

## **CIRCLEVILLE CITY COUNCIL MEETING MINUTES 9/3/2024**

Circleville City Council convened in Council Chambers Tuesday, September 3, 2024, at 7:08 p.m. Council members present at Roll call: President Barry Keller, At Large Members Katie Logan-Hedges, Sheri Theis, and Tom Klitzka, First Ward Jeff Hallinin, Second Ward John Moats, Third Ward Zack Brooks, Fourth Ward Tom Duvall, and Clerk Melissa Burns. Invited guests present: Mayor Michelle Blanton, Law Director Kendra Kinney, Auditor Mark Bidwell, HR director Valerie Dilley, Administrative Assistant to the Law Director Jenn Noble, and Planner Hannah Wynne.

President Keller called the meeting to order at 7:08 pm. The Pledge of Allegiance was recited, and invocation was given by all.

Hedges motioned to approve City Council minutes from August 20, 2024. Theis seconded. Motion carried.

### **REPORTS FROM COUNCIL MEMBERS:**

Theis stated she had a Strategic Planning meeting on August 13, 2024. One piece of legislation is on tonight's Agenda from that meeting.

Hallinin announced he had a Safety Committee meeting on September 3, 2024, one piece of legislation will be moving forward to the next Council meeting.

Duvall stated he had a Service Committee meeting on August 20, 2024. Two pieces of legislation are on tonight's Agenda from that meeting.

Klitzka stated he had a Judicial Committee meeting on August 20, 2024. One piece of legislation is on tonight's Agenda from that meeting.

### **REPORTS FROM CITY OFFICIALS:**

Auditor Mark Bidwell stated the Audit for the City of Circleville from the State of Ohio has been completed. Bidwell stated there are two copies available in the lobby if anyone wants to view those.

### **NO QUESTIONS OR ANSWERS TO ADMINISTRATION**

### **PUBLIC PARTICIPATION:**

Izabella Watkins is an ambassador for PAAC. Watkins stated that with the funds PAAC received from City Council, they are hosting a movie event called Screenagers. This event is hosted at OCU on September 18, 2024, at 6:30 p.m.

Terry Giffin has questions and concerns about the closure of Canal Street. Giffin stated City Administrations stated the road was abandoned. Giffin was parking on Canal Street and would like to continue parking there if possible. Kinney stated Mr. Giffin to follow up with Jim Stanley later in the week.

### **COMMUNICATIONS:**

Linda Chancey by and through her Attorney Lucas A. Thompson hereby demands and requests a public hearing before Council to defend against the allegations and any disciplinary action that Council may take that includes, but is not limited to, the dismissal of my client in her position as Clerk of Council.

### **MOTION-ROLL CALL -VOTE**

Hedges motioned to accept the correspondence and place it on file. Brooks seconded. Motion carried.

## **ORDINANCES FOR FIRST READING:**

**a) AN ORDINANCE OF THE COUNCIL OF THE CITY OF CIRCLEVILLE SUPPORTING THE AMENDMENT TO THE MASTER PLAN FOR TED LEWIS PARK.**

**Discussion:** Larry Logan the Chairman of Friends of Ted Lewis Park Committee spoke to state his board is in full support of adding basketball courts to Ted Lewis Park. Logan stated the basketball courts are already paid for if approved.

Theis stated she agrees that the City does need basketball courts. The initial idea was to keep Ted Lewis Park a place for smaller children.

### **MOTION-ROLL CALL -VOTE**

Hedges motioned to suspend the rules. Hallinin seconded. Roll call. (7 Yeas- 0 Nay). Rules are Suspended.

### **MOTION-ROLL CALL -VOTE**

Brooks motioned for passage of the Ordinance. Hallinin seconded. Roll call. (6 Yeas- 1 Nay). The Ordinance is passed and assigned #09-62-2024. The Clerk initially stated the Ordinance was assigned #08-62-2024, but later corrected the Ordinance number to #09-62-2024.

**b) AN ORDINANCE TO ACCEPT THE PLAT OF RIVER RIDGE, SECTION ONE, FINAL PLAT.**

**Discussion:** Planner Wynne stated this is the final step to accept the final plat of River Ridge. This Ordinance includes 61 lots in this plat, but there will be 116 total. Wynne confirmed the PUD does include a minimum of 30% greenspace.

### **MOTION-ROLL CALL -VOTE**

Klitzka motioned to suspend the rules. Theis seconded. Roll call. (7 Yeas- 0 Nay). Rules are Suspended.

### **MOTION-ROLL CALL -VOTE**

Klitzka motioned for passage of the Ordinance. Moats seconded. Roll call. (7 Yeas- 0 Nay). The Ordinance is passed and assigned #09-63-2024. The Clerk initially stated the Ordinance was assigned #08-63-2024, but later corrected the Ordinance number to #09-63-2024.

**c) AN ORDINANCE WAIVING THE REQUIREMENT THAT THE DIRECTOR OF PUBLIC SERVICE BECOME A RESIDENT OF THE CITY WITHIN SIX MONTHS OF APPOINTMENT TO THE POSITION OF DIRECTOR OF PUBLIC SERVICE, UNDER CERTAIN CONDITIONS AND REPEALING ORDINANCE #02-04-2000, AND DECLARING AN EMERGENCY.**

**Discussion:** Duvall stated the City is continuing to update its Ordinances to match the Ohio Revised Code. This Ordinance will be more aligned with the State requirements.

### **MOTION-ROLL CALL -VOTE**

Hallinin motioned to suspend the rules. Brooks seconded. Roll call. (7 Yeas- 0 Nay). Rules are Suspended.

### **MOTION-ROLL CALL -VOTE**

Duvall motioned for passage of the Ordinance. Theis seconded. Roll call. (7 Yeas- 0 Nay). The Ordinance is passed and assigned #09-64-2024. The Clerk initially stated the Ordinance was assigned #08-64-2024, but later corrected the Ordinance number to #09-64-2024.

**d) AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO FOR STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS, FOR THE STREET IMPROVEMENT PROJECT 2025.**

**Discussion:** Duvall stated this allows the City to move forward with securing a loan or a zero interest loan/grant.

### **MOTION-ROLL CALL -VOTE**

Theis motioned to suspend the rules. Brooks seconded. Roll call. (7 Yeas- 0 Nay). Rules are Suspended.

### **MOTION-ROLL CALL -VOTE**

Duvall motioned for passage of the Ordinance. Brooks seconded. Roll call. (7 Yeas- 0 Nay). The Ordinance is passed and assigned #09-65-2024.

e) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT TO PURCHASE SEWER LINE REHABILITATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL'S COOPERATIVE PURCHASING PROGRAM.

**Discussion:** Duvall stated this Ordinance is to add a plastic liner throughout the existing sewer line. The liner will help extend the life of the sewer line for up to 20 years.

**MOTION-ROLL CALL -VOTE**

Hallinin motioned to suspend the rules. Hedges seconded. Roll call. (7 Yeas- 0 Nay). Rules are Suspended.

**MOTION-ROLL CALL -VOTE**

Theis motioned for passage of the Ordinance. Moats seconded. Roll call. (7 Yeas- 0 Nay). The Ordinance is passed and assigned #09-66-2024.

**NEW BUSINESS:**

1. Theis stated she had a Strategic Planning Committee meeting earlier this evening. The Committee voted to forward the applicant Christopher Burton to the Council meeting with a recommendation for appointment to the Tree Commission.

**MOTION-ROLL CALL -VOTE**

Theis motioned to approve applicant Christopher Burton to the Tree Commission Board. Brooks seconded. Motion carried.

2. President Keller announced that Linda Chancey requested a Public Hearing via a letter from her attorney. Keller stated he distributed a packet to Council members that will reference all his comments.

Law Director Kendra Kinney stated normally under Ohio Revised Code this would be an exception to go into Executive Session to discuss the employment of a public official. Kinney stated at the request of a public official that a public hearing can be held. Kinney asked Mrs. Chancey on the record if pursuant to the Ohio Revised Code she would like to have a public hearing. Mrs. Chancey nodded yes. Kinney stated that being said the hearing will all occur in a public format, and she will advise Council. Kinney stated both sides will present information and after the presentations conclude, Council can discuss how to further proceed.

Keller gave his presentation and stated that Linda Chancey has not met the expectations for the Clerk's position. Mrs. Chancey has not been willing to work with Assistant Clerk Melissa Burns. Mrs. Chancey has not followed documents request in the presence of HR. Linda Chancey has not handled City documents as required by the Ohio Sunshine Laws. Linda Chancey has violated City policies. Linda Chancey has not attempted to be a team player in a work environment. Keller stated it's his recommendation as Linda Chancey's direct supervisor that she be voted by two-thirds vote removed as Clerk of Council.

Linda Chancey started her presentation stating that she did not want the Public Hearing, that her attorney asked to do this in an executive session and the Law Director said no.

Kinney interjected to state she was never asked but was demanded by her attorney to have the public hearing. Kinney asked the letter to be read into the record. Clerk Melissa Burns read the demand for a public hearing letter by Attorney Lucas A. Thompson on behalf of Linda Chancey into the record. Kinney clarified that although Mr. Thompson's letter states removal of Mrs. Chancey requires an Ordinance and majority vote, pursuant to Ohio Revised Code §731.04, if Council is going to elect to remove Mrs. Chancey from her position it is a two-third vote not majority vote. Kinney further states it does not require an Ordinance but can be an oral vote or motion from the floor.

Linda Chancey gave her presentation in response to the allegations against her under the advisement of her Attorney. She asked Council to consider a more lenient discipline than removal. Mrs. Chancey asked that if Council does vote to keep her on that she would like to be reinstated Wednesday morning; have two council members present when she meets with Barry in HR's office or talks to the Assistant Clerk; and be allowed to purchase new shelving.

Hedges asked the HR Director Valerie Dilley additional questions concerning the testimonies given. Hedges asks if Melissa Burns reports to Linda Chancey, Dilley stated no, that both clerks report directly to Council President and that was explained to Mrs. Chancey multiple times. Hedges asked if Mrs. Chancey has any

responsibility for the budget and Dilley confirmed she processes vouchers. Hedges asked if there are any records of Mrs. Chancey filing complaints against Council President, Dilley confirmed there was not. Hedges asked if there are any records of Mrs. Chancey filing complaints against Assistant Clerk Melissa Burns, Dilley confirmed there was. Hedges asked if Linda submitted any hours for 2024, Dilley confirmed she has not. Hedges asked if Linda had City documents at her house that shouldn't have been there, Dilley confirmed she did. Hedges asked if Linda had items on her husband's computer that shouldn't have been there, Dilley confirmed she did.

Theis asked Dilley if everyone was using their home computers. Keller stated that the Clerk has had access to a computer in Council Chambers and she had a City issued laptop since he became president in 2022. Keller stated he has reiterated City documents need to be created on City issued property. Keller stated there are still documents on a personal device that may or may not be retrievable. Dilley stated there is a policy that City business should be conducted on City issued property. Dilley stated that in 2020 all City employees that work in an office setting were issued laptops and informed they should not be using personal computers.

Assistant Clerk Melissa Burns asked Dilley to clarify if the complaint that was filed against her was before or after she filed a complaint against Linda. Dilley stated that Linda's counter complaints were filed after Melissa had filed both her complaints in January and June. Burns asked Dilley what were the findings of those reports against her. Dilley stated both complaints filed against Melissa were found to not rise to the level of harassment.

Keller clarified that some of the missing legislation is from 2023 and 2024. Linda asked what documents were missing. Keller stated there are original Ordinances missing that no one can find. Linda stated she put all those Ordinances in the boxes she brought in. Linda stated she would go home and look and see.

Duvall asked where the documents are stored, is that a secure area, Keller stated No. Duvall asked if there is a sign in and out for that area, Keller stated No. Duvall asked if there is chain of custody, Keller stated No. Kinney stated that Linda is the records custodian and the City is missing Ordinances which are law and her responsibility to keep secure.

Hedges motioned for a temporary adjournment at 9:08 p.m. Seconded by Brooks. Motioned Carried.

Hedges motioned to come back into regular session at 9:47 p.m. Seconded by Hallinin. Motioned Carried.

Kinney stated pursuant to O.R.C. §731.04 Officers of the Legislation Authority may be removed at any time for cause, at a regular meeting of the Legislative Authority by two-thirds vote of elected members.

Lucas Thompson gave a statement on behalf of his client Linda Chancey.

Keller also gave a statement reiterating his initial comments in his opening statement.

### **MOTION-ROLL CALL -VOTE**

Hallinin motioned to remove Linda Chancey from office. Hedges seconded. Roll call. (5 Yeas- 2 Nays). Motioned carried and Linda Chancey is removed as City Council Clerk.

Keller stated that the Council Clerk position will be posted but in the interim the position will continue to be filled by Melissa Burns.

Hallinin motion to adjourn the City Council meeting. Klitzka seconded. Council is adjourned at 9:57 p.m.

Minutes prepared by: Melissa Burns, Clerk.

\*A full audio recording of the Council meeting is available on the City's website at [Agendas & Minutes - City of Circleville \(circlevilleoh.gov\)](https://www.circlevilleoh.gov/agendas-minutes).