

**Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, January 14, 2019**

The Batavia Village Council met in regular session on Monday, January 14, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, and Mr. Gipson. Mr. Ellis was absent

Mayor Thebout asked for a **Motion** excusing Mr. Ellis's recent absences because they have been due to illness. Mr. Vickers made to **Motion** to excuse Mr. Ellis's absences from Council, seconded by Mr. Handra. The **Motion** passed 5-0.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Officer Christopher Whitaker, Officer Christopher McMillan, Officer Lunsford, and K-9 Officer Drees.

Others Attending the Meeting: Jack Sinkking (724-3745), Joann Martino, Nancy Haverkamp, Brice Haverkamp, Joe Greener, and Chloe Henderson (Clermont Sun)

Approval of Financial Reports

Mr. Vickers made a motion to approve the December Bank Statements and Cash Journal, seconded Ms. Turner. The motion passed 5-0

Approval of Minutes

Ms. Turner made a motion to approve the minutes of the December 10, 2018 Council Meeting, seconded by Mr. Vickers The motion passed 5-0

Mr. Vickers made a motion to approve the minutes of the December 27, 2018 Personnel Hearing, seconded by Mr. Handra The motion passed 5-0

Haverkamp Foundation Presentation

Nancy Haverkamp presented the Batavia Police Department with a check from the Matt Haverkamp Foundation for \$7,000 for the Village's purchase of K-9 Drees. This is the 58th police K-9 that the Haverkamp Foundation has helped purchase.

Street Banners Honoring Veterans Jack Sinkking

Jack Sinkking asked Council to support an effort to have Batavia install street banners honoring veterans like the programs in Owensville and Williamsburg. Council informed him that before that

**Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019**

program could be adopted, there would have to be a determination as to funding the cost, determining the duration that banners would remain up, and the sequence and priority for which banners are selected. Mr. Sinkking offered to obtain more information and report back to Council.

Village Administrator: Dennis Nichols

E. Main Street Storm Drain Project / Purchase of 23 N. Riverside Dr.

The East Main Street / Riverside Dr. Storm Drain Project has been revised to have the outfall to the river go through the parking lot of 23 N. Riverside Dr., owned by the Moore Family Trust. We are accepting bids for the Storm Drain Project. The bid opening is scheduled for February 7th. In order to run the storm sewer through the property at 23 N. Riverside Dr., we will either need to purchase the property or obtain an easement through the property. The benefit of purchasing the property is that it will allow us to reconfigure the intersection of Main Street and Riverside Dr. by adding a right turn lane. We have offered the owner of the property \$126,100 (the auditor's value for the property) to purchase the property and the offer has been accepted.

A Resolution authorizing the transfer of funds to the Village of Batavia Clermont County CIC, Inc. for the purchase of property at 23 N. Riverside Dr.

Resolution 273-19 1st reading pass as an emergency

There was discussion by Council as to whether or not this needs to be passed as an emergency and the justification for the emergency. Village Solicitor, Christopher Moore, told Council that there is a pending real estate transaction that will benefit the Village whose terms have been fluid and that it is important to have the funds available in the CIC so that the CIC can act quickly. The justification satisfied Council.

Mr. Vickers made a **Motion** to declare an emergency and waive the 3 readings; seconded by: Mr. Gipson

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes,
Mr. Handra, yes. **Motion passed 5-0**

Mr. Handra made a **Motion** to adopt **Resolution 273-19**; seconded by: Mr. Vickers

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes,
Mr. Handra, yes. **Motion passed 5-0 Resolution 273-19 Adopted**

Resolution Consenting to an Agreement with Ohio Department of Transportation regarding the Maintenance of the S.R. 132 Bridge (Main Street) over the East Fork of the Little Miami River

Resolution 271-18 3rd reading

Ms. Turner made a **Motion** to adopt **Resolution 271-18**; seconded by: Mr. Handra

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes,
Mr. Handra, yes. **Motion passed 5-0 Resolution 271-18 Adopted**

**Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019**

An Ordinance Enacting Land-Use-Plan Zoning under Municipal Home Rule

Ordinance 1409-18 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1409-18**; seconded by: Mr. Gipson

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes,

Mr. Handra, yes. **Motion passed 5-0 Ordinance 1409-18 Adopted**

Rumpke Trash Contract

We have received a renewal of our 2-year garbage and recycling contract from Rumpke for 2019 and 2020. Rumpke has increased our cost by about 8%, which is about another \$1.00 per household. We are currently charging residents \$14.16 per month for garbage and recycling and we have not increased our fees for 10 years. When we lose the water and sewer utilities, the administrative billing cost from Clermont County, which has been shared by water, sewer and trash, will then have to be borne solely by trash. The Administrator recommended to the committee that the Village increase the trash fee from \$14.16 to \$16.00.

Mr. Vickers made a **Motion** to accept the Rumpke trash and garbage contract for 2019 and 2020 and to authorize the Village Administrator to execute the contract on behalf of the Village of Batavia, seconded by Mr. Handra **Motion passed 5-0**

Resolution amending the monthly rate to be charged residents for garbage and trash effective with the February, 2019 water bill so that the Village trash revenue is sufficient to cover the cost of garbage and trash removal being charged to the Village by Rumpke.

Resolution 274-19 1st reading pass as an emergency

The Rumpke rate increase goes into effect this month and the rate that the Village is charging residents does not cover the cost to Rumpke.

Mr. Handra made a **Motion** to declare an emergency and waive the 3 readings; seconded by: Mr. Garrison

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes, Mr. Handra, yes. **Motion passed 5-0**

Mr. Vickers made a **Motion** to adopt **Resolution 274-19**; seconded by: Mr. Garrison

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes, Mr. Handra, yes. **Motion passed 5-0 Resolution 274-19 Adopted**

The Ridge Ohio Residential Alcohol and Drug Treatment Center is located in Batavia Township on S.R. 222 in a home formerly owned by Jeff Wyler. They were planning on building a reception center on a parcel of land on Filager Road that is owned by Clermont County and resides in the Village of Batavia. However, the Ridge is now considering utilizing the 1861 Inn located at 300 N Riverside Dr. as their reception center. The Ohio Legislature passed a statute last year limiting the ability of local governments to prohibit treatment facilities based upon zoning restrictions. The Ridge's reception center would be used to house up to 16 individuals. There was a discussion as to whether or not 300 N Riverside is currently zoned R-1 or R-2 and whether a single-family or multi-family designation

**Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019**

would make a difference, or whether state law precludes the Village from having any say about the proposed reception center. Solicitor, Christopher Moore, told Council that he would review the matter.

Police Department, Officer Whitaker

Officer Whitaker submitted a report of December activity and another report of full-year 2018 activity.

Officer Lunsford has completed training to be the department's field training officer. He will also be taking over responsibility for the police evidence room once he has completed evidence room training, replacing Officer Fletcher for that responsibility.

Officer Fletcher is attending a school shooting training program referred to as "A.L.I.C.E." Batavia Schools is paying for the training.

Officers Kuhl and Noonan are getting certified as trainers for Glock weapons training.

The Police Department is getting new computer so they will be compatible with upgrades by the Clermont County Communications Center.

The Police Department currently only has three Tasers. They are going to buy several more so that each Officer can carry one.

The Police Department will be working with the Haverkamp Foundation on an ongoing basis, helping them raise funds for the purchase of addition police K-9s for Police Departments in the area.

Mayor, John Thebout

The Mayor presented Committee Appointments for 2019. There were no changes from 2018.

The Village has received 8 applications from Officers seeking the position of Police Chief. He will start interviewing them. None of the applicants live in the Village. Under Ohio Revised Code, the Police Chief must live in the municipality unless Council grants a waiver. The Mayor asked Council to consider the limits of how far outside the Village they would accept before he offers the job to one of the applicants.

When the Village had its own Fire Department, the Village purchased a fire truck. That truck has continued to be used by the Central Joint Fire EMS District. They have just decommissioned the fire truck, declared it to be surplus, and turning it back to us. They have informed us that Southern State Community College has a fire fighter program and they have expressed an interest in receiving fire truck. There was a discussion as to whether or not the Village can donate the fire truck to a private college that is not a

**Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019**

governmental entity. The Village Solicitor, Christopher Moore, agreed to find out the Village's options for disposing of the fire truck.

Village Solicitor, Christopher Moore

The solicitor worked with the Mayor on the Michael Gardner personnel hearing.

The CRT Electronics zoning violation nuisance case is set for a hearing before Judge Brock on February 27th.

The waterline easement case is in front of Judge McBride. The Solicitor has prepared a judgement order granting all 26 easements and expects the Judge to sign the order.

The purchase agreement for 23 N Riverside is being modified to include wording that will vacate any outstanding zoning violations against the current owner.

The solicitor worked with the Mayor and the police department on the issue of the sale of used Sig Sauer handguns by the police department.

The solicitor worked with the Village Administrator on legislation for the planning commission regarding bow hunting in the Village on a large parcel of property.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on December activity. The General Fund had a balance of \$912,891 at the beginning of 2018 and ended 2018 with a balance of \$902,584, which was a negative cash flow of \$10,307. That cash flow was helped by the sale of the firehouse.

Legislation Amending 2019 Appropriations.

Ordinance 1414-19 1st reading Pass as an emergency

We need to appropriate funds to be transferred to the Village of Batavia Clermont County CIC, Inc. for the purchase of 23 N Riverside Dr. We also need to appropriate funding in the Police Drug Fund #2801 for payroll payments for the care and maintenance of K-9 Officer Drees.

Mr. Vickers made a **Motion** to declare this an emergency and waive the three readings, seconded by: Mr. Handra

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes,
Mr. Handra, yes. **Motion passed 5-0**

Mr. Handra made a **Motion** to adopt **Ordinance 1414-19**, seconded by: Mr. Handra

Vote by roll: Mr. Gipson, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Turner, yes,
Mr. Handra, yes. **Motion passed 5-0** **Ordinance 1414-19 Adopted**

**Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019**

Legislation recertifying **Ordinance 1210-11**

In 2011, at a time of fiscal distress, Village Council gave the Fiscal Officer authority to reallocate appropriations within a fund to facilitate the payment of invoices. This authority does not increase the total appropriations for any fund, it just provides for some flexibility within a fund to allow for the payment of certain invoice that otherwise would have to wait until after the next monthly Council meeting. The Village is now fiscally sound but the flexibility provided the Fiscal Officer has been beneficial to the Village. Therefore, the Fiscal Officer is asking Council to reaffirm **Ordinance 1210-11** by adopting similar legislation at a time of financial stability.

Ordinance 1415-19 1st reading

Regional Income Tax Agency (R.I.T.A.)

Each member municipality contracting with the Regional Council of Governments has a right to cast a ballot on official business and the election of individuals to the R.I.T.A. Board of Trustees. The Village has to appoint a delegate and an alternate to attend annual board meetings.

Mr. Vickers made a **Motion** appointing Fiscal Officer, John Waite, as the delegate and Village Administrator, Dennis Nichols, as the alternate delegate, to the Regional Income Tax Agency Regional Council of Governments; seconded by: Mr. Handra. Motion passed 5-0

New Business

Joann Martino (200 Wood Street) addressed Council about her concern for the distressed property at 225 Wood Street owned by Michael Kinner. Since the property is not being cleaned up, and the owner is unable to find a buyer, she asked if the Village would consider condemning the property and having it torn down.

She also informed Council that there is a street light out at the corner of Second Street and Wood Street. She has informed Duke Energy that the light is out, but they have not repaired it.

Committee Reports

Finance Committee:	Next Meeting:	Thursday, January 24 @ 6:00 pm
Cemetery Committee	Kathy Turner	The annual joint meeting with the Township Trustees will be May 13 at 6:00pm at the Village Hall
Planning Commission	Bob Handra	Next Meeting Tuesday, Jan. 15 @ 7:00pm
Safety Committee	Brian Vickers	Next Meeting Tuesday, Jan. 15 @ 6:00pm

(Village of Batavia Clermont County CIC, Inc. meeting will follow after this Council Meeting.)

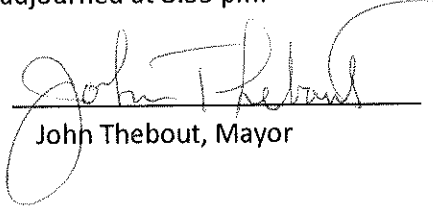
Village of Batavia – MINUTES of COUNCIL MEETING,
January 15, 2019

Adjournment / Continuance:

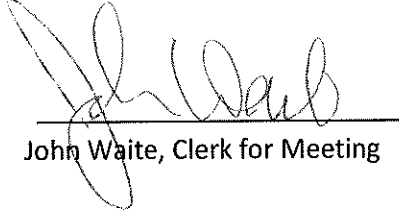
Mr. Gipson made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 8:35 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 11, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, February 11, 2019**

The Batavia Village Council met in regular session on Monday, February 11, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, Mr. Ellis

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Officer Christopher Whitaker. Solicitor Christopher Moore was absent.

Others Attending the Meeting: Scot Culshaw, Doug Saylor, Rex Parsons, Kim Parsons, JoAnn Martino, Watson Beiman, Amy Smiddy, Kim Laffleur, Brayden Beard, Ken Johnson, Christina Johnson

Approval of Financial Reports:

Ms. Turner made a motion to approve the January Bank Statements and Cash Journal, seconded Mr. Handra. The motion passed 6-0

Approval of Minutes:

Mr. Gipson made a motion to approve the minutes of the January 14, 2019 Council Meeting, seconded by Mr. Vickers The motion passed 6-0

Zoning Change for 550 Kilgore

Mr. Nichols reported that Saylor & Associates LLC, owner of the property at 550 Kilgore Avenue (Parcel No. 060206.016) has requested a zoning change for the property from B-1 to R-2. The property has been used as an office for Nichols Surveying but it is being sold to someone who wants to use the property as a personal residence. The Batavia Planning Commission has reviewed the application and has recommended approval. Mr. Nichols asked Council to pass a Motion approving the zoning change in accordance with Section 90.07(D)(1) of the Batavia Zoning Code.

Mr. Vickers made a **Motion** to approve the zoning change; seconded by: Mr. Handra.

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes,
Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 6-0**

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 11, 2019**

Village Administrator: Dennis Nichols

E. Main Street Storm Drain Project / Purchase of 23 N. Riverside Dr.

Bids for the East Main Street / Riverside Dr. Storm Drain Project were opened on February 7th. The low bidder was Waugh Construction, Inc. at \$179,500, which was less than the engineer's estimated cost of \$200,000. Don Bezold, the engineer with Burgess & Niple, has reviewed the bid and qualifications of Waugh Construction and has recommended awarding the contract to Waugh Construction, Inc.

Mr. Vickers made a **Motion** to award the contract to Waugh Construction and to authorize the Village Administrator to execute the contract on behalf of the Village of Batavia; seconded by: Mr. Gipson.

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes,
Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 6-0**

Real estate closing for the purchase of 23 N Riverside Dr.

The Village of Batavia and the owners of the property at 23 N Riverside Dr. have signed a Purchase and Sale Agreement for the property at a price of \$126,100. The Village of Batavia Clermont Count CIC, Inc. will be purchasing the property on behalf of the Village. The ownership of the property will allow a path for the storm sewer for the East Main Street / Riverside Dr. Storm Drain Project. The Village plans to demolish the building and use the property for a future project to improve the intersection at Main Street and Riverside Dr. by putting in a right turn lane.

Status of property at 196 E Main Street

Parcel No. 060202.099 includes the buildings at 196 E Main Street and 47 N Second Street. The property is owned by William C. Meeks but is subject to a land contract. The owner wants to evict the land contract tenant. The building at 47 N Second Street is in disrepair and the Village is going to have it condemned. The Village is negotiating with the owner and the land contract tenant for purchase of the property.

Economic Development

Streamside Development – The owner is completing an archeological dig necessary before obtaining permits.

Electric Utility – the administrator is recommending that we proceed specifically for Auto Temp.

Brewery on College Dr. – the project is back on track after resolving a wet-lands issue.

Zoning Enforcement

225 Wood Street – The realtor has reduced the price from \$196,000 to \$86,000. Foreclosure on the property was instituted on February 1st.

280 S. Fourth (former nursing home) and 600 S. Riverside are in the process of being condemned.

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 11, 2019**

Police Department, Officer Whitaker

Officer Whitaker submitted a report of January activity.

Officer Training

Officer Altman has completed an Advanced Roadside Training course.

Officer Lunsford has completed training to be the department's field training officer. He will also be taking over responsibility for the police evidence room once he has completed evidence room training, replacing Officer Fletcher for that responsibility.

Officer Fletcher attended a school shooting training program referred to as "A.L.I.C.E." Batavia Schools paid for the training.

Officers Kuhl and Noonan completed certification as trainers for Glock weapons training.

All officers completed "Stop the Blood" emergency equipment training.

Officer Stephan has completed his new officer training and pursuant to Resolution 270-18 his salary should now change from \$8.55 per hour to \$16.00 per hour.

Mr. Vickers made a **Motion** to recognize that Officer Stephan has completed his training and should have his salary changed to \$16.00 per hour; seconded by: Ms. Turner. **Motion** passed 6-0

The Police Department had only three Tasers. They have purchased 10 Tasers so that each Officer can carry one.

The Police Department will be working with the Clermont Senior Services Department participating in a Visiting Officers Programs where officers visit senior citizens

The American Legion recently contributed \$2,500 to the Batavia Police Department.

The Police Department has applied for a grant to purchase a radar speed trailer that shows drivers how fast they are traveling. The trailer would be used on Fifth Street and N Riverside Dr. to slow down speeders.

Mayor, John Thebout

The Village has interviewed 8 applicants for the position of Police Chief. He will narrow down the selection to 2-3 candidates before presenting them to Council.

The Mayor asked Council to select a date for the spring, 2019 yard-sale. Council voted 6-0 to approve June 1-2 for this year's yard sale.

The Mayor asked Council to approve changing the date for the March Council Meeting from March 11th to March 4th. The Village Administrator will be out of town on March 11th.

Ms. Turner made a **Motion** to change the March Village Council Meeting date from March 11th to March 4th; seconded by: Mr. Garrison. **Motion** passed 6-0

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 11, 2019**

Village Solicitor, Christopher Moore

The solicitor was not in attendance because of a family illness.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on January activity

Credit card legislation mandated by the Ohio Legislature

The 132nd General Assembly passed H.B. 312 requiring all political subdivision to adopt specific credit card controls. Ordinance 1416-19 amends Ordinance 1245-12 to comply with Ohio law.

Ordinance 1416-19 1st reading

The Clermont County Budget Commission has approved the 2019 Certificate of Estimated Resources for the Village of Batavia. The Village can now pass legislation approving permanent (full-year) appropriation for 2019.

2019 Full-Year Appropriations.

Ordinance 1417-19 1st reading Waive the 3 Readings

If we pass the Ordinance with three readings, it will not be effective until May. We are currently operating under Temporary Appropriations which are meant to cover expenditures for the first three months of the year.

