**REGULAR MEETING OF CELINA CITY COUNCIL – September 11, 2023**

Council President King called the Regular Meeting of Celina City Council to order at 7:00 pm. Council Members Baltzell, Buxton, Clausen, Fleck, Lochtefeld, Scott, and Sovinski were present. Also present were Mayor Hazel, Auditor Shinn and Law Director Moore.

CM Clausen made a motion to amend the Agenda, seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye. CM Scott made a motion to pass the Agenda, seconded by CM Lochtefeld. Motion passed with a roll call vote 6-0 Aye.

At 7:03 pm, CM Fleck made a motion to go into executive session to consider appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, seconded by CM Baltzell. Motion passed with a roll call vote 6-0 Aye.

The meeting convened in Executive Session at 8:00 pm. Attendees of the Executive Session were President King; Council Members Baltzell, Buxton, Clausen, Fleck, Lochtefeld, and Scott; Mayor Hazel, Auditor Shinn, and Law Director Moore.

CM Scott made a motion to accept the tentative agreement with the firefighters, seconded by CM Fleck. Motion passed with a roll call vote 6-0 Aye.

CM Baltzell made a motion to accept the minutes, seconded by CM Clausen. Motion passed with a roll call vote 6-0 Aye.

**COMMITTEE REPORTS:**

None.

**COMMUNICATIONS:**

None.

**AUDIENCE COMMUNICATIONS:**

Brian Anderson who resides at 805 East Wayne Street asked about the employer relations audit and Pat Hire from Clemons and Nelson spoke about the audits and which ones started and when others may be started. Pat noted what has slowed down the starting of the firefighter audit while also noting that the police audit has started. Brian asked about all city employees doing the audit and Mayor Hazel noted that is the intent but they want to focus on police and fire currently. Brian also noted that Clemons and Nelson are still doing the audit technically and Mayor Hazel noted the person conducting the audit is from Michigan and has no preconceived notion about the City or its employees. Brian noted he believes there still can be a conflict of interest because of Clemons and Nelsons relationship with the City. Mayor Hazel confirmed the anonymity of these audits and stated that there would be no retaliation from these audits. Brian noted he believes the audit and contract talks can take place at the same time and mentioned he believes the audits should take place as soon as possible. Brian also mentioned that about half of the fire department is in the process of looking for employment elsewhere. Pat Hire confirmed and discussed the anonymity and well as what is discussed during an employer relations audit.

Jeff Larmore who resides at 608 Kingswood Drive spoke about the Bryson Park and the will that Ed Bryson left and how Jeff believes the City is using the trust outside of the parameters that were initially laid out in the will. Jeff spoke about Ed’s love for Celina as well as how big of a big sports fan he was. Jeff spoke about the Bryson Park purchase and how much the trust and the City each paid for the park. Jeff mentioned that he believes the purchases that were made using the trust should follow stricter guidelines based on what the will said. Jeff noted that City can do whatever they want with the park but if they rent out parts of the park for events at all then they should return the money to the trust that was used to help purchase the land. Jeff believes the events could take place but the City should not be renting out parts of the park to the public and also noted that when he was on council and they agreed to use the trust for land acquisition it was with the stipulation they would follow the will of Ed Bryson. Jeff asked Law Director Moore if the City has any liability for falling outside the parameters of the trust and Law Director Moore noted it is not only about what Ed Bryson wrote in his will but also what the Mercer Country probate court from 1960 to present and how they interpreted the will. Law Director Moore noted that every penny we spend gets reviewed and he does not think there is any liability that he is aware of. Jeff noted that they are just telling the court that they want X amount of dollars and they are going to make a park out of it and the City builds an event center he believes that is outside the parameter of the initial purchase. Law Director Moore noted from his recollection that there were no land use restrictions. Jeff mentioned that when he was on council and voted yes it was to build a park and put things like the splash pad in it which has since been built. Jeff mentioned that if an event does not have to do with sports, they should not be happening in the parts of the park that the trust paid for. Jeff again spoke about the third-party leases of public park land to any group or event should not be happening in the land that was purchased using the trusts money. Jeff asked if he or anyone is able to rent out the splash pad or other parts of the park and it was confirmed they do not rent that side of the park. Mayor Hazel noted that the pool can be rented after hours but the parks cannot be rented out. Jeff noted the precedence of renting out part of the park means someone could certainly try to rent out the splash pad and be authorized to do so. CM Scott spoke about the amphitheater and Jeff noted that that was not built on the land the trust paid for and that he is not worried about what they do with the other land. Jeff also noted that the amphitheater should be used more and the City should hire an event planner.

