

# Village of Mogadore

Office of the Clerk Treasurer  
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AUGUST 19, 2009

## A G E N D A

1. Prayer – M. Raddish
2. Pledge to flag
3. Roll Call
4. Approval of Agenda
5. Minutes presented for changes, corrections, adoption
6. Comments from the Audience on pending legislation
7. Committee Reports
  - a. Approval of the July Mayor's Court Income and Disbursement Report.
8. Comments on the bills
9. Old Business
  - 1.
10. New Business
  1. Resolution No. 2009-58 -- Mr. Raddish -- Authorizing an agreement with the Ohio Dept. of Transportation for the traffic signal reconstruction,.
  - 2.
11. Comments
  1. Public
  2. Council
  3. Clerk-Treasurer
  4. Mayor
12. Adjournment



RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BANK, INC., FORM NO. 10140

Held

AUGUST 5 20 09

Council met in regular session at 7:30 p.m. with Mayor Rick presiding.

Mayor Rick asked everyone to observe a moment of silence remembering our troops overseas and especially Councilman M. Kelly who is serving in Iraq. The Pledge of Allegiance to the Flag was recited by all.

Roll Call: W. Spaugy, p; J. Kinsey, p; B. Van Dike, p; W. Bauer, p; M. Raddish, p; S. Ross, p; Kelly, excused.

Motion by Mr. Raddish, second by Mr. Spaugy to approve the agenda as presented. Vote: Unanimous ayes. Motion carried.

Motion by Mr. Bauer, second by Mr. Raddish to adopt the minutes as presented. Vote: Unanimous ayes. Motion carried.

COMMENTS ON PENDING LEGISLATION - None.

COMMITTEE REPORTS

STREETS - Mr. Raddish had no report.

SAFETY - Mr. Spaugy reported that he would be presenting two pieces of legislation later in the meeting.

P&Z - Mr. Kinsey had no report.

FINANCE/AUDIT - Ms. Van Dike reported that she would be presenting one piece of legislation later in the meeting.

Motion by Ms. Van Dike to approve the 2010 Alternative Tax Budget as presented, second by Mr. Bauer. Vote: Unanimous ayes. Motion carried.

Mr. Bauer announced that the next Council Work Session is scheduled for Wednesday, August 26, 2009 at 7:00 p.m. All committees are on the agenda.

COMMENTS ON THE BILLS - Motion by Ms. Van Dike, second by Mr. Bauer to approve the payment of the bills as presented on the voucher register. Vote: Unanimous ayes. Motion carried.

OLD BUSINESS - None.

NEW BUSINESS

Mr. Spaugy presented Resolution No. 2009-55 in its entirety as follows:

RESOLUTION AND ORDER ACCEPTING BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO AN AGREEMENT FOR THE SALE OF THE 2000 FORD CROWN VICTORIA AND DECLARING AN EMERGENCY

Motion by Mr. Spaugy, second by Mr. Bauer to suspend the rule requiring three readings. Vote: Unanimous ayes. Motion carried.

Motion by Mr. Spaugy, second by Mr. Kinsey to adopt Resolution 2009-55 as read. Mr. Bauer noted that in the second "Whereas" clause the word "lowest" should be changed to "highest". Mr. Spaugy explained that he corrected the wording when he read the legislation then made the motion to adopt as read. The Law Director ruled that procedure was done correctly. Vote on the motion to adopt Resolution No. 200-55 as read: "bid was the highest responsive..." Unanimous ayes. Motion carried.

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held

AUGUST 5 20 09

Ms. Van Dike presented Resolution No. 2009-56 in its entirety as follows:

RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 37.12, 37.13, 37.15, AND 37.23 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MOGADORE IN ORDER TO INCREASE THE INCOME TAX RATE FROM TWO PERCENT TO TWO AND ONE QUARTER PERCENT BEGINNING JANUARY 1, 2010, AND ENDING ON DECEMBER 31, 2019, FOR THE PURPOSES PROVIDED IN SECTIONS 37.10 AND 37.23 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MOGADORE AND DECLARING AN EMERGENCY

Motion by Ms. Van Dike, second by Mr. Kinsey to suspend the rule requiring three readings. Vote: Unanimous ayes. Motion carried.

Motion by Ms. Van Dike, second by Mr. Kinsey to adopt Resolution No. 2009-56. Mayor Rick explained that the 2019 date is when the one-half of one percent tax rate designated for the infrastructure runs out. At that point the rate will drop back down unless approved by the voters to continue with the program. Vote: Unanimous ayes. Motion carried.

Mr. Spaugy presented Resolution No. 2009-57 in its entirety as follows:

A RESOLUTION TO CHANGE THE RATE OF COMPENSATION FOR ALL PATROLMEN AND SERGEANTS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION AND DECLARING AN EMERGENCY

Motion by Mr. Spaugy, second by Mr. Kinsey to suspend the rule requiring three readings. Vote: Unanimous ayes. Motion carried.

Motion by Mr. Spaugy, second by Mr. Bauer to adopt Resolution No. 2009-57. Mr. Raddish said he respects the police for opening up their contract. He explained that the police were given a 3% raise for 2009 and now they are asked to give back 5%. In January 2010 they will receive an increase of 3% by contract. The rest of the employees in the Village were given a 3% raise for 2009; they all agreed to take a 10% cut making an 8% difference between the two. In the past employees of the Village had been treated the same, that is no longer the case. Mayor Rick noted that the police have indicated that they are willing to discuss this situation further in December. He added that the police do not have to reopen their contract and he appreciates them agreeing to the MOU. Mayor Rick explained that four years ago the police obtained the rights as a collective bargaining unit which is something different the Village is dealing with over time. Mayor Rick thanked the police department for dealing with the loss of one full-time and two part-time officers, a cut back on their training to only what is necessary to keep them on the streets and for consideration of the option of comp-back time to save on overtime dollars. He hopes Council passes this Resolution, noting that the police have shown a willingness to discuss some of the existing financial issues. Messrs. Kinsey, Spaugy, Bauer all expressed their appreciation at the gesture of cooperation shown by the police department. Unfortunately in these hard times there are instances of inequities and there could possibly be more until things can be worked out. It is good to see the people who work for the Village and the people of this community work together to try to make things come together. Mrs. Ross feels we are going in the wrong direction by cutting the police pay after cutting officers from the force. She appreciates the police department's willingness to make those concessions. Mrs. Ross knows it was a difficult decision for the police to make and thinks that Council needs to look for more funding rather than cut jobs. Ms. Van Dike agreed that it was unfortunate that Council had to ask the employees to make these concessions but appreciates the effort that has been made. Mayor Rick added that he and the members of Council are continuing to look for ways to cut back on the budget without having to cut back on personnel and wages. He also noted that a grant

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financed 75% of the park and recreation program this year where there might not have been a summer program. With no further discussion the vote taken on the motion to adopt Resolution No. 2009-57 resulted in unanimous ayes from Council. The motion carried.

COMMENTS

Jon Mencer, 242 S. Cleveland Ave., commented on the Village employee wage reductions and felt that as public servants the elected officials should have set a good example for the employees by also taking a wage reduction.

Mr. Raddish noted that he has been saying since April that Council and the Administrator should take a 10% pay cut. He added that they were told they were not allowed to take a pay cut; any wage reductions would be voluntary. Mr. Raddish added for the record "that as long as we have employees taking a 10% pay cut, he will donate 10% of his pay to the non-profit organizations in Mogadorc, starting with the Historical Society."

Mayor Rick explained that the Law Director has reaffirmed that according to the Charter and the Ohio Revised Code elected officials cannot change salaries mid-term but, if they want, they can donate money back to the Village.