Mr. Handra made a **Motion** to waive the three readings, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes,
Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 6-0**

Ms. Turner made a **Motion** to adopt **Ordinance 1417-19**, seconded by: Mr. Handra

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes,
Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 6-0**

Legislation authorizing the Fiscal Officer to reallocate appropriations within a Fund

Ordinance 1415-19 2nd reading

Regional Income Tax Agency (R.I.T.A.)

The transfer of the administration of income taxes on July 1st is on schedule.

Ohio Auditor's Local Government Officials Conference in Columbus March 7-8.

This is mandatory continuing education certification. The Fiscal Officer asked Council to approve the fees and expenditures, including one night's hotel and travel expenses, not to exceed \$400.

Mr. Garrison made a **Motion** to approve the expenditures; seconded by: Mr. Handra.

Motion passed 6-0

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 11, 2019**

New Business:

Scott Colshaw, Ingredient Masters, 377 E. Main Street

Mr. Colshaw informed Council that Ingredient Masters had completed the renovation of the Fire House at 377 E. Main Street and the company is now open. He thanked the Village for its help and cooperation in the project. He plans on having an open house to show off the building.

The Ridge Ohio Residential Alcohol and Drug Treatment Center is located in Batavia Township on S.R. 222 in a home formerly owned by Jeff Wyler. They were planning on building a reception center on a parcel of land on Filager Road that is owned by Clermont County and resides in the Village of Batavia. However, the Ridge is now considering utilizing the 1861 Inn located at 300 N Riverside Dr. as their reception center. The Ridge's reception center would be used to house up to 16 individuals. The Ohio Legislature passed a statute last year limiting the ability of local governments to prohibit treatment facilities based upon zoning restrictions. The Planning Commission had expressed opposition to the use of that property for a treatment center and had asked Solicitor, Christopher Moore, to review the matter to see if there was any way the Village could legally block it. At the time of the Council Meeting, Christopher Moore was still working on his answer.

Ken Johnson, 110 Wood Street

Mr. Johnson's property is adjacent to 300 N. Riverside and he expressed his opposition to the treatment center. He reviewed parts of the Ohio Revised Code defining drug addition, mental health, and class 1 and class 2 treatment centers. The treatment center would have to apply for a conditional use permit before opening. He believes that Batavia's zoning prohibits allowing 16 unrelated adults from being housed in a residential area.

Rex Parsons, on behalf of Ruth Parson, 401 Diana Dr.

Ruth Parson's property is also adjacent to 300 N. Riverside Dr. She is opposed to the treatment center. He is concerned about the safety of his mother. He asked if the Village had sent the Ridge a letter informing them that the Village is opposed to the treatment center. He was told that the Village has not sent such a letter.

Mr. Garrison made a **Motion** that the Village write a letter to the Ridge, upon advisement by the Village Solicitor, expressing the Village's opposition to the treatment center at 300 N Riverside Dr.; seconded by Mr. Gipson.

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes,
Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 6-0**

The Planning Commission's next meeting is February 19th. The next Village Council Meeting is March 4th. Council and the audience wanted to have an opportunity to question the Solicitor and have a further discussion about the treatment center. They asked that the discussion be on March 4

The Mayor announced that there will be a **Public Hearing** of the treatment center on March 4, 2019, at 6:00pm. The Village Administrator said that he would ask a representative of the Ridge to attend.

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 11, 2019**

Committee Reports:

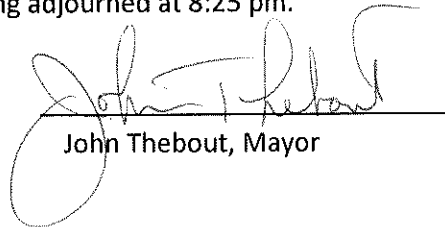
Village Council	Next Meeting	Monday, March 4 @ 7:00 pm
Finance Committee:	Next Meeting:	Thursday, February 28 @ 6:00 pm
Cemetery Committee	Kathy Turner	The annual joint meeting with the Township Trustees will be May 13 at 6:00pm at the Village Hall
Planning Commission	Bob Handra	Next Meeting Tuesday, Feb. 15 @ 7:00pm

Adjournment:

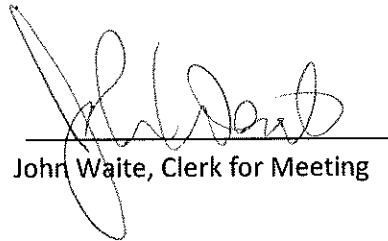
Mr. Ellis made a motion to adjourn, seconded by Mr. Handra. Motion passed 6-0

The meeting adjourned at 8:25 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, March 4, 2019**

The Batavia Village Council met in regular session on Monday, March 4, 2019, at 6:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, and Mr. Gipson. Mr. Ellis was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Officer Chris Whitaker, and Officer McMillan.

Others Attending the Meeting:

See attached listing

Approval of Financial Reports:

Mr. Gipson made a motion to approve the February Bank Statements and Cash Journal, seconded Ms. Turner. The motion passed 5-0

Approval of Minutes:

Ms. Turner made a motion to approve the minutes of the February 11, 2019 Council Meeting, seconded by Mr. Vickers The motion passed 5-0

Village Administrator: Dennis Nichols

E. Main Street Storm Drain Project – The project should start next week. Ken Timko is the project manager.

Real estate closing for the purchase of 23 N Riverside Dr.

The Village of Batavia Clermont Count CIC, Inc. will be purchasing the property on behalf of the Village. The ownership of the property will allow a path for the storm sewer for the East Main Street / Riverside Dr. Storm Drain Project. The Village plans to demolish the building and use the property for a future project to improve the intersection at Main Street and Riverside Dr. by putting in a right turn lane. We also plan to put in a park overlooking the river.

Waterline easement

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

The Village intends to turn over ownership of its water utility to Clermont County. The transfer will result in reduced water bills for our residents. Prior to the transfer, the Village was required to clear up some disputed easements. Those easement issues have now been resolved.

Police Department, Officer Whitaker

Officer Whitaker submitted a report of February activity.

The police department has received two donations recently. The donations are being used to purchase some additional safety equipment for the officers.

Officer Stephan has accepted a position with the Miami Township Police Department.

Officer Whitaker wanted to recognize Officers Lunsford and McMillan for their actions in tracking down and helping save a suicidal teenager on February 11th.

The Mayor recognized Officer Whitaker for his good job as acting Police Chief since August.

Mayor, John Thebout

The Village had 8 applicants for the position of Police Chief. The Mayor narrowed down the selection to 3 candidates and has had follow-up interview with them. He will make a selection soon and he will present the selection to Council.

Village Solicitor, Christopher Moore

The closing for the purchase of 23 N Riverside should occur next week.

Judge Brock has set a hearing for the zoning violations by CRT Electronics for May 7-8.

The waterline easement issues have been resolved.

The United Bricklayers have donated a parcel of land to the Village. The solicitor has been working on resolving an issue regarding the chain of title.

The solicitor has been working with the police department to get weapons held in the evidence locker whose ownership has been forfeited, to have the ownership transferred to the police department.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on February activity

Credit card legislation mandated by the Ohio Legislature

The 132nd General Assembly passed H.B. 312 requiring all political subdivision to adopt specific credit card controls. Ordinance 1416-19 amends Ordinance 1245-12 to comply with Ohio law.

Ordinance 1416-19 2nd reading

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

Appropriations amendment. Increasing appropriations for the purchase of electric transformers for the establishment of an electric utility

Ordinance 1419-19 1st reading

Legislation authorizing the Fiscal Officer to reallocate appropriations within a Fund

Ordinance 1415-19 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1415-19**, seconded by: Mr. Vickers
Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes,
Mr. Gipson, yes **Motion passed 5-0**

Committee Reports:

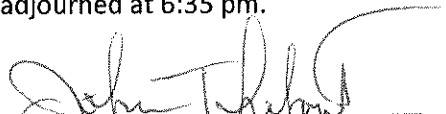
Finance Committee:	Next Meeting:	Thursday, March 28 @ 6:00 pm
Cemetery Committee	Kathy Turner	The annual joint meeting with the Township Trustees will be May 13 at 6:00pm at the Village Hall
Planning Commission	Bob Handra	Next Meeting Tuesday, Mar. 19 @ 7:00pm

Adjournment:


Mr. Vickers made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 6:35 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

Listing of Batavia residents attending March 4, 2019 Village Council Meeting and Public Hearing
regarding a proposed alcohol and drug residential rehab facility at 300 N Riverside Dr.

<u>Name</u>	<u>Address</u>
Jim Abrams	440 North St
Cindy Abrams	414 Knauer Ave
Bob Baillie	6076 Filager Rd
Ron & Penny Balzhiser	220 W Charles Ave
Nika Bastill	475 Old Boston Rd, Apt 4
James Benman	160 Wood St
Shana Bockelman	540 Wood St
Shelly Bressit	640 Shelly Dr
Rebekah Bustin	230 Edith Ave
Larry Castle	500 Knauer Ave
Noble & Elizabeth Culver	130 W Charles Ave
James D'Aquila	2037 Plumb Lane
Victor D'Aquila	250 N Riverside Dr.
Becky DeCamp	240 Edith Ave
Rowdy Detellem	503 Diana Ave
Jennifer Elliott	361 Spring St
Gerald Harley	400 Wood St
Mike Hart	360 Old Boston Rd
John & Mindy Hatfield	360 Woodside Dr
Steve Haynes	195 Wood St
Edward Heming	465 Shelley Dr
Edward Holmberg	540 Diana Dr
Greg & Marilyn Huffman	460 Old Boston Rd
Ken & Cristina Johnson	110 Wood St
Joe & Kim Laffleur	160 N Second St
Joe Loving	190 N Riverside Dr
David Maher	4244 Hulick Lane
JoAnn Martino	200 Wood St
Ch--? McKinney	110 Wood St
George Montgomery	45 N Market St
Mary Moore	220 Broadway
Garry Moorehouse	240 Edith Ave
Joe Morehead	537 Diana Dr

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

Phil Nause 640 Shelley Dr
Joe Page 185 N Riverside Dr
Kathy Pfeiffer 180 Wood St

Listing of Batavia residents attending March 4, 2019 Village Council Meeting and Public Hearing
regarding a proposed alcohol and drug residential rehab facility at 300 N Riverside Dr.

<u>Name</u>	<u>Address</u>
Tom Porter	625 Shelley Dr
Beth Pulliam	345 Spring St
Connie Ramos	197 S Riverside Dr
Lindsay Rosenhoffer	245 N Fifth St
Scott Runk	220 Broadway
Sharon Sanders	360 Old Boston Rd
Craig Scherer	295 Old Boston Rd
Steve Shinkle	183 Wood St
Claudia Smelt	120 W Charles St
Amy Smiddy	220 Wood St
Dale & Debbie Smith	400 Old Boston Rd
Matt Smith	500 Old Boston Rd
Ken & Janet Stewart	1845 Clough Pike
Rod & Debbie Stouder	1860 Perkins Lane
Brian & Janet Sullivan	610 Old Boston Rd
Mamie Trammel	345 Wood St
Sandy Walker	237 E Charles St
Norb & Linda Weidner	250 Wood St
Matt & Sara Woeber	277 Forest Ave

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

Public Hearing

Regarding a Proposed Alcohol and Drug Residential Rehab Facility at 300 N Riverside Dr.

The Ridge Ohio Residential Alcohol and Drug Treatment Center has been active in Clermont County since 2011. Their administrative office is located at 25 Whitney Dr., Milford, Ohio. They have been operating a residential rehab facility with about 30 beds at a location on S.R. 222 in Batavia Township. They want to expand their rehab facility but they have had issues providing the necessary additional infrastructure to existing location. The Ridge planned to put their expansion on Filager Road, across the street from the Sherriff's Office, on land owned by Clermont County, but they received some resistance from the County and the site preparation costs would be higher. The Ridge then offered to buy the 1861 Inn Bed and Breakfast at 300 N Riverside Dr. A purchase offer has been made and the owner accepted the offer, but the real estate closing has not happened as of March 4th.

Dr. Marc Whitsett, MD, medical director at the Ridge, and John McKay, owner and CEO of the Ridge, made a presentation about the Ridge. The Ridge is a residential rehab program. It is not a clinic. There are not a lot of patients coming and going. The program has the patients stay on campus for 30 days and then there is off-site follow-ups. There is an average of 20 admissions per month and a maximum of 16 patients at a time. All patients are there voluntarily. There are no court-ordered treatments. The ridge treats both drug and alcohol patients, with 70-80% of the patients being treated for alcohol addiction. In its eight years of operation, only two patients have left the program early. There has not been any criminal activity.

The program works like this. New admissions are processed at the Ridge's administrative office in Milford. The patients are searched for drugs and contraband. After an orientation, the patients are then transported to the Ridge's campus on S.R. 222. The daily activities are structured. There are group therapy sessions until lunch. After lunch there are additional therapy sessions and an exercise session. All sessions are in the buildings. There are no outdoor activities. None of the patients have any drugs or needles. All medications are locked up and administered by doctors and nurses. There are no guards. If a patient wants to leave the program, all they have to do is ask and they would be transported back to the Ridge's administrative headquarters in Milford where their family would be called to pick them up.

Community Questions and Comments

Kathy Pfeiffer, Wood Street – We have children who play in the neighborhood. We are concerned about their safety. Why are you bringing this to Batavia?

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

The Wyler estate has land and there have been no complaints from the neighbors. The 1841 Inn has 7 acres of land so there is a buffer between the neighbors. It was set up as a bed and breakfast so it is already configured as a residential facility.

Brian Vickers, Council Member – Have you had any occasions where patients have been found with drugs?

No.

Norb Weidner, Wood Street – Wyler has a lot of land. Why not expand up there:

The cost of the infrastructure improvements at the Wyler estate is more money than we have. The 1841 Inn property is more flexible.

Rod Stouder, Perkins Lane – Are you moving to the 1861 Inn because the costs and wages would be less than they are at the Ridge?

No. We just want to expand our services.

Bob Baillie, Filager Rd. – Why are you trying to close the 1861 Inn when it is already a successful business?

Christopher Moore, Village Solicitor – State law regulates zoning laws. The state legislature has deemed some businesses outside the scope of local government zoning.

Person who did not identify themselves – Are the patients there voluntarily or are they there because they have been mandated by a court for treatment? Have any of the patients walked away from the campus?

All of the patients are there voluntarily. There are no patients there under court order. In the eight years of operation there have only been two patients who left early. There is no need to “walk away”. If a patient wants to leave the staff will transport them back to the Milford office.

Sandy Walker, Charles Street – How many beds will there be at the 1861 Inn?

The capacity is 16 patients, two to a room, unless they are detox. 70%-80% of the patients are in the program for alcohol treatment, not drug treatment. The patients get medications, but they do not get drugs.

Jim D’Aquila, Plum Lane – How many staff members will there be? Is there sufficient parking?

There will be 6-8 staff members, mostly full-time nursing. The staff works 12 hour shifts. Twice a day, at shift change, there may be 12-14 cars on the property.

Jason Garrison, Batavia Council Member – What is a typical day like?

The patients get up at 7:00am. After breakfast there are group activities until lunch. After lunch there is more group therapy. Several days a week the patients are transported to the Clermont YMCA for exercise. After dinner the patients have study time. The lights are out by 11:00pm. On Tuesdays and Saturday, patients may be transported back to the Milford office to visit with family.

Kelly unknown last name? – I am concerned about our property values decreasing.

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

Joe Page, Riverside Dr. – Do we have zoning? Would the zoning be specific for this type of residence? What happens if it changes?

Christopher Moore, Village Solicitor – The Ridge will have to apply for a conditional use zoning permit.

Mike Hart, Old Boston Rd – I have heard a lot of talk about state law not allowing the Village to use zoning to keep a drug rehab facility out of the Village. I don't care what the law says. You are not welcome here.

Norb Weidner, Wood St. - What happens if the Ridge changes to a clinic or another operator takes possession?

Brian Vickers, Batavia Council Member – Can we get a legal opinion on that?

Christopher Moore, Village Solicitor – The Ridge will have to apply for a conditional use zoning permit. A change in use would require a new zoning application.

Unidentified Person – Does the Ridge house criminals? Have you had any criminal activity at the Ridge?

The Ridge does not accept criminals. We do not accept anyone who is a sexual criminal, anyone who has done a crime with a weapon, or anyone with mental illness.

Shelly Bressit, Shelley Dr. – What type of security do you have?

There is patient safety monitors 24 hours a day. We do not have guards. It is not a lock down facility. When a patient wants to leave, they are transported back to the Milford office.

Jason Gipson, Batavia Council Member – What is the average client/patient?

All patients are 18 years or older. They are middle-class to wealthy. The model is a 30-day stay. 80% of the patients come in with insurance. The average co-pay is \$5,000.

Brian Vickers, Batavia Council Member – You have 40 acres of land at the Ridge and you are charging \$30,000 per month for treatment. Why do you need to expand into the Village?

We need another road at the Ridge. We have county water, but we would need to have sewer. We currently operate on a septic system. There is a 200-foot rise up the hill. We would need a fire water line.

Scott Runk, Broadway – You are going for the money. (Speaking to John McKay, owner of the Ridge) Where do you live?

John McKay – I live in Geneva, Illinois.

Brian Vickers, Batavia Council Member – How many patients are from this area?

85% of the patients are from Clermont County. 30% live within 20-30 miles.

Reba Bastin, Edith Ave – How are you going to guarantee our safety. We have children paying next to the property.

Brian Vickers, Batavia Council Member – Do you have a purchase agreement for the 1861 Inn?

**Village of Batavia – MINUTES of COUNCIL MEETING,
March 4, 2019**

Yes. The cost of making the necessary improvements to the Ridge would be three times the price of purchasing the 1861 Inn. We don't have the money to make those improvements.

Unknown person - Are there going to be security lights at night?

No. There are no outside activities.

Brian Sullivan, Old Boston Rd. – Why are you putting this in Batavia? Why not put it out in the country?

We have looked and have not found an alternate facility. We approached the owners of the 1861 Inn and they agreed to sell the property.

JoAnn Martino, Wood St – Are you associated with the drug rehab facility in Loveland?

No.

Steve Haynes, Wood St – Have there been any crimes at the Ridge?

No. Don't equate a medical illness with a criminal. There are no visitors at the facility.

Phil Nause, Shelley Dr. – How is the 1861 Inn zoned?

R-2

Mary Moore, Broadway – According to Facebook, patients are transported to the YMCA 4 times a week. One of the complaints against the Ridge is that some of the patients don't want to exercise.

Meyer David – I have lost relatives to heroin addiction. We know that there needs to treatment for them, but if you put this facility here you are inviting in the devil.

All patients are screened. They are not allowed to have drugs. There is no contact with family at the facility. Rooms are searched and patients have drug screens.

Rod Stouder, Perkins Lane – Is there any way to stop this?

Christopher Moore, Village Solicitor – State law regulates zoning laws. The state legislature has deemed some businesses outside the scope of local government zoning.

Ken Johnson, Wood St – Mr. Johnson read a lengthy statement in opposition to the Ridge. His statement called for unified resistance to the Ridge. His concerns included safety, decreased real estate values, lack of process, and that addicts also have cognitive impairment. This is about the money.

Brian Vickers, Batavia Council Member – (addressing the Ridge representatives) You have seen that you have opposition. We hope that you reconsider.

Adjournment:

Mr. Handra made a motion to adjourn, seconded by Mr. Gipson. Motion passed 5-0

The meeting adjourned at 8:30 pm.

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, April 8, 2019**

The Batavia Village Council met in regular session on Monday, April 8, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis. Mr. Handra was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Officer Christopher Whitaker, Chief James Young, Solicitor Christopher Moore, Officer Altman, Officer Fletcher, Officer Kuhl, Officer Lunsford, Officer McMillan, and Officer Whitaker.

Others Attending the Meeting: Andrea Behanan, Duke Energy; Michael Pahutski, Duke Energy; John McGraw, Union Township Trustee; Jeff Bauer, Dean U.D. Clermont College; Victor Billingsly, Laura Zagar, Kathy Pfeiffer, Greg Pfeiffer, Shana Bockelman, Kim Parsons, Rex Parsons, Randy Dorsey, Steve Shinkle, JoAnn Martino, Tom Eigel, Mary Moore, and Dan Altman

Approval of Financial Reports:

Mr. Gipson made motion to approve the March Bank Statements and Cash Journal, seconded Mr. Vickers. The motion passed 5-0

Approval of Minutes:

Mr. Vickers requested that the minutes of the March 4th meeting be amended and then made a motion to approve the amended minutes of the March 4, 2019 Council Meeting, seconded by Mr. Garrison. The motion passed 5-0

Mr. Garrison requested that the minutes of the March 11th meeting as presented be amended and then made a motion to approve the minutes of the amended March 11, 2019 Council Meeting, seconded by Mr. Gipson The motion passed 5-0

Village Administrator: Dennis Nichols

Electric Utility

Ordinance 1418-19 1st reading Waive the 3 Readings

Auto Temp has formed a new entity, AAG Glass. LLC, that is building a factory on Kent Road. AAG Glass will be a large consumer of electric energy. AAG Glass has asked the Village of Batavia

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

to form a municipal electric utility to provide them with electricity because they believe it will reduce the cost of their electricity. In order to accomplish this, the Village of Batavia must first establish a municipal electric utility. There is an urgency to pass the Ordinance since the new factory is expected to be operational within in August and there are several additional steps that must be accomplished in order to become their electric provider.

Mr. Vickers asked what are the costs and benefits to the Village in providing the electricity. Mr. Nichols told him that the only major cost would be the purchase of 3 transformers, which will cost \$150,000. Those transformers would be financed with revenue bonds. The transformers will be located on Roudebush Lane at Bernie Fassler Lane on property owned by Auto Temp or property owned by the Village of Batavia next to the AAG Glass factory. We will not be purchasing electric transmission lines. We will not have to pay Duke for taking away an existing customer, since AAG Glass is a new entity. The electric utility will be an enterprise fund so its finances should be structured to “break even” financially, although it can pick up various village expenses. The benefit to AAG Glass is that they expect to lower their electric cost. The benefit to the Village of Batavia is that we will pick an annual kilowatt-hour tax estimated to be \$30,000.

Ordinance 1418-19 only creates the electric utility. It doesn’t appropriate any funds.

Mr. Garrison made a **Motion** to waive the three readings, seconded by: Mr. Gipson
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

Mr. Vickers made a **Motion** to adopt **Ordinance 1418-19**, seconded by: Mr. Gipson
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

Adams-Clermont Solid Waste Management Plan

The Adams-Clermont Solid Waste Management District is required to revise its Management Plan every 5 years. The revised plan is for the 20 years from 2018 to 2037. The revised plan must be ratified by townships and municipalities representing at least 60% of the population of the District. In addition, the plan must be approved by the largest municipality and by the County Commissioners. The District is asking for our expedited approval since their deadline for approval is the end of May.

Ordinance 1422-19 1st reading Waive the 3 Readings
An Ordinance authorizing approval of Revised Draft Solid Waste Management Plan dated 2018-2037, for the Adams-Clermont Solid Waste Management District

Mr. Vickers made a **Motion** to waive the three readings, seconded by: Mr. Gipson
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

Mr. Gipson made a **Motion** to adopt **Ordinance 1422-19**, seconded by: Mr. Vickers
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

Approval of Revised Planned Unit Development for Streamside Development

Village Council previously passed Ordinance 1375-17 approving a Planned Unit Development for Streamside Development. We now are approving a revised P.U.D. This revised PUD only incorporates some minor technical changes.

Ordinance 1423-19 1st reading Waive the three readings
An Ordinance authorizing approval of Revised Draft Solid Waste Management Plan dated 2018-2037, for the Adams-Clermont Solid Waste Management District.

Mr. Vickers made a **Motion** to waive the three readings, seconded by: Mr. Gipson
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

Mr. Gipson made a **Motion** to adopt **Ordinance 1422-19**, seconded by: Mr. Garrison
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

Development Agreement with Hal Homes

A Resolution approving a Development Agreement with Hal Homes, Inc. for the Streamside Residential Development and authorizing the Village Administrator to execute documents on behalf of the Village of Batavia.

Hal Homes plans to break ground on the development this summer. Phase 1(a) will be 64 homes to be built by Ryan Homes. A CRA is being used to fund a sewer lift station. Half of the real estate tax for the development will be diverted to the CRA to pay off bonds used to finance the infrastructure. There were questions from the audience as to how the development would affect the school district. The Batavia Local Schools have been notified of the plan. Approval from the schools is not required.

Resolution 275-19 1st reading Waive the three readings

Mr. Vickers made a **Motion** to waive the three readings, seconded by: Mr. Gipson
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

Mr. Vickers made a **Motion** to adopt **Resolution 275-19**, seconded by: Mr. Gipson
Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis,
yes. **Motion passed 5-0**

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

Status of property at 196 E Main Street

Parcel No. 060202.099 includes the buildings at 196 E Main Street and 47 N Second Street. The property is owned by William C. Meeks but is subject to a land contract. The owner wants to evict the land contract tenant. The building at 47 N Second Street is in disrepair and the Village is going to have it condemned. The Village is negotiating with the owner and the land contract tenant for purchase of the parcel.

Appropriations Amendment

Ordinance 1419-19 1st reading Waive the three readings

An Ordinance appropriating \$60,000 for transfer to the Village of Batavia Clermont County CIC, Inc. for the purchase of 196 E Main Street.

Mr. Vickers made a **Motion** to declare and emergency and to waive the three readings, seconded by: Mr. Garrison

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 5-0**

Mr. Garrison made a **Motion** to adopt **Ordinance 1419-19**, seconded by: Ms. Turner

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 5-0**

Transfer Ownership of Fire Truck to Village of Batavia Clermont County CIC, Inc. for Purposes of Donation to Vocational School.

The Village of Batavia no longer has a fire department, but it still owns a fire truck valued at \$5,000. A vocational school asked the Village to donate the fire truck to the school for use in training fire cadets. The Village believes that having trained fire cadets is of benefit to the Village and would like to make the donation. The Village's Solicitor recommends transferring the fire truck to the Village of Batavia Clermont County CIC, Inc., and letting the CIC make the donation.

Ordinance 1425-19 1st reading Waive the three readings

An Ordinance authorizing the transfer of a fire truck to the Village of Batavia Clermont County CIC, Inc.

Mr. Vickers made a **Motion** to waive the three readings, seconded by: Ms. Turner

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 5-0**

Ms. Turner made a **Motion** to adopt **Ordinance 1425-19**, seconded by: Mr. Vickers

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes. **Motion passed 5-0**

Mr. Ellis became ill and left the meeting.

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

Police Department, Chief Young

Special Recognition to Officer Whitaker for his work as Acting Chief of Police.

In August, 2018, Officer Whitaker was called upon to become the acting Chief of Police for the Batavia Police Department. He held that position until March 11, 2019. During that term he worked to maintain morale and moved the department forward. The Village of Batavia appreciates his fine work. The Village presented Officer Whitaker with a plaque and he received a standing ovation from Village Council.

New Full-Time Police Officers

Officer Patrick Kuhl and Officer Kayla Altman have been serving a part-time police officers for the Village of Batavia. The Village would like to make them full-time police officers effective March 24th at their current hourly wage rate. The annual cost for providing them with additional hours and health benefits is estimated to be \$37,000.

Mr. Gipson made a **Motion** to approve the appointment of Officer Patrick Kuhl and Officer Kayla Altman as full-time police officers effective March 24, 2019, at their current hourly wage rate. Council voted 4-0 to accept the **Motion**. **Motion Passed**

The Police Department now has a duty phone that is carried by the officer on duty. Calls to the police department are automatically forwarded to the duty phone.

The day-shift officer is now visiting the Batavia Middle School during lunch hours to present more police presence in the schools.

The Clermont County Sherriff's Department has completed an audit of our property room.

Mayor, John Thebout

Nothing other than the fire truck donation.

Village Solicitor, Christopher Moore

In regard to the AAG Glass Electric Utility project, there is an issue in obtaining an easement over property owned by the Bricklayers Union. The Solicitor has been working on obtaining the easement.

The property at 23 N Riverside Drive has been purchased. There was a real estate closing on March 27th.

Brian Vickers commented that the Village has begun working at 23 N Riverside Dr. before the property was purchased. He said that it was improper to have done so and urged the administration to avoid doing it in the future.

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

The solicitor attended a meeting with Hal Homes, their attorney, Dick Spore, our bond attorney, and village officials to finalize the plans for the Streamside Development.

The CRT Electronics nuisance violation hearing will appear before Judge Brock on May 7. If there hasn't been any cleanup progress, Judge Brock will set a trial date.

All of the waterline easements had been resolved and the information has been sent to the Clermont County Water and Sewer Department. However, the County has now asked the Village to get easements for 3 additional properties.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on March activity

Credit card legislation mandated by the Ohio Legislature

The 132nd General Assembly passed H.B. 312 requiring all political subdivision to adopt specific credit card controls. Ordinance 1416-19 amends Ordinance 1245-12 to comply with Ohio law.

Ordinance 1416-19 3rd reading

Mr. Vickers made a **Motion** to adopt **Ordinance 1416-19**, seconded by: Ms. Turner

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes.

Motion passed 4-0

Possible Purchase of 196 E Main Street

The property at 196 E Main Street has been offered for sale to the Village. The solicitor is negotiating with the owner over terms and price. If the Village is going to purchase the property the solicitor recommends that we do it through the Village of Batavia Clermont County CIC, Inc. Village Council has tonight approved an appropriation for the purchase.

Mr. Gipson made a **Motion** to authorize the Village to transfer \$60,000 to the Village of Batavia Clermont County CIC, Inc. for the purchase of 196 E Main Street; seconded by: Mr. Vickers. **Motion** passed 4-0

John McGraw, Union Township Trustee

Mr. McGraw introduced himself and informed Council that he is running for Clermont County Commissioner.

Proposal to Establish a "No Mow" Zone at the Eastbound S.R. 32 Exit Ramp to S.R. 222

Mr. Garrison asked Council to consider establishing a No Mow zone at the exit ramp for a 5-year period to let it grow wild and return to the flowers and grasses that grow there naturally. The Village Street Maintenance Department has no objection to the plan. Mr. Waite mentioned that the Ohio Department of Transportation often uses that area as a staging area for highway projects.

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

Mr. Vickers made a **Motion** to approve a “No Mow” zone for the eastbound S.R. 32 exit ramp to S.R. 222; seconded by: Ms. Turner. **Motion** passed 4-0

Items from Tonight’s Agenda that had been skipped over

Demolition of the building at 23 N Riverside Dr.

Waugh Excavation has agreed to demolish the building a 23 N Riverside for \$20,000. Appropriated funds are available in the Street Capital Fund.

Mr. Vickers made a **Motion** to approve having Waugh Excavations demolish the building at 23 N Riverside Drive for \$20,000 and to authorize the Village Administrator to execute a contract with Waugh on behalf of the Village; seconded by: Ms. Turner. **Motion** passed 4-0

Sewer Lining Project for

Sewer lining project for Diana Dr., Charles Street, Gregory Street, Shelley Drive, Old Boston Road, and Edith Drive. The estimate cost is \$2 million. The project should reduce sewage overflows into the East Fork River to a level that will bring the village into compliance with the Ohio EPA. That will allow the village to transfer ownership of the Sewer Utility to Clermont County. The Village will need to place a 0.5 mil levy on the entire village to pay for the project. Clermont County is charging Village residents a higher rate for sewage than other users. The transfer of the utility to Clermont County will result in savings to each house greater than the amount of the assessment. There was discussion with the audience as to why the entire village would be assessed for the project. A 0.5 mil levy does not have to be placed on the ballot. There was an agreement that residents on Karen Dr. Hulick Dr. and Perkins Lane should not be assessed a levy since they do not have sewer services provided by the Village.

Condemnation of Various Nuisance Buildings

There are several buildings in the Village that we are going to designated as nuisance, including:173 Wood Street, 225 Wood Street, 600 S. Riverside Dr., 280 S. Fourth Street, and 350 Broadway.

Community Reinvestment Area Housing Board

Ohio Revised Code §3735.69 requires the Village to establish a seven-member Community Reinvestment Area Housing Council to be comprised of 2 members appointed by the Mayor, 2 members appointed by Council, 1 member appointed by the Planning Commission, and the final 2 members appointed by the other 5 members.

The Mayor asked members of Council and members of the audience if anyone was willing to volunteer to sit on the board. No one offered to volunteer. Council decided to publish the openings to make the public aware of the openings before filling them.

**Village of Batavia – MINUTES of COUNCIL MEETING,
April 8, 2019**

Executive Session to Discuss Personnel Issues

The Mayor asked Council for a Motion to adjourn to Executive Session to discuss a personnel issue.

Mr. Vickers made a **Motion** to adjourn to Executive Session, seconded by Mr. Gipson

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes.

Motion passed 4-0

Council returned from Executive Session.

The Mayor asked Council for a Motion acknowledging the return from Executive Session

Mr. Vickers made a **Motion** to return from Executive Session, seconded by Mr. Gipson

Vote by roll: Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes.

Motion passed 4-0

Committee Reports:

Finance Committee:	Next Meeting:	Thursday, April 25 @ 6:00 pm
Cemetery Committee	Kathy Turner	The annual joint meeting with the Township Trustees will be May 13 at 5:30pm at the Village Hall
Planning Commission	Bob Handra	Next Meeting Tuesday, April. 16 @ 7:00pm
Safety Committee	Brian Vickers	Next Meeting Tuesday, April. 16 @ 6:30pm

New Business / Public Participation

Shana Bockelman complained about loud traffic on Fifth Street. She complained about diesel pickup trucks.

Brian Vickers noted that the public often isn't aware when Council has a special meeting. In addition to publishing notice of special meetings in the paper, he wants the Village to post notice of special meetings on the Village's sign on Main Street near College Drive. He also said that he would like Council to pass an Ordinance prohibiting any special meeting unless notice has been given at least 2 days prior to the meeting. There was no support on Council for the 2-day prohibition.

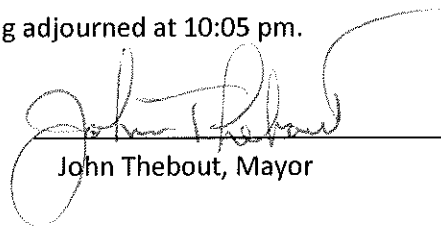
Brian Vickers told the audience that the Batavia Public Library is being proactive in offering new programs to the public. He urged people to visit and use the library. The Library tracks the number of books checked out monthly at each branch and the Batavia library is lagging other branches.

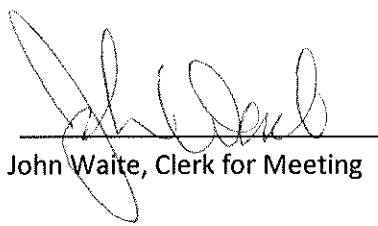
Adjournment:

Mr. Gipson made a motion to adjourn, seconded by Mr. Garrison. Motion passed 4-0

The meeting adjourned at 10:05 pm.

ATTEST:


John Thebout, Mayor


John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, May 13, 2019**

The Batavia Village Council met in regular session on Monday, May 13, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, and Mr. Gipson. Mr. Ellis was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Officer Christopher Whitaker, Chief James Young, Solicitor Christopher Moore, and Officers Altman, Fletcher, Kuhl, McMillan, Noonan, and Whitaker

Others Attending the Meeting: Hal Silverman, Tim Burgoyne, Steve Shinkle, JoAnn Martino, Ben Steward, Joe Greener, Joe Laffleur, Kim Laffleur

Approval of Financial Reports:

Mr. Gipson made motion to approve the April Bank Statements and Cash Journal, seconded Ms. Turner. The motion passed 5-0

Approval of Minutes:

Mr. Gipson made a motion to approve the minutes of the April 8, 2019 Council Meeting, seconded by Mr. Vickers. The motion passed 5-0

Promotion of Officer Christopher McMillan

Corporal Christopher McMillan has been employed by the Village of Batavia since 2013. He is currently our drug officer and in charge of our police K-9 Drees. The Chief recommends promoting Corporal McMillan to Sergeant and establishing him as second in the chain of command. He also recommends that we adjust his salary from \$20.50 per hour to \$22.00 per hour.

Resolution 278-19 1st reading Pass as an emergency
A Resolution promoting Corporal McMillan to Sergeant and adjusting his salary

Solicitor Christopher Moore stated that this Resolution qualifies as an emergency since it is necessary to establish a chain of command for the police department.

Mr. Vickers made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes
Motion passed 5-0

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

Mr. Gipson made a **Motion** to adopt **Resolution 278-19**, seconded by: Mr. Handra

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes

Motion passed 5-0

Village Administrator: Dennis Nichols

196 E Main Street

The Purchase of 196 E Main Street by the Village of Batavia Clermont County CIC, Inc. has been completed. We intend to demolish the building at 47 N Second Street, located at the back of the 196 E. Main Street property, and make a parking lot for persons visiting the Village Offices. We are soliciting suggestions for what to do with the building at 196 E Main Street. The three options we are currently considering are:

- 1 Tear the building down and create a Village park
- 2 Seek a developer who would renovate the existing structure
- 3 Seek a developer who would keep the existing façade but build a new structure behind the façade.

We have given the seller 90 days to vacate the premises, so we have some time to decide what we are going to do. We will publicize the availability of the site and keep Council informed of any interest in the site that we receive. Mr. Vickers commented since the property is in the name of the Village of Batavia Clermont County CIC, Inc., they will have to be the entity that makes a decision about the property.

Community Reinvestment Area for Village of Batavia

Village Council previously passed Resolution 262-18 approving a Community Reinvestment Area for the Village of Batavia. This Resolution replaces Res 262-18 to revise the area covered to include the Streamside Development.

Resolution 276-19 1st reading Waive the three readings

A Resolution establishing the boundaries of Community Reinvestment Area in the Village of Batavia, and repealing Resolution 262-18

Mr. Gipson made a **Motion** to waive the three readings, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes

Motion passed 5-0

Mr. Vickers made a **Motion** to adopt **Resolution 276-19**, seconded by: Mr. Handra

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes

Motion passed 5-0

Approval of Payment in Lieu of Taxes (PILOT) Agreement with Hal Homes

A Resolution approving and agreement with Hal Homes, Inc. for payment in lieu of taxes and a guarantee of the completion of certain public improvements.

Resolution 280-19 1st reading

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

The Administrator asked Council to waive the three readings. However, Mr. Vickers stated that he had not received a copy of the PILOT agreement before the meeting and he had not had an opportunity to review it. Therefore, he asked that a vote to waive the three readings and adoption of the Resolution be delayed until the next meeting.

Intersection of S.R. 32 at Bauer Road

The State of Ohio had notified the Village of Batavia that they wanted the Village to make improvements to the intersection of S.R. 32 at Bauer Road. The improvements proposed by the State would have cost the Village about \$1.5 million.

The Administrator has had discussions with Clermont County officials and State of Ohio officials to see what interchange design would be acceptable to the Department of Transportation and what funding sources are available.

The Ohio legislature recently increased the state gasoline tax. The resulting increase in the Ohio Department of Transportation's budget has allowed the State to approve improvement to 150 high-crash intersections. The S.R. 32 at Bauer Road intersection was selected as one of those intersections. The State intends to eliminate the stoplight and change the intersection to a "Restricted Crossing U-Turn Intersection". The State will design the intersection. The estimated cost of the project is \$4 million. The entire project is being managed and paid for by the State of Ohio.

Acceptance of Annexation Petition for Property Owned by the Village.

The Bricklayers Union donated a parcel of property to the Village of Batavia. The property is unusable land beside S.R. 32 and Kent Road over which the Village would have needed an easement for running electric lines to the new AAG Glass plant. Mayor Thebout filed an annexation petition for the property with the Board of Commissioners of Clermont County.

The benefit to the Village is that the parcel provides us with a pathway for annexation of land west of the Village.

Ordinance 1426-19 1st reading

An Ordinance accepting and annexation petition for land owned by the Village of Batavia.

Electric Utility Update

Our Electric Utility Ordinance is now in effect. Our Administrator has met with Duke Energy officials and with our electric utility consultant. We will be presenting Duke Energy with an Interconnection Agreement covering our one customer, AAG Glass, Inc. Our cost for providing electricity will determine the rate that we charge AAG Glass.

Condemnation of various nuisance buildings

Mr. Nichols sent letters to seven property owners notifying them of our intent to schedule a hearing for June 10th to condemn their property. Five of the seven have responded and resolved their issues. Two of the properties are set for a hearing.

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

Batavia Nursing Home	Patricia Meeker has agreed to demolish the building
225 Wood Street	The realtor and Fannie Mae have asked us to forestall demolition
600 S Riverside Dr.	The owner has a buyer who intends to partially demolish the building and then rebuild the front
570 E Main Street	The owner will demolish the building
585 North Street	The owner of the old garage and barn will demolish them
173 Wood Street	Set for a hearing
234 E Main Street	Set for a hearing

Concerts

There is a Mozart concert scheduled for Wednesday, May 15th. There is also a Tin Pan Alley concert scheduled for Friday, June 7.

Ohio Capital Budget Projects

The Administrator meet with Clermont County officials to discuss an application for funding from the Ohio Capital Budget Projects Fund. They were receptive to an application for funding a Trail Head Park for S Riverside Dr.

Police Department, Chief Young

There was a 200% increase in traffic accidents last month, probably affected by the rainy weather.

The Chief and 5 of the Officers have been attending various training programs.

The police department had tint applied to their window to reduce the glare and heat from the sun. There has been a dramatic decrease in the temperature on the 3rd floor.

Officer Kuhl applied for and received a \$940 grant for the police department. The money was used to purchase fire extinguishers and traffic safety cones for the police cruisers.

Jason Garrison asked the Chief who pays officers when they perform off-duty services such as traffic control for soccer games. The Chief said that the soccer organizers pay the officers \$35 per hour and they are paid directly by the soccer organizers. When a police car is used by an off duty officer, the organization is charged \$10 per hour by the Village for the police car.

Kathy Turner reminded the Chief that there will be a village-wide yard sale on June 1st & 2nd and there may be a lot of traffic in the Village.

Mayor, John Thebout

Community Reinvestment Housing Board

Under Ohio Revised Code §3735.69, we need to establish a seven-member Community Reinvestment Area Housing Council: 2 by the Mayor, 2 by Village Council, 1 by the Planning Commission, and 2 by the other 5.

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

The Mayor asked the audience and Council if anyone was willing to serve on the board. Their duties are to annually look at properties that have received CRA tax abatement to see if they are still complying with the status for which the CRA designation was approved.

No one in the audience was willing to serve. Councilmen Kathy Turner and Jason Garrison volunteered to serve. The Mayor appointed them as his picks for the Board.

Local Government Fund

The Mayor informed Council that the Township Trustees have proposed a new allocation of Local Government Fund revenue that greatly increases that amount allocated to townships and decreases the allocation to municipalities. The Clermont County Mayor's Association has filed an objection and asked the Commissioners to set up a meeting where all entities are represented in determining future allocations.

Ohio Mayors' Convention

The Mayor will be attending the annual Ohio Mayor's Convention. The estimated cost is \$500. He asked Council for a motion approving the cost of his attendance.

Mr. Vickers made a **Motion** to approve sending the Mayor to attend the Ohio Mayors' Conference at an estimated cost of \$500., seconded by: Ms. Turner. **Motion passed 5-0**

Ohio Division of Liquor Control

The Ohio Division of Liquor Control sent the Village a form asking the Village if we have any objection to the renewal of a liquor license to Bean & Brew, LLC at 97 E. Main Street. The Mayor asked Council and the Chief of Police if anyone objected. There were no objections.

Village Solicitor, Christopher Moore

The Solicitor spent most of his time working on the Hal Homes Streamside Development documents.

The property at 189 E Main had its closing. We gave the sellers 90 days to vacate the property.

The Solicitor met with Judge Brock regarding the CRT Electronics nuisance violation. If there hasn't been any cleanup progress, on June 25th Judge Brock will set a trial date.

All of the waterline easements had been resolved and the information has been sent to the Clermont County Water and Sewer Department. However, the County has now asked the Village to get easements for 3 additional properties.

The Solicitor filed a lawsuit against a resident who has not paid his trash collection fees for a year. This is the same individual who previously failed to pay until a lawsuit was filed.

The Village received a complaint from a person who lives outside the Village on S.R. 222 about noise from the Auto Temp plant. Auto Temp has been in existence for 15 years. The individual making the complaint had only recently purchased the house.

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on April activity

Tax Budget for 2020

The Ohio Revised Code requires the Village to file a tax budget for next year before July 15th.

Resolution 277-19 1st reading
A Resolution adopting a tax budget for 2020.

Declare Special Council Meeting(s) for the following purpose(s): To adopt legislation regarding bond issuance and related contracts for the Hal Homes Streamside Development

Notice has been sent to the Clermont Sun notifying them of the Special Council Meetings for the following dates: Monday, May 20, 2019 at 7:00pm
Tuesday, May 21, 2019 at 6:30pm

Ms. Turner was asked to also post the notice on the Village sign. The Administrator was asked to post the information on the Village website.

First readings of legislation related to the Hal Homes Streamside Development that will be addressed at the above-listed Special Council meeting(s).

Ordinance 1427-19 1st reading
An Ordinance Determining to Proceed with the Acquisition, Construction, Installation and Improvements of Certain Public Improvements for the Village of Batavia, Ohio.

Ordinance 1428-19 1st reading
An Ordinance Levying Special Assessments for the Purpose of Acquiring, Constructing, Installing and Improving Certain Public Improvements in the Village of Batavia, Ohio, and Approving a Special Assessment Agreement Relating Thereto.

Ordinance 1429-19 1st reading
An Ordinance Providing for the Issuance and Sale of Special Obligation Revenue Bonds of the Village of Batavia, Ohio, in the Maximum Aggregate Principal Amount of \$3,000,000 for the Purpose of Paying a Portion of the Costs of Certain Street Improvements, Sewer System and Sanitation Improvements, and Gas, Electric, Water System and Telecommunications Improvements, Together with all Necessary and Related Appurtenances Thereto, Capitalized Interest, and Lawful Costs of Issuance of Such Bonds; Authorizing an Official Statement, a Certificate of Award, a Bond Purchase Agreement, a Bond Registrar Agreement, a Continuing Disclosure Agreement, and Such Other Actions Reasonably Necessary and Related Thereto.

Resolution 280-19 1st reading
A Resolution Approving and Authorizing the Execution and Delivery of an Agreement in Lieu of Taxes with Hal Homes, Inc.; Approving a Guaranty of Completion Relating to Public Improvements to be Constructed by Hal Homes, Inc. in Favor of the Village; and Authorizing Other Necessary Actions in Connection Therewith.

Resolution 281-19 1st reading
A Resolution Approving Petition for Special Assessments.

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

Resolution 282-19 1st reading

A Resolution Approving the Necessity of Acquiring, Constructing, Installing and Improving Certain Public Improvements in the Village of Batavia, Ohio.

Mr. Garrison asked what estimated annual assessment is expected for homes purchased in Streamside. Mr. Silverman responded that the annual assessment is estimated be \$750.

New Business

Ms. Turner made a Motion to forgive Mr. Ellis's absence because it is the result of illness.

Motion passed 5-0

Proposal to audio Council Meetings.

Mr. Vickers proposed requiring Council Meeting to be audio taped. He said that it would be easy to do and the cost of doing it would be minimal. The audio file could be uploaded to the Village website. The process would allow anyone to see what Council is doing. It would allow us to resolve any questions about who said what.

Mr. Waite objected. Currently the minutes are a summary of discussions indicating the name of the speaker and the substance of their conversation. The Minutes correct misstatements and redundancies. They present the highlights of the discussions accurately and provide enough information to permit the public to understand the rationale behind Council's actions. The Minutes present councilmembers respectfully.

Mr. Nichols responded that he used to be a newspaperman who would routinely audiotape meetings. The only reason meetings are taped is to embarrass someone. You are looking for a "Got Ya". In addition, when you start recording meetings, you are then obligated to keep the recordings. He recommended that Council NOT record its meetings.

Mr. Waite and Mr. Handra expressed their opinions that recording meetings will result in members not freely expressing their opinions for fear of having something said being reported when it is taken out of context.

Mr. Vickers still wanted to record the meetings in the interest of transparency.

Council did not take any action to require recording meetings.

Proposal to require 2-days; notice by posting on the Village website and posting on the Village sign before any Special Council Meeting

Mr. Vickers noted that Council recently called a Special Meeting where the meeting occurred before notice of the meeting was published, so the public was not informed that a meeting would occur. He proposed that Council pass an Ordinance prohibiting a Special Meeting unless the public has been given notice of the meeting at least 2 days in advance of the meeting. The public needs to be informed so that they have the opportunity to decide if they want to attend and participate.

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

Mr. Waite commented that there are 3 types of meetings: regular meetings, special meetings and emergency meetings. The legal requirement for special meetings is "24 hours' notice to all media outlets that have requested it". The Village never tries to hide what it is doing, but there may be an occasion when there needs to be action taken by Council within the 2-day period and prohibiting it by Ordinance unnecessarily ties the hands of Council. It would be better to make it a Policy to provide 2-days' notice instead of passing an Ordinance.

Ms. Turner commented that she is the person who is responsible for posting notices on the Village sign. She asked what would happen if she were out of town or unable to post a message on the sign within the 2-day period?

Mr. Waite commented that Mr. Nichols is currently responsible to posting messages on the Village's website. What would happen if Mr. Nichols was unable to post a message on the website?

Solicitor Moore responded to Ms. Turner's and Mr. Waite's concerns by stating that Council could then call an Emergency Meeting instead of a Special Meeting.

Mr. Vickers state that he had not heard anything to refute his proposal. He told Council that if they fail to pass an Ordinance and a Special Meeting is called where there has not been 2-days' notice to the public, then he would refuse to vote in favor of anything proposed in such a meeting.

Council failed to take any action passing an Ordinance requiring 2-days' notice for a Special Meeting. Instead, Council agreed to make it a "policy" to notify the public of special meetings by postings on the Village Sign and on the Village Website.

Proposal to create an Ordinance or written policy requiring the draft of minutes for a Council or Committee meeting to be provided to all Council members within 14 calendar days of the meeting and to have all approved minutes from all meetings posted on the Village website within a week of the approval of the minutes

Mr. Vickers complained that Minutes of Council meetings have not been posted on the Village's website. He also believes that Committee meeting minutes should also be available on the website.

Mr. Waite commented that preparing the minutes does not happen quickly because there are many other things to get done each day. Committees are used to review items and decide if they are to be presented to Council. Committees don't have the authority to enact legislation. Items of importance are passed on to Council for discussion and enactment. Therefore, the public doesn't need to see Committee minutes. The public gets to review items when they come before Council.

Mr. Nichols stated that you should not circulate or post draft minutes that have not been approved. The Solicitor also recommended not posting drafts of unapproved minutes.

Mr. Waite stated that draft minutes of Council's previous meeting are necessarily provided to Council because they must review them in order to approve them.

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

Ms. Turner and Mr. Gipson stated that they want to see minutes of Committee meetings because they often feel that they are not aware of what the Village is doing.

Mr. Vickers made a **Motion** to make it **Village Policy** publish Minutes of all Village Meetings by posting them on the Village website as soon as practical, once they have been approved, seconded by Mr. Turner. **Motion passed 5-0**

The Motion did not put a time limit on getting the minutes posted.

Committee Reports:

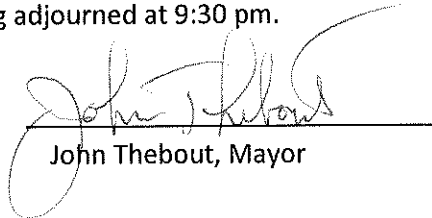
Finance Committee:	Next Meeting:	Thursday, May 23 @ 6:00 pm
Cemetery Committee	Kathy Turner	The next meeting will be June 5 at 6:00pm
Planning Commission	Bob Handra	Next Meeting Tuesday, May. 21 @ 7:00pm

Adjournment:

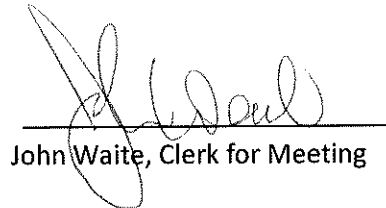
Mr. Vickers made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 9:30 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 5, 2019**

**Batavia Village Council
Minutes of Meeting
Wednesday, June 5, 2019**

The Batavia Village Council met in special session on Wednesday, June 5, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols,
and Fiscal Officer John Waite,

Others Attending the Meeting: Andrea Behanan (Duke Energy), Michael Pahutski (Duke
Energy), Joanne Martino, Kim Laffleur, Doug Smiddy, Amy Smiddy, and Steve Shinkle

Approval of Minutes:

Mr. Gipson made a motion to approve the minutes of the May 13, 2019 Council Meeting, seconded
by Mr. Handra. The motion passed 6-0

Hal Homes Streamside Residential Development:

**Second Readings of 5 pieces of legislation related to Streamside Development and the Issuance of
Special Assessment Revenue Bonds to Pay for Public Improvements.**

1. A Resolution Approving and Authorizing the Execution and Delivery of an Agreement in Lieu of Taxes with Hal Homes, Inc.; Approving a Guaranty of Completion Relating to Public Improvements to be Constructed by Hal Homes, Inc. in Favor of the Village; and Authorizing Other Necessary Actions in Connection Therewith

Resolution 280-19 2nd reading

2. A Resolution Approving the Necessity of Acquiring, Constructing, and Installing Certain Public Improvements in the Village of Batavia, Ohio, and Approving a Petition for those Special Assessments, and Declaring an Emergency

Resolution 281-19 2nd reading

3. An Ordinance Determining to Proceed with the Acquisition, Construction, Installation and Improvements of Certain Public Improvements for the Village of Batavia, Ohio, and Declaring an Emergency

Ordinance 1427-19 2nd reading

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 5, 2019**

4. An Ordinance Levying Special Assessments for the Purpose of Acquiring, Constructing, Installing and Improving Certain Public Improvements in the Village of Batavia, Ohio, and Declaring an Emergency

Ordinance 1428-19 2nd reading

5. An Ordinance Providing for the Issuance and Sale of Special Obligation Revenue Bonds of the Village of Batavia, Ohio, in the Maximum Aggregate Principal Amount of \$2,800,000, for the Purpose of Paying the Costs of Acquiring, Constructing and Installing Certain Public Improvements on Real Property in the Village Now Owned by Hal Homes, Inc., Together with all Necessary and Related Appurtenances; Authorizing a Certificate of Award, a Bond Purchase Agreement, a Bond Registrar Agreement, a Continuing Disclosure Agreement, and an Official Statement, and Declaring an Emergency

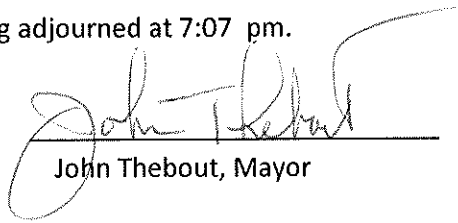
Ordinance 1429-19 2nd reading

Adjournment:

Mr. Handra made a motion to adjourn, seconded by Mr. Vickers. Motion passed 6-0

The meeting adjourned at 7:07 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 10, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, June 10, 2019**

The Batavia Village Council met in regular session on Monday, June 10, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis. Ms. Turner was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Chief James Young, Solicitor Christopher Moore, and Officer Christopher Whitaker

Others Attending the Meeting: JoAnn Martino, Ben Steward, Joe Laffleur, Kim Laffleur, Linda Montgomery, George Montgomery

Clermont Sun - Brett Milan

Hal Homes, Inc. - Hal Silverman, Tim Burgoyne

Conners & Co. - John Conners, Kelly Vaughn

Duke Energy– Andrea Behanan, Michael Pahutski, Chad Shutter, Rhonda Whitaker

AMP Ohio – Lisa McAllister, general counsel

Adam Bird – candidate for Ohio House of Representatives District 66

Approval of Financial Reports:

Mr. Vickers made motion to approve the April Bank Statements and Cash Journal, seconded Mr. Handra. The motion passed 5-0

Approval of Minutes:

Mr. Vickers made a motion to approve the minutes of the June 5, 2019 Special Council Meeting, seconded by Mr. Gipson. The motion passed 5-0

Adam Bird:

Mr. Bird introduced himself. He is currently the superintendent for the New Richmond School System and has been an educator for 32 years. He is also a member of the Clermont County Library Board of Trustees. He explained his interest in serving as an Ohio Representative and asked for support.

Batavia Electric Utility:

Mr. Pahutski from Duke Energy expressed Duke Energy's concern about the Village's decision to create and electric utility and to become the provider of electricity for AAG Glass on Kent Road. He

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 10, 2019**

told Council that Duke may not be able to provide the Village with an interconnection agreement or the determination of electric rates to be charged before AAG Glass is ready to commence business in July. He also warned the Village that once we become the electric provider, we become liable if there is an interruption in service.

Lisa McAllister, from AMP Ohio, explained that Amp Ohio is an association of all of the municipal electric utilities in Ohio. Members include the City of Cleveland down to small villages like Batavia. AMP Ohio provides many support programs to members similar to programs that municipal electric customers could otherwise receive from Duke.

Village Administrator: Dennis Nichols

196 E Main Street

The Purchase of 196 E Main Street by the Village of Batavia Clermont County CIC, Inc. has been completed. We intend to demolish the building at 47 N Second Street, located at the back of the 196 E. Main Street property, and make a parking lot for persons visiting the Village Offices. We are soliciting suggestions for what to do with the building at 196 E Main Street. The three options we are currently considering are:

- 1 Tear the building down and create a Village park
- 2 Seek a developer who would renovate the existing structure
- 3 Seek a developer who would keep the existing façade but build a new structure behind the façade.

We have given the seller 90 days to vacate the premises. Mr. Vickers requested a walk-through showing of the property be set up after the owner vacates the building. Council should wait until they have viewed the building before they decide what to do with it.

Intersection of S.R. 32 at Herold Road

Last month we informed you that the State of Ohio has decided to reconfigure the S.R. 32 at Bauer Road intersection. The Administrator recently met with ODOT to see if there is any state money available for reconfiguring the S.R. 32 at Herold Road intersection.

ODOT is concerned about the proximity of the Bauer Road interchange and the proposed Herold Road intersection. They suggested closing Herold Road and making a connector to the Batavia Road interchange. The Village rejected that because of the necessity of maintaining access to Clermont Mercy Hospital and the Streamside Development.

Acceptance of Annexation Petition for Property Owned by the Village.

The Bricklayers Union donated a parcel of property to the Village of Batavia. The property is unusable land beside S.R. 32 and Kent Road over which the Village would have needed an easement for running electric lines to the new AAG Glass plant. Mayor Thebout filed an annexation petition for the property with the Board of Commissioners of Clermont County.

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 10, 2019**

The benefit to the Village is that the parcel provides us with a pathway for annexation of land west of the Village.

Ordinance 1426-19

2nd reading

An Ordinance accepting and annexation petition for land owned by the Village of Batavia.

Condemnation of various nuisance buildings

Mr. Nichols sent letters to seven property owners notifying them of our intent to schedule a hearing to condemn their property. Five of the seven have responded and resolved their issues.

There was an extensive discussion about the property at 225 Wood Street. There was a foreclosure hearing on the property on Friday, June 7th. There were questions about the status of the property following that hearing and whether or not the Village could go forward with a condemnation. There was a request from Kim Laffleur to either make the owner of the property trim the weeds and poison ivy or to have the Village trim them. The Village Solicitor, Christopher Moore, told the audience that the Village could trim the weeds, but that the Village couldn't go forward with a condemnation proceeding until the judge issues a final order.

Police Department, Chief Young

There was an increase in traffic accidents last month. The police department participated in the "Click It or Ticket" program and made 84 traffic stops, resulting in various warnings and citations.

There was a 36% increase in crashes in May. The K-9 officer stopped 14 cars resulting in 19 arrests, of which 4 were felonies and 15 were misdemeanors.

May was the month where the nation honors law enforcement officers. The police department attended several events supporting law enforcement.

Issues with a new email service have been fixed and network security and backup measures are now in place.

The police department is considering purchasing document management software from Power DMS.

This year's "Safety Fair" will be on Tuesday, July 9th from 6pm to 9pm. There will be food and entertainment, including a dunk tank.

Mayor, John Thebout

Community Reinvestment Housing Board

Under Ohio Revised Code §3735.69, we need to establish a seven-member Community Reinvestment Area Housing Council: 2 by the Mayor, 2 by Village Council, 1 by the Planning Commission, and 2 by the other 5. Last month the Mayor appointed Kathy Turner and Jason Garrison to the Board. The Mayor asked the audience if anyone else was willing to serve, but got no response.

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 10, 2019**

Local Government Fund

The Mayor informed Council that the Township Trustees have proposed a new allocation of Local Government Fund revenue that greatly increases that amounts allocated to townships and decreases the allocation to municipalities. The current allocation formula is only for one year. The Clermont County Mayor's Association has filed an objection and asked the Commissioners to set up a meeting where all entities are represented in determining future allocations.

Village Solicitor, Christopher Moore

The Solicitor spent most of his time working on the Hal Homes Streamside Development documents. Judge Brock has set a hearing regarding the CRT Electronics nuisance violation for June 25th. All of the waterline easements had been resolved and the information has been sent to the Clermont County

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on May activity

Tax Budget for 2020

The Ohio Revised Code requires the Village to file a tax budget for next year before July 15th.

Resolution 277-19 2nd reading
A Resolution adopting a tax budget for 2020.

Legislation related to the Hal Homes Streamside Development

Resolution 280-19 3rd reading
A Resolution Approving and Authorizing the Execution and Delivery of an Agreement in Lieu of Taxes with Hal Homes, Inc.; Approving a Guaranty of Completion Relating to Public Improvements to be Constructed by Hal Homes, Inc. in Favor of the Village; and Authorizing Other Necessary Actions in Connection Therewith.

Mr. Handra made a **Motion** to adopt **Resolution 280-19**, seconded by: Mr. Vickers
Vote by roll: Mr. Handra, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 5-0 Resolution 280-19 Adopted

Resolution 281-19 3rd reading
A Resolution Approving the Necessity of Acquiring, Constructing, and Installing Certain Public Improvements in the Village of Batavia, Ohio, and Approving a Petition for those Special Assessments.

Mr. Handra made a **Motion** to adopt **Resolution 281-19**, seconded by: Mr. Vickers
Vote by roll: Mr. Handra, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 5-0 Resolution 281-19 Adopted

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 10, 2019**

Ordinance 1427-19 3rd reading

An Ordinance Determining to Proceed with the Acquisition, Construction, Installation and Improvements of Certain Public Improvements for the Village of Batavia, Ohio.

Mr. Gipson made a **Motion** to adopt **Ordinance 1427-19**, seconded by: Mr. Handra

Vote by roll: Mr. Handra, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 5-0 Ordinance 1427-19 Adopted

Ordinance 1428-19 3rd reading (postponed)

An Ordinance Levying Special Assessments for the Purpose of Acquiring, Constructing, Installing and Improving Certain Public Improvements in the Village of Batavia, Ohio, and Approving a Special Assessment Agreement Relating Thereto.

Mr. Waite asked Hal Silverman if the Petition has been signed or if he was still waiting on any approvals. Mr. Silverman told Council that he was still waiting for the Corps of Engineers to sign off on the archeological status of the site. He expects to receive their approval any day, but suggested that we delay passage of this Ordinance until the approval is received. Solicitor, Christopher Moore, concurred in delaying the vote.

Council decided to postpone a vote on the 3rd reading for Ordinance 1428-19.

Ordinance 1429-19 3rd reading (postponed)

An Ordinance Providing for the Issuance and Sale of Special Obligation Revenue Bonds of the Village of Batavia, Ohio, in the Maximum Aggregate Principal Amount of \$2,800,000 for the Purpose of Paying a Portion of the Costs of Certain Street Improvements, Sewer System and Sanitation Improvements, and Gas, Electric, Water System and Telecommunications Improvements, Together with all Necessary and Related Appurtenances Thereto, Capitalized Interest, and Lawful Costs of Issuance of Such Bonds; Authorizing an Official Statement, a Certificate of Award, a Bond Purchase Agreement, a Bond Registrar Agreement, a Continuing Disclosure Agreement, and Such Other Actions Reasonably Necessary and Related Thereto.

Mr. Waite asked John Conners of Conners & Company, the purchaser of the bonds, whether or not the Village should pass Ordinance 1429-19 prior to the adoption of Ordinance 1428-19. Mr. Conners told Council that the Village should not vote on Ordinance 1429-19 tonight.

Council decided to postpone a vote on the 3rd reading for Ordinance 1429-19.

Legislation renewing \$300,000 1-year municipal note related to the financing of the renovation of the armory building

The existing \$300,000 municipal note is due August 9, 2019. We need to renew that note for another year. The Ordinance needs to be passed as an emergency because the funds are necessary to pay off the maturing bond.

Ordinance 1431-19 1st reading Pass as an emergency

**Village of Batavia – MINUTES of COUNCIL MEETING,
June 10, 2019**

An Ordinance Providing for the Issuance and Sale of Notes of the Village of Batavia, Ohio, in the Maximum Aggregate Principal Amount of \$300,000, in Anticipation of the Issuance of Bonds for the Purpose of Paying at Maturity Bond Anticipation Notes Heretofore Issued for the Purpose of Paying at Maturity Bond Anticipation Notes Theretofore Issued for the Purpose of Paying a Portion of the Costs of Acquiring Real Property in the Village then known as the Corbin Armory and Constructing Improvements Thereto, Together with all Necessary and Related Appetences; Authorizing a Certificate of Award, a Note Purchase Agreement and a Note Registrar Agreement, and Declaring an Emergency

Mr. Handra made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes
Motion passed 5-0

Mr. Gipson made a **Motion** to adopt **Ordinance 1431-19**, seconded by: Mr. Handra

Vote by roll: Mr. Handra, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes
Motion passed 5-0 Ordinance 1431-19 Adopted

New Business

Mr. Vickers made a Motion to forgive Ms. Turner's absence, seconded by Mr. Garrison.
Motion passed 5-0

Committee Reports:

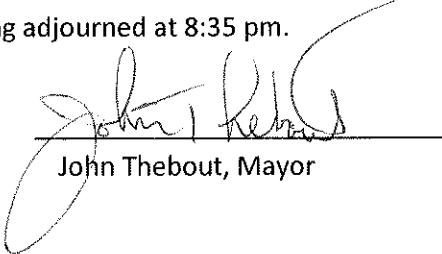
Finance Committee:	Next Meeting:	Wednesday, June 19 @ 6:00 pm
Planning Commission	Bob Handra	Next Meeting Tuesday, June. 18 @ 7:00pm
Safety Committee	Brian Vickers	Next Meeting, Tuesday, July 16 @ 6:30pm

Adjournment:

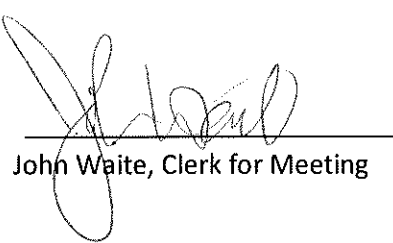
Mr. Ellis made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 8:35 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
July 1, 2019**

**Batavia Village Council
Minutes of Meeting
Wednesday, July 1, 2019**

The Batavia Village Council met in special session on Monday, July 1, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Gipson, and Mr. Ellis. Mr. Vickers was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, and Fiscal Officer John Waite

Others Attending the Meeting: Joanne Martino, Joe Laffleur, Kim Laffleur, Brian H--?

Clermont Sun - Brett Milan

Hal Homes, Inc. - Hal Silverman, Tim Burgoyne

Conners & Co., bond underwriters - John Conners

Locke Lord, Attys. – Todd Cooper

Keating, Muething & Klekamp, Attys. – Dick Spore

Batavia Electric Utility:

An Ordinance to establish an Electric Utility Enterprise Fund and other related topics

Ordinance 1433-19 1st reading

Hal Homes Streamside Residential Development:

The purpose of this special meeting was to have 3rd readings for Ordinance 1428-19 and Ordinance 1429-19, and then to vote on the adoption of those Ordinances. However, we have decided to postpone action on those Ordinances.

On June 10th Council adopted Ordinance 1427-17 determining to proceed with the acquisition, construction, installation and improvement of certain public improvements in the Village of Batavia. In compliance with O.R.C. §319.61, the fiscal officer is required to deliver a certified copy of the ordinance to the County Auditor within 15 days after the date of its passage.

When the ordinance was delivered to the auditor's office, Mike Walker, assistant auditor, informed the fiscal officer that because the proposed development is on property that has an existing T.I.F., and the Village is proposing to include the property in a Community Reinvestment Area, there is going to be a real estate tax problem.

Mr. Walker said that there was a similar problem recently in Loveland. In that case, the Auditor's Office determined that while the CRA is in effect, the TIF is merely deferred until the CRA expires, at

**Village of Batavia – MINUTES of COUNCIL MEETING,
July 1, 2019**

which time the homeowner becomes liable for a balloon payment for all of the deferred tax payments. The Auditor's Office based this position on an opinion they received from the Clermont County Prosecutor's office. That case was resolved by an agreement to terminate the T.I.F. prior to development.

The Village of Batavia's solicitor, Christopher Moore, the Village of Batavia's bond attorney, Todd Cooper, and Hal Homes' attorney, Richard Spore, all agree that the Clermont County Auditor's position is wrong, and that a CRA on the property abates the taxes, and that the taxes are not held looming for 15 years and then presented like a balloon mortgage payment. However, everyone agreed that it would not be fair to put home buyers in potential jeopardy, and that action should be postponed until the issue is resolved.

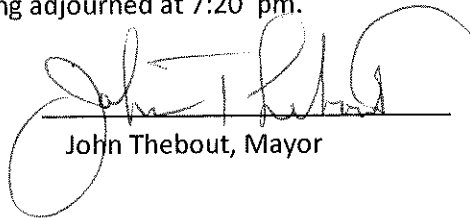
Dick Spore informed Council that the T.I.F. on the Hal Homes property was a 30-year T.I.F. passed by the Clermont County Commissioners in 2005 and it was never activated. Todd Cooper told Council that the purpose of the T.I.F. was to build an access road between Herold Road and Batavia Road. That road was never built and with only 15 year left on the T.I.F., the T.I.F. would now not be able to finance a road. Village Administrator, Dennis Nichols, agreed to ask the County Commissioners to revoke the T.I.F. since it no longer has a purpose.

Adjournment:

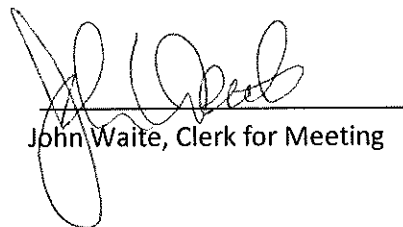
Mr. Ellis made a motion to adjourn, seconded by Mr. Gipson. Motion passed 5-0

The meeting adjourned at 7:20 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
July 8, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, July 8, 2019**

The Batavia Village Council met in regular session on Monday, July 8, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Gipson, and Mr. Ellis. Mr. Vickers was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols,
Fiscal Officer John Waite, and Chief James Young

Others Attending the Meeting: JoAnn Martino, Joe Laffleur, and Kim Laffleur

Approval of Financial Reports:

Mr. Ellis made motion to approve the June Bank Statements and Cash Journal, seconded Mr. Gipson.
The motion passed 5-0

Approval of Minutes:

Mr. Handra made a motion to approve the minutes of the June 10, 2019 Regular Council Meeting,
seconded by Mr. Gipson. The motion passed 4-0-1, Ms. Turner abstained.

Mr. Ellis made a motion to approve the minutes of the July 1, 2019 Special Council Meeting,
seconded by Ms. Turner. The motion passed 5-0

Village Administrator: Dennis Nichols

Acceptance of Annexation Petition for Property Owned by the Village.

The Bricklayers Union donated a parcel of property beside S.R. 32 to the Village of Batavia. Mayor Thebout filed an annexation petition for the property with the Board of Commissioners of Clermont County. The Commissioners approved the annexation. The Village needs to accept the annexation.

Ordinance 1426-19 3rd reading

An Ordinance accepting and annexation petition for land owned by the Village of Batavia.

Mr. Gipson made a **Motion** to adopt **Ordinance 1426-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes, Mr. Ellis, yes
Motion passed 5-0 Ordinance 1426-19 Adopted

**Village of Batavia – MINUTES of COUNCIL MEETING,
July 8, 2019**

Zoning Change for parcels on W. Main Street

Public Hearing regarding Zoning Change for 10 Parcels on West Main Street

Mr. Nichols led a public hearing regarding a zoning change for 10 parcels on W Main Street. Most of the parcels are property owned by Baxla Tractor. The change is from Industrial to B-2 General Business. There were no questions from Council or the audience.

Ordinance 1430-19 1st reading

An Ordinance amending the Batavia Zoning Ordinance to assign 10 parcels on West Main Street to the B-2 General Business District

Municipal Electric Utility

At the April 11 Council Meeting, Council passed Ordinance 1418-19 authorizing the establishment of a municipal electric utility. We now need to pass an ordinance establishing an Electric Utility Enterprise Fund within our accounting system, and agree to comply with all the rules regarding Enterprise Funds.

Ordinance 1433-19 2nd reading Waive the 3rd reading

An Ordinance to Establish an Electric Utility Enterprise Fund and Other Related Policies.

Mr. Nichols asked Council to waive the 3rd reading of Ordinance 1433-19. The Ordinance must to passed before the Village can become a member of AMP Ohio, which is a preliminary step to getting a rate determination with Duke Energy.

Mr. Handra made a **Motion** to waive the third reading, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 5-0

Mr. Handra made a **Motion** to adopt **Ordinance 1433-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 5-0 Ordinance 1433-19 Adopted

Condemnation of various nuisance buildings

Mr. Nichols told Council that of the seven property owners who were notified of our intent to schedule a hearing to condemn their property, the only property that has yet to reach an agreement is 600 S Riverside Dr.

Police Department, Chief Young

The number of traffic accidents went down from 14 to 2 last month. The police department has been patrolling S.R. 32 trying to slow traffic down. The made 152 traffic stops resulting in 116 warnings and 38 citations.

The Safety Fair is tomorrow, July 9th, from 6:00pm to 9:00pm. The Fire Department and the Sherriff's Department are participating.

The 3rd floor air conditioner broke and had to be replaced.

**Village of Batavia – MINUTES of COUNCIL MEETING,
July 8, 2019**

The police department purchased a document management software from Power DMS. It should help with updating the policy manual.

Mayor, John Thebout

Community Reinvestment Housing Board

We are still looking for volunteers to serve on the CRA Housing Board. Their duties are to annually look at the CRA properties to see that they are complying with the terms of the tax abatement.

Fall Village-Wide Yard Sale

The Mayor asked Council to pick a date for the fall yard sale. Council selected September 14-15.

Village Solicitor, Christopher Moore

Mr. Moore was out of town.

