**REGULAR MEETING OF CELINA CITY COUNCIL – October 28, 2024**

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 Wolfe were present. Also present were Mayor Hazel, Safety Service Director Hitchcock, Auditor Shinn, and Law Director Moore.

CM Baltzell made a motion to accept the agenda, seconded by CM Fleck. Motion passed with a roll call vote 7-0 Aye.

CM Sanford made a motion to pass the minutes, seconded by CM Gray. Motion passed with a roll call vote 7-0-1 Aye.

**COMMITTEE REPORTS:**

President King spoke about the public hearing that took place on October 14, 2024 to discuss a zoning change. CM Fleck noted that a PSA was requested from the business attempting to come in but it was never sent to anyone.

**COMMUNICATIONS:**

None.

**AUDIENCE COMMUNICATIONS:**

Michael Johnston the Senior Developer Manager for Mercy Health spoke about how the agreements between the zoning parties have never been discussed in zoning changes from his experience and it contained language and terms of how they run their business and they did not feel comfortable sending that out to anyone. CM Wolfe noted that Michael spoke about how the restrictions of the lot in the agreement would only apply to the property that they are purchasing and Michael clarified remarks from the last meeting and that the restrictions would apply to that lot and the six remaining lots owned by JES and noting that it is an agreement that they cannot put direct medical competition as well as things like alcohol sales in those remaining lots. Michael noted that they would and have rolled back the restrictions when they have vacated any of the lots. CM Wolfe asked if they put that restriction with their other deals and Michael noted this one is case specific and that sometimes they are going into strip centers and ensuring no other medical competitor can open up there after they go in. CM Clausen noted in the last public hearing it was stated that they would pull back the restrictions on any vacated property and asked why they out it on and Michael noted it was to protect their interest during the time they own the property. Michael spoke about the available land and why they still think that is the most beneficial spot for all parties. CM Clausen asked what would happen if they move in and do not love the numbers and decided to leave but we now have a medical facility and asked if or how competitors would buy it with the restrictions and Michael noted they would drop the restrictions on the property if they decided to sell while also noting the emergency room would be up and running at least 15 years’ minimum based on the contracts. Michael also spoke about how the agreement could have been worded better for this specific situation where the restrictions are null the second they end ownership of the property. Michael confirmed the 25-mile radius is only for the property they are currently buying and was language from large scale strip centers and any and all restrictions are just between Mercy and JES. CM Clausen noted that just because it is stated that they would roll back restrictions does not mean they would if Mercy decided to leave after the 15-year agreement and they may have it land locked for another 15 years and Michael noted he can provide examples of them rolling back restrictions when they sold the property. Michael noted it is a service he believes the City of Celina needs and could use and that the zoning change be based on the merits of a good site plan with good intentions. CM Buxton asked how much could the Ordinance be talked about while still being tabled and President King confirmed they can talk about anything but cannot make any motions without first making a motion to un-table it. CM Buxton spoke about the contract and the difference between “could be” and “shall be” and Michael confirmed shall be would have been better in this contract. CM Buxton asked if there was any plan in the future to expand and it was confirmed there is no plan outside of the urgent care facility. CM Sanford appreciated everything that has been said and appreciates their perspective but confirmed he still believes that Celina should use their industrial zoning for industrial and not rezone but would support another site.

**NEW BUSINESS:** (First Reading)

**62-24-O:** An Ordinance Repealing and Replacing “Section 1180.11 Swimming Pools” of the City of Celina’s Codified Ordinances; and declaring an effective date. Safety Service Director Hitchcock noted engineering has been getting concerns that our policy was outdated compared to current insurance policies and this was going to remedy that. CM Fleck confirmed that this was pretty much insurance driven and Safety Service Director Hitchcock confirmed that to be correct and it is based on Ohio law that we have to have a City policy on this matter. CM Buxton asked if this was just in ground and confirmed to be correct. CM Buxton asked about pools wider than 12 feet and it was confirmed those laws would remain unchanged. CM Baltzell made a motion to pass to a second reading, seconded by CM Wolfe. Motion passed with a roll call vote 7-0 Aye.

**OLD BUSINESS** (Second Reading):

**61-24-O:** An Ordinance amending Ordinance 69-01-O to change the zoning classification of the properties owned by Sharkey Holdings LLC (457 Grand Lake Road) from R-O Residential/Office District to M-1 Manufacturing District. CM Buxton asked if there was a deed restriction and Mayor Hazel noted not to his knowledge. CM Baltzell noted it has not been common practice to discuss any deed restrictions during the rezoning process. Mayor Hazel spoke briefly about the Bob Evans deed restriction and President King noted they probably did not lift the restrictions because they stayed in town. CM Clausen asked about the deed restriction on Bob Evans and if they can lift it and Mayor Hazel noted only the original business that puts on the deed restriction can lift it. CM Fleck made a motion to pass to a third reading, seconded by CM Buxton. Motion passed with a roll call vote 7-0 Aye.

**OLD BUSINESS** (Third Reading):

**58-24-O:** An Ordinance amending Ordinance 69-01-O to change the zoning classification of a portion of property owned by JES Enterprises of Celina (1800 Industrial Drive) from M-2 Light Manufacturing District to B-3 Community Shopping District. CM Baltzell made a motion to un-table the Ordinance, seconded by CM Gray. Motion passed with a roll call vote 3-3-1 Aye after President King broke the tie with a yes vote. CM Baltzell asked how often we got inquiries about our industrial land and Mayor Hazel confirmed it varies and that they often go through the County. CM Baltzell asked about the land specifically being considered for rezoning and Safety Service Director Hitchcock noted he has received one industrial inquiry in his time with the City and most inquiries have been commercial but the acres are priced high since JES is based out of Cleveland. CM Baltzell noted that they have a plot that has been vacant for decades and a company that wants to purchase it and develop it. CM Gray asked Michael Johnston if the restrictions on the other acres would stop industrial from coming in and Michael confirmed it would not. CM Buxton asked if they have first right of refusal for the other acres and Michael confirmed they do not. CM Gray asked if questions about deed restrictions are brought up during planning commission and it was confirmed that is not something that comes up and Safety Service Director Hitchcock noted that with his position, he comes across deed restrictions all the time for businesses moving into the City such as banks. CM Wolfe asked administration if they were comfortable with the deed restrictions and Safety Service Director Hitchcock noted he does not because it is no different than any one, he has scene before and Michael confirmed the restrictions would not stop an industrial company from selling or making medical equipment and Mayor Hazel voiced his concerns just about what business this might stop from coming with an industrial company but noted that Council has rezoned other parcels in that area. CM Clausen asked Law Director Moore if there were any concerns in his opinion with the language of the deed that they have read and Law Director Moore noted that having their positions in writing and not given orally would hold more weight if it ever had to go to court and also noted he has not seen the document in its entirety and that since a snippet of the language has been brought to Council that now makes it relevant. Law Director Moore also questioned where the snippet came from in the first place. Auditor Shinn noted is seems this deed restriction is what is giving some of Council pause and noted if it was already zoned properly than Council would not be aware of the deed restrictions since it would not have gone to Council. CM Buxton asked if the City is able to buy the property and remove the deed restrictions and Mayor Hazel noted the restrictions travel with the deed and only the original entity would be able to lift the restriction from his understanding. CM Baltzell made a motion to pass the Ordinance, seconded by CM Gray. Motion failed with a roll call vote 4-2-1 Aye.

**ADMINISTRATIVE REPORTS:**

Mayor Hazel spoke about the Mill Street project and that the bids should be due November 21st and should be brought to Council the following meeting as well as the Public Works Building.

Mayor Hazel congratulated Winans Coffee and Chocolate on their opening the past week.

Mayor Hazel also spoke about the Lions Club doing their trick or treat parade at Bryson Park in 2025.

**FOR THE GOOD OF THE ORDER:**

CM Fleck spoke about some big pot holes on Sugar Street.

CM Sanford spoke about the Parks and how beautiful they are and encouraged people to keep going to the Parks.

Mayor Hazel spoke about the kayak ramp and how they have a sidewalk leading up to it so it is accessible to everyone.

At 8:19 pm, CM Clausen made a motion to go into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee of official, seconded by CM Fleck. Motion passed with a roll call vote 7-0 Aye.

President King adjourned the meeting at 8:58 pm.

Submitted by Michael F. Didonato, Clerk of Council