

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 11, 2023

Mayor O'Callaghan called the City of Union council meeting to order on September 11, 2023, at 7:30 p.m.

Attendance was taken and the following council members were present, Mayor O'Callaghan, Mr. Bruns, Mrs. Oberer and Mrs. Thomas-Roth.

Other City staff members attending the meeting were John Applegate, City Manager, Denise Winemiller, Clerk of Council and Joe Moore, Law Director.

Mayor O'Callaghan called for a special moment of silence in memory of the people who lost their lives on 9-11, 22 years ago during the terrorist attacks.

Mayor O'Callaghan informed Council that he received a call and Mr. Bennett is ill and would not be attending the meeting and moved that his absence be excused. Mr. Bruns second the motion. All concurred and his absence was excused.

Mayor O'Callaghan said that Mr. Niemann was not able to attend due to personal reasons and Mayor O'Callaghan moved that his absence be excused. Mrs. Oberer seconded the motion. All concurred and his absence was excused.

Mayor O'Callaghan continued that Mr. Prunier is on vacation this week and moved that his absence be excused. Mr. Bruns seconded the motion. All concurred and his absence was excused.

1. Mayor O'Callaghan asked if there were any additions, deletions, or corrections to the minutes of the August 14, 2023, Council meeting. There were no corrections.

Mr. Bruns moved to approve the minutes of August 14, 2023 as prepared. Mrs. Oberer seconded the motion. All concurred and the minutes were accepted as prepared.

2. Citizen's and Visitor's Comments.

Mayor O'Callaghan acknowledged Douglas Francis who asked to speak about traffic control by the Covered Wagon.

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Mr. Francis said he's lived on a side street directly across from the Covered Wagon for 10 years or so and had the misfortune of witnessing accidents at the entrance of the Covered Wagon. Mr. Francis asked the City Council, Mayor, and City Manager to approach the owner of the Covered Wagon about reconfiguring his parking lot of the Covered Wagon store. With the increase in business, the owner installed a fence with flowers that blocks visibility. Mr. Francis suggested having a separate entrance and separate exit. Also, he brought to the attention of Council that the Covered Wagon does not always have the orange protection sign on the back of their trailers when they are on the road and feels that it is in the best interest of everyone that all tractors and trailers have them.

Mr. Applegate replied that they will look at the situation and can talk to Mr. Garber.

Mayor O'Callaghan said he understands Mr. Francis's concerns and thanked him.

Mayor O'Callaghan acknowledged Rick Elworth who asked to speak.

Mr. Elworth directed his questions to the City Law Director, Joseph Moore. He asked what model of policing does the City of Union Police institute?

Mr. Moore responded that he doesn't know of any specific model of policing that they institute.

Mr. Elworth asked Mr. Moore if he had heard of selective enforcement?

Mr. Moore replied that he has heard of allegations of selective enforcement.

Mr. Elworth proceeded to ask what's Mr. Moore's viewpoint on selective enforcement?

Mr. Moore replied that selective enforcement could have several meanings. He does not consider it a good thing and should not happen.

Mr. Elworth elaborated by saying, if a police officer were to target somebody as a personal vendetta that would be considered selective enforcement.

Mayor O'Callaghan acknowledged Tyler Fairburn and his wife who asked to speak.

Tyler Fairburn addressed the Council about the banning of fireworks. He stated that he had to call dispatch on people setting off fireworks and debris landing on his roof and property. When he calls dispatch, he is told that it is legal to set off fireworks. Mr. Fairburn presented the Council with the Ohio Fire Code Excerpt Consumer Fireworks Discharge Rules and also photos of firework debris on his roof and on his property. Mr. Fairburn asked Council to please make some time and

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institute and ban the discharge of fireworks. He continued to say that he spoke to the Chief Fire Marshall, Andrew Gardner. He asked him if it is true if anyone is setting off something in the air regardless of what it is to be 150 feet minimum distance radiance from the discharge point. The entire area is to be clear. No houses, no watercrafts, no people, no nothing. You cannot legally and safely set off fireworks in the City of Union by what the Ohio Fire Code says.

Mr. Applegate asked if he filed a complaint with the Police Department? Mr. Fairburn asked how he can do that and said he would fill out the paperwork. He said he left a message for Chief Blackwell. Mr. Applegate responded that he would talk to Chief Blackwell and make sure he gets the paperwork.

Mr. Fairburn thanked the Council for their time and hopes this issue will be straightened out.

3. ONE READING – 23-08 – RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Mr. Applegate said Resolution 23-08 is one of the annual housekeeping budget items accepting the amounts and rates as determined by the Budget Commission to be approved by Council and certifying it to the county auditor.

Mr. Bruns moved to have the one and only reading and pass Resolution 23-08. Mrs. Oberer seconded the motion. All concurred and Resolution 23-08 was passed.

4. Open Agenda

Mayor O'Callaghan said the street program is going well.

Mr. Applegate said that they are down to the last street.

Mrs. Oberer commented that Applegate Drive looks very good.

Mr. Applegate said we have received a lot of calls that residents appreciate the new re-surfacing.

Mayor O'Callaghan mentioned that the Roundabout is progressing in the Industrial Park.

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Mr. Applegate said the red stamped concrete is going in over there. They are working on their third or fourth pour and they have three more to complete. There will be a piece of artwork placed there that was given to the City by TE-CO Manufacturing. It is three rings that interconnect.

Mr. Bruns reminded Council that there will be a second meeting on September 25, 2023.

Mr. Bruns mentioned the levies for the Police, Fire and EMS are continuing. The street levy was passed in 2020 for five years. We only have a couple more years on the street levy and we need to start thinking about what our next step will be.

Mr. Applegate discussed several projects that the maintenance department is trying to finish up.

Mr. Moore followed up with Mr. Elworth's question on selective enforcement. He stated he wanted to make sure that Council and the public understand. You hear this argument and have no facts about the situations that Mr. Elworth is referring to at all. Mr. Moore continued saying, at times when there is a defense Attorney, and a prosecutor involved, the defense attorney can make the allegation this is a selective enforcement case, and you are just going after him rather than everybody for a specific reason. That would be a question of fact. Which means that for you to prove that or for somebody to say that we are not going to let them testify or this case is not going to go forward, there potentially could be a hearing under oath for people to testify about why they believe this enforcement is not warranted and is more of a vendetta or something like that. Mr. Moore continued to state, I did not want to leave this up in the air. He has heard of these types of allegations over the years, but you don't see that many cases where somebody has been found to be selectively enforcing the law. Mr. Moore stated I am not saying it doesn't exist, but explained there's a bigger picture about what selective enforcement arguments are.

Mr. Elworth replied that there are several facts to the case and was not going to elaborate on them to the City Council. He wanted to bring it to the Council's attention and ask a few simple questions. He knew that Mr. Moore as a Law Director would be at the Council meeting, and he wanted to bounce it off Mr. Moore specifically verses the Council and Mayor and what Mr. Moore's viewpoints were. Mr. Elworth said he realizes Mr. Moore is not aware of what is going on or of the facts here. He understands his perspective and appreciates that and thanked him.

5. Adjourn

Mr. Bruns moved that the council meeting be adjourned. Mrs. Oberer seconded the motion. All concurred and the council meeting was adjourned.

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Respectfully submitted,



Denise A. Winemiller,
Clerk of Council


John Bruns, Vice Mayor