

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

**Batavia Village Council
Minutes of Meeting
Monday, September 14, 2020**

The Batavia Village Council met in regular session on Monday, September 14, 2020, 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. Garrison, Mr. Vickers, Ms. Cole, Mr. Gipson

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Street Superintendent Smith

Batavia Local School District – Barb Bruner, Kyle Nicholaus, C. Scott Runck, Dennis Wells, Keith Millard, Michael Ashmore

Batavia Township – Jim Sauls, Randy, Perry, Rex Parsons, Adele Evans, Jennifer Haley

Central Joint Fire EMS District – Kevin Riley

Clermont Northeastern School District – Mike Mantel, John Espy

Clermont County Board of Mental Health – LeeAnn Watson

Clermont Senior Services – Cindy Gramke

Others Attending the Meeting: JoAnne Martino, Kellie Wright, Mary Moore, Erich Emery, Mechelle Husck, Sandy Sheley, Shana Bockelman, Ken Johnson

Approval of Financial Reports:

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

Approval of Minutes:

Mr. Vickers made a motion to approve the minutes of the August 10, 2020 Council Meeting, seconded by Ms. Turner. The motion passed 6-0

Mr. Handra made a motion to approve the minutes of the August 17, 2020 Special Council Meeting, seconded by Mr. Gipson. The motion passed 5-0-1 with Ms. Turner abstaining

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Village Administrator: Dennis Nichols

An Ordinance establishing the rates charged for electric service charged to customers taking service directly from the Village of Batavia electric system and declaring an emergency

Ordinance 1461-20 1st reading Waive the 3 readings and pass as an emergency

Mr. Gipson made a **Motion** to declare this to be an emergency and to waive the three readings because rates are needed in order to establish a municipal electric utility and AAG Glass LLC is ready to utilize the service, seconded by: Ms. Cole

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

Mr. Vickers made a **Motion** to adopt **Ordinance 1461-20**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, yes, Mr. Garrison, yes, Ms. Cole, yes, Mr. Gipson, yes **Motion passed 6-0 Ordinance 1461-20 Adopted**

196 E Main Street

A Resolution authorizing the Administrator to demolish the building at 196 E Main Street and to pave part of the lot for a parking lot for the administration building.

Resolution 294-20 2nd reading

The Administrator is still seeking a cost estimate for alternative uses..

West Main Street repaving project

At the August 17 Special Council Meeting Council approved the bid from Fillmore Construction, LLC, for paving West Main Street for \$349,605. The engineer had estimated that the project would cost \$550,000. Fillmore Construction has offered to also pave Fifth Street and Broadway for an additional \$151,020. The combined cost for all three streets is less than the \$550,000 we had expected to pay for just West Main Street.

Ms. Cole made a **Motion** to approve a change order for the paving contract with Fillmore Construction, LLC to add Fifth Street and Broadway for an estimated additional cost of \$151,020, seconded by Mr. Gipson. **Vote 6-0 Motion passed.**

225 Wood Street

The Cincinnati Historical Society has asked us to hold up any demolition while they make an attempt to find an offer to purchase the property with a guarantee to renovate the property. We still need to get an asbestos inspection, a demolition permit and utility disconnections, so the Cincinnati Historical Society's request is not adding any additional delay.

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Infiltration & inflow project

FTC&H told us that Insituform and Queen City Mechanicals should complete all work by the end of October. The next step is to get the Ohio EPA to say that we are good for the county to take over ownership of the sewer utility.

Water Utility

Chris Moore has said he will complete the CRT easement, sue if needed to get the Kinner easement, and set a meeting with the County Water Resources Department and its legal counsel regarding a transfer of ownership of the water utility.

Streamside Residential Development

We have approved the zoning permits for the first two houses. Fourteen houses have been sold.

Alcore - Alcore has obtained the water easement it needed for the development. Clermont County is in the process of approving a gas line to go under the road.

Veteran's Monument

The Veterans Service Commission wants to place a monument at 23 N. Riverside Dr., on the site of the former Green Valley Store. They are organizing a committee and are requesting our participation. Ms. Cole and Ms. Turner expressed interest in being on the committee.

Clermont County Senior Services – Cindy Gramke

There is a 5-year 1.3 mill renewal levy on the November ballot. Cindy Gramke discussed the services being provided to 6,000 residents and urged support for the levy.

Clermont County Board of Mental Health – LeeAnn Watson

There is a .75 mill renewal levy on the November ballot. LeeAnn Watson discussed the services provided and urged support for the levy.

Police Department, Chief Young

Chief Young is on vacation until October 2. He has submitted his monthly report to Council.

Mayor, John Thebout

The Mayor reviewed the success of the weekend's village-wide yard sale.

Mary Moore told Council that there were 46 entries in the car show on Sunday. They raised \$1,450 for a van for the veteran's memorial team.

The Mayor read a Proclamation recognizing the Clermont County Disabled American Veterans Organization.

