

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Batavia Village Council

Minutes of Meeting

Tuesday, November 12, 2019

The Batavia Village Council met in regular session on Tuesday, November 12, 2019, at 7:00 pm with Mayor 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. Gipson, and Mr. Ellis. Mr. Garrison and Mr. Vickers were absent.

Village Officials Attending the Meeting: Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Chief Young, Officer Lunsford, and Officer McMillan.

Others Attending the Meeting: JoAnn Martino, Kim Laffleur
John Conners and Kelly Conners Vaughn, Conners & Company

Approval of Financial Reports:

Mr. Ellis made motion to approve the September Bank Statements and Cash Journal, seconded Mr. Handra. The motion passed 4-0

Approval of Minutes:

Ms. Ellis made a motion to approve the minutes of the October 15, 2019 Council Meeting, seconded by Mr. Gipson. The motion passed 4-0

Village Administrator: Dennis Nichols

OPWC project to line the sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive

Insituform has delayed the start of the OPWC project to line the sewers on Old Boston Road, Edith Ave., Charles Street, Gregory Drive and Shelley Drive because they have to install two manholes on Shelley Dr. Work will begin on January 2nd

Streamside Residential Development

Sewer lines have been installed and the roads have been paved. The building lots will be plated in January.

Annexations and Development

CUC (Charles Kubicki) owns 139 acres on the north side of S.R. 32. Donald Kellerman owns an adjacent 10 acres. Kubicki has signed a pre-annexation agreement, and Kellerman has said he will agree to the annexation. Kubicki expects to begin a residential development with Fischer Homes in the spring.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Paul Staggs owns more than 20 acres next to the Ridge Club. He approached the Village about annexing the property into the Village. He is considering developing the property into residential building lots.

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 3rd reading

Mr. Handra made a **Motion** to adopt **Ordinance 1435-19**, seconded by: Mr. Ellis

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Gipson, yes, Mr. Ellis, yes

Motion passed 4-0 Ordinance 1435-19 Adopted

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

Ordinance 1442-19 2nd reading

Employee Health Insurance

We currently have Anthem insurance. The proposed rates for 2020 are a 34% increase. We decided to switch to Humana insurance, which we can obtain for an 11% increase.

Bonds and Financing Capital Improvements

Mr. Nichols presented a proposal to refinance some existing debt and to issue some additional debt for capital expenditures that otherwise would have to be paid from operating income. The Village is running a deficit of about \$200,000 for 2019. With expected expenditures for 2020 we will cause another deficit in 2020, although somewhat smaller than 2019. We don't have the funds to do some capital projects we would like to do next year.

However, we expect to receive new revenue from the Streamside Residential Development beginning in 2022.

Expected Case - If the houses are built, sold and occupied as expected, the Village should receive new revenue of \$314,000 in 2022 and more than \$400,000 per year thereafter.

Worst Case - If only the first 64 houses are built, the Village should receive new revenue of \$157,000 in 2022 and more than \$196,000 annually thereafter.

John Conners, of Conners and Company, informed Council that we have an outstanding 2013 Main Street bond that could be refinanced at a lower interest rate and extending the maturity another 7 years, which would reduce the annual interest and principal payments by approximately \$50,000. We also have a \$300,000 1-year note that could be included in a refinancing. If we issue a new bond for \$4,300,000, it would give us \$1,280,000 for capital improvements. The annual interest and principal payments on a \$4.3 million bond would be approximately \$300,000.

\$2,120,000	2013 East Main Street Bond
<u>\$300,000</u>	armory renovation note
\$2,420,000	current debt to be refinanced

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Fiscal Officer, John Waite, informed Council that the annual interest and principal payments on the 2013 Main Street bond is \$208,000, and that the Village has been trying to repay \$100,000 of the armory debt each year, along with interest of about \$7,000. Our total annual debt payments on the two existing bonds is about \$315,000, which is higher than the annual payments on the proposed new \$4,300,000 bond.

Capital Improvements that can be financed with bonds

\$500,000	for the Electric Utility - purchase of transformers and startup capital
\$400,000	for street paving projects
\$100,000	for 196 E. Main Street
\$120,000	for Trailhead Park (if we get \$1.4 million grant from State)
<u>\$50,000</u>	for annexation expenses
\$1,170,000	capital improvement projects
\$2,420,000	current debt to be refinanced
\$1,170,000	capital improvements projects
\$600,000	reserve for annual principal and interest payments for 2020 and 2021
<u>\$110,000</u>	for capital reserve
\$4,300,000	Total Bond Issue

Council expressed their dislike of debt, but they were ok with this proposal since it wouldn't increase the annual cash flow for debt service and it would provide finding for capital improvements and it bridge next year's cash flow gap until we begin receiving revenues from the Streamside development. Council directed to Administrator to proceed.

John Conners, of Conners and Company, informed Council that he would have a bond ordinance ready for Council to vote on at the December meeting.

Other Issues and Considerations of Concern to the Village

Kathy Turner asked the Administrator to resolve the issue of dead trees on the Batavia Nursing Home property that are falling on to adjacent residential property. The Administrator responded that he would talk to the owner of the property, Ms. Meeker, about it.

Police Department, Chief Young

The October activity remained steady. There was nothing unusual to report. Officers are now patrolling the Streamside construction site.

The police department is participating in "No Shave November", a fundraiser for cancer research.

Officer Noonan completed firearms instructor training. Officer Kuhl completed firearms armorer certification. Officer Lunsford completed First Line Supervisor training.

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

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Officers Kuhl, Altman and McMillan have completed probation for their positions and are being removed from probationary status effective November 13th.

Mr. Handra made a **Motion** to approve the removal of their probationary status effective November 13th, seconded by: Ms. Turner. **Motion passed 4-0**

Mayor, John Thebout

Mayor Thebout congratulated Jason Garrison and Diana Cole on winning their election to Village Council. He also announced that he had won the election for Mayor.

The Village received a request from the American Legion for a contribution to their Needy Kids Christmas charity. We gave them \$100 last year.

Mr. Handra made a **Motion** to approve a contribution of \$100 to the American Legion Needy Kids Christmas, seconded by: Mr. Ellis. **Motion passed 4-0**

The November Finance Committee meeting is scheduled for the 4th Thursday, which is Thanksgiving.

Mr. Handra made a **Motion** to change the Finance Committee meeting from Thursday, November 28th to Wednesday, November 20th, seconded by: Mr. Ellis. **Motion passed 4-0**

The Mayor announced that he was removing Chief Young from his probationary status as of November 12th.

Mr. Ellis made a **Motion** to approve the removal of Chief Young's probationary status effective November 12th, seconded by: Mr. Handra. **Motion passed 4-0**

Village Solicitor, Christopher Moore

Duke Energy Lawsuit

The Village had a hearing before Judge McBride in which we requested a dismissal of the suit on the basis that it should be heard before the Public Utilities Commission. Duke Energy's position was that the Village isn't a public utility since it would only be serving one customer. The Village's position was that we are starting with one customer and we will see where it goes from there, but nonetheless, the Ohio Constitution gives municipalities the absolute right to establish a utility. Judge McBride denied the motion for dismissal.

The case will go forward and the Village will now file a motion for summary judgement.

CRT Auto Electronics Nuisance Suit

Judge Brock ruled on our suit against CRT Electronics, granting a preliminary injunction for the nuisance violations. A hearing for damages is scheduled for December 3rd. If the property has not been cleaned up by that time, the Village has been given the right to enter the property and have cars removed. The judge also ruled that any future violations of the ruling will result in a finding of contempt of court.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

Batavia Water Utility waterline easements

Mr. Moore met with Allen Edwards, attorney for Clermont County, to discuss any remaining issues the County may have regarding the transfer of ownership.

Fiscal Officer: John Waite

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

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

Adjust Wages for Fiscal Officer for 2020

Ordinance 1437-19 2nd reading

Adjust Wages for Village Administrator for 2020

Ordinance 1438-19 2nd reading

Adjust Wages for Police Chief for 2020

Ordinance 1439-19 2nd reading

Adjust Wage Schedule for the street department for 2020

Resolution 284-19 2nd reading

Adjust Wages for Police Officers for 2020

Resolution 285-19 2nd reading

Adopt Temporary Appropriations for 2020

Appropriations to cover expenses for the first 3 months of 2020

Ordinance 1440-19 2nd reading

Amendment to 2019 Appropriations

The purpose of this amendment is to approve year-end adjustments to appropriations for various funds. However, the critical adjustment, and the reason passage qualifies as an emergency, is the change in our employee health insurance from Anthem to Humana. I am going to pay the December invoice from both providers in order to assure that there is no lapse in insurance coverage. I expect to receive a refund from Anthem for their premium.

Ordinance 1443-19 1st reading Waive the three readings and declare an emergency.

Since there were not five Council Members present, we were not able to waive the three readings. The fiscal officer informed Council that we would have to have one or two special meetings to have additional readings, and he polled council members to see when they would be available. Council selected the time for the next meeting to be Thursday, November 14th at 7:00pm.

**Village of Batavia – MINUTES of COUNCIL MEETING,
November 12, 2019**

The fiscal officer agreed to notify the Clermont Sun and to post notice of the change on the front door at 65 N Second Street. The Administrator agreed to post notice of the meeting on the Village website. Councilmember Turner was asked to post notice on the Village sign, but was told that the current letters are frozen in place and can't currently be changed.

Committee Reports:

Village Council		Next Meeting, Thursday, November 14 @ 7:00 pm.
Finance Committee:	Bob Handra	Next Meeting, Wednesday, November 20 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, November. 19 @ 7:00pm
Christmas in the Village	Kathy Turner	Saturday, December 7 from 5:30 – 8:00pm

Contributions and volunteers are needed

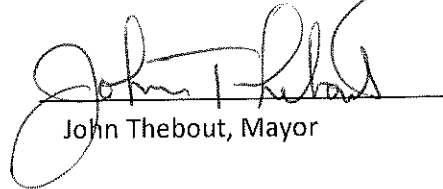
New Business / Public Comment

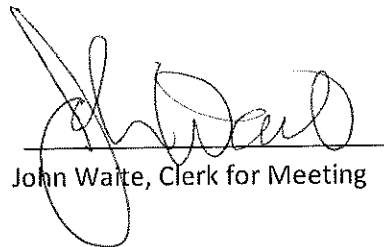
Mr. Gipson asked the Village Administrator to contact United Dairy Farmers to see if they still have any plans for renovating their store in Batavia.

Adjournment:

Mr. Ellis made a motion to adjourn, seconded by Mr. Gipson. Motion passed 4-0
The meeting adjourned at 8:20 pm.

ATTEST:


John Thebout, Mayor


John Waite, Clerk for Meeting