**REGULAR MEETING OF CELINA CITY COUNCIL – October 25, 2021**

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

CM Clausen made a motion to amend the Agenda to move Ordinance 51-21-O including Audience Communications pertaining to this legislation to the first item under New Business and move general Audience Communications after Old Business, seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye. CM Lochtefeld made a motion to accept the amended Agenda, seconded by CM Baltzell. Motion passed with a roll call vote 6-0 Aye.

CM Clausen made a motion to approve the minutes of the October 11, 2021 Regular Council Meeting as written, seconded by CM Fleck. Motion passed with a roll call vote 5-0-1 Aye. CM Baltzell abstained.

**COMMITTEE REPORTS:**

None.

**COMMUNICATIONS:**

None.

**NEW BUSINESS:** (First 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. CM Scott questioned why the Ordinance is an emergency. Law Director Moore responded he did not write the legislation. President King explained the Ordinance was written by a Texas attorney representing Sanctuary Cities for the Unborn group. He stated Council could decide if they want to keep the emergency clause or take it off. CM Fleck stated due diligence needs to be followed as Council moves forward with this. He has received several phone calls and text messages today. If Council moves forward with this, the City could have a lengthy, expensive process of defending. CM Lochtefeld asked if Exhibit A would become law in its entirety if the legislation passes. President King responded that is correct. Law Director Moore explained the exhibit in its entirety would become law. CM Lochtefeld further asked the Law Director for his legal opinion of directors and officers liability insurance. Law Director Moore read his response by email to CM Lochtefeld. He was told by the legal department of our insurer that there is no coverage for legislation that is illegal at the time it is passed. There is a real possibility that there will be no coverage. Anyone voting for this would be at risk for personal exposure/liability. Law Director Moore recommended against passage of this legislation, as a legal opinion. CM Clausen stated this is exactly what Council asked Administration to put together and he appreciates all the findings listed to give history of how we got here. We got some comments from attorneys, but attorneys also got us in this position. Is it fair to take someone’s recommendation when this could have been done differently. Ohio Human Rights and Protection act allows some restrictions regarding abortion. Taking additional steps to make it an illegal process in the City is what we are hoping to garner some information about doing. There is a lot of support that has come to him from the community and outside the City to go forward with this. This is the right step to get the City to be a beacon of light for other communities to stand up and defend an evilness that is being protected. CM Scott explained he is not a proponent of abortion. He asked what passage of this Ordinance will prove, and if it will prevent anyone in this community from having an abortion. He gave an example that anyone could drive someplace else to get an abortion. This does not stop any abortion other than labeling Celina as a sanctuary City. President King responded there are a lot of sanctuary cities for several other reasons. We are making Celina a sanctuary city so that abortions do not occur in this city. When Joe Biden stated he wants to see an abortion providing clinic in every zip code, this is a response to that statement. Scott – will this prevent any abortions for anybody who lives in the community. Therefore, if this is passed and someone in this community is affected by this, is the name sanctuary city enough to not have to pay for litigation. CM Clausen stated we do not encourage drunk driving so we have laws to discourage it. We can have laws to discourage abortions from happening it here. Maybe the drive to another community will give the person time to think about what they are doing and change their mind. The laws are to protect the innocent. CM Fleck stated we really need to have a game plan because this is going to be a fight. It is a good thing to pursue. He asked the Law Director if we should get an attorney who specializes in this. Law Director Moore stated Council is free to do that. He further referenced a letter from the Chief Legal Council of the Ohio Municipal Attorney Association that the legislation is not enforceable and could result in law suits that will be expensive to defend. He recommends to do a Resolution instead of an Ordinance. President King referenced a letter from attorney John Mitchell from Texas stating he would represent the City pro bono. CM Baltzell asked if there have been other law suits. President King responded a couple suits have been filed, but dropped. CM Lochtefeld stated at least one of the Cities is in a $3 million settlement. CM Buxton stated he believes most people at this table is against abortion in most cases. We need to think of what effect it will have on the City. He questions if we will we lose current business or gain any businesses. His opinion is this goes beyond just looking at abortion. President King distributed paperwork regarding economic impact. CM Buxton asked why Mr. Mitchel would represent Celina pro bono. President King replied he is going to be presenting in front of the Supreme Court November 1st. He has support that probably pays him to do that. CM Scott asked if he would hire an Ohio attorney to represent the City since he is not licensed in the State of Ohio. President King stated he will need to get the answer to CM Scott’s question. CM Scott stated the result of Roe vs. Wade is an interpretation of the Constitution, which was passed down as law of the land. Everyone at this table when sworn in, swore to follow the Constitution of the United States. His contention is that by allowing this is going against federal law. President King stated it was not law because it did not go through the law making branch. If it was law, he questioned why the current Congress is trying to codify it as law. The supreme court cannot make law. This has not gone to legislative branch. This is just a decision of the supreme court to decriminalize abortion. CM Clausen stated lawyers and judges got us into this situation and asked why is it that they are right in telling us what to do. Because they concocted this right with no foundation in the Constitution. It is a farfetched decision, and he thinks that is why there is so much opposition. It comes back to we the people. Ohio is being proactive in the fight against abortion. It is up to local governments to set restrictions. We should not promote the action of murder in this City. CM Lochtefeld asked where the paperwork President King passed out came from. President King responded the Sanctuary City people and has been in contact with them. CM Fleck stated this issue is going to have a lot more opposition, and we need to have a game plan. Law Director Moore stated the Supreme Court often gives you a definitive interpretation of the Constitution, which we have to follow unless it is legislatively changed. He gave an example of the Miranda Rights, which was a result of Miranda vs. Arizona and is now the law of the land. He does not see how when the fed reign supreme we can create an exception on a local level. The Supreme Court can legislate. This is from a legal opinion only. President King stated Chicago does not recognize gun rights which is a second amendment right. Law Director Moore responded if he was their lawyer, he would tell them they are wrong. President King stated he does not believe the judicial branch should be doing any legislation at all. It is an overreach of government and an abuse of power by the judicial branch.

Mike Spencer spoke in favor of the Ordinance. He stated the Council is responsible to protect the most vulnerable of the City and encouraged Council to get into the fight if they really believe.

Tammara Highley spoke for the Ordinance. She was a seventeen-year-old in a situation of having a possible abortion which she chose not to do. You cannot put a price tag on her son. She stated we need to keep Celina a home and safe place for human beings.

Judy Bruns spoke on behalf of the National Pro-Life Group Teachers Saving Children, Inc. She stated it would be an honor to know if in our county, we have a sanctuary City that stands against the horrible things happening.

Shawn Meyer stated he was there to represent local families and urged Council to listen to local voices. Local residents are in support of this measure and needs more weight than the voices from outside the community. The feds do not reign supreme. God in Heaven reigns supreme. Council is in the position to protect life and he urges them to do so.

Phil Bange stated he and his wife are involved in foster care. Every child needs a family. The community is behind the Council to do what is right.

Rev. Darwin Dutten stated this is his home and he plans on staying here. He agrees the supreme court made a law that is unconstitutional. He believes this legislation will save lives. Even if it is a Resolution. He showed several pictures of people that survived being aborted as a baby. Even if we make a statement that this is wrong, it will save lives.

Zoe Kriegel stated she is here to oppose the Ordinance. This Ordinance places undue burden on an individual, violating the constitutional rights of Celina citizens. She explained the procedure for abortion inducing drugs and how it is necessary to drive over two hours to Columbus to receive it. This legislation would make FDA medication unlawful.

Hannah Servedia stated she is the senior organizer with NARAL Pro Choice Ohio and is pro-abortion. She urges members to listen to the Law Director and not have to pay thousands of dollars in litigation fees. Residents should be able to make their own decisions on their bodies and lives.

Kelly Bartlett stated her opposition to the Ordinance. As an adoptee she is glad her mother chose life, but she believes every lady should have that choice.

Mike Bartlett stated he is opposed to the Ordinance. The Ordinance is unenforceable against pharmacist because they are regulated to follow state and federal guidelines.

Chad Stolly stated this is a statement about who we are as residents of Celina. Freedom, common sense and morality are worth fighting to preserve. He gets the legal precedence, but given what we are going through he would rather see us operate from a place of strength. We need to tell them no, not here and not in this zip code.

Hillary Lange stated she is a Christian and is pro-life. All Christians are to follow the ten commandments which includes not to kill. We need to open our hearts to the lives of the unborn.

Rick Werling stated we live in a country that says Under God. His question is whose laws do we fall under, God’s Law or Federal Law. Had he not grown up in Celina, he would have gone in a wrong direction. He encourages all to do the right thing.

Cole Stephens thanked pro-choice speakers and expressed how it would be harder to get an abortion if this is passed. To be truly pro-life, there is no reason to vote no on this. He believes 95% of residents in Celina would say it would be money worth spent to defend this.

Joscelyn Dameron stated yes if this law is passed there will be opposition and a fight. We need to be willing to take a stand to protect these unborn children. Even if the law is struck down, we are making a statement. We want to see a place that pre-borns are protected.

Adam Cron stated sometimes offense is the best defense. This may be a small step, but may give bigger Cities the courage to stand up and fight.

Ken Lange commended the activities of the City for the past few years. They were voted into office by a conservative community. He is proud of this town and believes we need to get a backbone, be strong, and not be intimidated.

Heather Schnoff came in opposition of the Ordinance. She stated it is scary because it will only accomplish more division. At age seventeen she was pregnant and chose adoption. She had support from her family. Abortion issue is not a black, white, good, bad, right or wrong. There are many levels and she doesn’t think this will accomplish much.

Tonya Roediger stated she believes in the sanctuary. We need to take a stand for what is right. Someone will come along to help us financially if we stand up for this and vote for it.

Vanessa Roediger stated one cannot put a price on children. We need to make a stand against what our government is trying to push through.

John Hoenie stated the community is willing to give up other things for this issue. It is worth the investment. We are gaining ground. This level is where we can take our stand. This is one way to make it harder to get an abortion.

Matt Driggs stated one thing being talked about is privacy and choice. That cannot matter anymore because the Biden administration already took care of that with the mandates of not getting to choose whether or not you get the jab. These same people should be marching against the vaccine as well. Technology has advanced since Roe vs. Wade. We need to go with what we know today. If you are worried about personal liability, you should resign. There is someone who will take your place.

Ashley Driggs stated she made a poor choice one night with a guy and was pressured by him to find an abortion clinic. Her choice back then was to either wreck her dreams of becoming a teacher or wreck the life of a child that she’s never even met. When she went to planned parenthood, she was not asked any questions as she entered nor medical questions. She was asked what she wanted and told that she needed to get the Plan B pill, and was basically applauded for the choice she had made that day. She wishes now that the clinic was so far away that she had further distance to make her decision. She asked members to make a hard, lifesaving decision and to move forward with this ordinance.

BJ Woodruff stated what she read in the newspaper last Saturday frightened her. She was alive before Roe v Wade Supreme Court decision was made. She remembers a time in high school that two women died because they tried using coat hangers because they did not want their pregnancies. This was not uncommon. She asked about the situations of rape and incest. Incest can involve twelve and thirteen-year-old girls. Childbirth can be horrifying. Has money been budgeted to help them process such a situation. She asked how you will know what information people get over the telephone or the internet. Most people here are not in favor of having abortions, but there are people that need to get abortions. This makes Celina a dictatorship against women.

Justin Monfort stated he endorses members to pass the Ordinance and encourages them to set an example to the children coming up. The majority of residents want Celina to be a sanctuary city. We need to start to lead on a local level.

Rita Griesdorn stated this is an important issue and prays for the right decision to be made. Children from conception can feel. These babies cannot protect themselves. Nine months out of a person’s life can be a blessing of a lifetime for another family. She urges a yes vote.

Ann Garmann was an OB nurse for several years. The people of Mercer County are unique. They are generally good. By declaring Celina an sanctuary City, it lets the world know we feel abortion is wrong. Stand up for what the people of Celina and Mercer County want, not the people driving two hours in opposition.

Ron Hammons stated everyone is talking about Mercer County, and asked why we are talking about an Ordinance for the City of Celina that was presented by somebody from Texas. He was appointed to City Council several years ago, and he found out legislation can be good or bad. During time spent on Council, he kept that concept in mind. This is a bad legislative bill in his opinion. He asked why there is an emergency clause attached. He stated tonight, a decision has to be made, and please do not do this. He further stated that he is pro-choice.

Sophia Rodriguez stated she comes from a place we have roles in the community. She believes in both the organizations of right to life and pro-choice. She believes all dominations of churches can organize. Council has a role to govern the community in a way that affects all community members. She does not believe this is Council’s role. The number one role of Council is fiscal responsibility, and the role to provide safe water, wastewater, and streets. She is in support of not voting for this because she does not believe it is their place. Unity is about everybody coming together for the good of all people.

Trish Christian stated she and her husband adopted their son Micah as a baby. His birth mother was arrested the day she was going to get an abortion. She believes God intervened. This is an emergency. This is God’s heart. We need to do the right thing and need to pray.

Randy Christian stated all children are a gift from God. The babies all go to heaven but only God knows what they could have been.

Kari Dameron stated she is actively trying to rescue these women who have a choice to make. You need to have a backbone and not let the evil around us weaken you. You have the power to get in a good fight.

Tyler Dorsten stated he does not want his children to be exposed to abortion clinics. There is a fear of losing businesses. Businesses may go, but others will still come.

Caroline Hinders stated she is opposed to the Ordinance. We need to focus on the negative impact this will have. Elsewhere in Ohio, Lebanon is feeling the negative impact on downtown businesses. A ban like this will hurt the entire community.

Brooke Moeder stated she is a nurse and mother. She had a choice to come back to this area to care for our community because Dayton and other cities outside of this community was not home. She is a proud member of this county. She has helped get over 100 pray to end abortion signs in yards. Her heart is so passionate about respecting and protecting what God has propelled all of us to do. She urges members to remember why they are in the position they are in. We are here because we care about our community. Those that came from afar do not know about our roots. Don’t consider delaying on this.

Tara Hoskins explained how permanent imprints during pregnancy are made on every mom. We need to love and protect every life that is created.

Angie Stoner repeated she loves this community and the conservatism of Celina, and thinks this is worth fighting for. We need to be proactive because other Cities will follow. We need to be a voice for the voiceless.

Jordan Urge stated she does not live in Celina, but has spent time in our community through sports. It is unconstitutional not to focus on real needs like roads and taxes. Businesses in Lebanon have left because of this Ordinance. These bans are still being challenged in courts. The majority of American are pro-choice. City Council cannot come between persons and their healthcare providers.

Aileen Day from Planned Parent Advocates of Ohio reported that eighty percent of Ohioans believe Roe v Wade should not be overturned.

Taffy Lake stated to Aileen Day when you come from an area outside the community you do your supporters a favor by remembering the name of the town, then maybe people will listen to you. Everybody talks about the financial responsibility. Most have no business telling any woman what she can and cannot do to her body. She did have an abortion which she was forced into by her abusive ex-husband. Her mother had an illegal abortion during the depression. Her daughter had an abortion for medical reasons. Abortion is not a cut and dry issue. It is a personal issue to the woman who needs to decide. It is nobody’s business but mine.

Teresa Wilson stated she is a member of Mercer County Democratic Committee and a protestant. She asked members to take their time with this Ordinance. She agrees that human life matters, but is concerned of a possible perception from neighbors or friends if she is pregnant and has a miscarriage. She could get reported that she had an abortion. She could face a legal challenge to prove she had a miscarriage. It is a gray area. Members need to take their time in making a decision because this matters. It needs to be considered from every single angle.

Connie Randall thanked Council for considering this for the community. She thinks this is a fight worth fighting. We need to be proactive instead of reactive.

Greg German stated this is a very big issue. He applauds members for taking this measure and hopes it will pass.

Andrea Strable urged members to make Celina a sanctuary city. She stated it is a fight worth fighting for.

Tina Maharg urges a vote for this to protect our babies and our families. We need to stand and fight for this.

Chris Langenkamp stated the rest of the county is watching. A pregnancy is not just a clump of cells. We are butchering babies in the womb. When a mother is in an accident, two lives are lost. It is extremely important to pass this.

Angie King stated the issue before us is one of life. The community just committed to a new school levy. This community values all children, not just school aged children. Our community is not divided on this issue of life. She urges Council to stand strong. Both republicans and democrats stand with you.

Alexi A. stated she helps people in Ohio get access to abortion care. There are people in this community that support abortion. Opinions about abortions can change for people who find themselves in the situation to make that decision. Abortion is legal up to twenty weeks in Ohio. If you are further than that they are committed to help you get out of state to access care. They here to help people access healthcare and support their human right.

Kyle Bruce stated the economic impact will be noticeable. He will completely stop any contribution to local businesses if this is passed. He believes his sister has every right in the world to make a decision that is best for her. If anyone is in need of any resources for access to abortion, he will be more than happy to help find that resource.

Greg Bornharst stated he is proud Celina is willing to take a chance. Unlike the opposition, he is not threatening to stop supporting businesses whether you pass or do not pass this bill. You may have to suffer a little, but so did Christ.

Nathaniel Stolly stated he does not think it takes a lot to realize a baby dies in abortion. People say it is not your place to regulate what they do. He stated it’s a federal law not to commit murder, and asked why it is not a federal law to not commit abortion. They say it’s your body, your choice, but a baby’s body is not their body. Making abortion illegal in Celina is a statement that shows we are against it. Making it harder to have an abortion is protecting them. There are many babies that could have had lives that were never given a chance. Every person should have a chance to live.

CM Buxton made a motion to table to Ordinance, seconded by CM Scott. Motion failed with a roll call vote 4-2 Nay. CM Scott and CM Buxton Vote Aye. CM Baltzell, CM Clausen, CM Fleck, and CM Lochtefeld voted Nay. CM Clausen made a motion to pass the Ordinance to second reading, seconded by CM Baltzell. Motion failed with a roll call vote 4-2 Nay. CM Baltzell, CM Buxton, CM Fleck, and CM Lochtefeld voted Nay. CM Baltzell and CM Clausen vote Aye. The Ordinance automatically goes to second reading.

At 9:50 pm Council president King called for a short recess. The meeting reconvened at 9:58 pm.

CM Scott made a motion to read all the remaining legislation by Title only, seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye.

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 a motion to pass the Ordinance to second reading, seconded by CM Baltzell. Motion passed with a roll call vote 6-0 Aye.

50-21-O: An Ordinance authorizing the Safety-Service Director to advertise and receive bids and enter into an agreement for the Fulton Street Reconstruction Project, appropriating funds, and declaring an emergency. Director Hitchcock explained the work will begin at the portion of the street near where the Stokely factory building was recently torn down and east to College Street. CM Scott made a motion to suspend the rules, seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye. CM Clausen made a motion to pass the Ordinance, seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye.

16-21-R: A Resolution authorizing the Mayor of the City of Celina to submit a grant application through the Ohio Department of Natural Resources Land and Water Conservation Fund (LWCF) grant program for outdoor recreation projects at the Bryson Park District, and declaring an emergency. Mayor Hazel explained the projects involved with this grant. The deadline to apply is November 15th. CM Baltzell made a motion to suspend the rules, seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye. CM Buxton made a motion to pass the Resolution, seconded by CM Baltzell. Motion passed with a roll call vote 6-0 Aye.

**OLD BUSINESS:** (Second Reading)

15-21-R: A Resolution accepting a donation from Princess Sue Hess to the Celina Police Department. CM Fleck made a motion to pass the Resolution to third reading, seconded by CM Clausen. Motion passed with a roll call vote 6-0 Aye.

(Third Reading)

46-21-O: An Ordinance accepting a donation from the Celina Moose Lodge #1473 for the Celina Fire Department for an ice rescue suit and appropriating funds. CM Clausen made a motion to pass the Ordinance, seconded by CM Baltzell. Motion passed with a roll call vote 6-0 Aye.

48-21-O: An Ordinance enacting a new section of the City of Celina’s Codified Ordinances which shall be known as Chapter 1186 of the City of Celina’s Codified Ordinances; and declaring an effective date. Resident, Ron Hammons voiced his opposition to limiting a medical marijuana dispensary in this town. He passed around his medical marijuana card. He explained that he has been fighting prostate cancer since 2013. It was decided by his team that this might help. He has not been to a medical marijuana facility. But if one comes to Celina and he needs it, he will use it. Mayor Hazel stated there has been multiple companies looking at Celina to set up a medical marijuana facility. They are targeting the Havemann Road area. President King stated this legislation does not prohibit medical marijuana facilities, but regulates where it will go. Celina’s very good reputation for economic development and the City’s growth is making Celina a target area for this type of facility. Chief Wale stated he recently visited Nashville. He will never go back to downtown Nashville because they do not regulate the sale of marijuana. It is not what we want in downtown Celina. He could not believe the number of people he saw pushing carts selling marijuana when it is not actually legal. Nashville has this problem because they are not enforcing the law. CM Baltzell made a motion to pass the Ordinance, seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye.

**AUDIENCE COMMUNICATIONS:**

None.

**ADMINISTRATIVE REPORTS:**

Mayor Hazel reported the Lions Club will have their annual Halloween Parade this Sunday at 2:30 pm and trick or treat will be from 4:00 pm to 6:00 pm.

**FOR THE GOOD OF THE ORDER:**

Council President King presented the Clerk of Council a plaque for her service.

Council President King adjourned the meeting at 10:16 pm.

Submitted by Joan S. Wurster, Clerk of Council