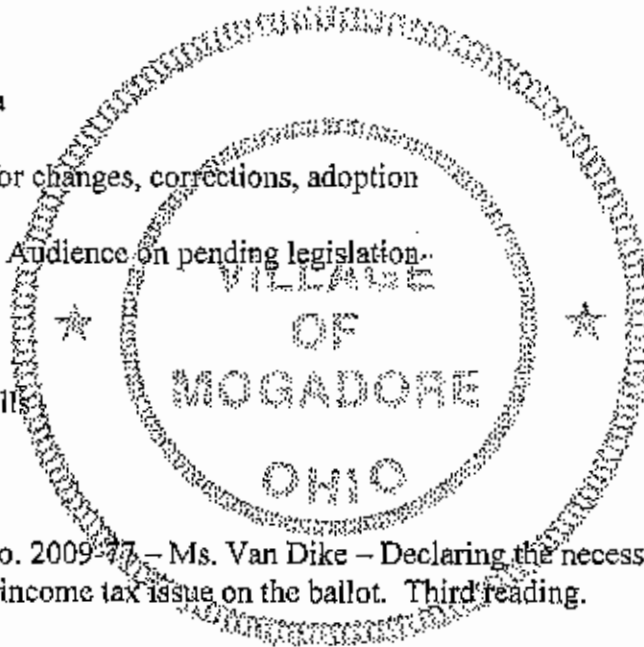


# Village of Mogadore

Office of the Clerk Treasurer  
135 South Cleveland Avenue  
Mogadore, Ohio 44260  
Phone: (330) 628-4896  
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JANUARY 6, 2010  
A G E N D A

1. Prayer – M. Kelly
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
8. Comments on the bills
9. Old Business
  1. Resolution No. 2009-77 – Ms. Van Dike – Declaring the necessity and authorizing the placement of an income tax issue on the ballot. Third reading.
  - 2.
10. New Business
  1. Ordinance No. 2010-1 – Mr. Kinsey – Rezone Real Property from R-3 Multi-Family to R-1 Single-Family, located within the Wynstone Development.
  - 2.
11. Comments
  1. Public
  2. Council
  3. Clerk-Treasurer
  4. Mayor
12. Adjournment





RECORD OF PROCEEDINGS

0213

Minutes of REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10140

Held DECEMBER 16

20 09

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

Councilman M. Raddish asked everyone to join him in a moment of silence for their own intentions. The Pledge to the Flag was recited by all.

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

Motion by M. Raddish, second by W. Bauer for the approval of the agenda as presented. Vote. Unanimous ayes. Motion Carried.

Motion by M. Raddish, second by M. Kelly for the adoption of the minutes as presented. Vote. Unanimous ayes. Motion Carried.

COMMENTS ON PENDING LEGISLATION - None

COMMITTEE REPORTS

UTILITIES - S. Ross, no report.

STREETS - M. Raddish, legislation to be read later in meeting.

PARKS - M. Kelly, no report.

SAFETY - W. Spaugy, legislation to be read later in meeting. Motion by W. Spaugy, second by M. Raddish for the approval of the November Mayor's Court Income and Disbursement Report as presented. Vote. Unanimous ayes. Motion Carried.

FINANCE/AUDIT - B. Van Dike, legislation to be read later in meeting.

W. Bauer reported that there will be a special council meeting 12/29/09 @ 6:00 p.m. for the year end closing of the books. There will be an organizational meeting immediately following and then the swearing in ceremony for the recently elected officials. From this meeting forward all legislation will be read by title only.

Motion by W. Bauer, second by B. Van Dike to approve the payment of the bills as presented on the Voucher Register. Vote. Unanimous ayes. Motion Carried.

OLD BUSINESS

B. Van Dike presented Resolution 2009-77 for a second reading as amended by title only 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 HALF PERCENT BEGINNING JULY 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

M. Raddish presented Resolution 2009-78 for a second reading by title only as follows: AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 95, STREETS AND SIDEWALKS OF THE MOGADORE CODE OF ORDINANCES TO PROVIDE ADDITIONAL PROTECTIONS FOR THE VILLAGE AND THE RESIDENTS, AND TO PROVIDE ADDITIONAL PENALTIES FOR NON COMPLIANCE WITH THE TERMS CONTAINED THEREIN AND DECLARING AN EMERGENCY

Motion by M. Raddish, second by W. Bauer to suspend the rule requiring three readings. Vote. Unanimous ayes. Motion Carried.