Brian Anderson who resides at 805 East Wayne Street spoke about half of the fire department looking into other job opportunities and how that does not reflect the leadership within the fire department and that the new chief is respected and appreciated. Brian also spoke about the possibility of auditing people who have left somewhat recently and how they could have valuable information the City needs and wants. Brian also mentioned that anonymity is probably not as important for previous employees and noted how they could still keep in anonymous.

Ken Lange who resides at 1402 Canterbury Drive asked if there were any pending or imminent law suits against the City and Law Director Moore spoke about the pending action at the Mercer County probate court and that there are many threats against the City that crosses his desk and that the probate court has been going on since 1960.

Law Director Moore spoke about the drag show event that took place in 2023 as well as the fact that an application for next year’s event is pending. Law Director Moore noted that the questions have been asked of what can the City do to regulate such activity in its parks and that the short answer is no local moral regulations that can be implemented without violating First Amendment rights with rule changes, permit application changes, and or banning assemblies on public property. Law Director Moore noted that people sometimes use colorful language under the protection of the First Amendment and since the event has taken place previously with attendees for and against the event in attendance without any criminal acts taking place. Law Director Moore brought up a case in Utah where a drag show was determined to be free speech and also noted another case that occurred in Ohio where it was determined that free speech was used and allowed when someone wore a shirt that read F\*\*\* the Police where many children were present. Law Director Moore also spoke about City workers not being able to enforce unconstitutional laws and that if they did, they would be subject to being sued and having to pay themselves and not using City funds.

Jeff Garman who resides at 321 East Main Street in Saint Henry noted an instance in 2014 when a former student from a firefighter class reached out about possibly taking a job with the City of Celina and mentioned that they heard about the hard-working environment and unfavorable view. Jeff noted that as a former employee he believes this is an on-going issue and wanted council to be aware.

CM Clausen noted that some of what Law Director Moore discussed was also mentioned in an executive session and asked if that is allowed to be talked about now and Law Director Moore stated anything discussed in executive session is not permitted to be discussed but what he just discussed is not allowed to be talked about. CM Clausen asked for clarification on if any event can be banned that does not have criminal behavior and action occurring and Law Director Moore noted that to be the case. CM Clausen asked about strip clubs being banned in the City and Law Director Moore noted that falls under a less protected version of the First Amendment but also mentioned that certain zonings can be regulated because they were able to show that those establishments tend to have an increase in certain criminal activity such as prostitution and drugs. CM Clausen asked if they were able to regulate events to certain time frames where children are less likely to be in the parks and Law Director Moore noted that people on the lake have wet t-shirts and does not believe it violates any indecency law.

Law Director Moore spoke about a case he was requested to review involving inappropriate items being sold during an event held at Bryson Park on June 24th, namely a plush pillow in the shape of male genitalia as well as bottle toppers. Chief Wale received the vendors phone number and called and spoke to the owner/operator of the items being sold and noted that a conviction in this case was not likely and if it did occur it would likely be turned over on appeal. Law Director Moore read off his letter that he responded to Chief Wale with and mentioned cases that have successfully been charged with disseminating matters harmful to juveniles and the drastic differences between those cases and this potential one. CM Clausen noted that all examples were in a more private setting with family and asked if there were any examples in a public space such as a park and he mentioned the Utah case he previously discussed.

Ken Lange who resides at 1402 Canterbury Drive noted his believe that the City may be opening itself up to lawsuits by doing nothing about the drag shows as well and asked the Law Director if someone can possibly win a case where a kid mistakenly ends up at the drag show and Law Director Moore pleaded it was more than a yes or no question. President King mentioned that this is an ongoing issue and mentioned other states that have had different ruling than in Utah.

Ryan Bellman who resides at 112 Canterbury Drive spoke about his displeasure with what he called grown man dressed as woman shaking their body parts in kids’ faces. Ryan noted that nobody should be allowed to do that in a public park. Ryan mentioned that things at the event that were illegal did take place but people are afraid to say anything out of fear of being doxed online. Ryan asked if the City said no to the drag show would the Pride Event be able to win that lawsuit and Law Director Moore stated they would win the lawsuit and Ryan noted his confusion on why that is a yes or no question but previous questions were not and Law Director Moore pointed to all of the cases he has read today. Ryan noted that the Pride Event itself is not the problem to him and just the drag show crosses the line and does not see why they cannot simply hold the drag show in a private establishment.

