

**CITY OF READING, OHIO  
COUNCIL MEETING MINUTES – LEGISLATIVE SESSION  
APRIL 28, 2020 – 7:30 PM**

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mr. Nesbitt led those in attendance in the Our Father 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 one letter from *Chuck Lafata*.
- There were four letters from Reading residents expressing their **support** of this evenings 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.
  - o *James & Theresa Miller*
  - o *The Brown Family*
  - o *Duane Mount: 2113 Bolser Drive*
  - o *Bob Ashbrock: 221 Walnut Street*
- There were eight letters from Reading residents expressing their **non-support** of this evenings 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.
  - o *Patty Piron*
  - o *Kseta206@gmail*
  - o *Kevin Parker*
  - o *Luke & Danielle Cripe*
  - o *Heather*
  - o *Jim and Judy Boehl, 2625 Petworth Ct, Reading*
  - o *Wendy Wisser-Engel 227 Pearl Street*
  - o *Josh Viel 1164 Becky Ct,*

**Letter #1:**

*To: Reading City Council*

*From: Chuck LaFata, Superintendent  
Beth Wernery , Reading School Board President*

*Date: April 27, 2020*

*Re: Duke poles*

*We want to reach out to all council members asking that you again consider the approval of the Planning Commission for our request asking for a zoning change in relation to the two Duke poles on our property.*

*Throughout the entire building project we worked closely with the City and neighbors to resolve all issues that arose during the construction. We corrected all EPA issues that developed and made changes recommended by City inspectors. In addition, all neighbors that had water in basements received insurance payments from the contractor's insurance company. I can assure you, in regards to the two Duke poles, we absolutely thought we were complying with the PDD. We did not intentionally try to circumvent that agreement. In truth, we did not know there would be problem with the two poles that were relocated by Duke.*

*Again we are asking that you please consider the Planning Commission decision that allowed us to keep the two poles where they are.*

*Thank you,*

*Chuck LaFata  
Beth Wernery*

**Letter #2:**

*April 28, 2020*

*Good Evening Reading City Council,*

*I have been following the meetings via Zoom the past few weeks. As you know, I have been a strong voice for our community the last 3 years trying to propose the City and the School District do the "Right Thing".*

*Mr. LaFata is **NOT** telling the truth about the condition of neighboring properties!!*

*Mr. Lafata and Shook Construction knew from the very beginning that those poles were to be temporary. They laid the conduit under the Bolser Dr. entrance/exit knowing that if push came to shove it would be there.*

*I understand that the school has been told to remove the poles at the top of Bolser Dr. but Council is not willing to enforce this ordinance. I cannot believe that after all of the time wasted about these poles and absolutely no change on the school's part, you would even consider not enforcing **YOUR** ordinance that you have in place. What does that say to the community and to the children in the school? That laws and rules mean nothing in The City of Reading, Ohio.*

*And for those elected officials that are now changing your minds on this issue. Seriously?*

*All the best,  
James and Theresa Miller  
2160 Bolser Dr.*

**Letter #3:**

*Reading Council Members,*

*I would like to thank the council for the opportunity to address the comments from the school in regards to the EPA, water issues, and compensation. As a homeowner whose been forced to contact the EPA about the property, I can assure you that the work mandated by the EPA was done to protect adjacent property owners and force the site to become compliant due to many issues of negligence. Hence, the stop work orders issued. The comment that those with water in their basements were compensated is incorrect. Our property has been flooded many times and we were one of the lucky few who were compensated once for one flood event, not the numerous times since then. Each flood event resulted in damage to our finished basement and our yard. Many council board members past and present have seen our damage in person and on the news. We have spent many days and weeks attempting to clean up the mess, even to this day, we are still dealing with continued yard damage. We have been subjected to numerous emails and phone calls with the superintendent, and the various construction companies and contractors hired to work on the site. Each one of whom claims no responsibility for any damage. I find it intriguing that the school also claims no responsibility for the poles too. Isn't it time to be adults and be responsible for our actions? If the poles were ordered to come down, then why hasn't it happened? There is still continued construction at the site so there is no excuse for this not to be done.*

*Thanks for your time and for all that you do for our city,  
The Brown Family*

**Letter #4:**

Duane Mount 2113 Bolser Dr. I bring this subject up again to reinforce to Council about the poles at the school. They were notified about the poles almost 3 years ago when they hit the ground and could have resolved the problem then by holding the school to the PDD plans that the wires go underground but didn't.

When a garage was built onto my house by previous owner there were rules to follow. I had to follow rules when I put up a pool 20 years ago. I had to go by the guidelines or the City would not have allowed it.

All I'm asking is for myself and the people on Bolser be treated fairly and respectfully. We did our jobs as citizens, voiced our opinions at Council staying involved time and time again for almost 3 years. What does it take? First be fair, make a decision and enforce it. Come on get this done it's very simple with good Government.

Thank you.

**Letter #5:**

April 28, 2020

To all Members of Reading City Council:

I am writing once more to urge passage of "A Resolution Retaining the law firm Strauss Troy Co... To Enforce the Requirements of Ordinance 2017-12."

As you know, the dispute regarding the Bolser Drive utility poles and cables that were moved by Duke/Bell/Spectrum at the **school district's request** has been long debated and a decision delivered. The regulation could not be any more clearly stated than it has been in so many ways already: the Text of the zoning code regarding PDD's in general, the specifics of ordinance 2017-12, multiple e-mails/texts between Patrick Ross and Chuck Lafata that convey the opinion of the law director, and, most recently Council's decision in December to leave in place these same requirements. It is past time for talk; a decent respect for the rule of law demands compliance now.

And yet I have come to learn that the school district is asking, once again, for a "do over". I've obtained a copy of a correspondence from the district asking for a re-vote on a settled matter. This without offering a single tidbit of new information that could remotely justify such re-consideration. Nothing has changed with respect to the facts of this dispute since it was brought to the City's attention in August of 2017.

Strangely, this new request continues to reference "the two poles that were moved by Duke". The districts apparent unwillingness to publicly acknowledge that utility relocation was always in their plans, that they requested the move by Bell in May of 2017, paying them \$14,000, that they requested the move by Duke in July/August of 2017, paying them \$24,104.34. – and that all this was funded directly (and with a State/Local split) from their construction budget- is disturbing. Sadly, their lack of candor, their intentional use and repetition of incomplete or misleading statements throughout this ordeal have unnecessarily pitted citizens against each other. These divisions can only be healed when right actions are taken- actions that protect abutting property owners, correct mistakes and restore confidence in our local government's even handed administration of duly enacted laws.

It is worth noting, that contractors were on the school grounds recently relocating parking lot lighting poles. They were there correcting their mistake. The district and its paid overseers also made a mistake when they failed to properly instruct their hired vendors -Duke and Bell- with respect to requirements for undergrounding their facilities. It is time the district now correct its mistake and comply with the PDD regulations.

Sincerely,

Robert J Ashbrock  
221 Walnut Street  
Reading, Ohio 45215

**Letter #6:**

*It is in the best interest of the Reading children to NOT move forward with a lawsuit against the schools. The Reading schools have run on a tight budget for as long as anyone can remember. They are very fiscally responsible and have always put children first. WE SHOULD ALL PUT THE CHILDREN OF READING AT THE FOREFRONT OF OUR DECISIONS. Thank you and God Bless.*

Patty Piron

**Letter #7:**

*I'm writing to give my voice to this travesty. As a citizen of Reading, I do not want council to sue Reading Schools. Please vote NO!  
Kseta206@gmail*

**Letter #8:**

*Hello,*

*A question was asked at one of the council meetings if a city employee was on the construction site with Duke Energy when the poles were to be relocated from behind the houses to the current site, and the answer was yes. Why wasn't the relocation stopped at that time. If plans submitted to the city maintained that the electric was to be underground, apparently by moving the poles the electric was not going underground especially if the electric was also for the homes on Bolser Dr.*

Kevin Parker  
Be Well and Safe.

**Letter #9:**

*Needless to say we are in unprecedented times in regards to the current pandemic. With these uncertain financial times, my wife and I do not see why the City Council would continue to pursue the lawsuit against the Reading Community School District. The electrical poles in question are not hurting anyone nor causing problems for anyone. Whether the school district would pay to remove the poles or the city of Reading would pay for the removal and relocation, this is a complete waste of tax payer dollars on either end.*

*My wife and I have been residents of Reading for 10 years and my wife has been a resident of Reading her entire life. We are fortunate to live in such a great city, with amazing people, and a great school district. It would be a positive step forward to see the city council and our school come together for the betterment of our community both financially and in regards to overall moral in these uncertain times.*

*In closing, my wife and I both would like to see this lawsuit dropped and move on towards a positive direction as one cohesive unit in Reading.*

Sincerely,  
Luke & Danielle Cripe

**Letter #10:**

*I have 3 kids in the school system and I was a Reading student myself.*

*The school with everything that has gone on has been above amazing. From food to resources there has not been anything they haven't done for these kids. The fact that the poles are still in question amazes me. I don't think that the kids, staff, council need to have this as a worry.*

Heather

**Letter #11:**

*This is not the time for our city to be making a decision on these polls. We are in a pandemic!!*

*Our State, city and schools will be financially devastated by this pandemic. We do not need the burden of the poles to be put on the schools. The poles are not dangerous. They bring no harm to our children!*

*Our schools have taken it upon themselves to care for our children during this time to feed them and make sure that they are still learning.*

*The days and months ahead of us have a lot of uncertainty about them. Please do not make it any more difficult. We love our children our schools and our city.*

Sincerely,

Jim and Judy Boehl, 2625 Petworth Ct, Reading

**Letter #12:**

*Dear Reading City Council Members,*

*These past few weeks have presented us with unique challenges, yet valuable lessons. The manner in which we connect with each other has been challenged, yet still we've experienced growth in ways we couldn't have imagined. As a society, we've come to recognize & truly appreciate the things that really matter. One of those things is the importance of our children and their education. We've learned that education is a privilege many of us took for granted. Tonight, you're faced with making a decision that will directly affect the resources and people who provide education and the tools to our children who're our future. As a community member, pediatric nurse, and most importantly a mom, I humbly request you to vote against moving forward with the filing of a lawsuit towards the school. Our children have endured enough and do not deserve to be punished because of the actions of a few. Should you vote to pursue legal action against the school, you might as well list the defendants as the "school aged children of Reading," because they'll be the ones serving the punishment. You were voted to serve on council to represent the city's residents & their best interests. Suing the school may be the wish of a few residents for materialistic reasons, but that doesn't make it the best resolution for the majority. Please do what's right for our future, our children.*

Sincerely,

Wendy Wissner-Engel

227 Pearl Street

Reading, Ohio 45215

**Letter #13:**

*Please do the right thing for our students and children and drop the lawsuit against the school. The money, time, and effort wasted to "move some poles" is unnecessary and ridiculous. You should not be punishing the many for greater good of a few.*

Respectfully,

Josh Viel

1164 Becky Ct, Cincinnati, OH 45215

**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**

## ADJOURNMENT

There be no further business, the meeting was adjourned at 8:07 p.m. and Council proceeded to its Council of the Whole.

## COUNCIL OF THE WHOLE

Mr. Powell asked about the Memorial Day Festival. Mr. Lindeman commented that the Reading Historical Society canceled their dinner so he believes the Memorial Day parade will most likely be off. Mr. Fischesser commented that VYO has cancelled all their events this Spring/Summer as well.

X



CARLA KACHER  
CLERK OF COUNCIL

X



CRISTOPHER NESBITT  
PRESIDENT OF COUNCIL