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Village Solicitor, Christopher Moore

At a hearing on July 29 Judge Brock issued a ruling against CRT Electronics for zoning violations. Mr. Bach is questioning the ruling and has asked for a further hearing on Wednesday, September 16. We need him to sign the waterline easement through his property. We also need the Kinners to sign an easement.

Duke Energy has asked the Mayor and Administrator to sit for depositions.

Fiscal Officer: John Waite

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

Credit Card Policy

Ordinance 1457-20 2nd reading

Our State Auditor is requiring the Village of Batavia to amend our credit card policy to include retail stores where the Village has a line of credit

Appropriations Amendment

Ordinance 1460-20 1st reading Waive the 3 readings and pass as an emergency

The Auditor made us transfer bond proceeds from our General Fund to an Enterprise Fund. This Ordinance appropriates the bond proceeds in the Enterprise Fund.

Mr. Vickers made a **Motion** to declare this an emergency and to waive the three readings because we have outstanding obligations for the bond proceed, seconded by: Mr. Handra

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

Mr. Handra made a **Motion** to adopt **Ordinance 1460-20**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, yes, Mr. Garrison, yes,
Ms. Cole, yes, Mr. Gipson, yes **Motion passed 6-0 Ordinance 1460-20 Adopted**

Clermont County All Hazards Mitigation Plan

Resolution 295-20 1st reading Waive the 3 readings and pass as an emergency

The Clermont County Commissions adopted this legislation and it went into effect on June 15, 2020. The Commissions need to have municipalities approve the plan and have requested us to adopt this Resolution at our next meeting..

Mr. Handra made a **Motion** to declare this to be an emergency and to waive the three readings because the legislation is has already gone into effect, seconded by: Mr. Vickers

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

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Mr. Handra made a **Motion** to adopt **Resolution 295-20**, seconded by: Mr. Vickers

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, yes, Mr. Garrison, yes,
Ms. Cole, yes, Mr. Gipson, yes **Motion passed 6-0 Resolution 295-20 Adopted**

Legislation accepting amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor

Resolution 296-20 1st reading Waive the 3 readings and pass as an emergency

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

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

Mr. Vickers made a **Motion** to adopt **Resolution 296-20**, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, yes, Mr. Garrison, yes,
Ms. Cole, yes, Mr. Gipson, yes **Motion passed 6-0 Resolution 296-20 Adopted**

Real Estate Matters and Personnel Contract

Mr. Nichols asked Council to meet in closed session to discuss real estate matters and to discuss a personnel contract

Mr. Handra made a **Motion** to adjourn to Executive Session to discuss legal matters, seconded by: Ms. Cole

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

Mr. Handra made a **Motion** to return from Executive Session, seconded by: Mr. Vickers

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

Batavia Township Trustees – re Kubicki 15-year CRA with 100% abatement

Jim Sauls – Mr. Sauls expressed his opposition to the use of a 15-year 100% tax abatement for the Kubicki development because the addition of 800 new residents without funding the CJFED will affect the CJFED's ability to service those residents. He said that the purpose of a Community Reinvestment Area (CRA) is to promote development in economically depressed area, not to promote new development. Mr. Sauls admitted that Batavia Township has five Tax Increment Financing (TIF) areas that do not provide any financing to the CJFED or the schools. Mr. Nichols reminded him that one of the TIFs already in existence is on the Kubicki property and another one is on Lexington Run Subdivision and although those 30-year TIFs do not provide any funding for the CJFED or the schools, the Township Trustees did not object to them when they were passed. Mr. Sauls said that he wasn't a township trustee in 2005.

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Rex Parsons – Mr. Parsons spoke in opposition to CRA financing for the Kubicki development. His concern was the 800 new residential units would require additional fire and EMS personnel without provided funding for them. He was concerned that if a CRA with a 100% abatement is adopted for this development, then it would set a precedent for future developments that would deprive the CJFED and schools with adequate funding. He recognized that there are five existing Batavia Township TIFs that do not provide funding for the CJFED or the schools, and he said that the township receives the inside millage that it would have receive without the TIFs. Mr. Nichols asked Mr. Parsons if he had signed the TIF agreement in 2005 that denied funding to the CJFED and Mr. Parsons acknowledged that he had signed the agreement.

Randy Perry – Mr. Perry wanted to reiterate what Mr. Sauls and Mr. Parsons had already said. The only thing he wanted to add was an accusation that Village Council members had approved CRA legislation without being fully informed, because at a CJFED Fire Board meeting Mr. Handra acknowledged that he was not familiar with the terms of the CRA financing that the Village had adopted for the Kubicki development. Mr. Handra responded that Mr. Perry’s statement was incorrect because Village Council had not adopted a CRA yet for the Kubicki development because the Kubicki property will not be in the Village until the annexation has been accepted and the Village cannot approve a CRA for property that isn’t yet in the Village.

Central Joint Fire EMS District – re Kubicki 15-year CRA with 100% abatement

Fire Chief Kevin Riley – Chief Riley expressed his opposition to the use of a 15-year 100% tax abatement for the Kubicki development because the addition of 800 new residents without funding the CJFED will affect the CJFED’s ability to service those residents. He said that the existing Streamside CRA, which has a 50% abatement for 20 years, is depriving the CJFED of \$108,000 per year. He has estimated that the Kubicki 400-unit development with a 100% 15-year abatement would deprive the CJFED of \$239,000 per year. He estimated that the five Clermont County TIFs have deprived the CJFED of \$30 million dollars. Mr. Nichols reminded Chief Riley that without development there would be no revenue at all.

Batavia Local School District – re Kubicki 15-year CRA with 100% abatement

Barb Bruner – Ms. Bruner expressed her opposition to the use of a 15-year 100% tax abatement for the Kubicki development. She listed reasons why people move to our area and although schools aren’t the primary reason, they are an important reason. She is concerned that the Batavia Local Schools won’t have room for the children from an additional 800 houses.

Keith Millard – Mr. Millard expressed his opposition to the use of a 15-year 100% tax abatement for the Kubicki development. He said that there are two buckets for school funding: operating levies and capital improvement levies. Residents in a development with abated taxes won’t pay on either levy. He suggested that if children from an additional 800 homes are added to the Batavia

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Schools and those homes don't contribute to the school funding, then the Batavia Schools will be forced to seek another levy.

An Ordinance to accept the annexation from Charles J Kubicki LLC

(Note: The acceptance of the Annexation and the CRA Financing are separate issues.)

Ordinance 1462-20 1st reading declare an emergency and waive the three readings

Ms. Cole made a **Motion** to declare an emergency and to waive the third reading because of the necessity to move forward to take advantage of the current financial market while interest rates are low and housing demand is high, seconded by Mr. Gipson

Kellie Wright interrupted and asked why this had to be adopted as an emergency. She also complained about Council having passed several other pieces of legislation by emergency tonight. Mr. Waite responded that Council passed two Ordinances by emergency because Clermont County imposed time limits for their passage, and Council passed an Ordinance amended appropriations because our auditor forced us to transfer bond proceeds from one fund to a different fund and we have to approve appropriations from the new fund. Village Solicitor, Christopher Moore, responded that financial considerations qualify as a reason for an emergency adoption.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Mr. Vickers, no, Mr. Garrison, yes, Ms. Turner, no, Mr. Handra, yes

4-2 Vote is less than three-fourths, therefore Motion to declare an emergency fails

This will therefore be declared to be the **1st reading of Ordinance 1462-20**

New Business Items

Traffic, noise and speed on Fifth Street

Shana Bockelman complained about the problem of traffic noise on Fifth Street. She said that she has been complaining about the problem for six months and has not received a satisfactory response from the Village. She said that Fifth Street is no longer a state highway and she would like to Village to somehow prevent nonresident vehicles from traveling through the Village instead of driving around it. She also wants a noise ordinance posted.

Council Agenda Items

Mr. Vickers was concerned about the ability of council members to put items on the council agenda. The Mayor responded that there is no prohibition from council members putting items on the council agenda, but that if a council member is forwarding a request from a third party, then the Mayor suggested that it is better for the third party to contact to village office directly so that the topic to be added is clearly conveyed.

**Village of Batavia – MINUTES of COUNCIL MEETING,
September 14, 2020**

Dangerous Dead Tree

Mr. Garrison reported that there is a dead tree on Main Street near the railroad overpass and the tree could fall onto the street. Street Superintendent Smith said that he would look at the tree.

Batavia Union Cemetery

Ms. Turner reported that there a people driving through the cemetery at night. She asked if someone could lock the gate at night. Street Superintendent Smith told her that the police department should be the ones to lock the gate since the police can chase people out of the cemetery before locking the gate.

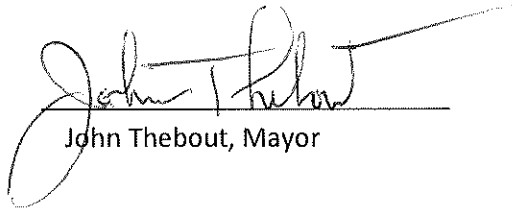
Committee Reports:

Finance Committee:	Bob Handra	Next Meeting, Thursday, September 24 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, September 15 @ 7:00pm
Safety Committee	Brian Vickers	There will be a meeting in October

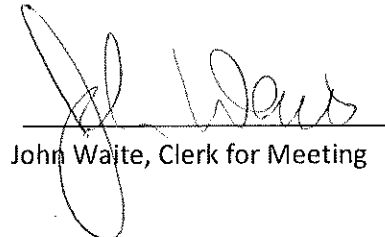
Adjournment:

Mr. Garrison made a motion to adjourn, seconded by Ms. Cole. Motion passed 6-0
The meeting adjourned at 9:30 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting