

**CITY OF READING, OHIO
COUNCIL MEETING MINUTES – REGULAR SESSION
DECEMBER 15, 2020 - 7:30PM**

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

President Nesbitt led all 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, and Mrs. Eadicicco.

Other Officials Present: President of Council Cris Nesbitt, Treasurer Mel Gertz, Auditor Sabrina Smith, and Law Director Dave Stevenson.

EXECUTIVE SESSIONS

Motion made by Mr. Lindeman, seconded by Mr. Gertz to enter into Executive Session for purposes of (1) Discussion with the City Lawyer, Joe Braun, regarding the poles issue with the School and (2) To discuss -contractual issues regarding the Fire Department. Motion passed by a 7-0 roll call vote. Council entered into Executive Session at 7:37 p.m. Motion made by Mr. Lynd, seconded by Mr. Lindeman to come back to regular session from Executive Session at 8:51 p.m. Motion carried by a 7-0 roll call vote.

READING OF COMMUNICATIONS

(1) LETTER FROM JASON ENIX (Superintendent, Reading Community City Schools)

December 11, 2020

Members of Reading City Council:

I would like to thank you for the welcome you have given me as the new Superintendent of Reading Community City Schools. I have appreciated the opportunity to attend and address City Council on behalf of the district and look forward to continuing to build our relationship in the months and years to come.

There is great opportunity ahead for the City of Reading and RCCSD as potential development is being discussed for the former Dow property site. The beginning discussions of a TIF agreement to allow for this project to move forward is an important step in this process as the economic impacts for both the city and district are being studied.

With that said, I hope you understand that there is an interest and goal of being a collaborative partner in this process as well as other current and future opportunities we have to work together. However, the current litigation between the City and RCCSD is a barrier to this collaboration and unfortunately jeopardizes our ability to work together toward a positive outcome. It is my sincere hope that we will be able to put this litigation behind us so that we can move forward with examining next steps with this economic development opportunity. There is much to be gained for the city, school district, and residents of Reading and I look forward to the possibility of working together on this project. Thank you.

Motion made by Mr. Lindeman, seconded by Mr. Albrinck to mark Mr. Enix's letter as received and filed. Motion carried by voice vote.

(1) Matthew Wiseman Poles Letter

November 23, 2020

Re: Reading Community Schools' Failure to Comply with the Planned Development District Requirements

Greetings:

I represent concerned citizens of Reading. Please consider this letter a demand to comply with your legal obligations as elected representatives and public officials.

On or about Jan 31, 2017 the Reading Community Schools submitted a proposal for a new school in the form of a Planned Development District (PDD). It was voted on and approved by the Reading City Council. The PDD specified that all utilities in the development were to be under ground when the school opened. The school district arranged and contracted with Duke, Cincinnati Bell and Spectrum Cable to relocate and install overhead utilities within the development in violation of the PDD.

The issue of the utility poles standing before the school has been raised at numerous council meetings. Safety Service Director Patrick Ross advised the district that poles and wires were in violation and must be brought down. Safety Service Director Ross, in fact, informed the school that failing to correct this violation could result in a denial of an occupancy permit

During these numerous council meetings, comments made by both Mayor Robert Bemmes and Safety Service Director Ross, implied that the offending facilities would be removed. Despite all this, both Mayor Bemmes and SSD Ross voted, in their respective capacities as members of the Planning Commission, to approve an amendment to the requirements of the PDD to allow the poles to stay.

Following the vote by the Planning Commission, a vote went before the council on December 26, 2019. The council voted to reject the Planning Commission recommendation and leave in effect the original PDD requirement. As the duly elected Mayor, you have the responsibility, directly, or through the actions of your appointees, to enforce the ordinances of the City of Reading. Since that December vote, there has been no attempt by the City Administration to follow through with the enforcement action expected by the council and by all law-abiding citizens of Reading. Instead, the poles remain in place.

SUMMARY AND DEMAND

Citizens of Reading ask only that elected officials engage in the work that they were duly elected to perform. Mayor Bemmes, Safety Service Director Ross, and Dan Brooks, head of building and zoning, have been derelict in their duty to carry out the will of the citizens they represent. We demand that you abide by the 2017 PDD as well as the vote of the council and order that these improperly relocated utilities within the development be brought down. The concerned citizens of Reading making this demand do not wish to initiate litigation, however, may be forced to consider such action if their elected Officials continue to brazenly flaunt the will of their constituents.

Very truly yours, ROBINSON & JONES CO., LPA, Matthew E. Wiseman

Motion made by Mr. Gertz, seconded by Mr. Albrinck to mark the Robinson & Jones Co. L.P.A. letter as received and filed. Motion carried by voice vote.

(3) Don Lykins Statement #1:

I'm Don Lykins and live in Reading at 8415 Reading Road. I am a small business owner, and own multiple buildings peppered throughout Reading.

Please help me and my neighbors! WE need HELP!.
Our area is becoming lawless and under policed.

We have seen a significant increase in crime this year around the 8400 block of Reading Road and it's deeply disturbing. We all should be very alarmed by these trends.

9 felonies occurred on my block in the last 6 months (One at my house, 3 at 8411 Reading Road, 2 at 210 Burkhart Avenue 3 at 8405 Reading Road). All are felony thefts, break-ins.

Our beloved Police always respond promptly, but have done nothing to prevent the crimes or help solve them other than take a report and maybe attempt to run some prints, but only when pressed to do so, reluctantly. None of these cases have been solved, or even deeply investigated.

I'll not get into any of the details but these are serious felony thefts of home break-ins, garage break ins, thefts of all types of equipment, even equipment with heavy, chains and locks. Most has happened at various properties around the Reading and Galbraith and Burkhart avenues over the last 6 months.

What I would like to see every meeting report on the felonies committed in Reading and a status on their progress of being solved. We need to start tracking these to see how well our community is being served.

This 8400 block of Reading (where I reside) has to be the hottest crime area in the entire city.

I've contacted Chief Edens, Patrick Ross and Randy Fischesser on these matters, but no response or completely denial there is a problem. I've been accused of being a "Slum Lord" by Randy and nothing has come of any request for increased patrols or solving the crimes. HELP us! Please HELP!

Questions:

1) Why can't we get our Reading Police the tools necessary to solve some of these serious, felony crimes, theft, break-ins, etc..?

a. A camera to detect finger prints easily vs using age old powder is available on the commercial market for \$25,000. I approached Chief Edens with this suggestion, which came from his own staff, yet he has refused to even discuss it with me when I offered to spearhead a fund raiser for it.

2) Why can't this area of Reading get more nightly patrols? As these crimes happen in the dead of night.

3) I want to start a Police Action Committee where citizens can freely complain about crime and other issues and we collectively work with the Police to solve more crimes, prevent crimes and get our beloved Police the tools needed to help us.

a. Will the city support and promote a Citizen lead Police Action Committee if I form it? And get us the data we need to analyze all crime activities?

Don Lykins Statement #2:

I'm Don Lykins and live in Reading at 8415 Reading Road.

I am a small business owner, and own multiple buildings peppered throughout Reading.

Can someone please explain why the Mayor and Safety/Service Director don't attend the Council meetings?

I operate a small business in Reading and need better government.

I expect my government to work on my behalf, including the Police and Administration, especially the Safety Service Director and the Mayor.

I can't get a phone call returned from Patrick Ross, or the Mayor.

If neither of them can attend the council meetings, we need to remove them immediately.

The current situation isn't working for us. Many things are broken and we are going start demanding changes.

Motion made by Mr. Fischesser, seconded by Mr. Lindeman to mark Mr. Lykins' letter as received and filed. Motion carried by voice vote.

GUEST SPEAKER: Mayor, Bo Bemmes

Mr. Bemmes addressed the Don Lykins letters

Response to why he and Patrick Ross do not attend some of the Council Meetings: We (Administration) are guests at the Council Meetings. Our attendance is not required but the Administration is intimately involved in the Council Meetings. We have many things that we are involved in and sometimes are not able to attend the meetings due to being busy with those matters. Over the 21 years he has been Mayor he has attended 95% of the Council meetings. I'm available to anyone at any time. Each and every Council member can tell you I'm available to them at any time.

Mr. Bemmes claimed that both he and Mr. Ross have always returned Don Lykins' calls. Chief Edens has also responded to him when he has called. It is the Mayor's view that when some residents don't get the answer they're looking for that they think the Administration isn't doing anything. We can't solve problems for everyone. We have 300 business, 3 schools, multiple organizations & businesses that we all must respond to. When hiring any City employees we ask that they are polite and respectful to everyone. We respond as best we can with every situation every single day and he's proud of what they do. When speaking with the residents there have been times when folks have talked in circles and we've had to walk away from the conversation but those have been rare occasions. We're upfront and never try to hide anything. He invites polite, honest, respectful debates, questions and conversations. He mentioned again that he is available anytime and to please call him (513-733-3725 or 513-733-4044) with any questions, comments and concerns.

COUNCIL COMMITTEE REPORTS

FINANCE (Tony Gertz)

We were hoping for 3-5% ahead of our goal as of last year. We have had some money come in but he anticipates we are going to be behind what we budgeted when we submitted with the Budget Commission in July.

UTILITIES, LANDS, AND BUILDINGS (Don Lindeman)

New items will soon be accepted in Rumpke's recycling program. Starting in 2021, residents and businesses will be able to recycle plastic tubs in Rumpke's recycling program. So, yogurt eaters rejoice! Bring on the butter tubs and toss in those fruit cups! All of these items will find new life through Rumpke's enhanced recycling program.

Like with our other acceptable items, Rumpke has secured long-term contracts with stable, regional end users for this material, and with a grant from The Recycling Partnership, we will soon install new machinery at some of our recycling facilities to better sort the material.

Rumpke will officially launch the new program January 4, 2021. Throughout the next few months our team will begin providing you with materials to help educate customers about the change.

ZONING, PLANNING, AND ENVIRONMENT (Dave Powell)

A constituent reached out to me about Little Libraries in residential neighborhoods. I did a search of the on-line version of our zoning code and did not have much luck. I am researching how other communities handle them hoping to come up with some language that could be included in the upcoming update of the zoning code.

Requests that all Council members keep these meetings professional and strictly keep personal issues out of the meetings.

LAWS AND CONTRACTS (Katie Eadicicco)

No Report but did suggest in response to Mr. Lykins' statements that we could look into finding a developer to purchase the lots he has in that area and revitalize that location along Reading Rd.

PUBLIC HEALTH AND SAFETY (Randy Fischesser)

I was not going to have a report tonight, but I would like to comment on a few accusations made by Mr. Lykins. First, looking at just 8 police incidents in the past two weeks, three were in the area of Reading that he accuses the police of not patrolling.

Second, in the most recent letter from Mr. Lykins, he admitted that he had not yet reported to of the referenced thefts; one a week prior and one a month prior. It is hard for our police to solve cases that they have no knowledge of. Finally, I did not call him a slum landlord. What I actually said was that he needs to screen his tenants better considering a lot of the thefts were supposedly from his own tenants.

I would like to wish everyone a very Merry Christmas and a Happy New Year!

SERVICE (Dennis Albrinck)

Leaves have all been picked up and the Service Department is still heading around town picking up branches.

RECREATION (Tom Lynd)

No Report

NEW BUSINESS – None.**REPORTS OF OFFICIALS****LAW DIRECTOR (Dave Stevenson)**

No Report

TREASURER (Mel Gertz)

December Income Taxes Collected: \$424,323.17 (\$156,000.00 behind last year).

AUDITOR (Sabrina Smith)

(1) We have an ordinance to transfer monies out of the COVID RELIEF FUND (501). This fund had to be created to place these monies in and then has to be transferred out to cover expenditures ALREADY completed. This ordinance must be completed within this year of 2020.

Below is the breakdown of the funds being moved from the 501 to the General and 242 funds. Patrick had to enter this breakdown on the Ohio Grants Portal. All \$577,932.08 has been allocated now:

\$541,393.07 - fire/paramedic employees whose jobs response/training have been significantly altered due to Covid-19

\$4,600.59 - PPE for various departments

\$3,044.86 -Admin expenses (mailing letters to homeowners)

\$28,893.56 -Purchase of Lucas Device for Fire/EMS ops

When we transfer the money, all but \$14,881.39 will go to Genera Fund, the remaining will transfer to Fire/EMS Fund (242).

(2) The City has received the financial reports for the 2018 and 2019 audits. The full reports are available for view on the Auditor of State (Ohio) website. <https://www.ohioauditor.gov/auditsearch/Search.aspx>

READING OF ORDINANCES

(1) AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO EXECUTE UTILITY EASEMENT, BOTH PERMANENT AND TEMPORARY WORK SPACES EASEMENTS OF BEHALF OF THE CITY OF READING AND DECLARING AN EMERGENCY (THIRD READING)

Motion made by Mr. Fischesser, seconded by Mr. Albrinck to adopt the ordinance. Motion carried by a 5-1-1 roll call vote (Mr. Lynd, Mr. Albrinck, Mr. Lindeman, Mr. Fischesser & Mrs. Eadicicco voting "yes," Mr. Gertz voting "no" and Mr. Powell abstaining from the vote).

ORDINANCE ADOPTED

ORDINANCE NO. 2020-49

Mr. Albrinck pointed out that if litigation was successful, easements will not be in effect.

(2) AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A TYPE I CHASSIS, ALONG WITH THE ASSOCIATED EQUIPMENT, FOR REMOUNTING AN EXISTING AMBULANCE PATIENT COMPARTMENT

Motion made by Mr. Lynd, seconded by Mr. Fischesser to suspend the rules requiring a second and third reading. Motion carried by a 7-0 roll call vote. Motion made by Mr. Lynd, seconded by Mr. Powell to adopt the ordinance. Motion carried by a 7-0 roll call vote.

ORDINANCE ADOPTED

ORDINANCE NO. 2020-50

(3) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY THE AMOUNT OF \$73,565.03 FROM THE STREETS & CURBS FUND (230.280.5800.00) FOR PAYMENT WITH RESPECT TO VARIOUS IMPROVEMENT LOANS AND DECLARING AN EMERGENCY

Motion made by Mr. Powell, seconded by Mrs. Eadicicco to suspend the rules requiring a second and third reading. Motion carried by a 7-0 roll call vote. Motion made by Mr. Lindeman, seconded by Mr. Fischesser to adopt the ordinance. Motion carried by a 7-0 roll call vote.

ORDINANCE ADOPTED

ORDINANCE NO. 2020-51

(4) AN ORDINANCE AUTHORIZING THE AUDITOR TO TRANSFER \$563,050.69 FROM THE COVID RELIEF FUND (501-000-5980.00) TO THE GENERAL FUND (101-000-4435.00) AND \$14,881.39 FROM THE COVID RELIEF FUND (501-000-5980.00) TO THE FIRE/EMS CAPITAL IMPROVEMENT FUND (242-310-4435.00) AND DECLARING AN EMERGENCY

Motion made by Mrs. Eadicicco, seconded by Mr. Lynd to suspend the rules requiring a second and third reading. Motion carried by a 7-0 roll call vote. Motion made by Mr. Lindeman, seconded by Mr. Fischesser to adopt the ordinance. Motion carried by a 7-0 roll call vote.

ORDINANCE ADOPTED

ORDINANCE NO. 2020-52

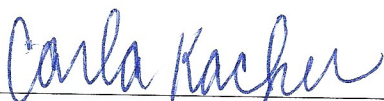
OTHER BUSINESS

President of Council Cris Nesbitt announced that there will be a Special Council meeting held on Monday, December 28 at 7:30 p.m. to reconcile appropriations.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 PM.

X



CARLA KACHER
Clerk of Council

X



CRIS NESBITT
President of Council