Committee of the Whole

August 23, 2021

Present: President King; Council Members Baltzell, Buxton, Clausen, Fleck; Lochtefeld, Scott, and Sovinski; Safety-Service Director Hitchcock; Mayor Hazel; Auditor Strawn; Law Director Moore.

President King called the meeting to order at 6:00 pm for consideration of bringing an Ordinance to restrict Celina as a providing abortion clinics. Several people have approached him about this and the current U.S. President is saying he wants to have an abortion providing clinic in every zip code.

Law Director Moore reported he reached out to Gary Hunter, Executive Director of the Ohio Municipal Attorney’s Association regarding council banning abortion clinics in Celina. He reported Mr. Hunter responded in his opinion, legislation is unenforceable and could result in law suits hard to defend. To summarize if someone is against something on the federal level, you need to go to the federal level to address the issue. If something were to pass and a business sets up something in violation, he believes they would win in a law suit. His personal concern is it might also come back to each council member to pay back the City for legal costs associated with any suits.

CM Clausen stated other cities have established laws that restrict the second amendment. They are already restricting people’s rights. A precedence has already been set that they would not sue any other Cities. Law Director Moore responded there is a belief amongst some groups to engage in nullification of a federal law, but it has no place in American juris prudence. He believes if we pass this Ordinance, planned parenthood will attempt to open a storefront in Celina. They will get denied, and the City will get sued.

CM Scott stated he does not want his opinion to reflect on what is legal and not legal. He does not want to see action taken against the City because of an Ordinance that was passed. He is not giving his thoughts on the abortion issue, but rather on legal aspects of what we can do.

CM Sovinski stated we have a Law Director telling us if we pass legislation to this effect, it will be ineffective. He does not like the idea of passing legislation knowing it will not be enforceable. People are expecting a result from this legislation, which could mislead them to thinking there is a safeguard to restrict this type of clinic.

CM Fleck stated the legal reality is that if we pass the legislation, it can put the City in a legal fight. He also does not want to see abortion providing clinics in Celina.

CM Baltzell stated he does not believe in abortion. He thinks the demographic for Celina does not seem to be an ideal place for an abortion clinic. Lebanon has passed restrictive legislation, and he asked if they have had any suits filed against them. Law Director Moore replied he does not know of any to date. CM Baltzell further stated we are trying to set an example in hoping that other Cities follow. He is concerned of the potential costs to the City and what the City will get out of it.

President King stated there has been an offer for defense from the former solicitor general in Texas to the City if we get into a lawsuit over this. We need to decide how the people of Celina want the Council to represent them. Sooner or later precedence gets set because somebody does something. He sees abortion as something that should never take place in the City of Celina and wants to set a precedence for other cities to follow.

CM Sovinski stated he believes no one will want to put a clinic in a pro-life county. Legislation could set up Celina as a target for someone to attack. If we do nothing, the chances of an abortion clinic coming to a pro-life community is probably less than a tenth of a percent.

CM Fleck questioned how much weight a Resolution would carry. Law Director Moore responded it does not carry the same weight as a law, but Council could state their collective beliefs through a Resolution.

CM Baltzell asked what process a business would need to go through to establish this type of business. Mayor Hazel responded a business would generally come to the City to find out the zoning in a particular area. If there is no non-allowable zoning, they would still need to get a zoning permit.

CM Sovinski stated an abortion clinic would be considered medical and could move into an existing building without a permit. Mayor Hazel replied they would need to get a state permit to make any changes to the building and would need to go through the City’s zoning permit process.

Shawn Meyer, Pastor in Celina stated the City would have one hundred percent support from his church for becoming a sanctuary City for the unborn. There are thirty-six sanctuary cities for the unborn in the country right now. There has only been one legal challenge and it has been withdrawn.

Mike Spencer, 424 N. Main Street, stated he agrees that planned parenthood is not likely to choose Celina Ohio. He also agrees that if Council does pass legislation, it would cause a legal challenge and we could likely lose the fight. Abortion is unjust intentional killing of children. But we have a duty to be aggressive in fighting the battle, because the children of this community are a target. Prudence and wisdom are in order here. Culture today is lacking wisdom, and not courage and love. He believes God honors principles, and it is the Council’s job to be principled and do the right thing.

Matt Driggs, 817 Kensington Lane, stated they will come to Celina if there is money to be made. It’s about principles. We need to be a leader and not the sheep. Once a building is zoned medical, they can add any medical service they want. Which means an existing business could add abortion services. They can also prescribe medical marijuana. Google what sonograms and ultrasounds looked like back when abortion was approved vs. what they look like now. Members have been elected to protect the community.

Angie King, stated Celina voters just approved $50 million for children ages six to eighteen. Our community is pro-life and pro child. Some states have imposed restrictions and limitations on abortions. It doesn’t change the law. It doesn’t mean that somebody can’t go to another community. It means Celina values kids and values life. That doesn’t mean just from ages six to eighteen. It starts at conception.

CM Sovinski made a motion to pursue a Resolution that would make it clear the City’s opinion on abortion, but not restrict its practice, seconded by CM Scott. The motion failed 4-3 Nay. CM Baltzell, Clausen, Fleck, and Lochtefeld voted no. CM Buxton, Scott and Sovinski voted yes.

CM Clausen made a motion to bring an Ordinance to put forth regulations restricting locations of these type facilities.

CM Sovinski stated those restrictions would need to amend the zoning Ordinance. Mayor Hazel stated there are pharmacies that offer the morning after pill, which is a form of abortion.

CM Clausen made a motion for Administration to bring an Ordinance declaring Celina a sanctuary City, seconded by CM Baltzell. Motion passed with a roll call vote 5-2 Aye. CM Lochtefeld and CM Sovinski voted Nay.

The second order of business was marijuana dispensaries. Mayor Hazel reported he already has a business that wants to move into a building on Main Street.

Law Director Moore explained medicinal facilities are prohibited around any parcel containing a park, church, or school. He asked if Council wants to look to expand the state zoning on medical facilities. If it becomes recreational, the City would already have something on the books. The average law takes 90 days to come into effect which would allow us to figure it out on the local level.

CM Fleck stated the state is going to expand the region to allow for more facilities.

CM Sovinski made a motion for an Ordinance to be drafted for a 1000’ radius restriction, seconded by CM Fleck. Motion passed with a roll call vote 7-0 Aye.

CM Lochtefeld asked if it is possible to add a restriction around the courthouse. Law Director Moore responded it can as long as it is not a blanket prohibition.

President King adjourned the meeting at 6:57 pm.