Held DECEMBER 16

2009

Motion by M. Raddish, second by M. Kelly for the adoption of Resolution 2009-78. Vote. M. Raddish, nay; M. Kelly, aye; S. Ross, aye; W. Spaugy, aye; J. Kinsey, aye; B. Van Dike, nay; W. Bauer, aye. Motion passes 5 to 2.

#### NEW BUSINESS

M. Raddish presented Resolution 2009-82 for a first reading by title only as follows:  
RESOLUTION AND ORDER ACCEPTING BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO A CONTRACT FOR SUPPLYING LABOR AND MATERIALS NECESSARY FOR THE MARION AVE RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY

Motion by M. Raddish, second by W. Bauer to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by M. Raddish, second by W. Bauer for the adoption of Resolution 2009-82. Vote. All ayes. Motion Carried.

W. Spaugy presented Resolution 2009-83 for a first reading by title only as follows:

RESOLUTION AND ORDER ACCEPTING BID AND AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO AN AGREEMENT FOR THE SALE OF THE 2003 FORD CROWN VICTORIA AND DECLARING AN EMERGENCY

Motion by W. Spaugy, second by M. Raddish to suspend the rule requiring three readings. Vote. All ayes. Motion Carried

Motion by W. Spaugy, second by M. Raddish for the adoption of Resolution 2009-83. Vote. All ayes. Motion Carried.

B. Van Dike presented Resolution 2009-84 for the first reading by title only as follows:

APPROPRIATIONS ORDINANCE FOR FIRST QUARTER 2010 AND DECLARING AN EMERGENCY

Motion by B. Van Dike, second by W. Bauer to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by B. Van Dike, second by J. Kinsey for the adoption of Resolution 2009-83. Vote. All ayes. Motion Carried.

W. Spaugy presented Resolution 2009-86 for the first reading by title only as follows:

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CLERK-TREASURER TO ENTER INTO THE FIRST RENEWAL OF AN AGREEMENT WITH THE COUNTY OF SUMMIT FOR ANIMAL CONTROL SERVICES AND DECLARING AN EMERGENCY

Motion by W. Spaugy, second by M. Raddish to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by W. Spaugy, second by J. Kinsey for the adoption of Resolution 2009-86. Vote. W. Spaugy, aye; J. Kinsey, aye; B. Van Dike, aye; W. Bauer, aye; S. Ross, abstain; M. Raddish, aye; M. Kelly, aye; S. Ross abstained from the vote due to her representation of Summit County Animal Control. Motion Carried.

M. Raddish presented Resolution 2009-87 for a first reading by title only as follows:

FINAL RESOLUTION AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PURPOSE OF GRANTING CONSENT TO COMPLETE A SIDEWALK AND INTERSECTION RETURN PROJECT WITHIN THE VILLAGE OF MOGADORE AND DECLARING AN EMERGENCY

RECORD OF PROCEEDINGS

0215

Minutes of REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10748

Held DECEMBER 16

2009

Motion by M. Raddish, second by S. Ross to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by W. Bauer, second by M. Kelly for the adoption of Resolution 2009-87 as amended. Vote. All ayes. Motion Carried.

W. Spaugy presented Resolution 2009-88 for a first reading by title only 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 W. Spaugy, second by J. Kinsey to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by W. Spaugy, second by W. Bauer for the adoption of Resolution 2009-88. Vote. All ayes. Motion Carried. M. Raddish commented that on behalf of the other employees that they are not very happy with this. Mayor Rick replied that hopefully they can take a look at the other salaries in the near future.

J. Kinsey presented Resolution 2009-89 for a first reading by title only as follows:

RESOLUTION PROVIDING FOR AN APPOINTMENT TO THE VILLAGE OF MOGADORE PLANNING AND ZONING COMMISSION AND DECLARING AN EMERGENCY

Motion by J. Kinsey, second by W. Bauer to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by J. Kinsey, second by B. Van Dike for the adoption of Resolution 2009-89. Vote. All ayes. Motion Carried.

