as to whether the Clerk is temporarily incapacitated.

SECTION 5.08 DUTIES OF CLERK.

A. The Clerk shall be the Clerk of the Council, and as such, shall attend all meetings of the Council and shall keep a record of its proceedings in a journal as prescribed in Section 3.06 of this Charter. The Clerk shall keep and have custody of the records of all ordinances, resolutions, rules, regulations, and by-laws adopted by the Council and of its proceedings, and such records shall be available for public inspection.

B. In general, and without limitation as to particularity, the Clerk shall discharge the duties and functions of the clerk of a Municipality under Section 733.27 of the Ohio Revised Code except for those duties of the Clerk expressly set forth in this Charter, except as otherwise modified in this Charter.

C. The Clerk shall perform such other duties consistent with nature of the office that are provided by Charter, municipal ordinance, or as the Mayor or the Council may request or direct.

Upon adoption of the above amendment, all references to Clerk-Treasurer in all other Articles of the Charter shall be construed to mean:

“Clerk” when referring to the statutory municipal clerk, clerk of council and other related legislative, journal, records, and notice functions of the Village, and

“Fiscal Officer” when referring to the fiscal, treasury, accounting, budgetary, receipt and disbursement, and fund custody functions of the Village.

If adopted, Council shall use its authority under Section 3.14 of the Charter to finalize such conforming changes.

RECORD OF ORDINANCES

Ordinance No. 2026-41

Passed _____, 20____

SPONSOR: FINANCE

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE IV SECTION 4.03 OF THE CHARTER OF THE VILLAGE, ENTITLED “ABSENCE OR VACANCY” AND TO BE RETITLED “INCAPACITY, ABSENCE OR VACANCY, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Charter of the Village of Mogadore (the “Village Charter”), the Charter Review Commission convened in 2026; and

WHEREAS, the Charter Review Commission has recommended an amendment to Article IV Section 4.03 of the Village Charter, entitled “Absence or Vacancy,” and to be retitled “Incapacity, Absence or Vacancy,” as set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council, after reviewing all pertinent information and the recommendations of the Charter Review Commission, finds it necessary and in the best interest of the Village to submit to the electors the proposal to amend Article IV Section 4.03 of the Village Charter.

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 the recommendation of the Village’s Charter Review Commission, Council hereby proposes that Article IV Section 4.03 of the Village Charter, entitled “Absence or Vacancy,” and to be retitled “Incapacity, Absence or Vacancy,” be amended as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII of the Village Charter, this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, at the regular election to be held on November 3, 2026 at the usual places of voting in the Village, the amendment to Article IV Section 4.03 of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to clarify the circumstances where the incapacity or absence of the Mayor, or vacancy in the Office of Mayor, require the Council President or other member of Council to serve as the Acting Mayor and/or to preside over Council meetings.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article IV Section 4.03 shall be and the same is hereby repealed and replaced by the new Article IV Section 4.03.

SECTION 4: The ballot language for said issue shall read substantially as follows:

RECORD OF ORDINANCES

Ordinance No. 2026-41

Passed _____, 20____

“VILLAGE OF MOGADORE
PROPOSED AMENDMENT TO CHARTER

Shall Article IV Section 4.03 of the Charter of the Village of Mogadore, Ohio be changed and amended to clarify the circumstances where the incapacity or absence of the Mayor, or vacancy in the Office of Mayor, require the Council President or other member of Council to serve as the Acting Mayor and/or to preside over Council meetings.

- Yes
 No”

SECTION 5: The Clerk-Treasurer is hereby directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 90 days prior to the November 3, 2026 election for submission to the electors of the Village of Mogadore.

SECTION 6: The Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 3, 2026 on the foregoing amendment to the Village Charter, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7: The Clerk-Treasurer is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 3, 2026 as required by Section 731.211 of the Ohio Revised Code.

SECTION 8: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 9: 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 immediate effectiveness of this Ordinance is required in order to timely comply with the statutory deadlines to place the above question before the electors of the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

EXHIBIT A

SECTION 4.03 INCAPACITY, ABSENCE OR VACANCY.

A. ~~Absence, Incapacity or~~ Absence of Mayor.

In the event the Mayor is temporarily unable to perform the duties of the office due to physical incapacity, mental incapacity, or other condition rendering the Mayor unable to discharge the powers and responsibilities of the office, the Mayor shall be deemed temporarily incapacitated for purposes of this Charter. Routine or voluntary absences from the Village, including but not limited to vacations and travel, shall not constitute incapacity under this section. In the event of a dispute as to whether the Mayor is temporarily incapacitated, the Law Director shall render a written opinion as to whether the Mayor is temporarily incapacitated, which shall be conclusive unless and until the same is overridden by a two-thirds (2/3) vote of the Council, which must take place within within five (5) calendar days of the issuance of the Law Director's opinion.

When the Mayor is temporarily incapacitated, absent or inaccessible or is unable for any cause or reason to perform his duties, the President of Council shall become the Acting Mayor and during such period shall have the same powers and perform the same duties, including judicial, as the Mayor, except as provided in this Section, with the following exceptions:

Additionally, when the Mayor is otherwise absent for any reason, the President of Council shall preside over all meetings of Council and shall have the same powers and perform the same duties at such meetings as the Mayor, except as provided in this Section.

At any time when the President of Council is serving as the Acting Mayor and/or presiding over a meeting of Council, the following limitations shall apply:

- (1) Said person cannot disapprove legislation of the Council per Section 4.05 of this Charter.
- (2) Said person does not have the power to break a tie vote of the Council. He or she shall also continue as a member of Council with all the powers and duties of such member, including casting a vote as a member of Council on any matter before Council.

B. Vacancy.

In the event the office of the Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor, and shall serve the balance of that term. In the event the President of Council is unable to or declines to serve as Mayor, Council by a vote of a majority of the members of Council shall appoint another of its members as Mayor to serve for the unexpired term or until the beginning of the term of the successor duly elected as provided in this Charter. Upon becoming Mayor, the offices of President of Council and/or member of Council shall become vacant.

However, if the Council President or another a member of Council is appointed within the first two (2) years of the four (4) year term of that vacant office, an election shall be held to fill the unexpired term, during the next Municipal election that does not fall within one hundred eighty (180) days of the appointment. Upon becoming Mayor, the offices of President of Council and member of Council shall become vacant.

C. Incapacity or Absence of President of Council.

In the event the President of Council shall be absent or inaccessible or for any reason is unable to serve as Acting Mayor due to physical incapacity, mental incapacity, or other condition, or is otherwise unable to perform his duties as Acting Mayor, and an emergency or urgent necessity so requires, the Council, by vote of a majority of the remaining members of Council may designate one of their number Acting Mayor for the purposes and duration only of such emergency or urgent necessity, who thereupon shall have the same powers and perform the same duties, including judicial, as the Mayor, except as provided in this Section. with the following exceptions:

In the event of a dispute as to whether the President of Council is temporarily incapacitated, the Law Director shall render a written opinion as to whether the Mayor is temporarily incapacitated, which shall be conclusive unless and until the same is overridden by a two-thirds (2/3) vote of the Council, which must take place within five (5) calendar days of the issuance of the Law Director's opinion.

Additionally, when the Mayor and Council President are both absent for any reason, the Council, by vote of a majority of the remaining members of Council may designate one of their number to preside over any meetings of Council and that person shall have the same powers and perform the same duties at such meetings as the Mayor, except as provided in this Section.

At any time when such member of Council is serving as the Acting Mayor and/or presiding over a meeting of Council, the following limitations shall apply:

- (1) Said person cannot disapprove legislation of the Council per Section 4.05 of this Charter.
- (2) Said person does not have the power to break a tie vote of the Council. He or she shall also continue as a member of Council with all the powers and duties of such member, including casting a vote as a member of Council on any matter before Council.

RECORD OF ORDINANCES

Ordinance No. 2026-42

Passed _____, 20____

SPONSOR: FINANCE

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE III SECTION 3.12 OF THE CHARTER OF THE VILLAGE, ENTITLED “PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES”, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Charter of the Village of Mogadore (the “Village Charter”), the Charter Review Commission convened in 2026; and

WHEREAS, the Charter Review Commission has recommended an amendment to Article III Section 3.12 of the Village Charter, entitled “Publication of Ordinances, Resolutions and Notices,” as set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council, after reviewing all pertinent information and the recommendations of the Charter Review Commission, finds it necessary and in the best interest of the Village to submit to the electors the proposal to amend Article III Section 3.12 of the Village Charter.

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 the recommendation of the Village’s Charter Review Commission, Council hereby proposes that Article III Section 3.12 of the Village Charter, entitled “Publication of Ordinances, Resolutions and Notices,” be amended as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII of the Village Charter, this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, at the regular election to be held on November 3, 2026 at the usual places of voting in the Village, the amendment to Article III Section 3.12 of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to require that every ordinance or resolution adopted by the Village Council be published by posting a copy of the same on the Village’s website, which shall be accessible to the general public, within five (5) days of the effective date of the same, and remain on the Village’s website for no less than five (5) years thereafter.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article III Section 3.12 shall be and the same is hereby repealed and replaced by the new Article III Section 3.12.

SECTION 4: The ballot language for said issue shall read substantially as follows:

RECORD OF ORDINANCES

Ordinance No. 2026-42

Passed _____, 20____

“VILLAGE OF MOGADORE
PROPOSED AMENDMENT TO CHARTER

Shall Article III Section 3.12 of the Charter of the Village of Mogadore, Ohio be changed and amended to require that every ordinance or resolution adopted by the Village Council be published by posting a copy of the same on the Village’s website, which shall be accessible to the general public, within five (5) days of the effective date of the same, and remain on the Village’s website for no less than five (5) years thereafter.

- Yes
 No”

SECTION 5: The Clerk-Treasurer is hereby directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 90 days prior to the November 3, 2026 election for submission to the electors of the Village of Mogadore.

SECTION 6: The Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 3, 2026 on the foregoing amendment to the Village Charter, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7: The Clerk-Treasurer is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 3, 2026 as required by Section 731.211 of the Ohio Revised Code.

SECTION 8: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 9: 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 immediate effectiveness of this Ordinance is required in order to timely comply with the statutory deadlines to place the above question before the electors of the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

EXHIBIT A

SECTION 3.12 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES.

~~A.—Except as herein otherwise provided, every ordinance or resolution adopted by the Council shall be published by posting a copy of the same on the Village's website, which shall be accessible to the general public, within five (5) days of the effective date of the same, as provided in Section 3.13, below. All ordinances or resolutions shall thereafter remain on such website and available to the general public for no less than five (5) years following the effective date of the same. of a general or permanent nature, including but not limited to those granting, renewing or extending a franchise, creating a right, involving expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of public property and every notice, statement, order, proclamation or report required to be published, shall be published either by posting a copy thereof in a conspicuous place in the Mogadore Municipal Building for a period of not less than fifteen (15) days or by publishing the same in any English language newspaper printed in and of general circulation in the Municipality. If there is no such newspaper so printed, then such publication may be made in any newspaper of general circulation therein, if so determined by Council.~~

~~B.—Council may by ordinance designate additional public places in the Municipality for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality.~~

~~C.—In the case of newspaper publication, ordinances and resolutions shall be published once per week for two (2) consecutive weeks; notices shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once.~~

~~D.—Proof of any publication provided for in this Section shall be made by the Clerk-Treasurer as provided by ordinance, or by the laws of the State of Ohio.~~

RECORD OF ORDINANCES

Ordinance No. 2026-43

Passed _____, 20____

SPONSOR: FINANCE

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE X OF THE CHARTER OF THE VILLAGE, ENTITLED “BOARD OF ZONING APPEALS”, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Charter of the Village of Mogadore (the “Village Charter”), the Charter Review Commission convened in 2026; and

WHEREAS, the Charter Review Commission has recommended an amendment to Article X of the Village Charter, entitled “Board of Zoning Appeals,” as set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council, after reviewing all pertinent information and the recommendations of the Charter Review Commission, finds it necessary and in the best interest of the Village to submit to the electors the proposal to amend Article X of the Village Charter.

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 the recommendation of the Village’s Charter Review Commission, Council hereby proposes that Article X of the Village Charter, entitled “Board of Zoning Appeals,” be amended as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII of the Village Charter, this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, at the regular election to be held on November 3, 2026 at the usual places of voting in the Village, the amendment to Article X of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to reduce the number of members of the Village of Mogadore’s Board of Zoning Appeals from seven (7) to five (5) members.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article X shall be and the same is hereby repealed and replaced by the new Article X.

SECTION 4: The ballot language for said issue shall read substantially as follows:

RECORD OF ORDINANCES

Ordinance No. 2026-43

Passed _____, 20____

“VILLAGE OF MOGADORE
PROPOSED AMENDMENT TO CHARTER

Shall Article X of the Charter of the Village of Mogadore, Ohio be changed and amended to reduce the number of members of the Village of Mogadore’s Board of Zoning Appeals from seven (7) to five (5) members.

- Yes
- No”

SECTION 5: The Clerk-Treasurer is hereby directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 90 days prior to the November 3, 2026 election for submission to the electors of the Village of Mogadore.

SECTION 6: The Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 3, 2026 on the foregoing amendment to the Village Charter, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7: The Clerk-Treasurer is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 3, 2026 as required by Section 731.211 of the Ohio Revised Code.

SECTION 8: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 9: 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 immediate effectiveness of this Ordinance is required in order to timely comply with the statutory deadlines to place the above question before the electors of the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

EXHIBIT A

ARTICLE X BOARD OF ZONING APPEALS

SECTION 10.01 COMPOSITION AND TERM.

Except as provided herein, the Board of Zoning Appeals shall consist of five (5) ~~seven (7)~~ members who are electors of the Municipality. All members of this Board shall have been continuously a resident and an elector of the Municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein through his/her term. One member shall be a member of Council selected by the Council to serve during the remainder of his/her term on Council. The remaining ~~four (4) six~~ members of the Board of Zoning Appeals shall be appointed by the Mayor with Council approval to serve staggered three year terms, ~~two new members being appointed each year to replace the two members whose terms are expiring. Effective January 1, 2027, the four members, other than the member of Council, then serving unexpired terms on the Board of Zoning Appeals shall continue until the expiration of each member's term, and the two terms that expire on December 31, 2026 shall no longer be filled. Thereafter, upon the expiration of each of those four (4) members' terms, new members will be appointed to new three-year terms, or until their successors are appointed and assume office.~~ Vacancies with respect to those members appointed by the Mayor shall be filled by appointment by the Mayor and the approval of Council for the remainder of the unexpired terms. Vacancies with respect to the member appointed by the Council shall be filled by the Council as provided in this Section.

SECTION 10.02 JURISDICTION.

The Board shall have the power and authority to grant relief from undue hardship or practical difficulties which would result from the strict application of zoning ordinance in any particular case in accordance with standards therefor established by the Council but such action shall be effective only on the affirmative vote of at least ~~four (4) three (3)~~ members.

RECORD OF ORDINANCES

Resolution No. 2026-44

Passed _____, 20____

SPONSOR: SAFETY

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE RENEWAL OF AN EXISTING 3.5 MILL TAX LEVY, WITH AN INCREASE OF 1.23 MILLS, FOR A TOTAL OF 4.73 MILLS IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF THE PAYMENT OF FIREFIGHTING COMPANIES OR PERMANENT, PART-TIME, OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE, OR COMMUNICATIONS PERSONNEL, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE OHIO REVISED CODE, OR OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT OR FIREFIGHTING COMPANY, OR FOR THE PAYMENT OF OTHER RELATED COSTS OF THE VILLAGE OF MOGADORE PURSUANT TO SECTION 5705.19(I) OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, on June 17, 2026, this Council passed Resolution No. 2026-34 (the “Resolution of Necessity”) declaring it necessary to submit to the electors of the entire territory of the Village the question of the renewal of an existing 3.5-mill tax, with an increase of 1.23 mills, for a total of 4.73 mills in excess of the ten-mill limitation, as described below. A copy of the Resolution of Necessity was certified to the Summit County Fiscal Officer; and

WHEREAS, the Summit County Fiscal Officer has certified to the Village (i) that the total current tax valuation of the Village is \$123,547,584, including Summit and Portage County values, and (ii) the dollar amount of revenue that would be generated by the levy in the amount of 4.73 mills for each \$1 of taxable value, which amounts to \$135.00 for each \$100,000 of the County Fiscal Officer's market value.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Summit and Portage Counties, State of Ohio, two-thirds of all members elected thereto concurring, that:

SECTION 1: This Council hereby determines to proceed with the submission to the electors of the entire territory of the Village at an election to be held on November 3, 2026 the question of the renewal of an existing 3.5-mill ad valorem property tax with an increase of 1.23 mills, for a total of 4.73 mills outside of the ten-mill limitation for the purpose of the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.34 of the Ohio Revised Code, or other emergency medical services operated by the fire department or firefighting company, or for the payment of other related costs of the Village of Mogadore pursuant to Section 5705.19(I) of the Ohio Revised Code, for a period of five (5) years (commencing with a levy on the tax list and duplicate for the year 2027 to be first distributed to the Village in calendar year 2028).

RECORD OF ORDINANCES

Resolution No. 2026-44

Passed _____, 20____

SECTION 2: The Clerk of Council is hereby authorized and directed to certify to the Board of Elections copies of this Resolution, the Resolution of Necessity and certification of the County Fiscal Officer referred to in the recitals hereto on or before August 5, 2026. This Council hereby requests that the Board of Elections prepare ballot forms and make other necessary arrangements for the submission of this question to the electors of the entire territory of the Village, all in accordance with the law.

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 further reason that this Resolution is required to be immediately effective in order to timely place the issue described herein on the ballot at the November 3, 2026 election, which is urgently necessary to provide for funding the provision of fire and emergency medical services for the Village described in Section 1 hereof, 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