

**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

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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.

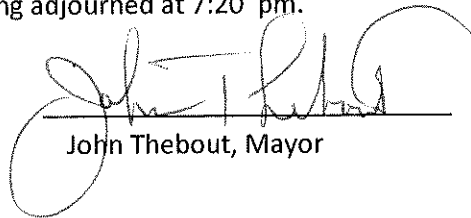
Dick Spore informed Council that the T.I.F. on the Hal Homes property was a 30-year T.I.F. passed by the Clermont County Commissioners in 2005 and it was never activated. Todd Cooper told Council that the purpose of the T.I.F. was to build an access road between Herold Road and Batavia Road. That road 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:

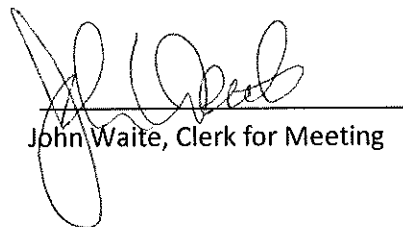
Mr. Ellis made a motion to adjourn, seconded by Mr. Gipson. Motion passed 5-0

The meeting adjourned at 7:20 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting