

**CITY OF READING, OHIO
COUNCIL MEETING MINUTES – LEGISLATIVE SESSION
JANUARY 19, 2021 – 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 a prayer and then 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:

Mayor Bo Bemmes, Law Director Dave Stevenson, Treasurer Mel Gertz, Auditor Sabrina Smith & Clerk of Council Carla Kacher.

APPROVAL OF MINUTES

November 17 (Regular), December 1 (Regular), December 15 (Regular), December 28 (Special) & January 5 (Regular)

AUDIENCE PARTICIPATION – None.

COMMUNICATIONS

Patty Piron (1198 Oldwick Dr)

I have a couple of questions regarding the lawsuit brought against the City of Reading or Reading City Council.

- 1. "Citizens of Reading" brought a lawsuit to council. I feel "The Citizens" of the city deserve to know who hired the attorney to bring this lawsuit about and if not who they are then we at least deserve to know HOW MANY CITIZENS are represented in this case. Please let us know that ASAP.*
- 2. Please clarify my understanding of this lawsuit brought up against council. My understanding from what was read is that "citizens" (we have no idea who or how many) are planning to sue the City of Reading if they move forward agreeing to work with the schools instead of suing them in court regarding 2 telephone poles and errors made by both parties during planning and construction of the property. Is this correct?*

I would appreciate clarification now at this time while I am watching this meeting. Thank you.

STATE OF THE CITY ADDRESS

MAYOR: Robert "Bo" Bemmes

- Gave the "State of the City" address. For the full address please visit <http://www.icrctv.com/communities>, click on "Reading," and then click "Reading City Council 1/19/2021"

COUNCIL COMMITTEE REPORTS

FINANCE: Anthony Gertz

- Hasn't received anything yet from the Budget Committee (not expected just yet).
- Would like his committee meeting to start evaluating what will be an appropriate fee be for field usage, establish a budget for Council Chamber changes/renovations for improvement.
- Committee meeting scheduled for next week.

UTILITIES, LANDS & BUILDINGS: Don Lindeman

- Rumpke has been pleasantly surprised with all the recycling from Reading

ZONING, PLANNING & ENVIRONMENT: Dave Powell

- No Report

LAWS AND CONTRACTS: Katie Eadicicco

First, Someone had asked me about an ordinance regarding garbage picking after they had someone go through their trash and throw it all over their driveway. The city doesn't have a specific ordinance in place for that particular issue; however, we do have ordinances in place for littering and trespassing. Ordinance **660.03** regards litter. If the cans were not moved out to the curb and the pickers were on your property, then they are trespassing as well, and you can call the police for that. Once the cans are moved to the curb, then folks can go through them. However, ordinance 1070.01 says that they cannot go through recycling bins and items can only be collected by authorized agents. No person other than the city or its authorized agent shall remove any items from recycling bins without the consent of the Safety Service Director.

Second, we are voting on a resolution tonight regarding the utility poles. A lot has been said about this issue and I hope tonight we can move forward and rebuild our relationship with the school.

I know some here have accused me of favoring the school. I would just like to say that I was elected by the citizens in Reading and I'm here for them. Now, some here might not think that 300 plus people who signed the petition matter, as well as the voices of the city's administration, countless people who have commented on Facebook posts, spoke at meetings, emailed us, had their comments read at meetings, or stopped me in Kroger or Walmart or basketball and footballs games, etc.

I truly feel for the residents who were affected by the construction of the school. I truly do, but we have to look at the bigger picture. I would like to know who wrote the letter that was read at the last meeting. And I would like to know how it contained information that hadn't been read to council or released to the public yet. I wonder if it's someone who's directly affected by the situation or if it's someone who's the driving force behind this issue and someone who worked for the school during construction, yet failed to abstain from voting on matters pertaining to the school and its construction. Someone who sends communications to only select members of council and someone who is threatening a lawsuit against the city if we should come to an agreement and/or settlement with the schools. I've been asked by other citizens if they can counter sue on their own behalf because they don't want their tax money wasted. Where do we draw the line?

I've heard the phrase that says "so goes the schools, so goes the city." We cannot have a town where people want to live and raise families and move to if we don't have a good working relationship with the school. Our school is one of the city's biggest employers. I like to look to the future at what we can accomplish if we work together.

Some here also worry about setting a precedent, but we have the opportunity tonight to be very clear that we are not. When I was on the Zoning Board of Appeals, approving a variance for a privacy fence for one homeowner didn't mean that everyone on the block got to put up a privacy fence. We were clear that we voted on a case by case basis. We can do that here, tonight.

I'm aware that I was not on council during the construction and therefore I was not involved in a lot of the issues that have caused the strife and led us to this point where we are now. That said, the school now has a new superintendent, a treasurer who was not there at the start of construction, and almost an entirely new school board. We cannot continue to hold on to grievances at the expense of the taxpayers. Now is our chance to move forward and work together.

PUBLIC HEALTH AND SAFETY: Randy Fischesser

Police:

- 01/06/2021, CFS 202100033, Traffic stop on Third at Benson. Subject wanted for robbery and felonious assault for shooting victim in Norwood. Subject ran and also pulled a firearm during the foot pursuit. No injuries during this arrest.
- 01/07/2021, CFS 202100041, area of 8400 Reading Rd. Squad run for overdose. Subject cited for disorderly conduct.
- 01/07/2021, CFS 2021051990, 4040 Bradley Ave. Call for shots fired into residence. Investigation on going with detective's office. Suspect has been developed.
- 01/12/2021, CFS 202100018, 201 W. Vine St., Subject arrested intoxicated after causing an issue with a knife.
- 01/14/2021, Area of 7900 Reading Rd., Theft of bedding items. Same day, same suspect committed same offense in second location.
- 01/17/2021, CFS 2021000106, call for auto accident in the area of Waxwing and Honey Hill, Suspect located and arrested for OVI and leaving the scene of an auto accident.

- New cruisers still awaiting equipment to be installed.

Fire:

As I had mentioned last meeting, our fire department has been designated a Covid vaccination sites for the Hamilton County. They received their first doses on 12/23. They were administered to Reading, Amberley and Lockland fire department personnel. The remaining (unaccounted for) doses were administered to Reading Police personnel and other essential City employees; every dose was administered, none wasted. They will be receiving their second 60 doses tomorrow, and will begin administering late afternoon to those residents age 80 and older. They anticipate having all 60 doses administered by 2/3. As we move into vaccination of the public, you will need to make an appointment to receive your vaccine on line at: www.testandprotectcincy.com. Please do not call the fire department to schedule an appointment.

Last year the fire department began passively monitoring for carbon monoxide (CO) during EMS runs by installing CO detectors on their first-in bags, which are carried on every EMS response. Recently, they had two instances where the devices alarmed; one location had levels over 300, and the other 500. The occupants didn't realize their symptoms were due to high levels of CO in their home. So, just a reminder to anyone with natural gas appliances, please install CO detectors. Detectors are readily available, reasonably priced and some now have 10 year batteries. Our fire department does not provide CO detectors.

SERVICE: Dennis Albrinck

- No Report

RECREATION: Tom Lynd

- I have presented two ordinances to council tonight.

One establishing fees and charges for parks and recreational facilities for 2021. No fee changes from 2020 are recommended at this time.

The second is an Ordinance is amending ordinance 2020-07 in establishing the wages of temporary: seasonal and part-time help for the pool employees. Minimum wage did go up \$0.10 in 2021, which is reflected in the concession and maintenance salaries only. I am not requesting an increase in lifeguards or managers wages.

- The general public can start reserving Park rentals on 2/1/21, and we are still taking applications for part time employment at the pool.

NEW BUSINESS – None.

REPORTS OF OFFICIALS

MAYOR: Robert “Bo” Bemmles

- Gave the “State of the City” address earlier.

SAFETY SERVICE DIRECTOR: Patrick Ross

- No Report (absent)

LAW DIRECTOR: Dave Stevenson

- Oral arguments on the Duke Pipeline case have been set by the Ohio Supreme Court for 3/31.
Don't know whether they are remote or in person at this time.

TREASURER: Mel Gertz

- January Month to Date: \$698,867.58 (\$26,000+ ahead of January 2020. 4% ahead with 8 business days left in January)

AUDITOR: Sabrina Smith

- Getting settled opening 2021 for payables & working on the 2020 GAAP (will take until the end of May to complete.)

READING OF RESOLUTIONS

After President Nesbitt started to follow the agenda and request a reading of the first resolution, Mr. Gertz made a motion to not read the resolution. Mr. Gertz continued uninterrupted to berate the President of Council for making an arbitrary decision to have the resolution read and stating that “this is the legislative branch, your part of the Administration ...”. Mr. Gertz was quickly interrupted, notified that no motion had been made prior to the President following the agenda and

requesting to have the reading and that Mr. Gertz's motion did not yet have a second. A second was made by Mr. Lindeman to not read the Resolution until all exhibits are included. Motion failed by a 3-4 vote (Mr. Gertz, Mr. Lindeman and Mr. Fischesser voting "Yes;" and Mr. Powell, Mr. Lynd, Mr. Albrinck & Mrs. Eadicicco voting "No"). The clerk, Carla Kacher, read aloud the Resolution & Settlement and Release Agreement in its entirety.

(1) A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO A SETTLEMENT & RELEASE AGREEMENT WITH THE READING COMMUNITY CITY SCHOOL DISTRICT

The City's legal representative, Joe Braun, clarified a few points: (1) The "limited release" is actually very specific; (2) "Exhibit A" can easily be added and therefore could be voted on with or without it (3) "121.22" is the open meetings act. (4) He will add verbiage to the Resolution regarding the location of the utilities to be chosen by the contractors. (5) He will edit the numbers listed in the Resolution.

Mr. Lindeman suggested the City set a limit on what amount to spend.

Mr. Lynd suggested adding what fund the money will come from. Mr. Lynd confirmed that there are possible "contingency funds" that the school could use to pay for their half. The school will need to get the use of the contingency funds approved by the OFCC. It was also pointed out that the school can be reimbursed from the contingency fund. After Mr. Gertz was rude to the presiding President of Council over his comment that the contingency funds might not be recoverable by the school, Mrs. Eadicicco confirmed the Presidents statement that she was advised by the School Treasurer that the initial contingency funding could be exhausted by earlier requests to the OFCC.

As a formality, a motion was made by Mr. Fischesser, seconded by Mrs. Eadicicco to suspend the rules requiring a second and third reading. Motion failed by a 4-2-1 roll call vote (Mr. Gertz, Mr. Lynd, Mr. Albrinck & Mr. Lindeman voting "No;" Mr. Fischesser and Mrs. Eadicicco voting "Yes;" and Mr. Powell abstaining due to a conflict of interest).

READING OF ORDINANCES

(1) AN ORDINANCE ESTABLISHING FEES AND CHARGES FOR 2021 FOR THE CITY OF READING PARKS, PROGRAMS AND RECREATIONAL FACILITIES AND DECLARING AN EMERGENCY.

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

ORDINANCE ADOPTED

ORDINACE NO. 2021-05

(2) AN ORDINANCE AMENDING ORDINANCE 2020-07 WHICH AUTHORIZES THE SAFETY SERVICE DIRECTOR TO EMPLOY CERTAIN TEMPORARY; SEASONAL AND PART-TIME HELP AND DECLARING AN EMERGENCY.

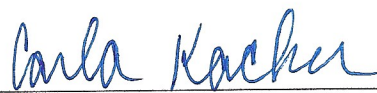
Motion made by Mr. Albrinck, seconded by Mr. Eadicicco to suspend the rules requiring a second and third reading. Motion carried by a 7-0 roll call vote. Motion made by Mrs. Lynd, seconded by Mr. Albrinck to adopt the ordinance. Motion carried by a 7-0 roll call vote.

ORDINANCE ADOPTED

ORDINACE NO. 2021-06

OTHER BUSINESS – None.

ADJOURNMENT - There being no further business, the meeting was declared adjourned at 9:20 pm.

X 
CARLA KACHER
Clerk of Council

X 
CRIS NESBITT
President of Council