Judge Brock has set a hearing for a preliminary injunction for the CRT Electronics nuisance violation for September 30.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on June activity

Tax Budget for 2020

O.R.C. §5705.30 requires the Tax Budget to be adopted by on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th.

Public Hearing regarding 2020 Tax Budget

Mr. Waite conducted a public hearing regarding the 2020 Tax Budget. The purpose of the tax budget is to force the entity to make sure that the next year's expenditures will not exceed next year's revenues, or result in a fiscal emergency. The problem is that the entity has to estimate the year-end balance for the current year, and then estimate revenue and expenditures for next year. Mr. Waite told Council and the audience that he expects to end 2019 with about \$700,000 in the General Fund and that the Tax Budget is estimating that the Village will end 2020 with about \$700,000. He cautioned Council that in 2019, the Village's expenditures will exceed revenues by about \$100,000.

Resolution 277-19 3rd reading

A Resolution adopting a tax budget for 2020.

Mr. Ellis made a **Motion** to adopt **Resolution 277-19**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 5-0 Resolution 277-19 Adopted

**Village of Batavia – MINUTES of COUNCIL MEETING,
July 8, 2019**

Appropriations Amendment

Ordinance 1432-19 1st reading Waive the 3 readings and declare an emergency Increase General Fund appropriations by \$50,000 for contractual expenditures. This is an emergency in that the funds are needed for the payment of routine expenses

Mr. Gipson made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Handra

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes, Mr. Ellis, yes
Motion passed 5-0

Mr. Handra made a **Motion** to adopt **Ordinance 1431-19**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes, Mr. Ellis, yes
Motion passed 5-0 Ordinance 1432-19 Adopted

New Business / Public Comment

Ms. Turner noted that the Mayor and Councilmember Garrison met with Batavia School Superintendent, Keith Millard, this afternoon regarding the vacant school site on Broadway. She asked what was learned. Mr. Garrison told Council that Mr. Millard promised to better maintain the property. They will cut the grass more often. However, they will not purchase additional playground equipment and if there are to be improvements like a walking track, then the schools want the Village to share the expense. Ms. Turner wanted to see more trash cans at the site.

JoAnn Martino thanked the Village for posting the minutes of Council Meetings on the Village website. She also asked the Village to enforce the ban against fireworks since the noise upsets animals.

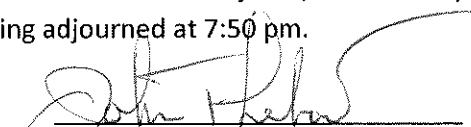
Committee Reports:

Finance Committee:	Next Meeting:	Wednesday, July 25 @ 6:00 pm. Bob will not attend.
Planning Commission	Bob Handra	Next Meeting Tuesday, July. 16 @ 7:00pm
Safety Committee		Next Meeting, Tuesday, July 16 @ 6:30pm
Farmers Market	Kathy Turner	The market opened July 6th.
Cemetery Committee	Kathy Turner	The lawsuit against the cemetery was dismissed.
Clermont County Fair		July 21 – July 27

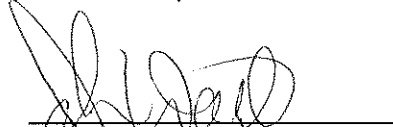
Adjournment:

Mr. Ellis made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0
The meeting adjourned at 7:50 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 12, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, August 12, 2019**

The Batavia Village Council met in regular session on Monday, August 12, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, and Chief James Young

Others Attending the Meeting: JoAnn Martino, J Kim Laffleur, Lloyd Scott, Sheree Scott, E. Lindsey, Sandi Richard, Glen Saylor, Maher David

Approval of Financial Reports:

Mr. Ellis made motion to approve the July Bank Statements and Cash Journal, seconded Mr. Handra.
The motion passed 6-0

Approval of Minutes:

Mr. Ellis made a motion to approve the minutes of the July 8, 2019 Regular Council Meeting, seconded by Ms. Turner. The motion passed 5-0-1, Mr. Vickers abstained.

Village Administrator: Dennis Nichols

Zoning Change for parcels on W. Main Street

Public Hearing regarding Zoning Change for 10 Parcels on West Main Street

Mr. Nichols conducted a public hearing explaining the zoning changes for parcels on W. Main Street. There were no questions or comments from the audience.

An Ordinance amending the Batavia Zoning Ordinance to assign 10 parcels on West Main Street to the B-2 General Business District

Ordinance 1430-19 2nd reading

Electric Utility – Interconnection agreement with Duke and rate determination

The Village of Batavia has created an Electric Utility with the intention of providing electric service to AAG Glass on Kent Road. The electric utility will need an electric sub-station, which consists of 3 transformers, and an interconnection agreement with Duke Energy. The Village has joined American Municipal Power (AMP) as a member. AMP has an existing electrical interconnection agreement with Duke Energy. The Village is utilizing AMP's existing interconnection agreement as a way of getting Duke Energy's cooperation for our electric service to AAG Glass.

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 12, 2019**

Ordinance 1434-19 1st reading Waive the requirement for 3 readings
An Ordinance Authorizing Execution of a Master Services Agreement with American Municipal Power (AMP).

Mr. Ellis made a **Motion** to waive the three readings, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson,
yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Handra made a **Motion** to adopt **Ordinance 1434-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson,
yes, Mr. Ellis, yes **Motion passed 6-0** **Ordinance 1434-19 Adopted**

Mr. Vickers asked Mr. Nichols if the Village has determined what the electric rates to the Village will be and whether the Village has determined what rate the Village will be charging AAG Glass for electricity. Mr. Nichols responded that we can't make those determinations until we get the interconnection agreement with Duke and they tell us what rate they will be charging us.

Mr. Vickers asked Mr. Nichols what the cost of the electric sub-station will be. Mr. Nichols told his that the cost will be \$150,000.

Streamside Residential Development

The Clermont County Commissioners have a meeting on Wednesday. They have indicated that they will rescind the TIF on the Streamside property at that meeting. That is the last roadblock to the project moving forward.

Memorandum of Understanding regarding interchange at S.R. 32 and Herold Road.

The TIF that the Clermont County Commissioners was envisioned to provide funding for road improvements at the intersection of S.R. 32 at Herold Road. The Village of Batavia has annexed that part of S.R. 32 and is now responsible for the maintenance and improvement of the road. The Commissions have asked the Village to provide them with a written statement of understanding that the Village will be responsible for the improvement of that interchange.

Mr. Vickers made a **Motion to Approve the Memorandum of Understanding** between the Village of Batavia and the Board of Commissioners of Clermont County regarding the maintenance and improvement of the highway interchange at S.R. 32 and Herold Rd and to authorize the Village Administrator and/or the Mayor to execute the Agreement on behalf of the Village of Batavia; seconded by: Mr. Ellis.

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson,
yes, Mr. Ellis, yes **Motion passed 6-0**

Village of Batavia Community Reinvestment Area (CRA). The Ohio Development Services Agency has approved the Village of Batavia's amendment to our CRA Area No. 1. This enables Streamside's tax abatement and corresponding payments to the Village of Batavia.

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 12, 2019**

OPWC Project to Line the Sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive. We are now accepting bids for the project and we should start the project this year. We will need to assess property owners for part of the cost once the cost of the project is determined.

196 E Main Street. The tenant has vacated the building. We will arrange for a tour of the building, but we do not yet have keys to the building. We hope to be able to have the tour next Monday.

Condemnation of various nuisance buildings

Mrs. Meeker obtained bids for the demolition of the Batavia Nursing Home. The cost was \$50,000. She says that she doesn't have the \$50,000 and she is now delaying doing anything.

The Concert by the Clermont Pops Orchestra on Saturday, August 10th was a great success. It was well attended and the residents expressed their appreciation for the concerts.

Police Department, Chief Young

There were 7 traffic accidents last month. The police department has been patrolling S.R. 32 trying to slow traffic down. They have also been patrolling Wood Street to keep people from running through the stop signs. There were 13 drug arrests last month.

The Safety Fair was a great success. They raised \$1,924 for charity, and wrote a check in that amount to C.A.S.A. (Court Appointed Special Advocates for Children).

The chief is concerned about the age and number of miles on our police cruisers. He is purchasing a used 2017 cruiser with 18,000 miles on it. He wants to assign specific cars to specific officers.

The police department received 16 doses of Narcan from the Clermont County Health Department. The police run into drugs almost daily. The Narcan is a nasal spray. We are going to carry some in each cruiser, primarily to protect our officers if they come in contact with phentanyl; but also to prevent drug deaths of users.

Officer McMillan is at a K-9 training Conference in Chicago this week. The Chief will be attending a mandatory New Police Chief Training Conference next week in London, Ohio.

Mayor, John Thebout

The November ballot for the November election for Mayor and Council was finalized last week.

There is only one person running for Mayor. There are 3 people running for 2 Council seats.

Fall Village-Wide Yard Sale

The fall yard sale is September 14-15.

There will be a Special Council Meeting next Monday, August 19, 2019 at 7:00pm in order to have the 3rd readings of Ordinance 1428-19 (Levy Special Assessments) and Ordinance 1429-19 (Authorize Issuance of Bond). We will ask that those readings be declared to be an emergency.

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 12, 2019**

Village Solicitor, Christopher Moore

Mr. Moore spent most of his time working with the Administrator and Hal Homes to get Clermont County to rescind the existing TIF on the Streamside property. Batavia Township had objected to the TIF's removal. The issue has now been resolved and the Commissioners have agreed to remove the TIF at their August 14th meeting.

Judge Brock has set a hearing for a preliminary injunction for the CRT Electronics nuisance violation for September 30.

There was a misunderstanding regarding the status of the obtaining easements for waterlines. There were several properties where the property owner signed an easement, but it turned out that the properties consisted of several parcels, and there needed to be a separate easement for each parcel. The easements for all of the parcels are being addressed and we should soon be able to transfer the ownership of the Village's Water Utility to Clermont County.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on July activity

The Police Department and Street Department have been told to have their 2020 Budgets finalized by the end of August. We will end 2019 with spending exceeding revenue. One of the problems is that when we transferred our income tax collections and administration to the Regional Income Tax Authority (RITA) in July, we lost a month's worth of revenue for 2019 because RITA collects the income tax revenue one month and then disburses it to us the following month.

New Business / Public Comment None

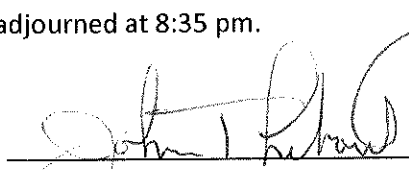
Committee Reports:

Finance Committee:	Bob Handra	Next Meeting, Wednesday, August 22 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, July. 16 @ 7:00pm
Farmers Market	Kathy Turner	The market had over 200 cars last Saturday
Cemetery Committee	Kathy Turner	Next meeting, September 7 @ 6:00 pm

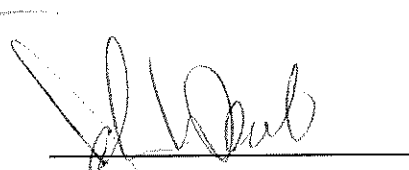
Adjournment:

Mr. Handra made a motion to adjourn, seconded by Mr. Vickers. Motion passed 6-0
The meeting adjourned at 8:35 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 19, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, August 19, 2019**

The Batavia Village Council met in special session on Monday, August 19, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols,
and Fiscal Officer John Waite

Others Attending the Meeting: Joanne Martino, Joe Laffleur, Kim Laffleur

Hal Homes, Inc. - Hal Silverman, Tim Burgoyne
Keating, Muething & Klekamp, Attys. – Dick Spore

Approval of Minutes:

Mr. Ellis made a motion to approve the minutes of the August 12, 2019 Regular Council Meeting, seconded by Ms. Turner. The motion passed 6-0

Hal Homes Streamside Residential Development:

The purpose of this special meeting was to have 3rd readings for Ordinance 1428-19 and Ordinance 1429-19, and then to vote on the adoption of those Ordinances.

An Ordinance Levying Special Assessments for the Purpose of Acquiring, Constructing, Installing and Improving Certain Public Improvements in the Village of Batavia, Ohio, and Declaring and Emergency

Ordinance 1428-19 3rd reading Declare an Emergency

Mr. Ellis made a **Motion** to declare the adoption of this Ordinance to be an emergency because of the necessity to get the Streamside Residential Development started as soon of possible so that construction of the improvements can be completed before winter, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Handra made a **Motion** to adopt **Ordinance 1428-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0 Ordinance 1428-19 Adopted**

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 19, 2019**

An Ordinance Providing for the Issuance and Sale of Special Obligation Revenue Bonds of the Village of Batavia, Ohio, in the Maximum Aggregate Principal Amount of \$3,000,000, for the Purpose of Paying the Costs of Acquiring, Constructing and Installing Certain Public Improvements on Real Property in the Village Now Owned by Hal Homes, Inc., Together with all Necessary and Related Appurtenances; Authorizing a Certificate of Award, a Bond Purchase Agreement, a Bond Registrar Agreement, a Continuing Disclosure Agreement, and an Official Statement, and Declaring an Emergency

Ordinance 1429-19 3rd reading Declare an Emergency

Mr. Handra made a **Motion** to declare the adoption of this Ordinance to be an emergency because of the necessity to get bonds priced and issued while the interest rates are favorable; seconded by Mr. Vickers

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Ellis made a **Motion** to adopt **Ordinance 1429-19**, seconded by: Mr. Vickers

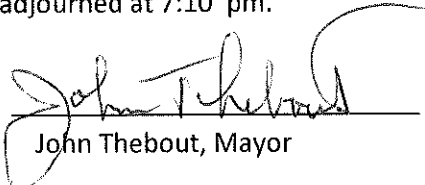
Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0 Ordinance 1429-19 Adopted**

Adjournment:

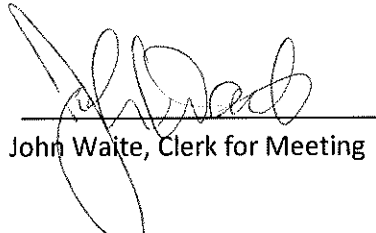
Mr. Ellis made a motion to adjourn, seconded by Mr. Handra. Motion passed 6-0

The meeting adjourned at 7:10 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 9, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, September 9, 2019**

The Batavia Village Council met in regular session on Monday, September 9, 2019, at 7:10 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Chief James Young, and Officer Christopher Whitaker

Others Attending the Meeting: Penny Coffey, JoAnn Martino, Joseph Greener, Kim Laffleur, Joe Laffleur, Diana Cole, and Shana Bochelma

Approval of Financial Reports:

Mr. Ellis made motion to approve the August Bank Statements and Cash Journal, seconded Mr. Gipson. The motion passed 6-0

Approval of Minutes:

Ms. Turner made a motion to approve the minutes of the August 19, 2019 Special Council Meeting, seconded by Mr. Vickers. The motion passed 6-0

Village Administrator: Dennis Nichols

Zoning Change for parcels on W. Main Street

An Ordinance amending the Batavia Zoning Ordinance to assign 10 parcels on West Main Street currently zoned Industrial change to B-2 General Business District. All of the properties are actually businesses.

Ordinance 1430-19 3rd reading

Mr. Gipson made a **Motion** to adopt **Ordinance 1430-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr.

Gipson, yes, Mr. Ellis, yes **Motion passed 6-0 Ordinance 1430-19 Adopted**

Electric Utility

Duke Energy has sued in Clermont County Common Pleas Court to try to block Batavia's municipal electric utility. Utility legal expert John Coyle of Duncan & Allen is available for our defense, and Lawrence Barbieri of Schroeder, Maundrell, Barbieri & Powers will be our lead counsel. Coyle and Barbieri are defending the city of Hamilton and Fairfield Township against a Duke suit that

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 9, 2019**

raises some of the issues that concern Batavia, and they won dismissal in a Butler County Court, sustained by the 12th District Court of Appeals. Our insurance will pay for part of the legal expenses, and AMP Ohio has offered to assist in our defense. Mr. Coyle wrote the legal analysis for Batavia's feasibility study. Duke has said the suit will not interrupt preparation of wholesale rates and the Batavia interconnection agreement. Our answer to the suit is due in late September. Our system will serve the new Kent Road AAG Glass plant.

Village Solicitor, Christopher Moore told Council that in the suit, Duke claims that the Village of Batavia cannot pick and choose who it will provide electric service to. He disagrees with that position. Duke currently has two other lawsuits against municipal electric utilities. In a suit against the City of Hamilton, the judge has ruled that Duke must file its complaint with the Ohio Public Utilities Commission instead of filing a suit in court. We believe that the Hamilton ruling will apply in our case. Filing this case in court after receiving the Hamilton ruling means that this suit is highly questionable.

Mr. Garrison asked what we expect our legal costs will be. The Fiscal Officer, Mr. Waite, responded that we will be appropriating \$25,000 for contingent legal expenses.

OPWC Project to Line the Sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive.

Bids were opened on August 27th. Insituform was low bidder for the Ohio Public Works Program job to line the sanitary sewers in the subdivision neighborhood including Charles, Shelley, and Old Boston. Insituform's base bid is \$504,923, and the bid including lining all the lateral lines is \$876,284. Available OPWC funds are \$1,092,000. Work is to be completed by early 2020. We plan to repay the OPWC loan by assessing the parts of the entire village currently served by our sewer, with a special real estate assessment of approximately ½ mil, subject to calculation by the county auditor.

Mr. Vickers made a **Motion** to accept Insituform's Bid for the contract for the 2019 Sewer Improvement Project and to authorize the Village Administrator to execute contracts with Insituform, seconded by: Mr. Gipson. **Motion passed 6-0**

Providing Sewer service to Karen Dr., Hulick Lane and Perkins Lane

Karen Dr., Hulick Lane and Perkins Dr. were annexed into the Village of Batavia approximately 50 years ago with the promise that they would be provided village water and sewer. Residents on those streets have been paying village income tax but the Village has failed to provide them with sewer. The Village Administrator has contacted an engineering firm and received a preliminary estimate that it would cost about \$670,000 to run a sewer line down Karen Drive, cross Clough Pike, and then down the hill to S.R. 132.

The Administrator suggests that the cost of the sewer should be paid for by assessing the entire Village with a special real estate tax assessment of approximately ½ mill, subject to calculation by

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 9, 2019**

the county auditor. The Administrator asked Council for direction. Do they want him to proceed seeking engineering for a sewer line for Karen Dr., Hulick Lane and Perkins Lane?

Mr. Garrison made a **Motion** to approve a commitment to installing sewers to Karen Dr., Hulick Lane and Perkins Dr. and to authorize the Village Administrator to seek engineering design studies for the sewer line, seconded by: Mr. Gipson. **Motion passed 6-0**

Streamside Residential Development

The Clermont County Board of Commissioners rescinded the county's 2005 Residential Incentive District on Streamside, and Hal Homes has resumed full-speed site preparation. We are completing the process of issuing bonds for up to \$3 million for infrastructure, to be repaid from property assessments on the new houses.

Condemnation of various nuisance buildings

Batavia Nursing Home owner Patricia Meeker missed her deadline for demolishing the building. She was told her about a fallen tree, which she removed promptly, and she said she will talk to her lawyer about how to pay for demolition or the possibility of selling the property as it is.

The sale of 225 Wood Street fell through. The bank required more equity than the buyer could provide, and the house has returned to the market. The Realtor tells me they have another offer and hope that the bank approves the purchase. Until ownership is settled, the property remains in the jurisdiction of the Common Pleas Court, and the village cannot proceed with nuisance demolition.

The low-head dam on the East Fork has been removed by the Valley View Foundation using a grant from the Ohio EPA to pay for it.

Amendment to Batavia's Zoning Code

Text revisions to the Batavia Zoning Code to revise the citation enabling authority to recognize municipal home rule under the Ohio Constitution in place of Section 713 of the Ohio Revised Code

Ordinance 1435-19 1st reading

Alcore Assisted Living facility is being built on Herold Road at S.R. 32. We will have to set the B-2 zoning for the property.

The Concert by the Clermont Pops Orchestra on Saturday, September 27th has been cancelled.

Police Department, Chief Young

There was a slight decrease in reported police activity for August, primarily because some officers were away for training.

The Police Department purchased a used 2017 police cruiser with 25,000 miles on it for a price significantly less than the cost of a new cruiser.

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 9, 2019**

The police department completed an audit of its property room. There were a few items that had been disposed of, but the paperwork was missing. The Chief has reported those items to the County Prosecutor. The Prosecutor is expected to sign off on the items.

Councilman Garrison asked the Chief to look into complaints about aggressive panhandling in the UDF parking lot.

Joe Laffleur expressed concerns about a resident who is walking up and down Main Street dressed in a black cape and carrying a fake sword. The Chief is aware of the person and said that the person has some mental problems but that he hasn't been aggressive or dangerous.

Mayor, John Thebout

The Mayor noted that there are three people running for two seats on Council on the ballot in the November election, and all three people are in attendance. He asked all three to stand and introduce themselves.

The Mayor asked Council for a Motion to adjourn to executive session to discuss a personnel issue.

Mr. Handra made a **Motion** adjourn to Executive Session to discuss personnel, seconded by: Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Vickers made a **Motion** return from Executive Session, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Village-wide yard sale is Saturday, September 14th.

The next Council Meeting falls on the Columbus Day Holiday. The Mayor asked Council to decide when they would like to have the October meeting.

Mr. Handra made a **Motion** to meet on Tuesday, October 15th, seconded by: Mr. Vickers.

Motion passed 6-0

October 31st is on a Thursday. Batavia Township is having Halloween on the 31st.

Mr. Ellis made a **Motion** to have Halloween on Thursday, October 31st from 6:00pm to 8:00pm, seconded by: Ms. Turner. **Motion passed 6-0**

Village Solicitor, Christopher Moore

Mr. Moore said most of his topics have already been discussed, so he will just summarize.

Hal Homes Streamside Residential Development has completed a due diligence report for the bond underwriters.

He has worked on the Duke Energy lawsuit.

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 9, 2019**

Judge Brock has set a hearing for a preliminary injunction for the CRT Electronics nuisance violation for September 30.

The easement issues for the Batavia Water Utility have just about been completed. We will be able to meet with the Clermont County officials in about 2 weeks to wrap up the transfer agreement.

After the Village sold the firehouse to Ingredient Masters, the Clermont County Auditor has tried to assess back real estate taxes to Ingredient Masters for the time that the County and then the Village owned the property. Mr. Moore has been helping ingredient Masters correct the Auditor's Office.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on August activity

Appropriations Amendment

Increase General Fund appropriations by \$42,000:

\$10,000 for tax collection fees because we will be paying R.I.T.A. a fee instead of paying a salary to a tax commissioner.

\$7,000 for additional legal fees for our Solicitor because I under-appropriated the amount at the beginning of the year.

\$25,000 of contingent legal fees for defending the Duke Energy lawsuit.

This is an emergency in that the funds are needed for the payment of routine expenses.

Ordinance 1436-19 1st reading Waive the three readings and declare an emergency.

Mr. Ellis made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Handra made a **Motion** to adopt **Ordinance 1436-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0 Ordinance 1436-19 Adopted**

Legislation accepting amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor

Resolution 283-19 1st reading Waive the three readings and declare an emergency.

Mr. Handra made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Ellis made a **Motion** to adopt **Resolution 283-19**, seconded by: Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0 Resolution 283-19 Adopted**

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 9, 2019**

Committee Reports:

Village Council:		Next Meeting, Tuesday, October 15 @ 7:00 pm.
Finance Committee:	Bob Handra	Next Meeting, Wednesday, September 26 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, September. 17 @ 7:00pm
Farmers Market	Kathy Turner	She wants to recognize Sandy Bradford for her servcie
Cemetery Committee	Kathy Turner	Next meeting, October 2 @ 6:00 pm

New Business / Public Comment None

There was a request to have the yellow line on Fifth Street at the curve by the hill repainted to prevent cars from crossing into the oncoming lane.

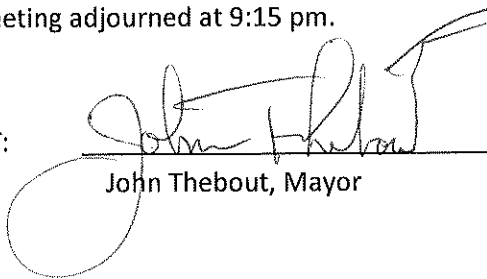
There was a complaint about dogs barking and creating a public nuisance.

There was a complaint about cars speeding on Fifth Street. And a related complaint about cars with loud mufflers creating a public nuisance.

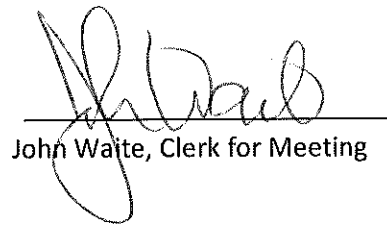
Adjournment:

Mr. Handra made a motion to adjourn, seconded by Mr. Ellis. Motion passed 6-0
The meeting adjourned at 9:15 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
October 15, 2019**

**Batavia Village Council
Minutes of Meeting
Tuesday, October 15, 2019**

The Batavia Village Council met in regular session on Tuesday, October 15, 2019, at 7:00 pm with Vice-Mayor Bob Handra presiding. Mayor Thebout was absent. Vice-Mayor Handra called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis.

Village Officials Attending the Meeting: Administrator Dennis Nichols, Fiscal Officer John Waite, Chief Young, Officer Lunsford, and Auxiliary Officer Kammer.

Others Attending the Meeting: JoAnn Martino, Joseph Greener, Kim Laffleur, Joe Laffleur, and Candy Darbro

Approval of Financial Reports:

Mr. Gipson made motion to approve the September Bank Statements and Cash Journal, seconded Mr. Ellis. The motion passed 6-0

Approval of Minutes:

Ms. Vickers made a motion to approve the minutes of the September 9, 2019 Council Meeting, seconded by Mr. Gipson. The motion passed 6-0

Candy Darbro

Candy Darbro addressed Council to ask for a handicap parking space at 60 S. Second Street. Her daughter, Sheila, is disabled and confined to a motorized wheelchair. Sheila is living in a house that is located in the middle of the block and that does not have a driveway. Sheila has monthly doctor appointments which require her to be transported by an ambulance. If a parking space is available in front of the house, the ambulance backs up to the curb to load her.

Fiscal Officer Waite relayed comments from Street Superintendent Wayne Smith. Mr. Smith objects to granting a handicap parking space because handicap parking spaces are usually granted for persons who are able to drive a car, and handicap parking spaces are supposed to be located either at a corner or next to a driveway.

Vice-Mayor Handra commented that a handicap space in front of the house wouldn't solve her problem since anyone with a handicap sticker could legally park in the space. Resident Joanne Martino suggested that the solution is for Ms. Darbro to obtain some parking cones and to put them out in front of the house the night before she has a doctor appointment. Council agreed with that solution.

**Village of Batavia – MINUTES of COUNCIL MEETING,
October 15, 2019**

Village Administrator: Dennis Nichols

OPWC Project to Line the Sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive.

Construction should start October 25th. This project should bring the Village into compliance with the Ohio EPA's mandate.

Streamside Residential Development

Sewer lines have been installed and the first part of the roads have been paved. We have received the proceeds from the bond sale into our checking account. We have received the first draw request from Hal Homes.

Annexations and Development

Village Administrator, Dennis Nichols, informed Council that there is a possible annexation into the Village if Council will accept the concept of a Planned Unit Development with up to 6 units per acre. He asked Council to meet in executive session to discuss negotiations regarding real estate development.

Mr. Ellis made a **Motion** adjourn to Executive Session to discuss real estate development, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0.**

Council adjourned to Executive Session at 7:18.

Mr. Vickers made a **Motion** return from Executive Session, seconded by: Ms. Turner

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0.**

Council returned from Executive Session at 7:36.

Mr. Ellis made a **Motion** to approve the concept of a planned unit development with the number of units not to exceed 6 per acre, and to authorize the Village Administrator to execute a pre-annexation agreement with the property owner, seconded by: Mr. Gipson.

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Amendment to Batavia's Zoning Code

Text revisions to the Batavia Zoning Code to revise the citation enabling authority to recognize municipal home rule under the Ohio Constitution in place of Section 713 of the Ohio Revised Code
Ordinance 1435-19 2nd reading

An Ordinance to certify trash bill delinquencies so they can be assessed on real estate tax bills.

Ordinance 1442-19 1st reading

Alcore Assisted Living facility is being built on Herold Road at S.R. 32. We will have to set the zoning for the property. However, they haven't recorded the deed yet.

**Village of Batavia – MINUTES of COUNCIL MEETING,
October 15, 2019**

Parking for Bean and Brew

Matt Eckert, owner of Bean and Brew has asked for permission to use the vacant lot owned by the Village at 55 S. Riverside Dr. for parking. He has agreed to install a guardrail to prevent a car from driving into the river, and he has agreed to indemnify the Village from any liability occurring on the property.

Mr. Vickers made a **Motion** that as long as there is no liability to the Village, that Bean and Brew be allowed to use vacant lot at 55 S. Riverside for parking; seconded by Mr. Ellis.

Motion passed 6-0

Police Department, Chief Young

The September activity was about normal. There was nothing unusual to report.

Chief Young introduced Auxiliary Officer Alecia Kammer. She is currently working as an officer for Bethesda North Hospital. She is training under Officer Lunsford.

Auxiliary Officer Chip Steward has informed the Chief that he expects to be resigning within a few weeks. He plans to accept a position with Microsoft.

Officer Kuhl is writing a grant request for 2 radios and 4 mobile data computers.

The Chief has completed an update on the department's use of force policy.

Mayor, John Thebout

The Mayor was absent.

Village Solicitor, Christopher Moore

Mr. Moore was absent, but Village Administrator, Dennis Nichols, reported a few items for the solicitor.

Judge Brock heard our case for a preliminary injunction for the CRT Electronics nuisance violations. He expects to render a verdict by October 31st.

In light of Duke Energy's lawsuit, the Administrator cautioned anyone who may be approached by Duke's attorney or representative from talking to them. If approached, you should refer them to our attorneys.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on September activity

Mr. Waite had several end of the year pieces of legislation for Council.

**Village of Batavia – MINUTES of COUNCIL MEETING,
October 15, 2019**

Adjust Wages for Fiscal Officer for 2020 - 3% wage increase

Ordinance 1437-19 1st reading

Adjust Wages for Village Administrator for 2020 - 3% wage increase

Ordinance 1438-19 1st reading

Adjust Wages for Police Chief for 2020 - 5.7% wage increase

Ordinance 1439-19 1st reading

Adjust Wage Schedule for the street department for 2020 - 3% wage increase

Resolution 284-19 1st reading

Adjust Wages for Police Officers for 2020 - 3% wage increase

Resolution 285-19 1st reading

Adopt Temporary Appropriations for 2020

Appropriations to cover expenses for the first 3 months of 2020

Ordinance 1440-19 1st reading

Amendment to 2019 Appropriations

The purpose of this amendment is primarily to approve appropriating the \$3 million from the bond sale for Streamside expenses. There is also an increase in personal services and insurance for the Street Fund because 20% of those expenses were previously allocated to the Refuse Fund, but the Refuse Fund has now been drawn down to only \$6,750. There are small appropriations for engineering for the Hike/Bike Trailhead Park and for a sewer for Karen Drive. There is an increase in the Sewer Enterprise Fund for payments to Clermont County.

Ordinance 1441-19 1st reading Waive the three readings and declare an emergency.

Mr. Ellis made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Ellis made a **Motion** to adopt **Ordinance 1441-19**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, abstain, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 5-0-1 (one abstain)**
Ordinance 1441-19 Adopted

Committee Reports:

Finance Committee:	Bob Handra	Next Meeting, Wednesday, October 24 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, November. 19 @ 7:00pm
Farmers Market	Kathy Turner	The season is wrapping up.
Cemetery Committee	Kathy Turner	Next meeting, November 6 @ 6:00 pm

**Village of Batavia – MINUTES of COUNCIL MEETING,
October 15, 2019**

New Business / Public Comment

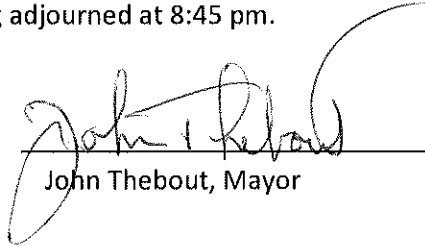
Council was delivered correspondence from Russell Hammons regarding the Batavia Union Cemetery. Ms. Turner told Council that the matter has been resolved by the Cemetery Board. Council asked the Village Administrator to respond to Mr. Hammons.

Mr. Garrison asked the Village Police to be vigilant on October 31st for Trick or Treat Night.

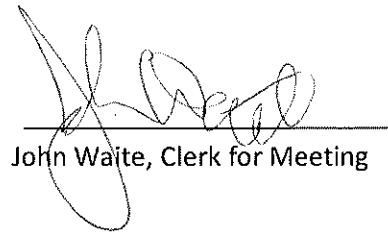
Adjournment:

Mr. Ellis made a motion to adjourn, seconded by Mr. Vickers. Motion passed 6-0
The meeting adjourned at 8:45 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Batavia Village Council

Minutes of Meeting

Tuesday, November 12, 2019

The Batavia Village Council met in regular session on Tuesday, November 12, 2019, at 7:00 pm with Mayor Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Gipson, and Mr. Ellis. Mr. Garrison and Mr. Vickers were absent.

Village Officials Attending the Meeting: Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Chief Young, Officer Lunsford, and Officer McMillan.

Others Attending the Meeting: JoAnn Martino, Kim Laffleur
John Conners and Kelly Conners Vaughn, Conners & Company

Approval of Financial Reports:

Mr. Ellis made motion to approve the September Bank Statements and Cash Journal, seconded Mr. Handra. The motion passed 4-0

Approval of Minutes:

Ms. Ellis made a motion to approve the minutes of the October 15, 2019 Council Meeting, seconded by Mr. Gipson. The motion passed 4-0

Village Administrator: Dennis Nichols

OPWC project to line the sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive

Insituform has delayed the start of the OPWC project to line the sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive because they have to install two manholes on Shelley Dr. Work will begin on January 2nd

Streamside Residential Development

Sewer lines have been installed and the roads have been paved. The building lots will be plated in January.

Annexations and Development

CUC (Charles Kubicki) owns 139 acres on the north side of S.R. 32. Donald Kellerman owns an adjacent 10 acres. Kubicki has signed a pre-annexation agreement, and Kellerman has said he will agree to the annexation. Kubicki expects to begin a residential development with Fischer Homes in the spring.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Paul Staggs owns more than 20 acres next to the Ridge Club. He approached the Village about annexing the property into the Village. He is considering developing the property into residential building lots.

Amendment to Batavia's Zoning Code

Text revisions to the Batavia Zoning Code to revise the citation enabling authority to recognize municipal home rule under the Ohio Constitution in place of Section 713 of the Ohio Revised Code
Ordinance 1435-19 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1435-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 4-0 Ordinance 1435-19 Adopted

An Ordinance to certify trash bill delinquencies so they can be assessed on real estate tax bills.

Ordinance 1442-19 2nd reading

Employee Health Insurance

We currently have Anthem insurance. The proposed rates for 2020 are a 34% increase. We decided to switch to Humana insurance, which we can obtain for an 11% increase.

Bonds and Financing Capital Improvements

Mr. Nichols presented a proposal to refinance some existing debt and to issue some additional debt for capital expenditures that otherwise would have to be paid from operating income. The Village is running a deficit of about \$200,000 for 2019. With expected expenditures for 2020 we will cause another deficit in 2020, although somewhat smaller than 2019. We don't have the funds to do some capital projects we would like to do next year.

However, we expect to receive new revenue from the Streamside Residential Development beginning in 2022.

Expected Case - If the houses are built, sold and occupied as expected, the Village should receive new revenue of \$314,000 in 2022 and more than \$400,000 per year thereafter.

Worst Case - If only the first 64 houses are built, the Village should receive new revenue of \$157,000 in 2022 and more than \$196,000 annually thereafter.

John Conners, of Conners and Company, informed Council that we have an outstanding 2013 Main Street bond that could be refinanced at a lower interest rate and extending the maturity another 7 years, which would reduce the annual interest and principal payments by approximately \$50,000. We also have a \$300,000 1-year note that could be included in a refinancing. If we issue a new bond for \$4,300,000, it would give us \$1,280,000 for capital improvements. The annual interest and principal payments on a \$4.3 million bond would be approximately \$300,000.

\$2,120,000	2013 East Main Street Bond
<u>\$300,000</u>	armory renovation note
\$2,420,000	current debt to be refinanced

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Fiscal Officer, John Waite, informed Council that the annual interest and principal payments on the 2013 Main Street bond is \$208,000, and that the Village has been trying to repay \$100,000 of the armory debt each year, along with interest of about \$7,000. Our total annual debt payments on the two existing bonds is about \$315,000, which is higher than the annual payments on the proposed new \$4,300,000 bond.

Capital Improvements that can be financed with bonds

\$500,000	for the Electric Utility - purchase of transformers and startup capital
\$400,000	for street paving projects
\$100,000	for 196 E. Main Street
\$120,000	for Trailhead Park (if we get \$1.4 million grant from State)
<u>\$50,000</u>	for annexation expenses
\$1,170,000	capital improvement projects
\$2,420,000	current debt to be refinanced
\$1,170,000	capital improvements projects
\$600,000	reserve for annual principal and interest payments for 2020 and 2021
<u>\$110,000</u>	for capital reserve
\$4,300,000	Total Bond Issue

Council expressed their dislike of debt, but they were ok with this proposal since it wouldn't increase the annual cash flow for debt service and it would provide finding for capital improvements and it bridge next year's cash flow gap until we begin receiving revenues from the Streamside development. Council directed to Administrator to proceed.

John Conners, of Conners and Company, informed Council that he would have a bond ordinance ready for Council to vote on at the December meeting.

Other Issues and Considerations of Concern to the Village

Kathy Turner asked the Administrator to resolve the issue of dead trees on the Batavia Nursing Home property that are falling on to adjacent residential property. The Administrator responded that he would talk to the owner of the property, Ms. Meeker, about it.

Police Department, Chief Young

The October activity remained steady. There was nothing unusual to report. Officers are now patrolling the Streamside construction site.

The police department is participating in "No Shave November", a fundraiser for cancer research.

Officer Noonan completed firearms instructor training. Officer Kuhl completed firearms armorer certification. Officer Lunsford completed First Line Supervisor training.

Officer Kuhl is submitted a grant request for 2 radios and 4 mobile data computers.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Officers Kuhl, Altman and McMillan have completed probation for their positions and are being removed from probationary status effective November 13th.

Mr. Handra made a **Motion** to approve the removal of their probationary status effective November 13th, seconded by: Ms. Turner. **Motion passed 4-0**

Mayor, John Thebout

Mayor Thebout congratulated Jason Garrison and Diana Cole on winning their election to Village Council. He also announced that he had won the election for Mayor.

The Village received a request from the American Legion for a contribution to their Needy Kids Christmas charity. We gave them \$100 last year.

Mr. Handra made a **Motion** to approve a contribution of \$100 to the American Legion Needy Kids Christmas, seconded by: Mr. Ellis. **Motion passed 4-0**

The November Finance Committee meeting is scheduled for the 4th Thursday, which is Thanksgiving.

Mr. Handra made a **Motion** to change the Finance Committee meeting from Thursday, November 28th to Wednesday, November 20th, seconded by: Mr. Ellis. **Motion passed 4-0**

The Mayor announced that he was removing Chief Young from his probationary status as of November 12th.

Mr. Ellis made a **Motion** to approve the removal of Chief Young's probationary status effective November 12th, seconded by: Mr. Handra. **Motion passed 4-0**

Village Solicitor, Christopher Moore

Duke Energy Lawsuit

The Village had a hearing before Judge McBride in which we requested a dismissal of the suit on the basis that it should be heard before the Public Utilities Commission. Duke Energy's position was that the Village isn't a public utility since it would only be serving one customer. The Village's position was that we are starting with one customer and we will see where it goes from there, but nonetheless, the Ohio Constitution gives municipalities the absolute right to establish a utility. Judge McBride denied the motion for dismissal.

The case will go forward and the Village will now file a motion for summary judgement.

CRT Auto Electronics Nuisance Suit

Judge Brock ruled on our suit against CRT Electronics, granting a preliminary injunction for the nuisance violations. A hearing for damages is scheduled for December 3rd. If the property has not been cleaned up by that time, the Village has been given the right to enter the property and have cars removed. The judge also ruled that any future violations of the ruling will result in a finding of contempt of court.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Batavia Water Utility waterline easements

Mr. Moore met with Allen Edwards, attorney for Clermont County, to discuss any remaining issues the County may have regarding the transfer of ownership.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on October activity

Mr. Waite had several end of the year pieces of legislation for Council.

Adjust Wages for Fiscal Officer for 2020

Ordinance 1437-19 2nd reading

Adjust Wages for Village Administrator for 2020

Ordinance 1438-19 2nd reading

Adjust Wages for Police Chief for 2020

Ordinance 1439-19 2nd reading

Adjust Wage Schedule for the street department for 2020

Resolution 284-19 2nd reading

Adjust Wages for Police Officers for 2020

Resolution 285-19 2nd reading

Adopt Temporary Appropriations for 2020

Appropriations to cover expenses for the first 3 months of 2020

Ordinance 1440-19 2nd reading

Amendment to 2019 Appropriations

The purpose of this amendment is to approve year-end adjustments to appropriations for various funds. However, the critical adjustment, and the reason passage qualifies as an emergency, is the change in our employee health insurance from Anthem to Humana. I am going to pay the December invoice from both providers in order to assure that there is no lapse in insurance coverage. I expect to receive a refund from Anthem for their premium.

Ordinance 1443-19 1st reading Waive the three readings and declare an emergency.

Since there were not five Council Members present, we were not able to waive the three readings. The fiscal officer informed Council that we would have to have one or two special meetings to have additional readings, and he polled council members to see when they would be available. Council selected the time for the next meeting to be Thursday, November 14th at 7:00pm.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

The fiscal officer agreed to notify the Clermont Sun and to post notice of the change on the front door at 65 N Second Street. The Administrator agreed to post notice of the meeting on the Village website. Councilmember Turner was asked to post notice on the Village sign, but was told that the current letters are frozen in place and can't currently be changed.

Committee Reports:

Village Council		Next Meeting, Thursday, November 14 @ 7:00 pm.
Finance Committee:	Bob Handra	Next Meeting, Wednesday, November 20 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, November. 19 @ 7:00pm
Christmas in the Village	Kathy Turner	Saturday, December 7 from 5:30 – 8:00pm

Contributions and volunteers are needed

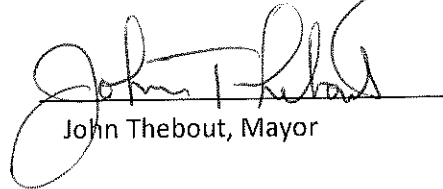
New Business / Public Comment

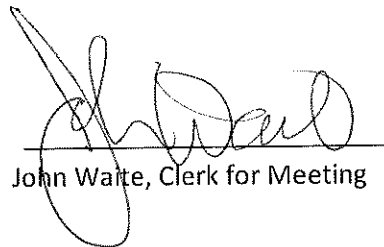
Mr. Gipson asked the Village Administrator to contact United Dairy Farmers to see if they still have any plans for renovating their store in Batavia.

Adjournment:

Mr. Ellis made a motion to adjourn, seconded by Mr. Gipson. Motion passed 4-0
The meeting adjourned at 8:20 pm.

ATTEST:


John Thebout, Mayor


John Waite, Clerk for Meeting

Village of Batavia – MINUTES of COUNCIL MEETING,
November 14, 2019

Batavia Village Council
Minutes of Meeting
Thursday, November 14, 2019

The Batavia Village Council met in special session on Thursday, November 14, 2019, at 7:00 pm with Mayor John Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Gipson, and Mr. Ellis. Mr. Vickers was absent.

Village Officials Attending the Meeting: Mayor John Thebout, and Fiscal Officer John Waite

Others Attending the Meeting: None

Fiscal Officer: John Waite

Amendment to 2019 Appropriations

Year-end adjustments to appropriations. The insurance increase is because of the switch from Anthem to Humana. I am paying both for December to make sure there is no drop in coverage, and I expect to get a refund from Anthem when we cancel them.

Ordinance 1443-19 2nd reading Waive the 3rd reading and pass as an emergency

Mr. Handra made a **Motion** to waive the 3rd reading and to declare an emergency for the reason that critical invoices cannot be paid without passage of the ordinance, seconded by: Mr. Gipson.

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes,
Mr. Ellis, yes Motion passed 5-0

Mr. Ellis made a **Motion** to adopt **Ordinance 1443-19**, seconded by: Ms. Turner

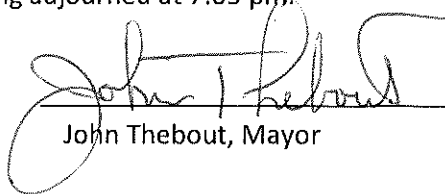
Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, yes,
Mr. Ellis, yes **Motion passed 5-0 1443-19 Adopted**

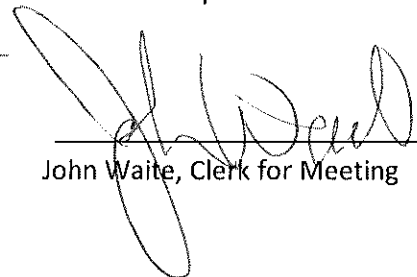
Adjournment:

Mr. Handra made a motion to adjourn, seconded by Mr. Ellis. Motion passed 5-0

The meeting adjourned at 7:05 pm.

ATTEST:


John Thebout, Mayor


John Waite, Clerk for Meeting

**Village of Batavia – MINUTES of COUNCIL MEETING,
December 9, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, December 9, 2019**

The Batavia Village Council met in regular session on Monday, December 9, 2019, at 7:00 pm with Mayor Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Mr. Handra, Ms. Turner, Mr. Garrison, Mr. Vickers, Mr. Gipson, and Mr. Ellis.

Village Officials Attending the Meeting: Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, and Chief Young.

Others Attending the Meeting: JoAnn Martino, Shana Bockelman, and Diana Cole

Approval of Financial Reports:

Mr. Handra made motion to approve the November Bank Statements and Cash Journal, seconded Ms. Turner. The motion passed 6-0

Approval of Minutes:

Ms. Gipson made a motion to approve the minutes of the November 12, 2019 Council Meeting, seconded by Mr. Ellis. The motion passed 4-0-2 Mr. Garrison and Mr. Vickers abstained

Ms. Gipson made a motion to approve the minutes of the November 14, 2019 Council Meeting, seconded by Ms. Turner. The motion passed 5-0-1 Mr. Vickers abstained

Village Administrator: Dennis Nichols

OPWC project to line the sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive

Insituform began working on the project this week. They will be installing manholes and then flushing the sewer lines.

Bean and Brew

They have completed all of the improvements required and are waiting on a final inspection from the Health Department. They then need to go to Columbus to get a liquor license approved.

Annexations and Development

Surveyor Gary Nichols has updated the record of surrounding property owners for the annexation territory, more than 150 acres on the north side of State Route 32 east of Batavia Road. Attorney Michael Minniear needs that plat to complete the annexation petition, which we hope to submit to the county before Christmas. The major owner expects to bring us a development plan next week for preliminary review. The developer plans more than 700

**Village of Batavia – MINUTES of COUNCIL MEETING,
December 9, 2019**

residential units, with more than 50% single-family and the rest condominiums. Batavia will require a planned unit development, with density not to exceed six units per acre.

Vacating the Village's ownership rights for a possible extension of 8th Street

The Village owns the right of way for an extension of 8th Street from Wood Street to E Main Street. The extension will never be made. The land owners on either side of the right of way have asked us to vacate our ownership. We recommend directing the Village Solicitor to research the process for vacating our property rights and to draft the legislation necessary to accomplish it.

Mr. Ellis made a **Motion** to direct the Solicitor to research the process for the vacating the Village's property rights for the extension of 8th Street and to draft the legislation necessary to accomplish it., seconded by: Mr. Garrison

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, yes, Mr. Garrison, yes, Mr. Gipson, abstain, Mr. Ellis yes **Motion passed 5-0-1**

An Ordinance to certify trash bill delinquencies so they can be assessed on real estate tax bills.

Ordinance 1442-19 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1442-19.**, seconded by: Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, yes, Mr. Garrison, abstain, Mr. Gipson, yes, Mr. Ellis yes **Motion passed 5-0-1**

Employee Health Insurance

The Village switched our employee health insurance from Anthem to Humana effective December 1st. The coverage is essentially the same. The savings is about \$1,000 per month.

Bonds and Financing Capital Improvements

Mr. Nichols presented a proposal to Council last month to refinance some existing debt and to issue some additional debt for capital expenditures that otherwise would have to be paid from operating income. He also had informed Council that we expect to receive new revenue from the Streamside Residential Development beginning in 2022. We expect to receive new revenue of \$314,000 in 2022 and \$400,000 per year thereafter, and if only 64 houses are built we would still receive \$157,000 in 2022 and more than \$196,000 thereafter.

Last month John Connors, of Connors and Company, informed Council that we have an outstanding 2013 Main Street bond that could be refinanced at a lower interest rate and extending the maturity another 7 years, which would reduce the annual interest and principal payments. We also have a \$300,000 1-year note that could be included in a refinancing. If we issue a new bond for \$4,300,000, it would give us \$1,280,000 for capital improvements. The annual interest and principal payments on a \$4.3 million bond would be approximately \$300,000.

**Village of Batavia – MINUTES of COUNCIL MEETING,
December 9, 2019**

Fiscal Officer, Mr. Waite, informed Council that the process for accomplishing the refinancing of the existing debt and authorization for new debt for capital investments involves passage of 4 separate ordinances:

1. An Ordinance approving refinancing the \$2.12 million 2013 Main Street Project Debt
2. An Ordinance approving refinancing the \$300,000 armory renovation debt
3. An Ordinance approving \$1.83 million for capital improvements
4. An Ordinance consolidating the bonds authorized in 1-3 into a single bond.

Mr. Waite informed Council that passage of the four Ordinances is not an emergency, but the Village is going to need funds early in 2020 to purchase the transformers for the electric sub-station for its Electric Utility. Therefore, Mr. Waite would like Council to consider waiving the 3 readings for the four Ordinances.

Ordinance 1445-19 1st reading Waive the 3 readings

The bond will let us refinance the 2013 E Main Street Bond

Mr. Ellis made a **Motion** to waive the three readings., seconded by: Mr. Gipson

Vote by roll: Mr. Ellis, yes, Mr. Gipson, Yes, Mr. Vickers, No, Mr. Garrison, No, Ms.

Turner, No, Mr. Handra, No **Motion Failed 2-4**

Mr. Waite stated that since Council voted to not waive the three readings, this would just be the first reading of **Ordinance 1445-19**.

Ordinance 1446-19 1st reading

The bond will let us refinance the 1-year \$300,000 armory renovation note.

Ordinance 1447-19 1st reading

The bond will provide us with funds to make various capital improvements: purchase transformers for the electric utility, demolish 196 E Main Street, various street repairs and improvements, and trailhead park.

Ordinance 1448-19 1st reading

This ordinance allows us to combine the bonds authorized in Ordinances 1445-19, 1446-19 and 1447-19 into a single bond offering, thus minimizing the issuance costs

Mr. Vickers stated that since he was absent at the November Council Meeting, he missed Mr. Conner's presentation of the amortization of the interest rates for the bonds. He asked to have that information made available to him at the January meeting.

Police Department, Chief Young

The November activity remained steady. There was nothing unusual to report. Officers are now patrolling the Streamside construction site. Two hunters were arrested last week by the Department of Natural Resources game warden.

Officer Kuhl completed a criminal patrol training class.

**Village of Batavia – MINUTES of COUNCIL MEETING,
December 9, 2019**

One of the patrol cars hit a deer and suffered \$3,600 of damages, which will be covered by insurance.

Councilman Garrison thanked the police department for their patrols during Halloween.

Mayor, John Thebout

The Mayor announced that the next Finance Committee is scheduled for December 26th. He asked Council if they wanted to change the meeting to December 19th.

Mr. Vickers made a **Motion** to change the Finance Committee meeting date from December 26 to December 19, seconded by: Mr. Handra. **Motion passed 6-0**

Mayor Thebout informed council that the Personnel Manual has been revised and a copy of the Manual is included in each Councilmember's binder. He requested each Councilmember review the Manual and be ready to discuss it at the January meeting.

The Mayor announced that this will be Tom Ellis's last Council Meeting and he wanted to recognize him for his service. Mr. Ellis received a standing ovation from Council.

The Mayor recognized Councilmember Kathy Turner for her work in organizing this year's Christmas in the Village, which was a great success. Ms. Turner, in turn, thanked all of the people who contributed and helped.

Village Solicitor, Christopher Moore

Duke Energy Lawsuit

The Village had a hearing before Judge McBride in which we requested a dismissal of the suit on the basis that it should be heard before the Public Utilities Commission. Judge McBride refused to dismiss the suit, so we are proceeding with discovery against Duke.

CRT Auto Electronics Nuisance Suit

Jeff Bach, owner of CRT was arrested on five counts of drug trafficking last week. The zoning hearing for CRT has been postponed until after the criminal trial and we are not able to begin removing cars, since it is now considered to be a crime scene.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on November activity

Mr. Waite presented several end of the year pieces of legislation for Council.

Adjust Wages for Fiscal Officer for 2020

Ordinance 1437-19 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1437-19**, seconded by Mr. Gipson

**Village of Batavia – MINUTES of COUNCIL MEETING,
December 9, 2019**

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Ordinance 1437-19 adopted**

Adjust Wages for Village Administrator for 2020

Ordinance 1438-19 3rd reading

Mr. Ellis made a **Motion** to adopt **Ordinance 1438-19**, seconded by Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Ordinance 1438-19 adopted**

Adjust Wages for Police Chief for 2020

Ordinance 1439-19 3rd reading

Mr. Ellis made a **Motion** to adopt **Ordinance 1439-19**, seconded by Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Ordinance 1439-19 adopted**

Adjust Wage Schedule for the street department for 2020

Resolution 284-19 3rd reading

Mr. Ellis made a **Motion** to adopt **Resolution 284-19**, seconded by Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Resolution 284-19 adopted**

Adjust Wages for Police Officers for 2020

Resolution 285-19 3rd reading

Mr. Ellis made a **Motion** to adopt **Resolution 285-19**, seconded by Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Resolution 285-19 adopted**

Adopt Temporary Appropriations for 2020

Appropriations to cover expenses for the first 3 months of 2020

Ordinance 1440-19 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1440-19**, seconded by Mr. Ellis

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Ordinance 1440-19 adopted**

Amendment to 2019 Appropriations

Year-end adjustments to appropriations. Increase appropriations to allow payment to OPERS and payment of OPWC loans.

Ordinance 1444-19 1st reading Waive the three readings and declare an emergency.

Mr. Ellis made a **Motion** declare an emergency and to waive the three reading, seconded by Mr. Gipson

**Village of Batavia – MINUTES of COUNCIL MEETING,
December 9, 2019**

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0

Mr. Handra made a **Motion** to adopt **Ordinance 1444-19**, seconded by Ms. Turner

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes Motion passed 6-0 **Ordinance 1444-19 adopted**

Committee Reports:

Finance Committee:	Bob Handra	Next Meeting, Thursday, December 19 @ 6:00 pm.
Planning Commission	Bob Handra	December meeting has been cancelled

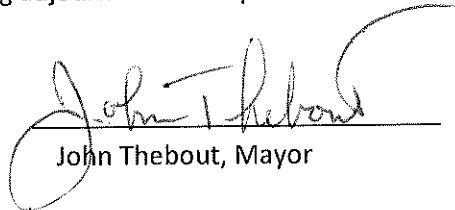
New Business / Public Comment

Shana Bockelman informed Council that she had been told by Rumpke that residents can now obtain a 96-gallon rolling recycling bin from Rumpke.

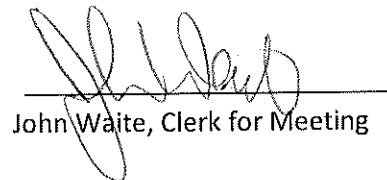
Adjournment:

Mr. Handra made a motion to adjourn, seconded by Mr. Vickers. Motion passed 6-0
The meeting adjourned at 8:05 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting