

**Village of Batavia – MINUTES of COUNCIL MEETING,
May 13, 2019**

**Batavia Village Council
Minutes of Meeting
Monday, May 13, 2019**

The Batavia Village Council met in regular session on Monday, May 13, 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. Vickers, and Mr. Gipson. Mr. Ellis was absent.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Officer Christopher Whitaker, Chief James Young, Solicitor Christopher Moore, and Officers Altman, Fletcher, Kuhl, McMillan, Noonan, and Whitaker

Others Attending the Meeting: Hal Silverman, Tim Burgoyne, Steve Shinkle, JoAnn Martino, Ben Steward, Joe Greener, Joe Laffleur, Kim Laffleur

Approval of Financial Reports:

Mr. Gipson made motion to approve the April Bank Statements and Cash Journal, seconded Ms. Turner. The motion passed 5-0

Approval of Minutes:

Mr. Gipson made a motion to approve the minutes of the April 8, 2019 Council Meeting, seconded by Mr. Vickers. The motion passed 5-0

Promotion of Officer Christopher McMillan

Corporal Christopher McMillan has been employed by the Village of Batavia since 2013. He is currently our drug officer and in charge of our police K-9 Drees. The Chief recommends promoting Corporal McMillan to Sergeant and establishing him as second in the chain of command. He also recommends that we adjust his salary from \$20.50 per hour to \$22.00 per hour.

Resolution 278-19 1st reading Pass as an emergency
A Resolution promoting Corporal McMillan to Sergeant and adjusting his salary

Solicitor Christopher Moore stated that this Resolution qualifies as an emergency since it is necessary to establish a chain of command for the police department.

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

Vote by roll: Mr. Handra, Ms. Turner, yes, Mr. Garrison, yes, Mr. Vickers, yes, Mr. Gipson, yes
Motion passed 5-0

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Mr. Gipson made a **Motion** to adopt **Resolution 278-19**, seconded by: Mr. Handra

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

Motion passed 5-0

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, so we have some time to decide what we are going to do. We will publicize the availability of the site and keep Council informed of any interest in the site that we receive. Mr. Vickers commented since the property is in the name of the Village of Batavia Clermont County CIC, Inc., they will have to be the entity that makes a decision about the property.

Community Reinvestment Area for Village of Batavia

Village Council previously passed Resolution 262-18 approving a Community Reinvestment Area for the Village of Batavia. This Resolution replaces Res 262-18 to revise the area covered to include the Streamside Development.

Resolution 276-19 1st reading Waive the three readings

A Resolution establishing the boundaries of Community Reinvestment Area in the Village of Batavia, and repealing Resolution 262-18

Mr. Gipson made a **Motion** to waive the three readings, seconded by: Mr. Garrison

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

Motion passed 5-0

Mr. Vickers made a **Motion** to adopt **Resolution 276-19**, seconded by: Mr. Handra

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

Motion passed 5-0

Approval of Payment in Lieu of Taxes (PILOT) Agreement with Hal Homes

A Resolution approving and agreement with Hal Homes, Inc. for payment in lieu of taxes and a guarantee of the completion of certain public improvements.

Resolution 280-19 1st reading

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The Administrator asked Council to waive the three readings. However, Mr. Vickers stated that he had not received a copy of the PILOT agreement before the meeting and he had not had an opportunity to review it. Therefore, he asked that a vote to waive the three readings and adoption of the Resolution be delayed until the next meeting.

Intersection of S.R. 32 at Bauer Road

The State of Ohio had notified the Village of Batavia that they wanted the Village to make improvements to the intersection of S.R. 32 at Bauer Road. The improvements proposed by the State would have cost the Village about \$1.5 million.

The Administrator has had discussions with Clermont County officials and State of Ohio officials to see what interchange design would be acceptable to the Department of Transportation and what funding sources are available.

The Ohio legislature recently increased the state gasoline tax. The resulting increase in the Ohio Department of Transportation's budget has allowed the State to approve improvement to 150 high-crash intersections. The S.R. 32 at Bauer Road intersection was selected as one of those intersections. The State intends to eliminate the stoplight and change the intersection to a "Restricted Crossing U-Turn Intersection". The State will design the intersection. The estimated cost of the project is \$4 million. The entire project is being managed and paid for by the State of Ohio.

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.

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 1st reading

An Ordinance accepting and annexation petition for land owned by the Village of Batavia.

Electric Utility Update

Our Electric Utility Ordinance is now in effect. Our Administrator has met with Duke Energy officials and with our electric utility consultant. We will be presenting Duke Energy with an Interconnection Agreement covering our one customer, AAG Glass, Inc. Our cost for providing electricity will determine the rate that we charge AAG Glass.

Condemnation of various nuisance buildings

Mr. Nichols sent letters to seven property owners notifying them of our intent to schedule a hearing for June 10th to condemn their property. Five of the seven have responded and resolved their issues. Two of the properties are set for a hearing.

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Batavia Nursing Home	Patricia Meeker has agreed to demolish the building
225 Wood Street	The realtor and Fannie Mae have asked us to forestall demolition
600 S Riverside Dr.	The owner has a buyer who intends to partially demolish the building and then rebuild the front
570 E Main Street	The owner will demolish the building
585 North Street	The owner of the old garage and barn will demolish them
173 Wood Street	Set for a hearing
234 E Main Street	Set for a hearing

Concerts

There is a Mozart concert scheduled for Wednesday, May 15th. There is also a Tin Pan Alley concert scheduled for Friday, June 7.

Ohio Capital Budget Projects

The Administrator meet with Clermont County officials to discuss an application for funding from the Ohio Capital Budget Projects Fund. They were receptive to an application for funding a Trail Head Park for S Riverside Dr.

Police Department, Chief Young

There was a 200% increase in traffic accidents last month, probably affected by the rainy weather.

The Chief and 5 of the Officers have been attending various training programs.

The police department had tint applied to their window to reduce the glare and heat from the sun. There has been a dramatic decrease in the temperature on the 3rd floor.

Officer Kuhl applied for and received a \$940 grant for the police department. The money was used to purchase fire extinguishers and traffic safety cones for the police cruisers.

Jason Garrison asked the Chief who pays officers when they perform off-duty services such as traffic control for soccer games. The Chief said that the soccer organizers pay the officers \$35 per hour and they are paid directly by the soccer organizers. When a police car is used by an off duty officer, the organization is charged \$10 per hour by the Village for the police car.

Kathy Turner reminded the Chief that there will be a village-wide yard sale on June 1st & 2nd and there may be a lot of traffic in the Village.

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.

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The Mayor asked the audience and Council if anyone was willing to serve on the board. Their duties are to annually look at properties that have received CRA tax abatement to see if they are still complying with the status for which the CRA designation was approved.

No one in the audience was willing to serve. Councilmen Kathy Turner and Jason Garrison volunteered to serve. The Mayor appointed them as his picks for the Board.

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 amount allocated to townships and decreases the allocation to municipalities. 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.

Ohio Mayors' Convention

The Mayor will be attending the annual Ohio Mayor's Convention. The estimated cost is \$500. He asked Council for a motion approving the cost of his attendance.

Mr. Vickers made a **Motion** to approve sending the Mayor to attend the Ohio Mayors' Conference at an estimated cost of \$500., seconded by: Ms. Turner. **Motion passed 5-0**

Ohio Division of Liquor Control

The Ohio Division of Liquor Control sent the Village a form asking the Village if we have any objection to the renewal of a liquor license to Bean & Brew, LLC at 97 E. Main Street. The Mayor asked Council and the Chief of Police if anyone objected. There were no objections.

Village Solicitor, Christopher Moore

The Solicitor spent most of his time working on the Hal Homes Streamside Development documents.

The property at 189 E Main had its closing. We gave the sellers 90 days to vacate the property.

The Solicitor met with Judge Brock regarding the CRT Electronics nuisance violation. If there hasn't been any cleanup progress, on June 25th Judge Brock will set a trial date.

All of the waterline easements had been resolved and the information has been sent to the Clermont County Water and Sewer Department. However, the County has now asked the Village to get easements for 3 additional properties.

The Solicitor filed a lawsuit against a resident who has not paid his trash collection fees for a year. This is the same individual who previously failed to pay until a lawsuit was filed.

The Village received a complaint from a person who lives outside the Village on S.R. 222 about noise from the Auto Temp plant. Auto Temp has been in existence for 15 years. The individual making the complaint had only recently purchased the house.

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Resolution 282-19 1st reading

A Resolution Approving the Necessity of Acquiring, Constructing, Installing and Improving Certain Public Improvements in the Village of Batavia, Ohio.

Mr. Garrison asked what estimated annual assessment is expected for homes purchased in Streamside. Mr. Silverman responded that the annual assessment is estimated be \$750.

New Business

Ms. Turner made a Motion to forgive Mr. Ellis's absence because it is the result of illness.

Motion passed 5-0

Proposal to audio Council Meetings.

Mr. Vickers proposed requiring Council Meeting to be audio taped. He said that it would be easy to do and the cost of doing it would be minimal. The audio file could be uploaded to the Village website. The process would allow anyone to see what Council is doing. It would allow us to resolve any questions about who said what.

Mr. Waite objected. Currently the minutes are a summary of discussions indicating the name of the speaker and the substance of their conversation. The Minutes correct misstatements and redundancies. They present the highlights of the discussions accurately and provide enough information to permit the public to understand the rationale behind Council's actions. The Minutes present councilmembers respectfully.

Mr. Nichols responded that he used to be a newspaperman who would routinely audiotape meetings. The only reason meetings are taped is to embarrass someone. You are looking for a "Got Ya". In addition, when you start recording meetings, you are then obligated to keep the recordings. He recommended that Council NOT record its meetings.

Mr. Waite and Mr. Handra expressed their opinions that recording meetings will result in members not freely expressing their opinions for fear of having something said being reported when it is taken out of context.

Mr. Vickers still wanted to record the meetings in the interest of transparency.

Council did not take any action to require recording meetings.

Proposal to require 2-days; notice by posting on the Village website and posting on the Village sign before any Special Council Meeting

Mr. Vickers noted that Council recently called a Special Meeting where the meeting occurred before notice of the meeting was published, so the public was not informed that a meeting would occur. He proposed that Council pass an Ordinance prohibiting a Special Meeting unless the public has been given notice of the meeting at least 2 days in advance of the meeting. The public needs to be informed so that they have the opportunity to decide if they want to attend and participate.

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Mr. Waite commented that there are 3 types of meetings: regular meetings, special meetings and emergency meetings. The legal requirement for special meetings is "24 hours' notice to all media outlets that have requested it". The Village never tries to hide what it is doing, but there may be an occasion when there needs to be action taken by Council within the 2-day period and prohibiting it by Ordinance unnecessarily ties the hands of Council. It would be better to make it a Policy to provide 2-days' notice instead of passing an Ordinance.

Ms. Turner commented that she is the person who is responsible for posting notices on the Village sign. She asked what would happen if she were out of town or unable to post a message on the sign within the 2-day period?

Mr. Waite commented that Mr. Nichols is currently responsible to posting messages on the Village's website. What would happen if Mr. Nichols was unable to post a message on the website?

Solicitor Moore responded to Ms. Turner's and Mr. Waite's concerns by stating that Council could then call an Emergency Meeting instead of a Special Meeting.

Mr. Vickers state that he had not heard anything to refute his proposal. He told Council that if they fail to pass an Ordinance and a Special Meeting is called where there has not been 2-days' notice to the public, then he would refuse to vote in favor of anything proposed in such a meeting.

Council failed to take any action passing an Ordinance requiring 2-days' notice for a Special Meeting. Instead, Council agreed to make it a "policy" to notify the public of special meetings by postings on the Village Sign and on the Village Website.

Proposal to create an Ordinance or written policy requiring the draft of minutes for a Council or Committee meeting to be provided to all Council members within 14 calendar days of the meeting and to have all approved minutes from all meetings posted on the Village website within a week of the approval of the minutes

Mr. Vickers complained that Minutes of Council meetings have not been posted on the Village's website. He also believes that Committee meeting minutes should also be available on the website.

Mr. Waite commented that preparing the minutes does not happen quickly because there are many other things to get done each day. Committees are used to review items and decide if they are to be presented to Council. Committees don't have the authority to enact legislation. Items of importance are passed on to Council for discussion and enactment. Therefore, the public doesn't need to see Committee minutes. The public gets to review items when they come before Council.

Mr. Nichols stated that you should not circulate or post draft minutes that have not been approved. The Solicitor also recommended not posting drafts of unapproved minutes.

Mr. Waite stated that draft minutes of Council's previous meeting are necessarily provided to Council because they must review them in order to approve them.

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Ms. Turner and Mr. Gipson stated that they want to see minutes of Committee meetings because they often feel that they are not aware of what the Village is doing.

Mr. Vickers made a **Motion** to make it **Village Policy** publish Minutes of all Village Meetings by posting them on the Village website as soon as practical, once they have been approved, seconded by Mr. Turner. **Motion passed 5-0**

The Motion did not put a time limit on getting the minutes posted.

Committee Reports:

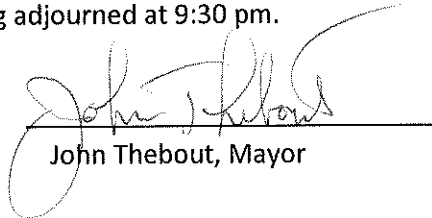
Finance Committee:	Next Meeting:	Thursday, May 23 @ 6:00 pm
Cemetery Committee	Kathy Turner	The next meeting will be June 5 at 6:00pm
Planning Commission	Bob Handra	Next Meeting Tuesday, May. 21 @ 7:00pm

Adjournment:

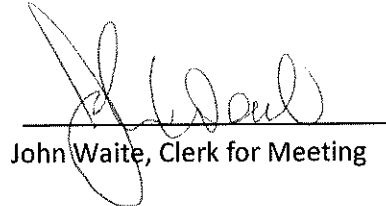
Mr. Vickers made a motion to adjourn, seconded by Mr. Handra. Motion passed 5-0

The meeting adjourned at 9:30 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting