

**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

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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.

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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.

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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

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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

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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:

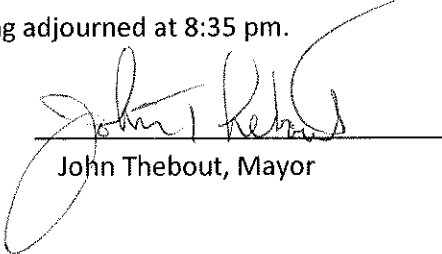
Finance Committee:	Next Meeting:	Wednesday, June 19 @ 6:00 pm
Planning Commission	Bob Handra	Next Meeting Tuesday, June. 18 @ 7:00pm
Safety Committee	Brian Vickers	Next Meeting, Tuesday, July 16 @ 6:30pm

Adjournment:

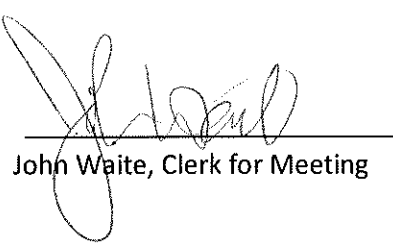
Mr. Ellis made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 8:35 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting