

Special Session of Village Council

January 23

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Call to Order

The Special Session of Council was called to order by Mayor Mike Erwin. The meeting was opened with the Pledge of Allegiance.

Roll Call

Roll Call was completed by Mayor Mike Erwin. The following members were present.

Terry Erwin – P

Judy Neal – P

Rebecca Isaacs-Niemesh – P

William Thompson – P

Mike McKeehan – P

Paul Zorn – P

Purpose

Mayor read the January 18, 2012 letter of notice for the Special Session of Council to discuss retirement and replacement of the Village Administrator. He advised the meeting was called by Council members, Rebecca Isaacs-Niemesh and William Thompson.

The Mayor advised by law three Council members were required to call a Special Session. Councilman Thompson advised the Mayor look into that. The Mayor stated he would read the ruling. Ohio Revised Code 731.46, the Mayor stated, reads. *The legislative authority of a municipal corporation shall not be required to hold more than one regular meeting in each week. The meeting may be held at such time and place as prescribed by Ordinance and shall at all times be open to the public. The Mayor or any three members of the legislative authority may call special meetings upon at least twelve hours notice to each member served personally or left t his usual place of residence.*

Councilman Thompson asked the Mayor if he would rather not hold the meeting. The Mayor stated what would be done would require an up or down vote and no Ordinance or Resolution would be passed, so they could proceed with the meeting. The Mayor gave Thompson the floor. Thompson stated Councilwoman Neal called him and advised Village Administrator Ward was retiring and the Mayor wanted to take over her duties. She stated, according to Thompson, the Mayor was aware he couldn't take the title of Administrator because it was against the law. But, it would save the Village of Morrow \$57,000. Thompson asked where the Mayor got \$57,000.

The Mayor provided additional information before discussing the financials. He referred to ORC 735.271, establishing the position of Village Administrator. *The legislative authority of the Village may establish the position by Ordinance. The Village Administrator established under this section shall have the powers provided by 735.271. The Village Administrator shall be appointed by the Mayor but shall not take office unless this appointment has been approved by majority vote of the members elected as legislative authority of the Village. The Village Administrator need not be an electorate residing in the Village at the time of his appointment; however, he shall become a resident of the Village within six months after his appointment by the Mayor and confirmation by the legislative authority of the Village unless his residence outside the Village is approved by Ordinance. The Village Administrator shall not be an elected official of the Village at the time of his appointment or during his tenure in office. The Village Administrator shall serve at the pleasure of the Mayor and legislative authority of the Village and may be removed without cause by the Mayor with the consent of the majority of the members elected to the legislative authority of the Village or may be removed without cause by the affirmative vote of $\frac{3}{4}$ of the members elected to the legislative authority of the Village without consent of the Mayor. The legislative authority of the Village may abolish the position of Village Administrator by Ordinance.* The Mayor advised the Village of Morrow is a statutory Village and must have one of two things, a Board of Public Affairs or Village Administrator. The Mayor may appoint an Administrator. It is my position that with the current state of revenues and

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expenditures, we can save money by not replacing the Administrator today. I am going to ask Council by an up or down vote to let me assume the position as interim director, Village Administrator, until I select a candidate and appoint that individual. He stated anyone could contact Steve Wagner or the Village Attorney for verification. The \$57,000 was derived from Kathy Koehler for the total compensation package. Councilwoman Isaacs-Niemesh stated she was confused. She read a passage from 235.271, referring to the Administrator not being an elected official of the Village at the time of his appointment. Councilwoman Neal stated the Mayor may not appoint a Council member to serve as Village Administrator because they are elected officials. Discussion followed. The Mayor stated he would not be appointed as Village Administrator; he would serve in the interim while selecting someone. Isaacs-Niemesh felt the law prevented the Mayor from serving as Interim Administrator because he's an elected official. The Mayor advised a recess could be called to allow Isaacs-Niemesh to contact Solicitor Oda.

Isaacs-Niemesh stated Mayor Erwin previously advised the Village of Morrow did not have a money problem, yet he said he would save the Village money by serving in this capacity as Interim Administrator. The Mayor asked what was at the root of this issue. Isaacs-Niemesh stated the Mayor has a huge amount of responsibility. She stated he appointed himself to four different committees; he is the Finance Committee Chairperson. Now, he desires to take over the Administrator position which means he would have zoning and would oversee everybody in the office. The Mayor advised he already does that. Isaacs-Niemesh stated she was worried about how much time Mayor Erwin would have in a day to diligently do all the duties Rhonda Ward is currently doing plus the duties of Mayor. She stated it was a huge conflict of interest from the standpoint that Tim Erwin would report to him. Isaacs-Niemesh stated the Village needed to get a full time Administrator.

Thompson stated Councilwoman Neal advised him the Mayor was planning on saving the Village of Morrow \$57,000 a year, which meant to him the Mayor wasn't planning on appointing anyone for the position. He also stated Neal advised him Ward stated to Mayor Erwin she didn't have that much to do anyway. Thompson stated he wondered if the Mayor had someone in here for the last four years, in light of that statement, that cost the Village in the neighborhood of \$220,000. The Mayor stated he would not go down that path and would not comment on the statement.

Councilman McKeehan stated it seemed this would be an absolute no brainer due to cutbacks the State has made and reduced tax revenue. Our Administrator was an overseer of the streets, water and has a Class A Operator's License. An individual could come into the Village for 3.5 hours and perform that specific work. He advised he discussed this with the Mayor and Mayor Erwin is willing to work at no charge until he appoints someone. He asked why Council members wouldn't want to save the taxpayers dollars. Thompson stated because, he believed, we are setting ourselves up to fail. The Mayor is going to take all of this on and can't handle it; it would be a big embarrassment to the Village advised Thompson.

Neal, addressing Thompson, affirmed she spoke with him; but, did not make the implication Administrator Ward was not doing her job. She stated her comment was that it is not a difficult job to do. She advised she was sure six months from now the Mayor would make the decision to hire someone for the position. The Mayor advised his plan was to do just that long before six months following the Administrator's retirement. Neal stated she hoped the Village could attract someone just out of college who would earn less.

McKeehan stated his uncle was his foreman many years ago and the uncle worked him harder than anyone in the department. He stated family is harder on their own and he doesn't see Mayor Erwin serving in the interim as Administrator and Tim Erwin doing

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his regular duties with a conflict or problem. Councilman Zorn advised he also worked for his Dad for ten years. He stated he wanted to commend the Mayor. Zorn advised he was willing to volunteer and has a Class A Operator's License also. He stated he could work during the day before going to his job at night; he stated he is willing to help the Village of Morrow. McKeehan stated he previously advised the Mayor he was willing to do whatever he could as well. Neal commented on the Mayor being out at 3am to address a problem a few nights earlier. The Mayor stated he worked all night the previous Friday; a hydraulic line broke when the guys were salting. He came in at 12:30am; about 2:30am, a township trustee opened his store, South Lebanon Auto Parts, made the lines and the repair was done. The Mayor stated I'm retired; I have the time and the skill sets. It's authorized by my position as Mayor.

McKeehan stated recently, we were talking about cutting hours, tightening our belts, etc. and now we have an opportunity to save some money until the right person is found and do just that. McKeehan asked why wouldn't we want to do that. Thompson stated he just didn't like the sound of saving \$57,000 and the Mayor doing the work permanently. The Mayor commented, with regard to the compensation for the position, it is typically quoted on an annual basis as a rule. That was not the main goal; we want to find a candidate for the position who will take the Village of Morrow to the next level, and not rush into it. The Solicitor concurs. Zorn asked if Rhonda Ward was willing, if the Mayor runs into something, to provide information to help.

Isaac-Niemesh stated I'm not arguing the fact that the Mayor is willing to help out. Time is my issue; the Mayor is on so many committees. He is taking on Zoning. I think we ought to put the request out there now. She stated she wasn't implying someone ought to be hired tomorrow. Isaac-Niemesh stated she worried about how the town would foresee this. The Mayor stated those he spoke with were excited about it. Isaac-Niemesh asked why she wasn't asked; she stated all Council members should have been asked. The Mayor stated her point was taken; he advised he heard her loud and clear. She advised she wanted to speak with Oda to be sure no laws would be broken as a result.

The Mayor made sure all Council members had as copy of the duties of the Village Administrator. He advised two items needed to be handled. 1) He asked Council to accept Village Administrator Ward's resignation. All yea. 2) The Mayor asked Council's approval to allow him to work as Interim Village Administrator during the course of finding a qualified individual to appoint to the position. McKeehan stated he believed a vote was not necessary. Mayor Erwin stated it was a courtesy and he wanted everyone to have the opportunity to say yea or nay. The vote was taken by roll call, four yea, and two nays by Isaac-Niemesh and Thompson, both restating the reason for their vote.

Zorn inquired about a retirement gift for Ward. The Mayor suggested he speak with Cindy Wilmot, Clerk of Courts, who was handling that.

Adjournment

Motion by Councilman Erwin to adjourn; Second by Neal. All yea.

Kathie Koehler, Fiscal Officer

Mike Erwin, Mayor