Mike Berger, 3976 Eleanor St., asked how the residents of the Village are going to support a one quarter percent tax increase, how will it affect the bottom line and will it generate enough revenue. Mayor Rick responded that the 2010 budget presented at the meeting did not include the one quarter percent increase in the income tax. The 2010 budget is the lowest it has been in the last five years so if the tax issue is approved the revenue will make up for cuts that had been made. The Mayor added that the Village is not making any unnecessary purchases and any infrastructure projects have the funding in place. Considering the economic times, Mr. Berger did not know how residents could support any new assets. Mayor Rick said that the decision will be up to the voters. The tax will affect those who work in the Village; it will not affect the senior citizens which is why Council decided against pursuing an increase in tax millage. It is estimated that the increase could generate \$240,000.

Mr. Bauer reiterated that a property tax levy would affect everyone in the Village. An increase in the income tax would affect those who work in the Village and those who work in a community without an income tax but it will not affect those who live in the Village and work in Akron since the tax rate would be the same. Also, it would not affect those out of work, or retirees living on fixed incomes. Mr. Bauer said this was not the perfect answer but it was the best they could do at this time.

Mrs. Ross commented that due to an error her petitions for election were not filed today so she will not be on the ballot in November. This error was not intentional and she will continue to work hard for the remainder of her term.

Mrs. Ross expressed her disappointment in hearing that the D.A.R.E. program will be discontinued. She would like to know what the program cost the Village so if she decides to donate a percentage of her salary she will have some idea how much would be needed for such a program. Mayor Rick said he could provide those figures for her. He explained that over the years the amount of the grant has decreased. The Police Chief has indicated that studies have questioned the effectiveness of the D.A.R.E. program versus other programs so he will be checking on other types of programs.

Mrs. Ross announced that she has plans to put together a flyer to promote the village. These flyers will be distributed to realtors. She also has ideas on projects that that would involve the entire community, such as a community food drive.

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

AUGUST 5 20 09

Mr. Spaugy, Mr. Kinsey and Ms. Van Dike commended all the employees who experienced a wage reduction; their loyalty is appreciated.

In reference to the D.A.R.E. program, Ms. Van Dike explained that the Mogadore School does have a PANDA prevention program for sixth, seventh, and eighth graders. She offered to get information on this program for Mrs. Ross.

Mr. Bauer thanked all the employees for their hard work and cooperation during this tough period.

Mr. Raddish thanked the Finance Committee, the Mayor and the Clerk-Treasurer for the tough job that they had to do. Mr. Raddish added for the record that he would be donating 10% of his pay for as long any Village employees are working at a reduced rate. He asked for a list of all the nonprofit organizations in the Village.

Mayor Rick announced that the grant funded renovation of the Community Center restrooms and window replacement has been put out for bids.

In reference to the income tax, Mayor Rick explained that 35% of the Village's revenues are from local income tax collections; the remaining 65% of the revenue comes from state, county and other miscellaneous funds. An income tax increase would help make up for some of the deficits from the other sources.

Mr. Raddish stressed that rumors concerning the possibility of the Village regionalizing with Summit County and/or Tallmadge for police service are false. The subject has never been discussed by Council or the Mayor.

There being no further business, there was a motion by Mr. Bauer to adjourn the meeting. The meeting adjourned at 8:05 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

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

The special meeting of the Finance/Audit Committee was called to order at 4:40 p.m. with Chairwoman B. Van Dike presiding.

Members present: B. Van Dike and J. Kinsey

Others present: Mayor Rick, Council Member M. Raddish, Fire Chief D. Adams, Ptl. M. Halliwill, Clerk-Treasurer J. McCulley

Copies of the proposed revenues and expenditures for the 2010 budget were distributed for review. Ms. Van Dike explained that all funds balance with the exception of the Street and Park funds where the expenses were lowered in an effort to erase deficits by the end of 2010. She added that estimated revenues were also decreased to reflect the state of the economy.

Ms. Van Dike noted that the 2010 Alternative Tax Budget needs to be submitted to Summit County by Friday, August 7, 2009. She feels that this is the best estimation of what can be expected in 2010. Further details from the County will be forthcoming to let us know how much revenue can be anticipated. Plus, 2009 revenues not yet received are still anticipated for this year. Once those revenues are received the Committee will have a better understanding of where the Village stands. Ms. Van Dike explained that adjustments can be made to the budget when the final figures are known.

