

**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

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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

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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:

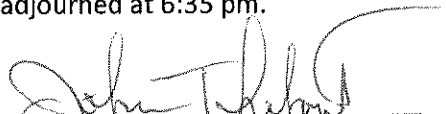
Finance Committee:	Next Meeting:	Thursday, March 28 @ 6:00 pm
Cemetery Committee	Kathy Turner	The annual joint meeting with the Township Trustees will be May 13 at 6:00pm at the Village Hall
Planning Commission	Bob Handra	Next Meeting Tuesday, Mar. 19 @ 7:00pm

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

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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

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

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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

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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?

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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.

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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?

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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.