J. Kinsey presented Resolution 2009-90 for a first reading by title only as follows:

RESOLUTION PROVIDING FOR AN APPOINTMENT TO THE ZONING BOARD OF APPEALS AND DECLARING AN EMERGENCY

Motion by J. Kinsey, second by M. Raddish to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by J. Kinsey, second by M. Raddish for the adoption of Resolution 2009-90. Vote. S. Ross, abstain; J. Kinsey, aye; M. Raddish, aye; M. Kelly, aye; W. Spaugy, aye; B. Van Dike, aye; W. Bauer, aye. Motion Carried.

M. Kelly presented Resolution 2009-91 for a first reading by title only as follows:

RESOLUTION PROVIDING FOR APPOINTMENTS TO THE VILLAGE OF MOGADORE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY

Motion by M. Kelly, second by B. Van Dike to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by M. Kelly, second by W. Bauer for the adoption of Resolution 2009-91. Vote. All ayes. Motion Carried.

M. Kelly presented Resolution 2009-92 for a first reading by title only as follows:

RESOLUTION PROVIDING FOR AN APPOINTMENT TO THE VILLAGE OF MOGADORE CEMETERY BOARD AND DECLARING AN EMERGENCY

Motion by M. Kelly, second by S. Ross to suspend the rule requiring three readings. Vote. All ayes. Motion Carried.

Motion by M. Kelly, second by W. Bauer for the adoption of Resolution 2009-92. Vote. All ayes. Motion Carried.

DAYTON LEGAL BLANK, INC., FORM NO. 101-02

Held DECEMBER 16

20 09

J. Kinsey presented Resolution 2009-85 for a first reading by title only as follows:

RESOLUTION PROVIDING FOR AN APPOINTMENT TO THE VILLAGE OF MOGADORE CITIZENS HOUSING COMMITTEE AND DECLARING AN EMERGENCY

Motion by J. Kinsey, second by M. Kelly to suspend the rule requiring three readings. Vote: All ayes. Motion Carried.

Motion by J. Kinsey, second by M. Kelly for the adoption of Resolution 2009-85. Vote: All ayes. Motion Carried.

COMMENTS

Mr. Faiss - 4001 Fairfield Dr. asked if he could see some of our bid packages just to look them over to see what is in them. Mayor Rick replied that he could get a copy of one from the Clerk's office.

Officer Mark Halliwill - MPD. Thanked the council and the mayor for working with them and being understanding about wages and sacrifices that the department has made.

S. Ross - thanked the police and everyone that she worked with on council.

M. Kelly - thanked S. Ross for her hard work on council.

M. Raddish - enjoyed working with S. Ross on council.

W. Spaugy - thanked the police and S. Ross for her time on council.

J. Kinsey - thanked the police and S. Ross for her time on council.

B. Van Dike - thanked the police department and wished S. Ross good luck in the future.

W. Bauer - thanked S. Ross for her help with planning and zoning.

Mayor Rick thanked S. Ross for her hard work on council and also police.

There is a new electrical company moving into 3425 Gilchrist Rd, 15-20 employees. They are just leasing the building for now, they hope to expand in the future.

Reminder of the Public Hearing on January 6, 2010 at 7:15 p.m. for a re-zoning issue.

Thanked the street department, Bob Owens, Gary Maag for doing a good job on leaf removal and also Councilman Raddish for volunteering his time to help with leaf removal.

Happy Holidays to everyone.

We received the \$75,000 from First Energy and our income tax came in better this month than we had expected.

Mayor Rick stated he wanted to clear up rumors that there has been no talk of future lay-offs at this time.

Motion by W. Bauer to adjourn the meeting. Meeting adjourned at 8:00 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

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

\_\_\_\_\_  
Date

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

DECEMBER 29

20 09

Council met in special session at 6:00 p.m. with Mayor Rick presiding.

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

Mayor Rick explained that the purpose of the meeting was to consider legislation authorizing the transfer of appropriations and authorizing to amend the Village's Certificate of Estimated Resources.

#### NEW BUSINESS

Ms. Van Dike presented Resolution No. 2009-93 by title only as follows:

#### RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS AND TRANSFERS WITHIN VARIOUS FUNDS 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. 2009-93. Vote: Unanimous ayes. Motion carried.

Ms. Van Dike presented Resolution No. 2009-94 by title only as follows:

#### RESOLUTION AUTHORIZING TO AMEND THE VILLAGE OF MOGADORE CERTIFICATE OF ESTIMATED RESOURCES AUTHORIZING A REDUCTION OF THE ANNUAL APPROPRIATIONS AND DECLARING AN EMERGENCY

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

Motion by Ms. Van Dike to adopt Resolution No. 2009-94, a second was made by Mr. Bauer. Vote: Unanimous ayes. Motion carried.

Ms. Van Dike presented Ordinance No. 2009-95 by title only as follows:

#### ORDINANCE AUTHORIZING TO AMEND THE VILLAGE OF MOGADORE CERTIFICATE OF ESTIMATED RESOURCES AUTHORIZING ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY

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

A motion was made by Ms. Van Dike to adopt Ordinance No. 2009-95, Mr. Bauer seconded that motion. Vote: Unanimous ayes. Motion carried.

There being no further business to come before Council, the meeting was adjourned at 6:05 p.m.

Attest:

\_\_\_\_\_  
Mayor\_\_\_\_\_  
Date\_\_\_\_\_  
Clerk-Treasurer

Held

DECEMBER 29

20 09

Following the swearing-in of the new members of Council, M. Kelly, S. Marks, and M. Raddish, and the Clerk-Treasurer, J. McCulley, Council met for their Organizational meeting at 6:10 p.m. with W. Bauer presiding.

Mr. Bauer noted that the first order of business was to elect a Council President. He asked for nominations from Council.

Mr. Kelly made a motion to nominate Mr. Bauer for the position of Council President. There was a second by Mr. Marks. There were no further nominations. Vote: Unanimous ayes. Motion carried.

Mr. Bauer thanked Council for the nomination and vote.

Mr. Bauer then explained that he plans to keep the committees as they currently stand with Mr. Marks replacing Mrs. Ross. He said that if anyone would like a different committee assignment they are to let him know, otherwise, he will have the committee assignments ready by the next Council meeting.

There being no further business to conduct, the meeting was adjourned at 6:12 p.m.

Respectfully submitted,

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

The meeting was called to order at 7:00 p.m. with President of Council W. Bauer presiding.

UTILITIES – Mrs. Ross had no report.

PARKS - Mr. Kelly thanked June Long who had a booth set up for the Historical Society at the Christmas in the Village function held last Sunday. There were several people who expressed an interest in working with the Historical Society. Mr. Kelly will organize a meeting after the first of the year to plan fund raisers and hopefully, generate some money for the Historical Society.

Mayor Rick reported that the engineer will be putting a punch list together for the project at the Community Center that is near completion. Paperwork on this project will be submitted to the K. Petsko at the Dept. of Economic Development next week.  
End of report.

STREETS – R. Schlegel thanked Mr. Raddish for his help with the leaf pick-up program.

Mr. Raddish reported that bids were opened for the Marion Avenue Reconstruction Project. There were eleven bidders with Cioffi & Son being the lowest at \$1,354,289.90. Motion by Mr. Raddish to bring legislation to accept the bid for the Marion Avenue Reconstruction Project as submitted by Cioffi & Son; a second was made by Ms. Van Dike. Mr. Raddish noted that Cioffi had previously done the Williams, Kline and Hale project for the Village. Mr. Hill said that the City of Akron had some issues with Cioffi submitting change orders for projects; being aware of this Mr. Hill will keep a close watch on the contractor. Mr. Hill said that construction could start as soon as January 11, 2010 with the storm outlets along the easements and finish with the entire project by August 27, 2010. Mayor Rick explained that the OPWC grant requirement is the reason for the August deadline. Vote on the motion: Unanimous ayes. Motion carried.

Mr. Raddish opened for discussion Ordinance No. 2009-78 that had been read for the first time at the last council meeting. He has problems with the legislation in Section 1(a) and 1(b) "Discharging or depositing of snow ..." Mr. Raddish asked where the snow is to be deposited. Mr. Bauer said has seen those plowing snow push it across the street. In reference to Section 1(a) "No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalk, curbs, and gutters in repair and free from snow, ice or any nuisance ...", Mr. Reed explained that the Village already had this section on the books. It is an enforcement issue for the Mayor and Police Chief to decide when it needs to be enforced or when it needs to be overlooked. Mr. Reed said a law cannot be passed making residents shovel their private driveway or their private sidewalk. All cities have an imposition of liability for not shoveling the public sidewalks. Plus, all cities have a law saying that sidewalks have to be shoveled but rarely is it enforced. If residents are required to shovel the public sidewalk in front of their house and they do a poor job then they are subject to civil liability and can be sued. Mr. Reed said that making residents shovel their sidewalks is discretionary because if sidewalks are not shoveled then everyone has to walk in the streets. Mr. Reed said that Article a can be removed if Council desires but all other cities, villages, and townships have that requirement because the Legislature wants to encourage cities to make people shovel their sidewalks. Mr. Raddish suggested leaving the legislation stand as it currently reads, presenting it three times and letting Council decide. Mayor Rick explained that the main complaint is when people shovel their driveway onto someone else's driveway, yard or house.

Mr. Raddish asked for a report on the leaf pick-up. Mr. Schlegel said they have picked-up 164 loads of leaves in 30 days and predicts finishing the project next week.

Mayor Rick explained that ODOT needs one additional piece of legislation for the downtown Mogadore Road project. Mr. Hill added that this was just a procedural move. Motion by Mr. Raddish to bring legislation for the Summit Mogadore Road CR45 project to the next Council meeting, a second was made by Mrs. Ross. Vote: Unanimous ayes. Motion carried.  
End of report.

SAFETY – Mr. Spaugy reported that bids were opened for the sale of the 2003 Ford Crown Victoria. Two bids were received: Sulli Motors for \$534.00 and Bay Ridge Motors for \$1,111.00. There was a motion by Mr. Spaugy to accept the bid of Bay Ridge Motors at \$1,111.00, second by Mr. Raddish. Mr. Raddish asked that this money be designated to paint the inside police station garage walls and reseal the floor. There were no objections. Vote: Unanimous ayes. Motion carried.

POLICE - Chief Fowler had no report.

Mr. Spaugy reported that notification has been received from Summit County regarding the renewal of the Animal Control contract. Motion by Mr. Spaugy to bring legislation to renew the Village's contract with Summit County for Animal Control; the motion was seconded by Mr. Kinsey. Vote: Unanimous ayes. Motion carried.

FIRE – Chief Adams had no report.

Mayor Rick reported that he spoke with the Police Association regarding the continuation of their contract concessions. They have agreed to continue the 80 hours comp time MOU. For the time period of January 1, 2010 to July 1, 2010, they voted to forgo their 3% wage increase per the current contract, however, they voted not to extend the current MOU with the 5% wage reduction. Mayor Rick asked the Safety Committee to bring legislation to next meeting. Motion by Mr. Spaugy, second by Mr. Kinsey to bring legislation to approve the contract MOU for the police. Mr. Bauer noted that Council appreciates the police concessions. Mayor Rick noted that the Village is still showing a deficit but over the last few months that deficit has slowly decreased. He hopes that with the income tax collections and the funds received from First Energy the deficit will be below \$100,000 by the end of the year. Chief Fowler expressed his concern over the fact that his lieutenant is making less than his sergeant. He does not think this is fair and is concerned with the possibility of losing a man. Mr. Raddish noted that this had been discussed in the past and the Mayor was to try to monitor that situation. Mayor Rick explained that the salaries are very close. Mr. Spaugy suggested that he, the Mayor and Chief Fowler meet to discuss any discrepancies. Vote on motion: Unanimous ayes. Motion carried.  
End of report.