Ms. McCulley was asked to explain the budget process for those present. She said the proposed 2010 Budget is submitted to the County for approval. The County then estimates county and state revenues and issues a preliminary Certificate of Estimated Resources. From this information the first quarter appropriations is then proposed to operate the Village from January 1<sup>st</sup> through March 31<sup>st</sup>. This allows time for the Village to close the fiscal year and submit an End of Year Report to the County who generates an amended Certificate that reflects our year end figures. The Village then prepares the permanent appropriations for submission to the County.

Mayor Rick noted that the Village has not had expenses this low in the last five years except for the infrastructure fund. He added that the proposed budget is what the Village hopes for but the final figures will not be put into place until March of next year.

Ms. McCulley said the goal of this budget is to wipe out any deficits by the end of 2010.

Ms. Van Dike explained that the Finance/Audit Committee's function at this time is to approve the proposed 2010 Alternate Tax Budget and make the recommendation that it be presented to Council for their approval. Motion by Ms. Van Dike to recommend the 2010 Budget be submitted for approval at the Council meeting, second by Mr. Kinsey. Vote: Unanimous ayes. Motion carried.

Ms. Van Dike thanked everyone for their efforts in putting together the budget. She knows that Council will be keeping a close watch on the budget for the remainder of 2009 and the beginning of 2010 and hopes to see the economy turn around quickly.

There being no further business, the meeting was adjourned at 5:00 p.m.

Respectfully submitted,

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







**PRELIMINARY LEGISLATION**

RC 5521.01

~~Ordinance~~/Resolution# 2009-58  
PID No. 86928  
County/Route/Section SUM-SR532-1.56  
ODOT Agreement No. \_\_\_\_\_

The following is Resolution enacted by the Village of Mogadore of  
(An Ordinance/a Resolution) (Local Public Agency)  
Summit County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in  
the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

Signal reconstruction at intersection of Cleveland Avenue and Mogadore Road

NOW THEREFORE, be it ordained by the Village of Mogadore of Summit County  
(LPA)

Ohio.

**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION V - Maintenance**

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI - Consultants and Authority to Sign**

The Mayor & Clerk-Treasurer of said Village of Mogadore is hereby empowered on behalf of  
(Contractual Agent) (LPA)  
the Village of Mogadore to enter into contracts with ODOT pre-qualified consultants  
(LPA)  
for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Mayor & Clerk-Treasurer is also empowered to assign  
(Contractual Agent)  
all rights, title, and interests of the Village of Mogadore to ODOT arising from  
(LPA)  
any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: \_\_\_\_\_, 20 09  
(Date)

Attested: \_\_\_\_\_  
(Clerk) Juliann McCulley  
Clerk-Treasurer

\_\_\_\_\_  
(Officer of LPA - title) Michael A. Rick  
Mayor

Attested: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
C. William Bauer  
(President of Council)

This Resolution #2009-58 is hereby declared to be an emergency measure to  
(Ordinance/Resolution)

expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY  
STATE OF OHIO

Village of Mogadore of Summit County, Ohio  
(LPA)

I, Juliann McCulley, as Clerk of the Village of Mogadore  
(LPA)

of Summit County, Ohio, do hereby certify that the forgoing is a true and  
correct copy of Resolution #2009-58 adopted by the legislative Authority of the said  
(Ordinance/Resolution)

Village on the \_\_\_\_\_ day of \_\_\_\_\_, 2009  
(LPA)

that the publication of such Resolution #2009-58 has been made and certified of  
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such  
Resolution #2009-58 have been taken; and that such Resolution #2009-58  
(Ordinance/Resolution) (Ordinance/Resolution)

and certificate of publication thereof are of record in Ord Rec. #21 Page 25  
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my  
official seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

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

(SEAL) Village of Mogadore of Summit/Portage, Ohio  
(if Applicable) (LPA)

The foregoing is accepted as a basis for proceeding with the project herein  
described.

For the Village of Mogadore of Summit/Portage Counties, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation