**REGULAR MEETING OF CELINA CITY COUNCIL – November 8, 2021**

President King called the Regular Meeting of Celina City Council to order at 7:00 pm. Council Members Buxton, Clausen, Fleck, Lochtefeld, Scott and Sovinski answered roll call. CM Baltzell was absent. Also present were Safety Service Director Hitchcock, Mayor Hazel, Auditor Strawn, and Law Director Moore.

CM Sovinski made a motion to amend the agenda, seconded by CM Fleck (reversing the order of reading of Old Business Second reading). Motion passed with a roll call vote 6-0 Aye. Before a vote was taken for the acceptance of the agenda, CM Lochtefeld asked Law Director to clarify why the reading of 51-21-O would have to go to second reading. Moore mentioned he has spent considerable amount of time studying this out and spoken with other law directors. Moore read from the rules established for city council and Ohio Revised Code. Moore concluded he felt that you do not have to have a vote on each reading necessarily but city council has chosen to do so. (Moore referenced J-1) With that CM Clausen made motion for the acceptance of the agenda, seconded by CM Sovinski. Motion passed with a roll call vote 6-0 Aye.

CM Clausen made a motion to approve the minutes of the October 25, 2021 Regular Council Meeting as written, seconded by Fleck. Motion passed with a roll call vote 5-0-1 Aye. CM Sovinski abstained.

**COMMITTEE REPORTS:**

President King referenced a meeting with the Committee of the Whole with State Auditor. It was not open meeting so he stated nothing really to report.

**COMMUNICATIONS:**

Mayor Hazel reported the downtown merchants had their fall festival last Saturday. It had beautiful weather and was well attended and community support was appreciated. Mayor Hazel then spoke on the oncoming discussion 51-21-O and how it has been a very controversial topic and all life is precious. He stated the city has had many texts, emails and calls on the matter with some being very nice and others not so much. Mayor Hazel reminded council of this issue being a volatile issue and it is already an Ohio Law.

**AUDIENCE COMMUNICATIONS:**

President King at this time spoke about the rules in place for the speakers concerning discussion for 51-21-O. They will be limited to two minutes and they must be a resident of the City of Celina. Sign in sheet with name and address has been given.

Angie Crider spoke in favor of the ordinance mentioning her regret of prior abortions she has went through. Also mentioned her daughter Amber Crider who she tried to abort but failed.

Amber Crider spoke in favor of the ordinance being passed because she felt City of Celina could set an example for other cities to follow.

Cindy Pottkotter spoke in favor of the ordinance and serves on the board of the Pregnancy Life Center. She mentioned all the PLC does for women.

Jeremy Driggs spoke in favor of the ordinance and spoke about the sanctuary city and provided material of businesses that are in favor of the ordinance.

Ashley Driggs spoke in favor of the ordinance giving references about abortion pills and how you get them online. She spoke about a lady who died from medical abortion online.

Caroline Bange spoke in favor of the ordinance stating the family values City of Celina has to offer and hopes these values continue even for the unborn.

Kira Bange spoke in favor of the ordinance saying she was 14 years and this would show her peers and people her age the right thing to do.

Barbara Spencer spoke in favor of the ordinance stating embryology and this is a life being taken.

Aaron Beougher spoke in favor of the ordinance because “it’s the right thing to do”.

Brooke Lange spoke in favor of the ordinance and asked questions to the board concerning life at conception. She finished with a quote from MLK.

Sarah Bellman spoke in favor of the ordinance due to her complicated pregnancy with her daughter. She spoke about how if she had aborted she would not have had the wonderful life lesson with her sons and husband.

Angie King spoke in favor of the ordinance and reminded council of the beautiful parks and if we kill off our young. She also mentioned tourism and how the negative effect with people protesting at clinics.

Tom Sanford spoke in favor of the ordinance stating he is a business owner and Iraqi War Veteran. He asked the council if they are really pro-life?

Mike Spencer spoke in favor of the ordinance and how the potential law suits that are in question. He gave instances that these claims are incorrect.

Matt Driggs spoke in favor of the ordinance and submitted a document with over 600 signatures in favor of the ordinance.

Mark Uhlenhank spoke in opposition of the ordinance citing he is pro-life but does not feel this is something city council should address as a law.

Diane Stevens spoke in favor of the ordinance citing God is in control.

Kyle Stocker spoke in favor of the ordinance asking council if you say you are pro-life then why not vote for it?

Ron Beougher spoke in favor of the ordinance and that life is precious and Biblically is the right thing to do.

Adam Schroyer spoke in favor of the ordinance and disputed the statements that this wouldn’t work as a sanctuary city. He spoke the future is unknown but abortion is an intentional killing.

Elizabeth Monfort spoke in favor of the ordinance and spoke about the movie “Unplanned”. She then spoke against Planned Parenthood.

Sydney Baucher spoke in favor of the ordinance that a woman should not have the choice to end a life.

Sophia Rodriguez spoke in opposition to the ordinance. She stated the ordinance says “many” but is not “all”. She felt council needs to address utilities for safety issues that represent all not many or a few.

Anthony Beckstend spoke in favor of the ordinance. As a veteran of military who spoke about time and how abortion cause mental anguish.

Zoe Kriegel spoke in opposition of the ordinance as she read a letter from a foster child who had been raped and molested as a child and if she had been impregnated at the age of 12 how hard it would be on her.

Kelly Bartlett spoke in opposition of the ordinance and calling it unconstitutional. She feels it is a woman’s right. She mentioned legal ramifications spoken by Law Director Moore and insured during a legal battle.

Michael Bartlett spoke in opposition to the ordinance and gave out names of people in opposition.

Heather Schmidt spoke in opposition to the ordinance stating not all people have the same religious views and this is between a person and their higher power.

Gwen Fader spoke in favor of the ordinance and gave her facts giving weeks’ breakdown and how a baby is formed from start to finish. She finished with a scripture from the Bible.

Justin Monfort spoke in favor of the ordinance stating free will but no one has free will to end a life.

**OLD BUSINESS**: (Second Reading):

**51-21-O**: Ordinance outlawing abortion, declaring Celina a sanctuary for the unborn, making various provisions and findings, providing for severability, establishing an effective date, and declaring an emergency. (AMENDED 11/8/2021)

CM Clausen explained the reason for the amended version to clarify for people and council members as he had spoken with Ohio Right to Life seeking their assistance in the writing amendment. CM Clausen also stressed a woman would not be penalized for an abortion but the clinic. CM Clausen then went into the negative effect on having a clinic and the economic impact with businesses not wanting near their office or restaurant or whatever.

CM Fleck spoke up about how he needed to clarify his no vote at the previous meeting and that there is so much information that needs to be gathered. CM Fleck referenced the Ten Commandments from the Bible and “thou shall not kill”.

CM Scott questioned the Mitchell Law Firm letter in who is going to defend us? He went on and stated if Roe v Wade is not a law (as was argued in previous meeting) then what is the purpose of an ordinance if we are not breaking the law? CM Scott asked Attorney George Moore about the man who wrote the letter from Texas and Moore responded he had not spoken with him.

President King spoke up and said a representative for the Mitchell Law Firm from Texas was to be in attendance but an emergency came up and was not able to attend but would be at the Third reading meeting in two weeks to answer these questions.

CM Scott stated he was addressing city council not anyone from Texas. Roe v Wade was established years ago and been on the books a long time, why then do we need someone from Texas to come address us? CM Lochtefeld addressed his apologies to all the people who did not get into the meeting or given the opportunity to speak due to not living within city limits when some speakers did not live in city limits. CM Lochtefeld asked if this ordinance could prevent a clinic from setting up a shop?

Mayor Hazel addressed the question by saying an organization like planned parenthood could give counseling, material and transportation but could not perform the medical procedure here in Celina. This ordinance is not about the building but the abortion.

CM Lochtefeld then questioned if the pills are contraband who goes to the pharmacies to regulate the enforcement? Mayor? Chief of Police? President of Council? Mayor Hazel referenced these pills are available online and can be mailed to them. CM Lochtefeld asked if we will go through individual’s mail? Mayor Hazel said no that we, (City of Celina) have no rights to post office.

CM Lochtefeld then asked about the county prosecutor being mentioned many times in the ordinance. Has the county prosecutor been informed CM Lochtefeld asked? No one really seemed to know or have an answer.

CM Sovinski spoke how this subject is very controversial and personal. He said his personal beliefs and him representing the 10,000 plus individuals that elected him. CM Sovinski said he does not have a problem with the ordinance as written but rather has a problem that he feels it cannot be enforced. He went on to say that most of all that has been said has been statements about the ordinance so he referenced as a statement ordinance used as anti-abortion statement at the state and federal level. CM Sovinski felt this statement would not represent all 10,000 people within City of Celina. He went on to say this issue (abortion) has been around a long time and not going away any time real soon. CM Sovinski feels they (council) need to address at what level of governments does abortion be enforced? Abortion has been called murder but does the city have regulations against murder? “No. We follow the states regulations.” CM Sovinski added “so here we are going to pass local ordinance condemning abortion as murder when we don’t even condemn murder outright. This is not in our ballpark the local government.” CM Sovinski stated he has a real problem where seven people are making a decision for 10,000 people. He feels this should be a ballot issue so the people can speak for themselves.

President King spoke in reference to questions or concerns of CM Sovinski. First is that not all things council has decided upon was the whole community behind. President felt the majority overwhelming are in favor of this ordinance “somewhere like 80% to 20%”. President referenced the trailer park by the lake and noted this was controversial.

CM Fleck was not real clear on Mitchell Law of Texas and whether city still has representation in the amended form of the ordinance. President King said it has (letter) a new date and updated to reflect the amended version. Mayor Hazel spoke as to why the letter was updated that of the other 41 sanctuary cities a few have been sued, but all lawsuits have been withdrawn. Mayor Hazel said the attorney from Texas put in writing his approval of the rewrite of the ordinance and would represent the City of Celina.

CM Clausen spoke in reference to CM Sovinski and council approving or disapproving controversial issues and referenced the marijuana ordinance. CM Clausen said he had met with City Attorney Moore to go over the amended version. Clausen said Moore felt it was very unlikely we (City of Celina) would get sued.

Motion made by CM Clausen to accept the amended version of ordinance 51-21-O. Seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye. CM Clausen then made motion to pass on for a third reading seconded by CM Fleck. President King said according to council rules it will go to a third reading with the roll call being 2-4 Against. CM Scott asked if he could make a motion and President King said it could not be presented. President King then asked for a recess.

**49-21-O**: An Ordinance authorizing the Mayor to enter into an agreement with the Mercer County Commissioners for Indigent Defense Service in Municipal Court. CM Scott made the motion to go to third reading seconded by CM Clausen. Motion passed with a roll call vote 6-0 Aye.

**Old Business** (Third Reading):

**15-21-R**: A Resolution accepting a donation from Princess Sue Hess to the Celina Police Department. CM thanked her and the other organizations who donate throughout the year to the police department. CM Fleck made motion to pass seconded by CM Sovinski. Motion passed with a roll call vote 6-0 Aye.

**New Business:**

**52-21-O:** An Ordinance approving a final plat for Eaglebrooke Estates Section VII, Phase II, and declaring an emergency. Mayor Hazel mentioned this had already been approved. They (RCS) had 15 lots approved and these three just were not included in Section VII, Phase I. All utilities are in place and this was in the original. CM Sovinski mentioned this had already been platted so CM Sovinski made a motion to amend seconded by CM Clausen. Amended motion passed with a roll call vote 6-0 Aye. CM Scott then directed a question to Mayor Hazel in regard to road coming off Staeger Road. Mayor Hazel assured that the road was in place to be completed. Mayor Hazel stated it would be a stone road first due to field still has crops. Motion to suspend three readings made by CM Sovinski and seconded by CM Scott. Motion to suspend passed with a roll call vote 6-0 Aye. CM Scott motion for passage seconded by CM Buxton. Motion passed with roll call vote 6-0 Aye.

**53-21-O**: An Ordinance authorizing the modification of the duties of the Clerk of Council and declaring an emergency. President King clarified this Ordinance is to clean up duties of Clerk of Council versus Administrative Assistant. President King mentioned mostly typos and address changes need to be updated. Mayor Hazel mentioned it is clarification from prior clerks. Motion to suspend three readings by CM Clausen and seconded by CM Fleck. Motion to suspend passed by roll call vote 6-0 Aye. CM Scott made motion for passage seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye.

**54-21-0**: An Ordinance providing for the balance in fund 671 (Wastewater Reserve) to the Sewer Fund and declaring an emergency. Auditor Strawn spoke that during the state audit review this measure is to clean up some fund accounts. Auditor Strawn mentioned the reasoning for emergency reading so that next budget can be completed. CM Scott made motion to suspend three reading and seconded by CM Clausen. Motion to suspend passed by a roll call vote 6-0 Aye. Motion for passage was made by CM Fleck and seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye.

At this point CM Scott made motion to have the remainder of Ordinances and resolutions be read by title only and CM Clausen seconded the motion. Motion granted with all in favor.

**55-21-O:** An Ordinance providing for the transfer of the balance in fund 664 (Water Sys Reserve) to the Water Fund and declaring an emergency. CM Scott made motion to suspend three readings seconded by CM Clausen. CM Fleck made motion for passage seconded by CM Buxton. Motion passed with a roll call vote of 6-0 Aye.

**56-21-O:** An Ordinance to make appropriations for expenses and other expenditures of the City of Celina, State of Ohio, during the calendar year ending December 31, 2022, and to declare an emergency. Auditor Strawn stated this is for the year 2022 with an amount $46, 089, 438 but there would be changes made by reserve funds and CM Sovinski stated this is all in committee review currently. CM Sovinski made motion seconded by CM Clausen to pass to a second reading. Motion passed with a roll call vote 6-0 Aye.

**57-21-O**: An Ordinance authorizing the Safety-Service Director to advertise for bids and to enter into contracts for city projects and capital equipment for fiscal year 2022. Mayor Hazel referenced these items are listed in capital list in a separate ordinance. CM Clausen asked City Attorney Moore about a $5000 expenditure and Moore exclaimed he would have to look at it another time. CM Clausen made motion seconded by CM Fleck to pass to a second reading. Motion passed with a roll call vote 6-0 Aye.

**58-21-O**: An Ordinance authorizing the Safety-Service Director to advertise for bids and to enter into contracts certain materials, services, supplies and equipment needed during 2022. CM Scott made motion seconded by CM Clausen to pass to a second reading. Motion passed with a roll call vote 6-0 Aye.

**17-21-R**: A Resolution accepting donations from the Mercer County Fairgrounds Inc., Osgood Bank, and C-Town Wings to Celina Fire Department and from C-Town Wings to the Celina Police Department. CM Clausen said this is generous from these different businesses and extend a thank you. CM Sovinski asked if there were any indication what these funds were for and Police Chief Wale said the funds collected will be put into a fund and used for new equipment as needed. Mayor Hazel said some of the donation was in response to their response to a fire ($500). Motion made by CM Clausen and seconded by CM Lochtefeld to go onto a second reading. Motion passed with a roll call vote 6-0 Aye.

**18-21-R**: A Resolution approving and recommending Vince J Barnhart as the Acting Clerk of Council of the City of Celina for the November 8, 2021 Council meeting, and declaring an emergency. Motion to suspend rules by CM Buxton and seconded by CM Fleck. Motion to suspend passed with a roll call vote 6-0 Aye. Motion to pass CM Scott and seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye.

**19-21-R**: A Resolution approving and recommending Erin B. Heberlie be employed as the Clerk of Council of the City of Celina, and declaring an emergency. CM Scott welcomed Erin. CM Sovinski asked if she would introduce herself. Heberlie approached the microphone and said she was born and raised in Celina and her maiden name was Stolly. She went on to say she is transitioning from active duty to reserve duty in the Air Force. She mentioned Celina being a great city to raise her two children and this would be a great supplemental income. Motion to suspend rules made by CM Scott and seconded by CM Clausen. Motion to suspend with a roll call vote 6-0 Aye. CM Buxton made motion for passage seconded by CM Scott. Motion passed with a roll call vote 6-0 Aye.

**ADMINISTRATIVE REPORTS:**

Safety-Service Director Hitchcock gave thanks to Celina Police Department in helping with the meeting and keeping things in order and also special thanks to Vince Barnhart for volunteering to be the clerk for the meeting.

Law Director Moore reported new submission deadlines for ordinances.

**FOR THE GOOD OF THE ORDER:**

Leaf pickup was mentioned to be ongoing.

Budget meetings will continue for committee members without department heads needed.

Council President King adjourned the meeting at 9:32 pm.

Submitted by Vince J. Barnhart, Acting Clerk of Council