

REGULAR MEETING OF CELINA CITY COUNCIL – January 22, 2024

Council President King called the Regular Meeting of Celina City Council to order at 7:00 pm. Council Members Baltzell, Buxton, Clausen, Fleck, Gray, Sanford and Wolf were present. Also present were Mayor Hazel, Safety Service Director Hitchcock, Law Director Moore and Auditor Shinn.

Auditor Shinn noted she would like to remove the new business item as they now need more information. CM Fleck made a motion to amend the agenda, seconded by CM Buxton. Motion passed with a roll call vote 7-0 Aye. CM Baltzell made a motion to accept the amended minutes, seconded by CM Clausen. Motion passed with a roll call vote 7-0 Aye.

CM Clausen made a motion to amend the minutes, seconded by CM Fleck. Motion passed with a roll call vote 7-0 Aye. CM Buxton made a motion to accept the amended minutes, seconded by CM Baltzell. Motion passed with a roll call vote 7-0 Aye.

COMMITTEE REPORTS:

President King discussed the Committee of the Whole that took place on January 8th, 2024 at 6:00 pm to discuss promotion, demotion, or compensation of a public employee and pending or imminent court action.

COMMUNICATIONS:

Mayor Hazel spoke about the Avanulo management program the City had started and noted how he and eight others attended the training who are the senior staff members for the City. Mayor Hazel also noted that there have been some untrue statements said online about Mr. Cahill and how other businesses have used this company and their methods and have found success, lastly Mayor Hazel mentioned that he was informed today that Mr. Cahill will do the training program for free and how appreciative the City of Celina is for his generosity.

Drew Esposito for Clemons & Nelson came to discuss the audit with Council and audience members. CM Clausen wanted to confirm that this audit was not for discipline and was more to check on the employee satisfaction in some areas which Drew confirmed to be correct. CM Clausen noted that throughout the report there were recommendations after each topic and most of them seemed to be about communication and leadership which Drew confirmed was a fair assessment. Drew also mentioned that if during the employee relations audit there was an offense that came up that needed a separate investigation that would be brought to administration and be addressed separately. CM Clausen noted that they make recommendations but how will they know if they are working and Drew noted a couple different ways in which that can be done with an exact compare and contrast situation with the same questions to the same people or possibly what is known as a stay interview but those could cost more money and other cheaper options are just asking about perception from rank and file as well as the turnover rate within the City or that specific department. CM Sanford asked if this audit was comparable to other Cities or if we were an outlier from the norm and Drew noted that it was very comparable but to keep in mind that Cities each have their own unique questions and findings during audits. CM Sanford wanted to confirm that there was nothing egregious that came up during the audit and Drew noted not in his opinion. CM Gray noted that Clemons & Nelson had recommendations throughout the summary and asked if they have seen similar management trainings like Avanulo and if they are helpful and Drew noted that management trainings are

mostly beneficial and usually helpful but cannot specifically speak to that company. President King noted that Council has been updated by Ryan Woodward himself, the Clemons & Nelson associate who conducted the police and fire audits and that it was a fact-finding audit and the City is addressing some of the concerns with this management training. CM Buxton asked if Drew has ever seen a perfect City who did not need their services and Drew noted he has never seen a perfect City and also mentioned that their lots of other competitors who do a quality job. Drew also mentioned that they do stay interviews and relation audits as well within his company. Mayor Hazel mentioned that it is possible that they do a follow up audit in about six months' time. Mayor Hazel also spoke about how the FOP vote has been certified and how there are two meetings set to start negotiations and mentioned how the retention and recruitment of officers is a nationwide issue but believes the Celina is a great community. Mayor Hazel also mentioned how civil service was able to get rid of the local civil service exam and that we are now using National Testing Network (NTN) which allows for a wider candidate pool and the next thing that will be addressed is the age limitation and believes this will help with our recruiting efforts.

President King spoke about Council decorum for both the audience and Council and also about how he thinks focusing on the positive things that Celina has and working on solutions would be best for the City instead of only focusing on negatives of the same topic during every meeting.

AUDIENCE COMMUNICATIONS:

Shawn Billger who resides at 303 ½ E Livingston St. spoke about how he feels unsafe in the City of Celina and spoke about a certain individual who allegedly has attacked him on multiple occasions and also alleged the police have done nothing to reprehend him for what he believes are just causes. Shawn also noted how at the YMCA this person pulled out his private parts and called his name to turn around and nothing was done about it and Law Director Moore noted that the individual was charged and convicted for public indecency, Shawn alleged that Law Director Moore said at the courts he would get more than a fine and Law Director Moore stated that would be putting words in his mouth. Shawn noted an incident that happened that day and alleged the Law Director Moore told a police officer that Shawn should be charged for a disorderly and Law Director Moore noted he has not seen a police report for the alleged incident that happened today. President King thanked Shawn for sharing but noted the Council has nothing to do with the enforcement of laws as they are a legislative body and recommended that he speaks to the Law Director or Police Chief to try to solve any possible problems and agreed everyone should feel safe. Shawn also alleged that a police officer contacted him and asked his to stop trying to involve outside agencies and will come up missing if he does not.

Heather Schmidt who resides at 417 Magnolia St read off statistics about registered sex offenders and pedophiles in Mercer County and claimed that none of them are drag queens. Heather noted that more time should be spent arguing about issues that are not about drag queens such as public safety, community awareness, prevention of recidivism, and collaborating with law enforcement. Heather mentioned that community trust and confidence is key to her and uniting together would benefit everyone.

Jim Steltzer who resides at 4611 Saint Anthony Road expressed his disappointment about not being able to ask Clemons & Nelson questions. Jim asked Mayor Hazel about the plan after the 39 weeks of training or during and Mayor Hazel noted that this intensive training will happen and be monitored and could cause changes internally.

Brian Anderson who resides at 805 East Wayne Street spoke about the audit process and involving former employees and how he was disappointed that people who left within the last three years seemed to not have been called. Brian asked if former employees were included and how and Mayor Hazel noted that names were given of past employees and Drew from Clemons & Nelson noted that past employees can be helpful but it is more beneficial to focus on the employees that actually work for the City of Celina and is pretty uncommon to reach out to past employees. Brian stated that he believes the audit received more information than they actually put in the reports. Brian stated he requested all the notes that were taken during the audit and received an email from Law Director Moore with some attached notes that were used to create the final audit report but also noted that Clemons & Nelson destroyed some of the notes. Brian noted that this was a publicly funded audit and asked Law Director Moore if those notes should have been preserved, and Law Director Moore noted that he did not see the notes before they were destroyed so he does not know if they should have been preserved but believes it is possible depending on the information that was on the notes. President King noted that he spoke to Mr. Woodward who conducted most of the audit and mentioned that he destroys his notes after the final report but it would ruin the anonymity of the audit. Brian asked if the notes were transient then they can be destroyed but if they are non-transient then should they be preserved and Drew stated the Brian was incorrect in his analysis and that personal notes are not public records under Ohio Publics Records Law unless they specifically meet three criteria for use which are if they are collaborated with other people which the auditors for this audit never compared notes from his understanding. Drew noted that the final audit is public record but the notes that were used to create the audit are not and believes there are about 20 cases that have addressed this issue in the state of Ohio even a ruling from the Ohio Supreme Court. Drew also noted that transient records have no relationship to personal records. Law Director Moore based on recollection mentioned that if someone is taking notes and they get transferred to a report that is substantially similar to what is written in the notes then they can be destroyed. Law Director Moore mentioned a case involving a township where an auditor was being audited and the person doing the audit saved those interview notes and there was a challenge and the judge in the case was given an opportunity to look at the notes and make a determination if they were a transient record or not. Brian summarized that he believes that if the report was not substantially similar to the notes, then they should have been kept but no way to prove either way because they were destroyed. CM Sanford asked Clemans Nelson if they were a part of a public body and Drew confirmed that they are a private sector company who has their own legal counsel who has addressed this issue in general. CM Gray asked if those notes were distributed to a public body and Drew noted they were not and referenced a case involving a public sector which was Hunter V the Ohio Bureau Worker's Comp where two investigators interviewed two public sector employees and destroyed their notes after and it was upheld and mentioned BWC's own internal policy that also states employees may destroy their investigatory notes. Drew also mentioned that both cases mentioned were investigations which rises higher than an employee relations audit which would have an even lower threshold for the notes unlike an investigation where the decision could be challenged if the interview notes do not match the level of discipline that is being pursued in the arbitration hearing but summarized nonetheless personal notes remain nonpublic records and that two things are being conflated which is what is a transient record which is a public record and just matters when you can delete it and non-records that do not fall under the law like personal notes. Brian noted that of the six pages of notes that he received non were from the safety forces and had a job title on the notes which makes it not so anonymous and he believes it discouraged people from participating. Brian also noted that he believes there were shortcomings from this audit and how it was put together and mentioned he believes it proves that the Safety Service Director leadership has room to improve. Brian also mentioned that since the audit was released Mayor Hazel was on a radio

station and spoke about how there may be some reassignments or restructuring of employee's duties. Brian implored the new Council Members to look into the audit and make changes where needed.

Drew spoke about Ryan Woodward who conducted the interviews for both police and fire and spoke glowingly of his character and noted that to imply something was left out of the audit is offensive while also mentioning that he has a higher standard to adhere to since he is licensed to practice law.

President King noted the public is privy to the audit report but not the conversations that council has had with the people conducting the audits and noted that the Council Members have even more information and how he trusts them to do what is right for the City of Celina.

Law Director Moore mentioned that he does not know if he fully agrees with the comments made by Drew from Clemons & Nelson and his analysis of public records and asked if Drew knew where Ryan was licensed to practice and Drew noted it could be Ohio or Michigan, he is not sure.

Cheryl Braun who resides at 1560 Greenview Drive asked for more transparency from the City and believes that four months for this audit was too long.

It was asked from a citizen if the Mayor and Safety Service Director attended the training and Mayor Hazel confirmed that they did indeed attend the training and will for the entire 39 weeks.

Chase Coleman who resides at 218 South Elm Street spoke about what he believes is a retention crisis and noted that if employees do not want to work here then they will not get new employees to come and he believes that if employees do not trust their bosses there should be changes and that current City leaders should not need these 39 weeks of training if they have been a leader for this long at the City.

Chief Wale noted that some may mistake his silence as a failure to support his police officers but noted that he does fully support his officers and their efforts to get a fair and equitable contract. Chief Wale also noted that he is still full heartedly with Celina PD and will work on any communication issues.

NEW BUSINESS: (First Reading)

None.

OLD BUSINESS (Second Reading):

1-24-O: An Ordinance amending Ordinance 28-81-O to include Tax Exemption for the construction of residential structures and declaring an emergency. CM Sanford noted this seems like a great incentive for the City of Celina and asked how it would be communicated to residents and Mayor Hazel noted that once it passes it will be in the newspaper and that this will benefit builders to build here and Mayor Hazel has reached out to them. Mayor Hazel noted that the school board are the only ones who are able to give approval. President King explained what the emergency at the end of an Ordinance or Resolution title does and how it is able to go into effect without the 30-day waiting period if Council passes that legislation. Mayor Hazel also explained why this one specifically has the emergency wording on it. CM Clausen made a motion to pass to third reading, seconded by CM Gray. Motion passed with a roll call vote 7-0 Aye.

1-24-R: A Resolution authorizing the sale by internet auction during calendar year 2024 of municipally owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired, pursuant to Ohio Revised Code Section 721.15(D). CM Fleck noted how Gov deals is a great way to sell some items we may no longer need and Mayor Hazel noted we are able to sell to a larger crowd since it is online and mentioned that whichever department sells the item gets the money for the item. CM Gray noted his shock when we see the sales over the last five years on Gov deals and the amount that it adds up to. CM Baltzell made a motion to pass to a third reading, seconded by CM Sanford. Motion passed with a roll call vote 7-0 Aye.

3-24-R: A Resolution of support for House Bill 245 to amend sections 2907.39 and 4301.25 of the Ohio Revised Code to prohibit adult cabaret performances in locations other than adult cabarets, and declaring an emergency. CM Sanford spoke about how you are able have a more understand of the HB 245 you can look at the statehouse testimony time when Representatives Williams and King had on Ohio House Criminal Justice Committee at the 1114 video around the 35-minute mark. CM Fleck noted that this is not against any specific gender and it is about cabaret performances in general and noted that the last election showed that the majority of the community feel this way. CM Clausen noted that he believes this bill it to protect children and this Resolution just says the community agrees with that. CM Fleck wanted to confirm that this Resolution would not have us liable for anything and Law Director Moore stated that since a Resolution does not enact a law that the City or police force will enforce then he cannot picture the City being exposed to any liability like our previous support with local levies with the exception that this house bill can change. CM Gray made a motion to pass to a third reading, seconded by CM Fleck. Motion passed with a roll call vote 6-0-1 Aye.

OLD BUSINESS (Third Reading):

None.

ADMINISTRATIVE REPORTS:

Auditor Shinn noted that they have their budget and that she has the general fund monthly summary and the utility report to hand out to Council Members.

Mayor Hazel noted that they will start to get with Shelley Company to get organized time frames so they are able avoid mobilization fees.

Safety Service Director Hitchcock noted that if Council Members would like any information added to his report or taken away, he is able to modify that.

Law Director Moore mentioned that he briefly spoke to the auditor about volunteering for the donation of services from Avanelo and that we have historically done a resolution to accept any type of donation and that they will look into the logistics of that and noted that nothing in the contract or Ordinance makes him think we cannot accept it as a donation but some legislation may be needed.

FOR THE GOOD OF THE ORDER:

CM Wolfe asked about the administration report and the recent cold spell and if any water meters froze and Safety Service Director Hitchcock noted that there was one break and no frozen heaters.

CM Buxton thanked Chief Wale for his new report and the nature of the incidents of the last two weeks and noted he likes the graph as well.

CM Buxton also mentioned and asked about a light at Pullman Bay that use to be up and would indicate the colors red and green and show if the ice was safe to go on and noted that it is no longer there and asked why and Mayor Hazel and CM Wolfe noted that it was taken down based on our insurance telling us to take it down because of the liability.

CM Fleck spoke about a stop sign on the corner of Elm and Wilkins that sways when the wind gets made and Safety Service Director Hitchcock noted he would look into it.

CM Sanford noted his appreciation for the safety services for the City of Celina and recognizes how busy they have been.

CM Sanford asked if Council Members were able to check in on the meetings that are happening with Avaulo and Mayor Hazel confirmed that they are able to and that they will forward them a schedule.

CM Sanford also asked for a Parks and Rec Meeting to be called to look into a vision for the park and the next five years and that he would like an hour to discuss that before the next Council Meeting.

CM Clausen asked for a Committee of the Whole to be called to speak about recreational marijuana. CM Baltzell noted that they also have a committee of the whole to discuss Council rules at the next meeting as well as Holly Street.

President King noted the scheduling of Committee of the Whole on February 5, 2024 to discuss legislation about the sale of recreation marijuana as well as council rules starting at 5:30 pm.

President King reminded Council Members that there is a Committee of the Whole also scheduled at 6:00 pm to discuss parks and immediately following to discuss Holly St.

President King adjourned the meeting at 8:26 pm.

Submitted by Michael F. DiDonato, Clerk of Council



Michael F. DiDonato, Council Clerk



Jason D. King, Council President

I, Michael F. DiDonato, Clerk of Council of the City of Celina, Ohio, hereby certify that the foregoing is a true and correct copy of the minutes of 1/22/2024, and were approved by Council 2/12/2024.

Council Clerk