P&Z – Mr. Kinsey reported that the Planning Commission met and voted to recommend the zoning change from R-3 Multi-family to R-1 Single family for the Wynstone project. Mayor asked Council to bring legislation for the change to the first meeting in January and to hold the public hearing of Council that same evening at 7:15 p.m. Motion by Mr. Kinsey, second by Mr. Raddish to bring the necessary legislation for the zoning change for the Wynstone project to the first Council meeting in January. Vote: Unanimous ayes. Motion carried.

Mayor Rick opened for discussion Council's request that he approach the Planning Commission regarding the Games of Skill businesses in the Village on the following subjects: One, restricting the businesses to just one zoning district, ex. central business, commercial, or industrial and two, limiting the number of skill game businesses in the Village. The Planning Commission had asked if there was any evidence of any crimes at the locations. The Commission did not know what they could do if the health, safety, and welfare of the Village has not been compromised. Mr. Reed said that Cuyahoga Falls recently did something similar with the "Payday Lending" businesses; he could possibly apply the same concept with the games of skill for the village. Mayor Rick said they were told by the previous Law Director that the Village could not restrict the businesses from coming into the Village but Council could put limits on the businesses that do not violate their constitutional rights. Mr. Reed is to work with the Planning Commission and the Police Chief on this issue. Mrs. Ross who is opposed to any gambling said Council needs to weigh the risks of limiting these businesses versus the harm being done. She does not see the point in paying attorney fees in a law suit when there is no harm being done. Next, Mayor Rick asked if Council would be interested in increasing the licensing fees for this type of business. Discussion on increasing the licensing fee from \$2,500 per year to \$5,000 per year and from \$100 per machine per month to \$150 per machine per month. Mayor Rick suggested that Mr. Reed clean up the existing legislation regulating the skill game businesses. Mr. Bauer suggested that Mr. Reed check with Tallmadge for comparison. Mrs. Ross asked if the occupancy limit is enforced; Chief Adams said it was. Mr. Kinsey asked who determines the legality of the operations of the businesses. Mrs. Ross said the State's Attorney General's office has a task force that can be called to check on the businesses.  
End of report.

FINANCE/AUDIT – Ms. Van Dike asked that the following transfer of appropriations for the month of November be ratified: From: Income Tax - \$97,204.19. To: Water/Sewer - \$24,994.19, General - \$30,000.00, CDBG - \$15,000.00, Police Pension - \$17,710.00 and Streets - \$9,500.00. Motion by Ms. Van Dike to ratify the transfer of appropriations as presented, second by Mr. Kinsey. Vote: Unanimous ayes. Motion carried.

A copy of the first quarter appropriations was presented to the Committee for consideration. Ms. Van Dike made a motion to bring legislation to the next Council meeting to adopt the first quarter appropriations for 2010, second by Mr. Kinsey. Vote: Unanimous ayes. Motion carried.

Ms. McCulley explained that the November bank statement was just received so the month has not yet been closed and the usual reports that are distributed are not available for this meeting. Those will be available for the next meeting.

Ms. McCulley noted that a Special Council meeting needs to be scheduled at the end of the month to close the financial books for 2009. Council decided to hold the special meeting on Tuesday, December 29, 2009 at 7:00 p.m. Following that meeting there will be the Organizational meeting of the new Council. Mayor Rick suggested that the Law Director swear-in the newly elected officials the same evening.

In regards to the Income Tax legislation, Mayor Rick asked Council if they were going to amend the effective date of the tax increase from January 1, 2011 to July 1, 2010 at the next meeting. Ms. Van Dike said the amendment could be done at December 16<sup>th</sup> meeting.

End of report.

With no further business to discuss, Mr. Bauer adjourned the meeting at 7:45 p.m.

Respectfully submitted,

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Clerk-Treasurer



RESOLUTION  
~~ORDINANCE~~ No. 2009-77 AS AMENDED Passed 20

SPONSOR: B. VAN DIKE

First reading 12/02/09  
Second reading 12/16/09

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 JULY 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

WHEREAS, this Council finds it appropriate and necessary to place before the voters an ordinance to provide for an increase in the levy of the municipal income tax from the rate of two percent (2%) to the rate of two and one quarter percent (2.25%) beginning July 1, 2010 through 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

WHEREAS, this Council finds it also appropriate and necessary to provide that the increased revenues derived from the increase in the income tax rate be used for any purposes defined in Sections 37.10 and 37.23.

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

SECTION 1: That this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, Ohio, at an election to be held at the usual places of voting in the Village on Tuesday, May 4, 2010, of 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, Ohio, in order to increase the income tax rate from Two Percent (2%) to Two and One Quarter Percent (2.25%) beginning on July 1, 2010 through December 31, 2019, for the purposes provided in Sections 37.10 and 37.23 of the Code of Ordinances of the Village of Mogadore.

SECTION 2: It is the desire of this Council that the ballots presented to the electors of the Village of Mogadore contain the following ballot language:

“Shall an ordinance providing for a Two and One Quarter Percent (2.25%) levy on income, on and after July 1, 2010, for the purposes provided in Sections 37.10 and 37.23 of the Code of Ordinances of the Village of Mogadore, establishing the effective period for the increase in the income tax rate from 2% to 2.25% to be effective from July 1, 2010 through December 31, 2019, be passed?”

FOR THE INCOME TAX \_\_\_\_\_

AGAINST THE INCOME TAX \_\_\_\_\_



Ordinance No. 2010-1

Passed \_\_\_\_\_, 20\_\_\_\_

SPONSOR: J. KINSEY, M. RADDISH, M. KELLY

ORDINANCE REZONING REAL PROPERTY AND AMENDING THE  
VILLAGE'S ZONING MAP

WHEREAS, it is the recommendation of the Planning and Zoning Commission to rezone parcels of real estate know as Wynstone Development, formerly situated in the Township of Suffield, County of Portage, State of Ohio, additionally known as being part of Lot 46, as described in Section 1 below, and;

WHEREAS, the requirements of Section 152.133 of the Mogadore Code of Ordinances and Title 7 of the Ohio Revised Code have been satisfied and Council is desirous of rezoning said real estate from an R-3 Multi-Family District to an R-1 Single-Family District.

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

SECTION 1: That the said real estate described below be and the same are hereby rezoned from an R-3 Multi-Family use district to an R-1 Single-Family use district:

<u>Parcel</u>	<u>Address</u>
39-046-50-00-001-000	33 Wynstone Drive
39-046-50-00-002-000	29 Wynstone Drive
39-046-50-00-003-000	25 Wynstone Drive
39-046-50-00-004-000	47 Wynstone Drive
39-046-50-00-005-000	43 Wynstone Drive
39-046-50-00-006-000	39 Wynstone Drive
39-046-50-00-007-000	24 Wynstone Drive
39-046-50-00-008-000	28 Wynstone Drive
39-046-50-00-009-000	32 Wynstone Drive
39-046-50-00-010-000	38 Wynstone Drive
39-046-50-00-011-000	42 Wynstone Drive
39-046-50-00-012-000	46 Wynstone Drive
39-046-50-00-013-000	4153 Millstone Lane
39-046-50-00-014-000	4157 Millstone Lane
39-046-50-00-015-000	4161 Millstone Lane
39-046-50-00-016-000	4160 Millstone Lane
39-046-50-00-017-000	4156 Millstone Lane
39-046-50-00-018-000	4152 Millstone Lane
39-046-50-00-019-000	32 Stonecreek Drive
39-046-50-00-020-000	36 Stonecreek Drive
39-046-50-00-021-000	40 Stonecreek Drive
39-046-50-00-022-000	46 Stonecreek Drive
39-046-50-00-023-000	50 Stonecreek Drive
39-046-50-00-024-000	54 Stonecreek Drive
39-046-50-00-025-000	4151 Ledgewater Drive
39-046-50-00-026-000	4155 Ledgewater Drive
39-046-50-00-027-000	4159 Ledgewater Drive
39-046-50-00-028-000	4165 Ledgewater Drive
39-046-50-00-029-000	4169 Ledgewater Drive
39-046-50-00-030-000	4173 Ledgewater Drive
39-046-50-00-031-000	4179 Ledgewater Drive
39-046-50-00-032-000	4183 Ledgewater Drive
39-046-50-00-033-000	4187 Ledgewater Drive
39-046-50-00-034-000	4191 Ledgewater Drive

