

**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

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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**

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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**

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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.

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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.

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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 a s 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.

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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.

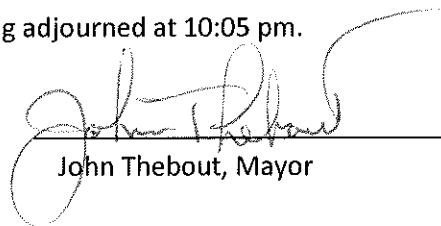
Brian Vickers told the audience that the Batavia Public Library is being proactive in offering new programs to the public. He urged people to visit and use the library. The Library tracks the number of books checked out monthly at each branch and the Batavia library is lagging other branches.

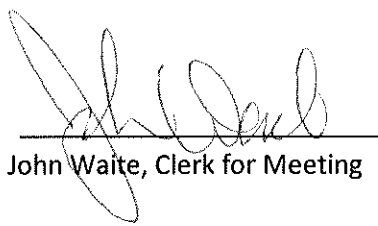
Adjournment:

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