

**CITY OF READING, OHIO  
COUNCIL MEETING MINUTES – REGULAR SESSION  
APRIL 21, 2020 - 7:30PM**

**CALL TO ORDER**

President of Council Cris Nesbitt called the meeting to order at 7:30PM.

**INVOCATION AND PLEDGE**

Mr. Nesbitt led those in attendance in a prayer and the Pledge of Allegiance.

**ROLL CALL**

Council Members Present: Mr. Powell, Mr. Gertz, Mr. Lynd, Mr. Albrinck, Mr. Lindeman, Mr. Fischesser & Mrs. Eadicicco.

**OTHER CITY OFFICIALS PRESENT:**

Safety Service Director Patrick Ross, Auditor Sabrina Smith & Clerk of Council Carla Kacher.

**AUDIENCE PARTICIPATION**

The Clerk of Council, Carla Kacher, read two letters from Reading residents (Duane Mount: 2113 Bolser Drive; Bob Ashbrock: 221 Walnut Street) expressing their support of the Resolution to retain the law firm of Strauss Troy Co. LPA to initiate legal action on behalf of the City of Reading against the Reading Community School district to enforce the requirements of Ordinance 2017-12.

First Letter:

*"I, Duane Mount, of 2113 Bolser Dr. wish to advise Council to vote for seeking an attorney to pursue and demand that the poles on school property be taken down and the wires go underground as required by Councils vote Dec. 26, 2019.*

*I feel from the beginning the administration never had the City and more importantly the citizens (on Bolser) back ever! Plain and simple, now that Council has upheld that the wires should go underground there appears to be no way to enforce that action. We as a community must have Council do that which is right, not only which is easy. This situation has been going on for 3 years, what does it take? Also let's remember that the school board and City Council were present when the PDD was passed on Jan 31, 2017 and to the point the administration should be the enforcer of such matters. Thank you for letting me make my feeling be heard."*

Second Letter:

*"To all Members of Reading City Council:*

*I am writing to urge passage of "A Resolution Retaining the law firm Strauss Troy Co... To Enforce the Requirements of Ordinance 2017-12." I propose that there is far more at stake here than the matter of a willful violation of Reading's zoning code.*

*Beyond the concerns of this particular case, are implications with respect to the role and authority of council while acting in its legislative capacity. If duly passed legislation can be ignored or subjectively "unenforced" by the administrative authority having the enforcement DUTY, then council serves no function in public life. Rather, we can all be governed by executive fiat- separation of powers be damned.*

*Whether you agree or disagree with the requirement (undergrounding of utilities at the school site) is not the question- that decision was made in 2003(with the adoption of the Zoning code making clear such requirement for PDD designation), tacitly agreed to by the school district in 2016 with their application for PDD approval, passage of ordinance 2017-12 ( with school district's ascent), and affirmed most recently on December 26; all this following a highly structured yet open public process. No, this is about things far broader and more far reaching than all that.*

Consider:

*If the purpose of public law is, in part, to protect the personal and property rights of citizens, under what conditions, if any, can that protection be denied? Does the "little guy", doing everything "by the book" in his efforts for redress, ultimately become the victim? Who stands for the individual, your constituent, when the protection of the civil authority is politely and properly sought- on any matter- yet withheld?*

*Voluntary compliance with duly enacted, just laws is a hallmark of a free society; without this we are governed by the law of the jungle. If a deep-pocketed, highly influential institution is permitted to thumb its nose at the rule of law (in a highly visible matter), I fear for us all as a community. And, emboldened by "getting away with it" once, repeat performances are more likely*

*to follow- take note all folks living (or representing the interests of those same people) in the vicinity of Hilltop or Central Schools*

*If this matter is “swept under the rug” citizens can reasonably wonder what else is causing that big lump in the middle of the floor. To ensure confidence in and the legitimacy of ALL governmental actions, it is important that this Resolution be approved, and I ask for your individual and collective support.*

*Sincerely,*

*Robert J. Ashbrock  
|221 Walnut Street  
Reading, Ohio”*

Motion made by Mr. Gertz, seconded by Mr. Lindeman to mark the letters from the residents be received and filed. Motion carried by voice vote.

## **COMMUNICATIONS – None.**

### **COUNCIL COMMITTEE REPORTS**

#### **FINANCE: Anthony Gertz**

- Complimented the President with extending additional assistance for the Country during this time.
- Is apprehensive as to the revenues generated in the General fund as a result of the Coronavirus.
- Resolution on the floor tonight to establish a method, if necessary, to obtain funds to help our City stay afloat. If this is needed and enacted, we will have to pay back these funds.

Questions: Don Lindeman: (1) Inquired if the MSD payment can be obtained quicker. Mr. Gertz and Ms. Smith replied: \$105,000 is coming in 6-8 weeks. There is no expediting this. 4 weeks would be the absolute soonest. (2) How much is in the Growth Fund? Ms. Smith response: \$58,000 after transfers are completed.

- Expects \$92,000 to come in from the refund of our Workman’s Compensation Premiums. \$217,000 additional this year that we were not expecting this year. City Earnings Tax Fund (220 Fund)  $\$649,000.00 + 283,000.00 = \$932,000.00+$

#### **UTILITIES, LANDS & BUILDINGS: Don Lindeman**

- Benna Cotler, Manager of the Bench Project reported that the project is moving up. They will possibly start removing dirt in a week and 3 days. Gorman farms is interested in the soil.
- 8 big recycling dumpsters are down by the Stadium if you don’t have a recycling bin at home.
- Matthew 25 Ministries will accept left over paint. Do not throw these in the garbage or in Recycling.

#### **ZONING, PLANNING & ENVIRONMENT: Dave Powell**

- No Report.

#### **LAWS AND CONTRACTS: Katie Eadicicco**

- I was surprised to receive the ordinance from Mr. Gertz yesterday about the appraisal for Veterans Memorial Stadium. As of our last committee meeting, we were going to have the administration ask if the school is first interested in purchasing the stadium and then we would move forward with an appraisal.

As of right now, with the stay at home order and online schooling, that is not their top priority. I do agree that an appraisal needs to be done but there’s a few things in the ordinance that concern me. One of those being the mention of other uses for the property. In Section II, it states “the Council of the City of Reading directs that the said appraisal shall be conducted to determine the use of the property as a potential industrial/commercial property or a property used strictly for athletic purposes.”

I don’t agree with selling the stadium property for commercial use out from under our student athletes.

I also sent out information on March 14 regarding what I found the History Directory of Reading booklet from 1966 about the purchase of the stadium. It states that shortly after WWII the Kiwanis Club purchased the land and buildings of the old Unexcelled Chemical Co at Market and North Street. This was the former AL Due Fireworks Company. The Kiwanis Club “advanced \$5,700 towards the purchase of the property and then assigned its interest to the city of Reading so that the children of our city might have an athletic field.”

The members volunteered in clearing the land and obtaining bull dozers, air compressors, and other equipment free of charge in order to get the land in condition for a playfield. The estimated value of their labor and equipment at the time was \$15,000.

At the time the history booklet was printed in 1966, it says that “at present the city and the board of education are preparing plans for a stadium with modern shower, locker rooms and concession stands.”

I’ve been trying to find information or documentation on who paid for the stands, etc. as this might affect whether or not the city can even sell the land.

With the Covid-19 pandemic, obviously the stadium contract negotiations have been put on hold and with the city and school taking each day at a time, I feel like it is unnecessary to be conducting an appraisal right now.

Don Lindeman: Offered his assistance with information on the Stadium from his extensive research project he completed a year ago.

Mr. Gertz: Confirmed that the Stadium was paid for by the City back in 1966. Mr. Gertz further explained his reasoning behind wanting to perform the proper evaluation of the Stadium - potential financial problems may require us to know the value of the property. Also concerned as to what the school’s plans are for the Central School property. His opinion is that he’d like to give the School the Stadium in return for the Central School property as a possibility.

#### **PUBLIC HEALTH AND SAFETY: Randy Fischesser**

Congratulations to Bryan Edens on becoming the new Police Chief for the city of Reading. I’ve known Bryan from the start of his career with Reading and I know that he will do a great job in this new role.

I would also like to thank Darin Lundsford for stepping into the role of acting chief. He did a great job during a very active and chaotic time.

As for the ongoing Covid-19 restrictions, we continue to follow the state in what is and isn’t allowed.

For now, stay in.

If you must go out, wear a mask, gloves and remember social distancing. And above all - Wash your hand often.

#### **SERVICE: Dennis Albrinck**

- Service Department is doing a great job as usual during this difficult time. Schedule has been running 6 staff members on, 6 members off every other week. “Scout Car” follows the service trucks to stay compliant with staff members staying 6ft apart.

#### **RECREATION: Tom Lynd**

- Hoping to start pool sign-ups at Haffey Field House on May 9. After May 9 residents can sign up at City Hall during business hours, unless more restrictions occur due to COVID-19.

Don Lindeman: Asked about Ball team sign-ups. Tom Lynd responded that there are no plans for sign ups at this time.

#### **NEW BUSINESS - NONE**

#### **REPORTS OF OFFICIALS**

##### **MAYOR: Robert “Bo” Bemmes**

- No Report (Absent)

##### **SAFETY SERVICE DIRECTOR: Patrick Ross**

- Congratulations to Chief Edens on being sworn in as our new Chief of Police. He has 28 years of experience as an officer, 20 of which have been in Reading.

- Thank you to the Mayor, Bonnie Rack and Susan Slavey for spearheading and making sure kids at home due to the Coronavirus got to see the Easter Bunny. Thank you to Nancy Marshall who assisted with bringing two of them to town.

- Met with Contractor doing bench project. Anticipate starting early May.

- Sent letter to Senators Portman and Brown and Representatives Wenstrup and Chabot to advocate to include us in Federal Funding. Currently, only extremely large cities and states were included. Reminded them that local governments like ours are on the front line 24/7 providing our residents and businesses Police, Fire/Paramedic services along with maintaining roads, parks and utilities. US Conference of Mayors estimates Reading’s loss of revenue to be near ½ million dollars. We will not get that back.

Don Lindeman asked Patrick Ross about Fish Migration Mitigation. Patrick will get back to him with that information.

##### **LAW DIRECTOR: Dave Stevenson**

- Gave further background on how the resolution on the floor this evening came about.

**TREASURER: Mel Gertz**

- No Report (Absent)

**AUDITOR: Sabrina Smith**

- Keeping up on all expenditures in my office and talking constantly with our Law Director, Finance Chair, Treasurer, Safety Service Director, Deputy Treasurer's, and Department Heads.  
- Also, attending Webinars and plenty of other calls and meetings to see how City Governments can search for relief in any type of way.

**READING OF RESOLUTIONS:**

**(1) A RESOLUTION RETAINING THE LAW FIRM OF STRAUSS TROY CO. LPA TO INITIATE LEGAL ACTION ON BEHALF OF THE CITY OF READING AGAINST THE READING COMMUNITY CITY SCHOOL DISTRICT TO ENFORCE THE REQUIREMENTS OF ORDINANCE 2017-12 (Second Reading)**

Motion made by Mr. Lindeman, seconded by Mr. Albrinck to suspend the third reading. Motion failed by a 4-2-1 roll call vote (Mr. Gertz, Mr. Lynd, Mr. Albrinck & Mr. Lindeman voting "Yes," Mr. Fischesser and Mrs. Eadicicco voting "No," and Mr. Powell abstaining from the vote due to a conflict of interest. Resolution was declared a second reading only.

**(2) A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR, THE TREASURER, AND THE AUDITOR TO EXPLORE THE NEED FOR INCURRING DEBT FOR THE PURPOSE OF STABILIZING THE FINANCES OF THE CITY OF READING DURING THE PERIOD OF DECLARED EMERGENCY DUE TO THE COVID 19 PANDEMIC**

Motion made by Mr. Fischesser, seconded by Mr. Albrinck to suspend the second and third reading. Motion passed by a 7-0 roll call vote. Motion made by Mr. Lynd, seconded by Mr. Fischesser to adopt the resolution. Motion passed by a 7-0 roll call vote.

**RESOLUTION ADOPTED****RESOLUTION NO. 2020-17R****READING OF ORDINANCES**

**(1) AN ORDINANCE DIRECTING THE EMPLOYMENT OF DEARDORFF APPRAISAL SERVICE TO CONDUCT AN APPROPRIATE APPRAISAL FOR THE CITY OF READING VETERANS MEMORIAL STADIUM LOCATED IN THE CITY OF READING, AND FURTHER TO EMPLOY JOSEPH W. ALIG, ATTORNEY AT LAW, TO CONDUCT A THOROUGH TITLE EXAMINATION OF THE PROPERTY LOCATED ON WEST STREET IN THE CITY OF READING, AND DECLARING AN EMERGENCY.**

Motion made by Mr. Gertz, seconded by Mr. Albrinck revise section V of the ordinance to read, "The Safety Service Director shall execute." Motion passed by voice vote.

After much discussion surrounding the timing of this ordinance it was declared that this ordinance be a first reading only.

**OTHER BUSINESS**

**Mrs. Eadicicco** – Honoring the Class of 2020: I've had a few people message me and I have seen a few posts on Facebook about ways to honor the senior class this year. I know the school board and administrators are working on rescheduling graduation and other events. So there WILL be a graduation. Unfortunately, there's too many unknowns right now to set an exact date. They're waiting on any further notice from Governor DeWine.

That said, since graduation was originally scheduled for Thursday, June 4<sup>th</sup> I think we, as a community, should do something for not only the Reading High School seniors, but private school seniors within our city on or around that date.

I was thinking something along the lines of blue ribbons on light posts, trees, and telephone poles along streets. We could also incorporate the colors of the private schools, as well. I have a list going of those schools.

James Shelton posted his idea for a parade. I think that's a great idea. It would have to work within the social distancing requirements, whatever those might be at the time. And again, the private school students would be asked to join and decorate their cars.

Someone else had the idea that Mr. LaFata could be the grand marshal, and the two other retiring faculty members can join.

Another idea is to have some sort of sign across Reading Road congratulating the seniors. I was tagged in a post about a town that

did individual pictures of each student, but it looks like it was a smaller town and since we have 92 graduating I don't know if that would work and what the cost for something like that would be. But I do like the idea of a bigger sign by the entrance to the city.

I will be willing to work with the school to make sure we do something for the students but I also wanted to get any input from Council.

#### ADJOURNMENT

There being no further business, the meeting was declared adjourned at 9:06 pm.

X Carla Kacher

**CARLA KACHER**  
Clerk of Council

X Cris Nesbitt

**CRIS NESBITT**  
President of Council