

**CITY OF READING, OHIO
COUNCIL MEETING MINUTES – LEGISLATIVE SESSION
APRIL 16, 2024 – 7:30 PM**

CALL TO ORDER

President of Council, Mr. Mattscheck called the meeting to order at 7:30 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

President of Council, Mr. Mattscheck led those in attendance in a prayer and then the Pledge of Allegiance.

ROLL CALL

Council Members Present: Mr. Powell, Mr. Bronner, Mr. Bishop, Mr. Boehner, Mrs. Kroeger, Mr. Thamann & Mrs. Eadicicco.

OTHER CITY OFFICIALS PRESENT:

Mayor Bo Bemmes, Law Director Dave Stevenson & Clerk of Council Carla Albrinck

APPROVAL OF MINUTES: Motion to approve April 3, 2024 (Regular) Council Minutes Meeting made by Mrs. Eadicicco, seconded by Mr. Bronner. Motion carried by voice vote.

PUBLIC HEARING

President of Council, Kevin Mattscheck begin 2nd the Public Hearing for the 2024 CDGB program at 7:31 p.m.

Bob Ashbrock (221 Walnut Street): Would like to see the street grid properly connected on Ohio Circle, Ohio Avenue & Marion Avenue in Ward 1 in an effort to improve access for police, fire public works, deliveries, etc.

Councilman Mark Bishop commented that he thinks it would be beneficial to the neighborhood.

President of Council, Kevin Mattscheck closed the Public Hearing at 7:35 p.m.

GUEST SPEAKER: Amy Hilberg and Wendy Schworer

Addressed Council Regarding their desire and contributions to the proposed dog park:

Thank you for allowing me to speak today. I also want to thank Scott for all the time and energy he has put into this project.

My son, David Schworer, was outgoing and funny almost from the moment he was born. He could talk to anyone and never knew a stranger. He had an infectious laugh and a warm smile. I think anyone who knew David would say he had a great sense of humor and he loved dogs, especially his dog, Banjo.

It is heartbreaking that we lost David just two months before his 36th birthday. We knew we wanted to do something to honor David's life and memory. My sister Amy came up with the idea of a dog park named for David and Banjo, which is the perfect way to memorialize David. He would be so happy to have his name on a place dogs come to play and their owners get to socialize.

After looking at several areas and discussing several possible locations, we decided Reading would be a great location for the David Schworer and Banjo dog park. David grew up in Reading, he played sports in reading when he was young, we belonged to the pool for many years, most of his friends are from Reading and he spent many hours socializing in the Reading bars before he got sick. It would mean so much to us to know David's friends would benefit

from and frequent the dog park named for David and Banjo.

My sister Amy and Scott have sent numerous emails back and forth planning this project. Amy has talked to and met several fence companies and landscapers at the site to ensure we are using the best supplies to create a successful dog park. I am so grateful to both Amy and Scott for the time and energy they have given to this project. They have both put in countless hours and a lot of effort to get this project off the ground.

My family will donate the fencing, landscaping, benches, etc. to a community in order to honor David's memory and his love for Banjo and all dogs. We sincerely hope the community that receives our donation is Reading.

AUDIENCE ASKING PARTICIPATION:

Tom Lynd (77 Orchard Knoll) -

Strongly supports the dog park. During his time on Council this was the type of thing that was asked of citizens to contribute, to give to your city, and that is what the Schworers are offering (money to provide to the parks). When we see an opportunity like this, we should work with them to try and make it happen.

Bob Ashbrock (221 Walnut Street): Spoke to the Regional Trail Planning Effort in which Council provided partial funding of that effort that has been ongoing for 6 months. It has reached the point in the planning process in which various public hearings are to take place, and he urges all of Council to mark their calendars for May 1 for the feasibility study at Sharon Woods Center.

Mayor Bo Bemmes: Issues regarding the dog park and questions that the neighbors (and folks at City Hall) would like answered.

COMMUNICATIONS:

(1)

City of Reading Mayor's Court Monthly Disbursement Report		Mar-24	
		Adjustment	True Total
Fines	9,577.00	-160.00	9,417.00
Bond Fees	0.00	0.00	0.00
Court Costs	1,688.00	-30.00	1,658.00
Witness Fees	0.00	0.00	0.00
Bad Check Fees	0.00	0.00	0.00
OVI Enforcement Fund	0.00	0.00	0.00
Drug Fines	62.00	0.00	62.00
Record Sealing - City	0.00	0.00	0.00
Computer Fund	1,144.00	-13.00	1,131.00
Check #2845 City of Reading	12,471.00	-203.00	12,268.00
Check #2842 Appeal Return	232.00	0.00	232.00
State of Ohio - General Fund	1,718.00	-20.00	1,698.00
State of Ohio - Reparations Rotary	783.00	-9.00	774.00
State of Ohio - Seat Belt	0.00	0.00	0.00
State of Ohio - Child Safety Restraint	0.00	0.00	0.00
State of Ohio - Release of Forfeiture	0.00	0.00	0.00
State of Ohio - Record Sealing	0.00	0.00	0.00
State of Ohio - Criminal Justice Services	274.00	0.00	274.00
State of Ohio - Indigent Defense Support	440.00	0.00	440.00
Autopay - Treasurer State of Ohio	3,215.00	-29.00	3,186.00
Check #2846 Hamilton County Treasurer	117.00	0.00	117.00
Total			15,803.00
Bench Warrants Issued -	192		
Cases Heard -	358		
Respectfully submitted,			

Kirk C. Terrell
Clerk of Courts
4/3/2024



**Department of
Commerce**

Division of Liquor Control

com.ohio.gov

Mike DeWine, Governor Jon Husted, Lt. Governor Sherry Maxfield, Director

March 23, 2024

CLERK OF READING CITY COUNCIL
1000 MARKET ST
READING, OHIO, 45215

**NOTICE TO LEGISLATIVE AUTHORITIES
Objecting to the Renewal of a Retail Liquor Permit**

Dear Clerk of Legislative Authority:

All Class C and D retail permits to sell alcoholic beverages in your political subdivision will expire on June 1, 2024. Every retail permit holder must file an online renewal application with the Division of Liquor Control to maintain permit privileges.

Ohio Revised Code Section 4303.271(B) gives the legislative authority the right to object to the annual renewal of a retail permit and to request a hearing. This will be your only opportunity to object to the renewal of retail liquor permit premises that might be a problem in your community.

To register a valid objection with the Division and request a hearing, the legislative authority must pass a resolution that specifies the problems at the liquor permit premises and the legal grounds for the objection as set forth in Ohio Revised Code Section 4303.292(A). We suggest that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in their opinion, the objection is based on substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.29(A).

The resolution and Chief Legal Officer's statement must be sent by email (below) or mailed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than May 2, 2024.

You may wish to contact your local law enforcement agency to determine if it has any information which will aid in your decision whether or not to object and request a hearing. You can find retail permit holders within your jurisdiction by going to com.ohio.gov/findapermitholder. Select your city/township name where asked and "issued" under "class issue status." For more resources on how to deal with problem establishments, go to com.ohio.gov/govhelp.

If you decide NOT to object to any permit premises within your jurisdiction, then no further action is needed. When those permit holders submit their renewal applications, we will process them as appropriate. If you have any questions, please contact your legal counsel or the Division's Legal Section at liquorlegal@com.ohio.gov. Sign up for our emails at com.ohio.gov/stayinformed.

Sincerely,

Licensing Section

6606 Tussing Road
Reynoldsburg, OH 43068 U.S.A.

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EXECUTIVE SESSION: None

LEGISLATIVE SESSION

READING OF RESOLUTIONS: None

READING OF ORDINANCES

(1) AN ORDINANCE AWARDDING A CONTRACT TO W.E. SMITHFOR THE HUNT ROAD PIER WALL PROJECT

**FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED AND TEN THOUSAND (\$310,000.00) DOLLARS
AND DECLARING AN EMERGENCY.**

Motion made by Mr. Bishop, seconded by Mr. Boehner to suspend the rule that requires a third reading. Motion carried by a 7-0 roll call vote. Motion made by Mr. Bronner, seconded by Mrs. Kroeger to adopt the ordinance. Motion carried by a 7-0 roll call vote.

ORDINANCE ADOPTED

ORDINANCE NUMBER 2024-13

(2) AN ORDINANCE AUTHORIZING THE SAFETY & SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE SCHWORER FAMILY FOR THE CREATION OF A COMMUNITY DOG PARK, AND DECLARING AN EMERGENCY.

DISCUSSION:

Andy Bronner: While he appreciates everything the Schworer family is doing, and agrees with everything that has been said and recognizes that the plans in place are well put, he thinks we need some community resident input. He has visited the site and spoke with a resident that has some concerns. Mr. Bronner commented that there may be some unintended consequences even though the park is very well intended. He suggested that a letter with the plans could be sent out to the residents on Bernard Street that will be butting up directly to the dog park. Another consideration might be the season pass holders to the Reading pool since a portion of the existing fence is incorporated with the park. Also concerned over the two storm sewer lids, would want to make sure the dogs wouldn't get hurt by getting a paw stuck.

Shelley Kroeger: Agrees with Mr. Bronner's comments even though she is extremely excited for a dog park in Reading. She was considering possibly moving the dog park to another location – Quiet Park (no room for a dog park), Vorhees Park where the old volleyball court used to be (not enough room). The only thing she would like to change with the current plans is that it wouldn't use the existing pool fence. Despite the planned barrier of a windscreen and shrubbery, her fears are dogs urinating on pool goers as well as little kids sticking their fingers through the fence.

Dave Powell: Asked if other parks were considered (ex. Flege Park).

Scott Thamann Response: Flege Park was looked at but there has to be available parking. There isn't any parking at Flege and there is a private drive leading up to it. So the lack of parking and the expense that would be for a parking lot was the drawback for Flege Park. There also has to be a waterline for the good of the animals and the people who attend the park.

Dave Powell: Pointed out that the majority of the private driveway is actually public use within a public right of way.

Scott Thamann: Continued that the planned proposal is 18 feet away from the the backside of 5 properties on Bernard, so the separation has been considered and proper accommodations have been made. The windscreen will prevent kids from sticking their fingers through the fence to where the dogs are. When the shrubs come in and grow, that will provide and extra two to 3 feet of separation; not just visually but physical separation from the pool to the park itself. As far as the longevity of the new fence, the pool fence has not needed any updates or repairs in the past 25 years. The current agreement that has been worked on has changed from 35 years to 20 years, so the longevity of the fence should not be an issue at all.

Katie Eadicicco: Is excited to have dog park in Reading and doesn't have an issue with the location of the proposed dog park (with the windscreen and shurbs) but does thing there needs to be communication with the residents along Bernard.

Mark Bishop: Loves the idea of a dog park. Would like to see some kind of a visual barrier (bushes, privacy fence). Is concerned about the drainage and that particular location becoming swampy. Also concerned that people will drop off their dog and go to the pool for the day.

Scott Thamann Response: As with anything else, proper signage is what we do and we try to enforce it. Mentioned that Blue Ash is considering creating another dog park because their current one is so popular. Pointed out that with anything you do within the Ciry, there will always be complaints and problems. The City of Loveland has had zero complaints and problems with

their dog park, in fact, because their dog park is so popular and valuable, there are requests for more “stuff” in it. Our proposed dog park is “found land and found money” so to Mr. Thamann, this ought to be a slam dunk. The landscape can be addressed, the type of turf has been specifically selected (certain grade with longer roots to maintain greater stability) to prevent a swamp.

Mayor Bo Bemmes: Some concerns: (1) Do other Communities have dog parks that close to residents and pools? Are they this close to resident’s property lines? (2) Wants to protect the Schworer family and their expense, in making sure this is the best location that will thrive for years to come. Would hate to see this idea go bad once all the money has been spent. (3) The neighbors should be notified with the plans of the dog park and given an opportunity to voice their concerns.

Ordinance was declared a first reading only.

(3) AN ORDINANCE AUTHORIZING THE PURCHASE OF A FIVE TON DUMP TRUCK AS PART OF THE STATE BID PROGRAM FROM RUSH TRUCK CENTERS FOR AN AMOUNT NOT TO EXCEED SIXTY FIVE THOUSAND DOLLARS (\$162,000), AND DECLARING AN EMERGENCY.

Mr. Powell made a motion to amend the actual text of the Ordinance so that it will read “One Hundred Sixty Two Thousand” instead of “Sixty Five Thousand,” seconded by Mrs. Eadicicco. Motion carried by voice vote.

AN ORDINANCE AUTHORIZING THE PURCHASE OF A FIVE TON DUMP TRUCK AS PART OF THE STATE BID PROGRAM FROM RUSH TRUCK CENTERS FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY TWO THOUSAND DOLLARS (\$162,000), AND DECLARING AN EMERGENCY.

Motion made by Mrs. Eadicicco, seconded by Mr. Bronner to suspend the rule that requires a third reading. Motion carried by a 7-0 roll call vote. Motion made by Mrs. Kroeger, seconded by Mrs. Eadicicco to adopt the ordinance. Motion carried by a 7-0 roll call vote.

ORDINANCE ADOPTED

ORDINANCE NUMBER 2024-14

MISCELLANEOUS BUSINESS:

Katie Eadicicco: Regarding the Rules and Regulations Governing Council Procedures (Revised – April 2024) - Made a motion to amend page three, section three, where it says “the ICRC library” to the “video recording service,” seconded by Mr. Powell. Motion carried by voice vote. Mrs. Eadicicco made a motion to adopt the revised rules regarding Council procedure, seconded by Mrs. Kroeger. Motion carried by voice vote.

Mark Bishop: Signs regarding on coming trains. Reading would have to pay for the switch for the railway and the sign. It requires testing ever so many months. If more than a certain number of LEDs burn out on the sign, we have to replace the sign. This would give early warning. There are rules as to where you can put them so we would have to study where the best place to put them would be to warn people so they have time to turn and go a different direction if they have to. This could help safety services since it is an immediate warning when a train crosses that section of the track.

Shelly Kroeger: Reading Eagles would like announce that there is a flag drop box outside of their Cooper Street location. You can drop off worn and tattered flags and then the boy scouts will pick them up and take them to the American Legion for disposal.

Scott Thamann: April 27, 2024 – 10:00 a.m. to 12:00 p.m. “Clean-up Reading Day” Volunteers can meet at the small pavilion at Koenig Park or St. Peter and Paul Cemetery on Reading Road. All materials will be provided for volunteers.

Dave Powell:

(1) Recreational Marijuana. We do not have enough time to address it from a zoning perspective and have public hearings that would be necessary to facilitate the change. Find out what the actual regulations are once they come out and what the rules of

engagement are going to be for it so we know what we’re dealing with. Suggested that Council creates a Moratorium against any recreational dispensaries in the City until we see what the actual regulations are going to be, and suggested that this be put into Katie Eadicicco’s committee. Mrs. Eadicicco accepted this into her committee.

(2) Upcoming Liquor Renewal for Vibes bar.

- Many issues and complaints for this bar.
- Written notice of the City’s objection to the liquor license renewal must be postmarked by May 2, 2024 to the State.
- As of right now, the Chief of Police (Chief Edens) doesn’t feel that there’s anything warranted that would stop the renewal of their license. The police do keep their eye on them but comparing them to any other bar in the city, as far as runs and incidents go, it’s not anything that’s off the charts that’s really alarming to them.
- According to the letter from the Division of Liquor Control, even if Council passed a Resolution, Law Director Dave Stevenson would have to substantiate that and say that, in his opinion, there are legal grounds to revoke the license.
- **Law Director, Dave Stevenson:** If you have a Liquor License you are entitled to a renewal unless the Liquor Control Division rejects the renewal for good cause. In terms of what Council’s authority is to reject the renewal, there’s a list of criteria that has to be met. Zoning is not one of them, in fact, it’s specifically prohibited. Without really knowing what’s going on inside it’s very difficult to see how you can proceed on a renewal based upon what’s on social media. We’d have to have clear evidence that there’s a problem down there. The reasons you can reject a renewal is if (1) the owner’s been convicted of a crime that relates to fitness to operate a liquor establishment; (2) He’s operated a liquor control business permit in a manner that demonstrates a disregard for the laws (misrepresented a material fact in applying to the division for permit, or is in the habit of using alcoholic beverages or dangerous drugs to access); (3) it does not conform to building safety of health requirements (health: condition of the building, safety and health requirements: fire code violations, etc); (4) the bar is so constructed, or arranged, that law enforcement officers (or duly authorized agents) are prevented from reasonable access to rooms in which beer or intoxicating liquor is sold or consumed; (5) it’s located with respect to the neighborhood to substantial interference with public decency, sobriety, peace or good order, would result from the issuance, renewal, transfer or location or transfer of ownership; (6) has been declared a nuisance. It is Council’s right to take a look at what the Police department has uncovered and decide whether they want to object the renewal, but you’ll need to consider those items.

ADJOURNMENT

Motion to adjourn came from Mrs. Kroeger, and was seconded by Mr. Boehner. Motion carried by voice vote. There being no further business, the meeting was declared adjourned at 8:19 pm.

X _____
Carla Albrinck
Clerk of Council

X _____
Kevin Mattscheck
President of Council