**REGULAR MEETING OF CELINA CITY COUNCIL – August 23, 2021**

President King called the Regular Meeting of Celina City Council to order at 7:07 pm. Council Members Baltzell, Buxton, Clausen, Fleck, Lochtefeld, Scott and Sovinski answered roll call. Also present were Safety Service Director Hitchcock, Mayor Hazel, Auditor Strawn, and Law Director Moore.

CM Scott made a motion to accept the Agenda with the movement of the Audience Communications after Ordinance 41-21-O, seconded by CM Fleck. Motion passed with a roll call vote 7-0 Aye.

CM Clausen made a motion to approve the minutes of the August 9, 2021 Regular Council Meeting as written, seconded by CM Baltzell. Motion passed with a roll call vote 7-0 Aye.

**COMMITTEE REPORTS:**

CM Lochtefeld reported the Parks and Recreation Committee met August 9, 2021 for updates on the parks improvements projects. CM Sovinski stated arches would not allow fire equipment passage, and he changes his recommendation to monuments.

Council President King reported the Committee of the Whole met August 9, 2021 for discussion of marijuana dispensary and abortion clinics.

**COMMUNICATIONS:**

Liquor License – Bob Evan Restaurants LLC DBA Bob Evans Restaurant 533. Law Director Moore explained D2 permit allows the sale of wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00 am. No action was taken.

**NEW BUSINESS:** (First Reading)

41-21-O: An Ordinance approving a final plat for Eaglebrooke Estates Section VII, Phase I, and declaring an emergency. CM Scott asked why this is an emergency. Mayor Hazel replied these have been passed as an emergency historically.

**AUDIENCE COMMUNICATIONS:**

Sharon Poor, 2311 Eaglebrooke Circle, stated at the zoning board meeting, they were notified there is only one way to get out. The development needs to have another egress. The fire chief stated the development is over the amount of lots and houses that it can legally have without more than one entrance. There was a land swap with Springer, and now the developer does not own the property to Staeger Road. They are now landlocked. The area will now have an additional fifteen families that may not be able to get out. Fire Chief Wolters explained back in 1994, the original plat had a design to go to Staeger Road at some point. There are a total of 92 lots with an additional fifteen being asked for. The City needs to work with the developer to get a second road in. Fire code regulations state it cannot be a temporary gravel road. Calculations coming in off of 197 to a patient in the back indicates seven additional minutes for ambulance travel. We need to come up with a solution to get a road completed sooner rather than later. CM Sovinski stated this is a planning commission process. Subdivision of land is not a part of zoning. The difference between zoning and subdivision regulations is based on contractual law vs land use law. The initial plat was approved with a secondary entrance to the east. Many years have passed and conditions have changed in terms of property development. The continuity of the development is lost. He has a hard time approving this until a definite plan is established on how to address this roadway problem. Director Hitchcock explained in 2010 a public right of way was dedicated. A roadway can be built to Staeger Road. CM Baltzell stated the utilities and asphalt have been put in. The developer had a preliminary approval with investment being made. He is not minimizing the importance of an access road. He recommends to make an access road a requirement for any future phase after this. Carl Huber, RCS Construction, stated subdivision units shall not exceed 30 without a second access road, but there is exception that the number of [dwelling units](https://up.codes/viewer/new_york/ifc-2015/chapter/2/definitions#dwelling_unit) on a single [fire apparatus access road](https://up.codes/viewer/new_york/ifc-2015/chapter/2/definitions#fire_apparatus_access_road) shall not be increased unless [fire apparatus access roads](https://up.codes/viewer/new_york/ifc-2015/chapter/2/definitions#fire_apparatus_access_road) will connect with future development. He pointed out that the Wheatland Acres only has one access with 40 lots. Reserve subdivision has 24 lots will only be able to add 6 more lots. Back in 2010 Randy Bruns represented RCS and committed to getting the street completed with the next phase. CM Sovinski stated he would like to see a stone access road off Staeger Road for construction vehicles to use instead of using a City roadway. Carl explained other cities he has worked with have installed a stone roadway to be used by only emergency vehicles. CM Scott stated he understands the necessity of having a road is needed for safety, and asked if there is a potential for a lawsuit if it is not completed. Law Director Moore responded there may be something out there possible. He explained the City adopted the state fire code. Section D107.1 states the number of dwelling units cannot be increased unless it will connect with future development. Carl Huber stated there are conversations being held to get the roadway completed to Staeger Road. CM Sovinski recommended the City require performance bonds requiring the developer to work out a plan with administration to to address the commitment to a second outlet. He suggested to pass the Ordinance to seconding reading, with administration meeting with the developer to ensure a second access is committed.

John Irmscher, stated he sold the property to Bruns and distributed a map of the original plan. The City has an option to legally put in the road by getting the land through eminent domain. CM Sovinski stated there is a right of way already in place for the development of a roadway. The cost of building the roadway is the problem.

CM Scott stated the roadway could be put in right now. It is a matter of paying for a road that should be paid by the developer. Carl Huber explained in future expansions, the developer is looking to work with the City to put in a roadway. This development has nine lots pre-sold. Preliminary approval was completed in November. They have made investments to the area, and was blindsided with the expansion of the road.

CM Baltzell stated he is in agreement that the it should have been addressed with the preliminary approval. He suggests a gravel construction drive. With future development, the roadway can happen. Chief Wolters stated he is not opposed to these fifteen lots. The City needs to work with the developer to get something in place sooner than later.

CM Sovinski stated the City would like to see the lots sold. The importance of the second road has been overlooked in the past. The people who live there needs to have assurance that the roadway will be going in. A performance bond should assure it will be completed within a certain time period.

Tom Hone, Planning Commission member, stated the Planning Commission approved this plat with the condition that there would be no more construction after these fifteen lots are developed. It is okay for these fifteen lots only until there is an access road from somewhere. The straight shot out to Staeger Road is not the only option for a second roadway. A preliminary plat approval means they agree in theory with their plans. It doesn’t mean to develop their property and put in infrastructure.

Jack Bruggeman 2036 Eaglebrooke Parkway stated all construction vehicles go by their house. It would be helpful as a first step to get the construction access road.

Mayor Hazel stated a committee meeting and special meeting can be called to help with the timely passage of this Ordinance.

CM Sovinski made a motion to pass the Ordinance to second reading, seconded by CM Scott. Motion passed with a roll call vote 7-0 Aye.

42-21-O: An Ordinance authorizing the Safety-Service Director to advertise and receive bids and enter into an agreement for a new basketball court at the Bryson Park District, appropriating funds, and declaring an emergency. Director Hitchcock reported the location of the court will be between Elmgrove and the canal section. It will be one full court. There is room to add another court in the future. CM Scott made a motion to suspend the rules, seconded by CM Buxton. Motion passed with a roll call vote 7-0 Aye. CM Fleck made a motion to pass the Ordinance, seconded by CM Lochtefeld. Motion passed with a roll call vote 7-0 Aye.

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

37-21-O: An Ordinance accepting donations from KLS Construction and Redhawk to the City of Celina Parks for the donation of a football five man blocking sled and a three bay cooler to appropriate funds to memo post these donations and declaring an emergency. CM Buxton asked if these are similar to single blocks. Mayor Hazel stated yes. CM Scott made a motion to pass the Ordinance to third reading, seconded by CM Buxton. Motion passed with a roll call vote 7-0 Aye.

(Third Reading):

35-21-O: An Ordinance accepting a donation from the Celina Moose Lodge #1473 for the Celina Fire Department for iPad Pro 11 pads and appropriating funds. CM Clausen made a motion to pass the Ordinance, seconded by CM Sovinski. Motion passed with a roll call vote 7-0 Aye.

11-21-R: A Resolution accepting a donation form Princess Sue Hess to the Celina Police Department. CM Scott made a motion to accept the amended Resolution changing the donation amount from $100 to $200, seconded by CM Fleck. Motion passed with a roll call vote 7-0 Aye. CM Clausen made a motion to pass the Resolution, seconded by CM Buxton. Motion passed with a roll call vote 7-0 Aye.

**ADMINISTRATIVE REPORTS:**

Mayor Hazel reported all the Celina flags are lowered at half-mast in honor of former Mayor Paul Arnold’s passing. He has been in involved in the community for several years. The parks restrooms foundations have been poured. The splash pad was closed yesterday because of a waterline break. The three ends for the zip lines have been put in place. The playground equipment has been set in place. There is fall protection that will be put under the zip lines. Two big problems for the proposed sandbox could be feral cats and boring bees. They are looking at another possibility. Also being next to a water park there is potential for sand to get in the filters. The first disbursement of $546,000 for the Covid relief has been approved for receipt in September.

A Committee of the Whole meeting was scheduled for 6:00 pm Monday, August 30, 2021 with a possible special meeting immediately following.

Law Director Moore reported the opioid settlement litigation was filed before the deadline and he has heard nothing since then.

**FOR THE GOOD OF THE ORDER:**

CM Scott asked about the progress of pickleball courts. Director Hitchcock responded we have not heard back regarding grant approval.

CM Buxton stated he had a lady from St. Marys complement our challenge court at Eastview Park.

CM Clausen stated there is a large amount of furniture sitting out on Touvelle Street just before Mill Street.

President King asked if it would be feasible for a coming soon sign with pictures of future development at the park. He also reported Oak Street by Sherwin Williams is in bad shape. Director Hitchcock responded a resurfacing list will be presented at the next council meeting to bid out this year to get on the contractor’s schedule for next spring.

Council President King adjourned the meeting at 8:36 pm.

Submitted by Joan S. Wurster, Clerk of Council