

## REGULAR MEETING OF CELINA CITY COUNCIL June 22, 2009

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President Rodriguez called the Regular Meeting of Celina City Council to order at 7:00 p.m. Council Members Buxton, Jeffries, King, Larmore, Scott and Sell answered roll call. Also present were Mayor LaRue, Interim Safety Service Director Bachelor, Planning & Community Development Director Bryan, City Law Director McKirnan, and Assistant City Law Director Nickell.

CM Sell made a motion to amend the agenda by moving the Audience Communications to the beginning, seconded by CM Larmore. Roll call vote 6-0, Aye.

### **AUDIENCE COMMUNICATIONS:**

Several people were present who expressed their concerns about a draft ordinance concerning permits needed for parades, demonstrations, and public assembly. Those expressing their concerns were:

- Robert Budde of 4510 Meadowview, Lima
- Kenneth Chappel of 320 Lexington Ave., Eaton
- Linda Ellinger of Riley St., Celina
- Katlyn Leugers of 324 N. Walnut St., Celina
- Ron Hammons of 1135 West Bank Rd., Celina
- Bob Valentine of 107 N. Wayne St., St. Marys
- Jim Tesno of 100 N. Main St., Celina
- Tim Townsend of 9420 Rice Rd., Celina
- Teresa Leugers of 324 N. Walnut St., Celina
- Kenny Slorp of 621 Hoying St., Celina
- Judy Wayne of 804 Briarly Circle, Celina
- Marilyn Frank of 232 Jackson Dr., Celina
- Kumar Sivagnanam of 516 Locust St., St. Marys
- Leon Post of 1377 Township Line Rd., Celina
- Virginia Wood of 117 Mariners Point, Celina
- Jason Now of 5192 Gause Rd., Coldwater

CM Sell thanked everyone for attending. He said the committee discussion was about preventing two community groups from being at the same place at the same time. Originally the permit had a fee attached of \$25 but the committee said no fee.

Mayor LaRue said the situation that happened last year at Freedom Days was new to us. They waited for the trial to be over and then asked the law department to look at this. They wanted to do something so this situation would not happen again.

Law Director McKirnan stated that last year's situation went to court with one gentleman being found not guilty and the other gentleman guilty. The law department was asked to see what they could come up with to help with this situation not happening again. He explained how they came up with the ordinance. He said it does not regulate free speech but establishes procedure for permit so that other activities are not affected, there is proper police coverage if needed, traffic control etc.

Chief Slusser said they are trying to make sure there is not a direct confrontation between two groups no matter what the groups stand for.

Assistant Law Director Nickel showed the audience several pages of notes so this would help them understand that the administration and council are not taking this ordinance lightly. She said they will continue to discuss this.

President Rodriguez explained that council does a lot of work on issues in committee meetings and thanked them for that.

After approximately one hour of audience communications, President Rodriguez thanked everyone for coming and took a brief recess before starting the remainder of the meeting.

CM Sell made a motion at 8:15 p.m. to go into executive session for property acquisition and personnel matters, seconded by CM Scott. Roll call vote 6-0, Aye. At 9:12 p.m. a motion to come out of executive session was made by CM Sell, seconded by CM Scott. Roll call vote 6-0, Aye.

CM Sell made a motion to accept the minutes of the June 8, 2009 regular council meeting as written, seconded by CM Larmore. Roll call vote 6-0, Aye.

### **COMMITTEE REPORTS:**

CM Scott reported that the Utilities Committee met on June 15<sup>th</sup>. They discussed wastewater pollutants limitations and fines. He said the committee revised some of the fines and explained those. The committee also added an emergency clause to the ordinance.

CM Sell said the Community Betterment Committee met June 15<sup>th</sup> and discussed permit requirements which was discussed during the audience communication tonight.

### **COMMUNICATIONS:**

Director Bryan reported:

- CDBG Formula grant was sent in to the county
- OPWC grant due July 1<sup>st</sup>
- More funds available through CDBG
- \$210,000,000 grant money available for fire stations, application due July 10<sup>th</sup>
- Tonight, the school board may be taking action to give the City 12 feet of right of way to put sidewalks in, Chapman's is giving us right of way for this on their property (Logan Street)

### **NEW BUSINESS: (First Reading)**

43-09-O: An Ordinance approving certain Then and Now Certificates for expenditures by various departments, and declaring an emergency. CM Sell made a motion to suspend the rules, seconded by CM Jeffries. Roll call vote 6-0, Aye. CM Sell made a motion to pass the ordinance, seconded by CM Larmore. Roll call vote 6-0, Aye.

### **OLD BUSINESS: (Second)**

38-09-O: An Ordinance amending Chapter 917 of the Codified Code of the City of Celina, Ohio as enacted in Ordinance 19-02-O pertaining to the sewer discharge prohibitions and associated penalties and declaring an emergency. A motion to accept the amended version presented tonight was made by CM Sell, seconded by CM Scott. The motion passed by voice acclamation. CM Scott made a motion to suspend the rules, seconded by CM Larmore. Roll call vote 6-0, Aye. A motion to pass the ordinance was made by CM Larmore, seconded by CM Buxton. Roll call vote 6-0, Aye.

41-09-O: An Ordinance authorizing the Safety Service Director to enter into a grant agreement, accepting a grant from the Tony Hawk Foundation for construction of a skate park, establishing funds for recording the receipts and expenditures, and appropriating the funds and declaring an emergency. CM Jeffries explained what he found out about the skate park in Delphos. CM Sell made a motion to suspend the rules, seconded by CM King. Roll call vote 6-0, Aye. CM Larmore made a motion to pass the ordinance, seconded by CM Buxton. Roll call vote 6-0, Aye.

9-09-R: A Resolution declaring the necessity of constructing and repairing certain sidewalks and curbs in the City of Celina, Ohio, and requiring abutting property owners to construct and repair the same (Ward II, Sidewalk Program) and declaring an emergency. Director Bachelor explained there are several projects on the list that we don't have enough money to do but still want them on the list so we know they have been noted that they need repair. A motion to suspend the rules was made by CM Scott, seconded by CM Sell. Roll call vote 6-0, Aye. CM Larmore made a motion to pass the resolution, seconded by CM Sell. Roll call vote 6-0, Aye.

With Mr. Bachelor resigning his council seat, CM Scott made a motion to nominate CM Sell as President Pro Tem, seconded by CM Jeffries. Roll call vote 5-0, Aye. CM Sell abstained.

### **ADMINISTRATIVE REPORTS:**

CM Scott asked how the contractor was chosen for the Mersman project. Jeremy Hinton said the bid was listed on the web site. Director Bachelor said bids go to the controlling board and they respond by numbers put together by our consultant.

CM Jeffries asked what effect the brick dust is going to have on our water. Director Bryan said that Mike Sudman has been working at the intake building and there has been no indication of problems.

Jeremy Hinton explained that Johnson Ave. will have the curb line straighten to the best it can be without having to go to property owners. There will be new sidewalks and street lights.

Mayor LaRue reported:

- Triathlon cancelled in July
- July 6<sup>th</sup> is Celina Day at the Mariners Game

Director Bachelor reported:

- OEPA is drawing water samples
- Parks & Recreation baseball season is coming to an end
- In 2<sup>nd</sup> week of craft program
- 40 teens in attendance at teen night at the pool
- July 10 & 11 there will be 12 teams in a girls softball tournament
- Thanked Mrs. King and volunteers who worked in Eastview Park
- Foundations poured for new traffic lights at Portland & Logan
- Wastewater treatment plant bid documents ready by end of week
- Went over some revenue numbers

President Rodriguez appointed CM Buxton chair for the Personnel & Finance Committee.

### **FOR THE GOOD OF THE ORDER:**

CM Larmore asked where we stand with Main and Wayne intersection. Jeremy Hinton said that in early July it will be newly painted with the turn lane taken out and parallel parking will be marked in that area.

CM Larmore said that Rotary has a check for nice trash cans along the walkway.

CM King said she received a call thanking the City for the mulch at the playground equipment.

A Parks & Recreation Committee meeting was set for July 6<sup>th</sup> at 4:30 p.m. at the utility building.

CM Sell had a couple items:

- He received a call about huge pot holes in the alley between Anthony & Wayne.

- Asked if there was any money available to do the 500 block of Hierholzer. Director Bryan explained that he tried to include that area in a CDBG grant but didn't receive enough surveys back to include them.
- Asked if city hall repair work is done. Director Bryan said he's not sure. If it is not, he will check to see when they will be back to finish.

CM Jeffries commented that he was at the light at Wayne and Main and saw a big semi make the turn with no problems.

CM Scott gave his cell number to council. He no longer has a land line. He also asked if anything has been looked into on bike sales on Touvelle St. Director Bryan said not yet.

CM Buxton had a couple questions:

- He asked about Reserve Subdivision pavement. Director Bryan said he is still looking into that.
- He asked about lights being put in on new piers. Director Bryan said there will be and they will be up as soon as possible.
- He asked if wrecker services used by the City meet all the requirements with insurance, etc. Chief Slusser said yes, they do meet the requirements of liability insurance, permanent phone, and storage building to name a few.

CM Scott mentioned that he noticed up to the City limit sign on the walkway that it is nice and clean but the other way is dirty so the City is doing a good job.

President Rodriguez adjourned the meeting at 10:30 p.m.

Jackie L. Lacy, Council Clerk