Andrea Strable who resides at 7361 Dibble Road spoke about something that happened in March at the Library and the books that were on display on the teens and tweens bookshelves and noted that some Pride Event members protested the removal of that book which shows two males having anal sex where one is also asking for permission to stick his finger in the others butt. Andrea also noted other sexual acts that were displayed in the book as well as fluids being shown and again this book was on display for the teens and tweens in the library and noted that tweens are first through eighth grades. Andrea spoke about her feelings as a mother and how this is stuff that should not be on display at a library.

**NEW BUSINESS:** (First Reading)

**10-23-R:** A Resolution accepting the amounts and rates for the City of Celina as determined by the Mercer County Budget Commission, authorizing the necessary tax levies and certifying them to the County Auditor, and declaring an emergency. Auditor Shinn noted that the rates did not change from last year and that we are getting less money overall but the same percentage of funds and the only reason we are receiving less is because the County received less. CM Scott made a motion to suspend the rules, seconded by CM Clausen. Motion passed with a roll call vote 6-0 Aye. CM Baltzell made a motion to pass the Resolution, seconded by CM Lochtefeld. Motion passed with a roll call vote 6-0 Aye.

**11-23-R:** A Resolution accepting the Local Government Fund amount and rate determined by the Mercer County Budget Commission, and declaring an emergency. 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 Resolution, seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye.

**12-23-R:** A Resolution accepting a donation from Princess Sue Hess to the Celina Police Department and declaring an emergency. CM Clausen thanked Princess Sue Hess for her continued support of the Celina Police Department and made a motion to suspend the rules, seconded by CM Baltzell. Motion passed with a roll call vote 6-0 Aye. CM Lochtefeld made a motion to pass the Resolution, seconded by CM Buxton. Motion passed with a roll call vote 6-0 Aye.

**13-23-R:** A Resolution authorizing the Mayor of the City of Celina to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required, and declaring an emergency. CM Buxton asked if it was all or only part of Mill Street and Mayor Hazel noted the whole street has to be rebuilt and this is project for 2025 or 2026 and that is why it is so much money and using this grant money will help. CM Scott 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):

**34-23-O:** An Ordinance to establish a City Tree Commission, including establishing the Commission’s purposes and objectives, membership and terms, compensation, and meetings and procedures. CM Fleck made a motion to pass to a third reading, seconded by CM Clausen. Motion passed with a roll call vote 6-0 Aye.

**OLD BUSINESS** (Third Reading):

None.

**ADMINISTRATIVE REPORTS:**

Mayor Hazel spoke about the remembrance of 9/11 and also spoke about the plein air event that took place over the weekend and spoke about some of the attendees and host of the event.

Law Director Moore spoke about the last meeting where the question was asked about not stating addresses before speaking to Council and noted that he put out a question to other law directors at municipalities in Ohio and noted that two of the twenty-five or so responses noted they did not require anyone to give that information but others noted the benefits of giving addresses as well as when their audience communication was during the council meetings. Law Director Moore noted that most places do require you to give addresses but noted there are other alternatives but also mentioned that he does not see anything in the Ohio Revised Code that forces the body to hear addresses before they speak. A committee of the whole meeting was scheduled at 6:45 for the next council meeting on the 25th of September.

**FOR THE GOOD OF THE ORDER:**

CM Fleck noted that although he may not like what Law Director Moore says or the conclusions he does appreciate and respect the works that he does and how pleased he is overall with the work.

CM Buxton asked about Staeger Road and how concrete is being dumped into the ditches and making it impossible to mow the ditches and Mayor Hazel noted that would be a township issue but he can reach out.

CM Clausen noted the discussion tonight about past City employees and asked about exit interviews and Mayor Hazel noted that department heads usually do that but we will make it administratively issued from now on as people leave so we have things on file.

At 10:00 pm, CM Scott made a motion to go into executive session for matter required to be kept confidential by federal law or regulations or state statutes, seconded by CM Clausen. Motion passed with a roll call vote 6-0 Aye.

The meeting convened in Executive Session at 10:07 pm. Attendees of the Executive Session were President King; Council Members Baltzell, Buxton, Clausen, Fleck, Lochtefeld, and Scott; Mayor Hazel, Auditor Shinn, and Law Director Moore.

President King adjourned the meeting at 10:08 pm.

Submitted by Michael F. Didonato, Clerk of Council