

**Village of Batavia – MINUTES of COUNCIL MEETING,
October 15, 2019**

**Batavia Village Council
Minutes of Meeting
Tuesday, October 15, 2019**

The Batavia Village Council met in regular session on Tuesday, October 15, 2019, at 7:00 pm with Vice-Mayor Bob Handra presiding. Mayor Thebout was absent. Vice-Mayor Handra 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, Mr. Gipson, and Mr. Ellis.

Village Officials Attending the Meeting: Administrator Dennis Nichols, Fiscal Officer John Waite, Chief Young, Officer Lunsford, and Auxiliary Officer Kammer.

Others Attending the Meeting: JoAnn Martino, Joseph Greener, Kim Laffleur, Joe Laffleur, and Candy Darbro

Approval of Financial Reports:

Mr. Gipson made motion to approve the September Bank Statements and Cash Journal, seconded Mr. Ellis. The motion passed 6-0

Approval of Minutes:

Ms. Vickers made a motion to approve the minutes of the September 9, 2019 Council Meeting, seconded by Mr. Gipson. The motion passed 6-0

Candy Darbro

Candy Darbro addressed Council to ask for a handicap parking space at 60 S. Second Street. Her daughter, Sheila, is disabled and confined to a motorized wheelchair. Sheila is living in a house that is located in the middle of the block and that does not have a driveway. Sheila has monthly doctor appointments which require her to be transported by an ambulance. If a parking space is available in front of the house, the ambulance backs up to the curb to load her.

Fiscal Officer Waite relayed comments from Street Superintendent Wayne Smith. Mr. Smith objects to granting a handicap parking space because handicap parking spaces are usually granted for persons who are able to drive a car, and handicap parking spaces are supposed to be located either at a corner or next to a driveway.

Vice-Mayor Handra commented that a handicap space in front of the house wouldn't solve her problem since anyone with a handicap sticker could legally park in the space. Resident Joanne Martino suggested that the solution is for Ms. Darbro to obtain some parking cones and to put them out in front of the house the night before she has a doctor appointment. Council agreed with that solution.

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Village Administrator: Dennis Nichols

OPWC Project to Line the Sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive.

Construction should start October 25th. This project should bring the Village into compliance with the Ohio EPA's mandate.

Streamside Residential Development

Sewer lines have been installed and the first part of the roads have been paved. We have received the proceeds from the bond sale into our checking account. We have received the first draw request from Hal Homes.

Annexations and Development

Village Administrator, Dennis Nichols, informed Council that there is a possible annexation into the Village if Council will accept the concept of a Planned Unit Development with up to 6 units per acre. He asked Council to meet in executive session to discuss negotiations regarding real estate development.

Mr. Ellis made a **Motion** adjourn to Executive Session to discuss real estate development, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0.**

Council adjourned to Executive Session at 7:18.

Mr. Vickers made a **Motion** return from Executive Session, seconded by: Ms. Turner

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0.**

Council returned from Executive Session at 7:36.

Mr. Ellis made a **Motion** to approve the concept of a planned unit development with the number of units not to exceed 6 per acre, and to authorize the Village Administrator to execute a pre-annexation agreement with the property owner, seconded by: Mr. Gipson.

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Amendment to Batavia's Zoning Code

Text revisions to the Batavia Zoning Code to revise the citation enabling authority to recognize municipal home rule under the Ohio Constitution in place of Section 713 of the Ohio Revised Code
Ordinance 1435-19 2nd reading

An Ordinance to certify trash bill delinquencies so they can be assessed on real estate tax bills.

Ordinance 1442-19 1st reading

Alcore Assisted Living facility is being built on Herold Road at S.R. 32. We will have to set the zoning for the property. However, they haven't recorded the deed yet.

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Parking for Bean and Brew

Matt Eckert, owner of Bean and Brew has asked for permission to use the vacant lot owned by the Village at 55 S. Riverside Dr. for parking. He has agreed to install a guardrail to prevent a car from driving into the river, and he has agreed to indemnify the Village from any liability occurring on the property.

Mr. Vickers made a **Motion** that as long as there is no liability to the Village, that Bean and Brew be allowed to use vacant lot at 55 S. Riverside for parking; seconded by Mr. Ellis.

Motion passed 6-0

Police Department, Chief Young

The September activity was about normal. There was nothing unusual to report.

Chief Young introduced Auxiliary Officer Alecia Kammer. She is currently working as an officer for Bethesda North Hospital. She is training under Officer Lunsford.

Auxiliary Officer Chip Steward has informed the Chief that he expects to be resigning within a few weeks. He plans to accept a position with Microsoft.

Officer Kuhl is writing a grant request for 2 radios and 4 mobile data computers.

The Chief has completed an update on the department's use of force policy.

Mayor, John Thebout

The Mayor was absent.

Village Solicitor, Christopher Moore

Mr. Moore was absent, but Village Administrator, Dennis Nichols, reported a few items for the solicitor.

Judge Brock heard our case for a preliminary injunction for the CRT Electronics nuisance violations. He expects to render a verdict by October 31st.

In light of Duke Energy's lawsuit, the Administrator cautioned anyone who may be approached by Duke's attorney or representative from talking to them. If approached, you should refer them to our attorneys.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer's report on September activity

Mr. Waite had several end of the year pieces of legislation for Council.

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Adjust Wages for Fiscal Officer for 2020 - 3% wage increase

Ordinance 1437-19 1st reading

Adjust Wages for Village Administrator for 2020 - 3% wage increase

Ordinance 1438-19 1st reading

Adjust Wages for Police Chief for 2020 - 5.7% wage increase

Ordinance 1439-19 1st reading

Adjust Wage Schedule for the street department for 2020 - 3% wage increase

Resolution 284-19 1st reading

Adjust Wages for Police Officers for 2020 - 3% wage increase

Resolution 285-19 1st reading

Adopt Temporary Appropriations for 2020

Appropriations to cover expenses for the first 3 months of 2020

Ordinance 1440-19 1st reading

Amendment to 2019 Appropriations

The purpose of this amendment is primarily to approve appropriating the \$3 million from the bond sale for Streamside expenses. There is also an increase in personal services and insurance for the Street Fund because 20% of those expenses were previously allocated to the Refuse Fund, but the Refuse Fund has now been drawn down to only \$6,750. There are small appropriations for engineering for the Hike/Bike Trailhead Park and for a sewer for Karen Drive. There is an increase in the Sewer Enterprise Fund for payments to Clermont County.

Ordinance 1441-19 1st reading Waive the three readings and declare an emergency.

Mr. Ellis made a **Motion** to declare an emergency and to waive the three readings, seconded by: Mr. Garrison

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 6-0**

Mr. Ellis made a **Motion** to adopt **Ordinance 1441-19**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, abstain, Mr. Gipson, yes, Mr. Ellis, yes **Motion passed 5-0-1 (one abstain)**
Ordinance 1441-19 Adopted

Committee Reports:

Finance Committee:	Bob Handra	Next Meeting, Wednesday, October 24 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, November. 19 @ 7:00pm
Farmers Market	Kathy Turner	The season is wrapping up.
Cemetery Committee	Kathy Turner	Next meeting, November 6 @ 6:00 pm

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New Business / Public Comment

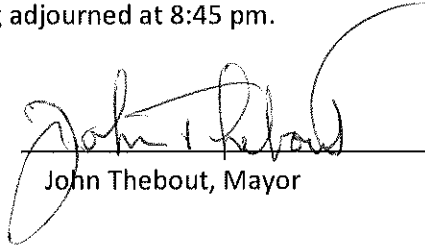
Council was delivered correspondence from Russell Hammons regarding the Batavia Union Cemetery. Ms. Turner told Council that the matter has been resolved by the Cemetery Board. Council asked the Village Administrator to respond to Mr. Hammons.

Mr. Garrison asked the Village Police to be vigilant on October 31st for Trick or Treat Night.

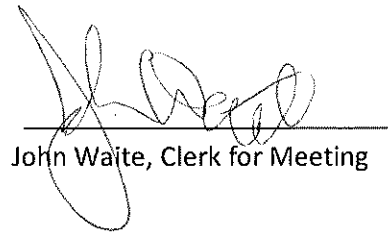
Adjournment:

Mr. Ellis made a motion to adjourn, seconded by Mr. Vickers. Motion passed 6-0
The meeting adjourned at 8:45 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting