

**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

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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**

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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

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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

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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**

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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.)

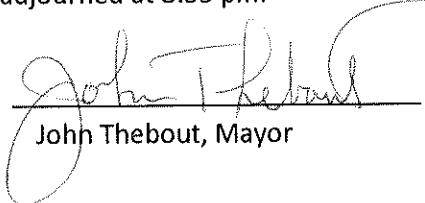
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Adjournment / Continuance:

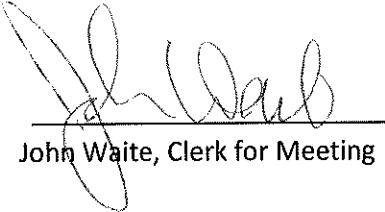
Mr. Gipson made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 8:35 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting