

**MINUTES OF THE
VAN WERT CITY COUNCIL**
August 28, 2023

President Jerry Mazur called the meeting to order at 6:30 p.m.

Reverend Thomas Emery gave the invocation.

On call of the roll: Marshall, Kallas, Bowers, Agler, Stinnett, Moore and Davis were present.

Bowers made a motion to approve the Consent Agenda. Agler seconded; all concurred.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor indicated Erika Blackmore is the only one on the ballot for City Auditor and will work on a starting date with the current Auditor Martha Balyeat, who is retiring at the end of 2023.

Blighted properties #4 and #6 have made a lot of progress. Blighted properties #8 and #9 are taking longer as the owners are from out of town. Paperwork has started on Blighted property #10.

The Mayor announced he was vetoing the pay increase of city council members and suggested a sizable pay decrease for all members of council. He indicated the closeness of the vote which was 4-3 helped him decide on the veto. Markward recommended council draft a new ordinance that would set council pay at \$3,000 and \$3,500 for council president and council clerk be increased to \$6,700. The issue will be discussed at the September 11th meeting.

The entire text follows:

AUGUST 28, 2023

This is the first time I have used the process outlined in O.R.C. 731.27, which describes what is commonly known as a veto.

It says if the mayor does not approve of an ordinance, he shall "return it, with his objections, to the legislative authority" and that those objections "shall be entered upon its journal." I take that to mean the objections should be in writing, so I shall read them to you now.

In July of last year, I gave a brief history of the changes that have been made to council's pay since 1982. I explained which ones I thought were warranted, and which ones were not. I recommended that the pay should be lowered to undo the raises that were not justified. I concluded by suggesting that Council begin discussing the issue while there was still plenty of time before the deadline.

Councilmembers were well within their rights to wait 11 months to begin discussing the issue.

The \$6100 figure was first mentioned this year on June 26 th , the night Mr. Agler was absent. It received two "yes" votes and four "no" votes. Two weeks later, on July 10 th , Mr. Davis was absent. On that night the vote was four in favor, and two against. Two weeks later, Mr. Stinnett was absent. When the vote was taken that night all six members voted "yes". Two weeks ago was the only time this issue was discussed with all seven members present. As you know, it passed 4-3 on its third and final reading.

Over the course of conducting those four votes, three members always voted in favor, one member always voted against, and three members have voted both for and against.

The final vote is the only one that matters. However, the closeness of that vote, along with the variety of preliminary voting, helped me make my decision to return Ordinance Number 23-07-039.

That still leaves the question: What is the appropriate amount for Council pay?

There is no other elected body that is an exact comparison to Council, but rather than comparing to the councils of other cities, I thought it would be helpful to compare with our local School Board.

Ohio Revised Code limits School Board pay to \$125 per meeting. The Van Wert City School Board has chosen to adopt this number, resulting in a salary of \$1500 per year for 12 meetings. Council is currently paid more than three times that amount. The proposed amount is more than four times as much.

Before I became Mayor, I was a member of the Van Wert City Council. Before that, I was on the Van Wert City School Board. I can speak from personal experience when I say that being on Council was not four times as difficult, nor did it bear four times the responsibility of being on the School Board.

In fact, a considerable argument could be made that School Board members carry a greater responsibility than Council. I will mention a few of those ways.

The school district's annual budget for all funds is in excess of \$32 million; the city's is less than \$15 million.

The school has about 300 full-time employees; the city has about 100.

School Board members do not get paid for meetings they do not attend. No allowance is given for illness or vacation. Council allows absences to be excused without a loss of pay.

Perhaps the major contrast is the difference in their governmental designation. The School Board functions as both the Legislative and the Executive branch of that government. However, Council is solely the Legislative branch of city government. Because Van Wert remains a statutory city, Council does not have any Executive branch responsibilities.

For example, one of those responsibilities concerns personnel. The School Board directly hires (and could fire) the Superintendent and the Treasurer. In addition, all hiring recommendations made by the Superintendent have to be approved by the Board. In contrast, City Council makes no personnel decisions. (Just so you know I did not forget, it is true that the Council President, who is not actually a member of Council, does have the responsibility to hire the Clerk. Typically, the President has done that without involving Council). City Council does not hire (or fire) anyone. It does not review applications, conduct interviews or make disciplinary decisions. This is because Councilmembers are not part of the Executive branch of government.

Taking all these things into consideration might make a person wonder why there is such a large discrepancy between School Board salary and City Council salary. Why is Council paid more than three times as much as the School Board, and why has Council approved raising that to more than four times as much?

I believe the answer lies in the fact that the maximum amount of School Board pay is limited by Ohio Revised Code. There is no upper limit to Council's pay, because it is determined by Council.

But rather than trying to decide whether one position was harder than the other, or carried more responsibility, I decided to let history guide my thoughts.

During my 24 years of combined experience in those two positions, it seems the amount of time I spent on things between meetings was about the same for each position. Since Council meets twice as often as the School Board, a salary twice as much seems reasonable to me.

For these reasons, I am returning Ordinance Number 23-07-039.

The O.R.C. also describes what may or may not happen next. After waiting at least 10 days, Council is permitted, but not required, to reconsider the issue. If it is reconsidered, and the ordinance would then receive at least five "yes" votes, the veto would be overruled and the ordinance would go into effect. If it received fewer than five votes, or if Council chooses not to reconsider, then the current ordinance would remain in effect, since it does not have an expiration date. In either of those two outcomes, next year's council members would be paid the same as this year's.

We have seen in the past that Councilmembers sometimes change their minds, but the fact that the ordinance was approved with only four votes did influence my decision.

You are certainly free to do what you want, but since it is not necessary for you to discuss this tonight, I would encourage you to use the next two weeks to decide what you want to do next.

My recommendation is that at your next meeting on September 11 th , you begin to draft a new ordinance that would go into effect in January of 2024 for an indefinite time setting Council pay at \$3000 per year and \$3500 for Council President due to the additional responsibilities of that position.

Another related topic is the Clerk's salary. While it may have been said partially in jest, the comment at a previous meeting was that the Clerk was the hardest working person in the room. Only recently did Council make the decision to have the Clerk's pay match the Council President's. This might be a good time to separate the link between the two, and set the Clerk's pay at \$6700 per year, beginning in January of next year.

Thank you for your patience as we all work through this process for the first time.

SAFETY SERVICE DIRECTOR: Fleming indicated milling and paving will begin September 5 and should be completed around September 15th.

Fleming also noted the railroad tracks on East Ervin Rd. will be closed on September 8 and 9 to remove and improve the unused spur on the east side of the main line.

August 30 and 31 the Main Street and Washington Street intersection will have stripes removed and new stripes put down and traffic lights going back to normal timing.

Fleming also said the pedestrian crossing on Washington Street between the railroad tracks and Main Street is up and operational.

Water samples are running high which historically is normal for this time of year due to the heat. The Ohio EPA will be getting findings and orders to the city.

AUDITOR: Not present.

LAW DIRECTOR: The Law Director discussed how municipalities are allowed to give all notices of meetings electronically and there is no need to publish in the newspaper. It was also discussed that the public could request to be put on an email list to receive updates. Davis will put a proposal together for discussion at the next meeting.

COMMENTS, COMMUNICATIONS & PETITIONS

City Council has received a liquor license for FASO Enterprises dba TSG The Stomping Grounds and if there are no objections it will be approved and sent in on September 25.

Joe Jared, 113 W. Main St. questioned if there would be a grace period for monthly water bills. Fleming indicated this was being reviewed.

Mark Davis, 402 S. Tyler St. asked how he could get on the email list to receive updates of notices of meetings and was told to call the Mayor's office.

COMMITTEE REPORTS

HEALTH, SERVICE AND SAFETY: No reports

The Law Director asked Marshall if a meeting could be scheduled after Labor Day but prior to September 11 to discuss blighted properties,

ECONOMIC DEVELOPMENT: No reports

PARKS AND RECREATION: No reports

FINANCE: No reports

PROPERTIES AND EQUIPMENT: No reports

STREETS AND ALLEYS: No reports

JUDICIARY AND ANNEXATION: Davis discussed the need for Ordinances 23-08-045 and 23-08-046 to allow amendments to City Ordinances Section 30.01 Rule 14(A) and Rule 15(A)(2) and Section 30.01 Rule 31(A)-(C) to allow council to update procedures on preparation of legislature and timing for salary of elected officials.

QUESTIONS/COMMENTS FROM COUNCIL and PUBLIC:

Joe Jared, 113 W. Main St., questioned the amount of ordinances that are prepared prior to being asked at a council meeting to be prepared and the Law Director indicated there are several.

UNFINISHED BUSINESS:

The intersection of Frothingham and Race Streets

NEW BUSINESS: Agler would like to put on the agenda for the next council meeting sewer and water.

CONSENT AGENDA: None

RESOLUTIONS & ORDINANCES:

Kallas made a motion to pass on a Third and Final Reading ORDINANCE NUMBER 23-07-041; AN ORDINANCE CREATING THE VAN WERT DOWNTOWN REDEVELOPMENT DISTRICT 1, AND VAN WERT DOWNTOWN REDEVELOPMENT DISTRICT 2, AND DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE; EXEMPTING SEVENTY PERCENT (70%) OF THE VALUE OF SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR A PERIOD OF THIRTY YEARS; REQUIRING THE OWNER OF THE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; SPECIFYING THE PLAN FOR USING SERVICE PAYMENTS TO PROMOTE ECONOMIC DEVELOPMENT AND JOB CREATION; AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT PLAN; ESTABLISHING THE VAN WERT DOWNTOWN REDEVELOPMENT DISTRICT 1 FUND, AND VAN WERT DOWNTOWN REDEVELOPMENT DISTRICT 2 FUND, FUND, FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AND APPROVING RELATED MATTERS. Agler seconded. Marshall, Kallas, Agler and Davis voted yes. Bowers, Stinnett and Moore voted no. Ordinance Passed.

Moore made a motion to introduce ORDINANCE NUMBER 23-08-044; Agler seconded; all concurred.

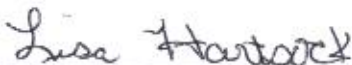
Moore made a motion to suspend statutory rules for ORDINANCE NUMBER 23-08-044; Agler seconded; all concurred.

Moore made a motion to pass as an emergency ORDINANCE NUMBER 23-08-044; ORDINANCE FOR THE CITY OF VAN WERT TO APPROVE PRELIMINARY CONSENT LEGISLATION FOR STREET RECONSTRUCTION FROM ROSE DRIVE TO FULTON STREET, TO GRANT THE MAYOR THE AUTHORITY TO ENTER INTO ANY AGREEMENTS WITH THE DEPARTMENT OF TRANSPORTATION IN THE FURTHERANCE OF SAID PROJECT AND DECLARING AN EMERGENCY. Agler seconded; all concurred. Ordinance Passed.

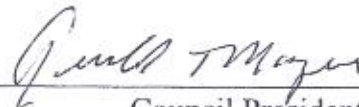
Davis made a motion to introduce ORDINANCE NUMBER 23-08-045; Kallas seconded. Marshall, Kallas, Agler and Davis voted yes. Bowers, Stinnett and Moore voted no.

Davis made a motion to introduce ORDINANCE NUMBER 23-08-046; Kallas seconded. Marshall, Kallas, Agler and Davis voted yes. Bowers, Stinnett and Moore voted no.

Kallas made a motion to adjourn at 7:48 p.m. Bowers seconded; all concurred.



Clerk of Council
Lisa K. Hartsock



Council President
Gerald T. Mazur

September 11, 2023

DATE