

**Village of Batavia – MINUTES of COUNCIL MEETING,
August 10, 2020**

**Batavia Village Council
Minutes of Meeting
Monday, August 10, 2020**

The Batavia Village Council met in regular session on Monday, August 10, 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, Chief Jim Young, Officer Whitaker, Street Superintendent Smith

Others Attending the Meeting: Joanne Martino, Kelly Wright, Penny Coffey, Jennifer Elliott, Diane Canlot(?), John P____(?), Mary Moore, Koren Moore Runck

Approval of Financial Reports:

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

Approval of Minutes:

Mr. Garrison made a motion to amend the July 13th minutes regarding the vote on Resolution 287-20. Mr. Vickers made a motion to approve the minutes of the July 13, 2020 Council Meeting as amended, seconded by Mr. Gipson. The motion passed 6-0

Joint Resolution with Batavia Township Amending the Board Selection of the Central Joint Fire/EMS District

Resolution 289-20 3rd reading

Adopts a revised process for selecting the at-large member of the Central Joint Fire/EMS District Board. Batavia Township passed this Resolution with a stipulation that the first term of office begin on July 1. The Village of Batavia's version had previously stated that the term of office would begin on January 1. The Mayor recommended that the Village adopt an amended Resolution that agrees with Batavia Township's version with the beginning date of July 1.

Mr. Vickers made a **Motion** to adopt **Resolution 289-20** as amended, 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 Resolution 289-20 Adopted**

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Village Administrator: Dennis Nichols

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. He would like to keep the large tree and a green space along Main Street.

Resolution 294-20 1st reading

We have contracted two commercial realtors and asked if there was any interest in listing the property for redevelopment. Both rejected the concept or rehabilitating the structure, as the cost would far exceed the value.

Mr. Gipson stated that he is ok with demolishing the building, but he is in favor of keeping the Main Street facade. Mr. Nichols responded that when we seek demolition bids, he would seek a bid that would keep the facade.

Joanne Martine, a realtor, stated that the site is much more valuable and attractive to a potential developer if the building would be demolished without keeping the facade.

Infiltration & inflow project Wayne Smith has identified 25 laterals on smaller lines for lining in September.

Water and sewer system: Chris Moore will update Council on the status

Streamside: We have approved Phase 2 plans

Alcore: Alcore has obtained the water easement it needed from Hal Homes. They should begin working on their assisted living facility.

West Main Street repaving project: We will be opening bids on August 13.

Mr. Nichols requested Council for a Special Meeting to accept the bids. Council agreed that everyone except Mr. Garrison could meet on Monday, August 17 at 5:00pm.

Mr. Vickers made a **Motion** to call for a Special Meeting on Monday, August 17 at 5:00pm for the purpose of accepting bids on the W Main Street paving project, seconded by Mr. Handra. **Vote 6-0 Motion passed.**

Legal Matters regarding Batavia Township

Mr. Nichols asked Council to meet in Special Session to discuss legal matters regarding Batavia Township.

Ms. Turner made a **Motion** to adjourn to Executive Session to discuss legal matters, 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** Adjourned at 7:30

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

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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** Returned at 7:45

Police Department, Chief Young

Chief Young submitted his July report to Council.

The police department hired Cameron Ammerman to replace Officer Altman, who resigned in July. Officer Ammerman has completed his training. He has also completed school resource officer training so that he can be a backup for Officer Fletcher.

Officer Fletcher will be returning to the Batavia schools as school resource officer on August 17. Our contract with the Batavia Local Schools expires in December. We are negotiating for a new contract.

Mayor, John Thebout

The Mayor asked Council to pick a date for the September village-wide yard sale. Council selected September 12-13 because there is going to be a car show on Sunday, September 13 and that will bring in extra people.

Village Solicitor, Christopher Moore

At a hearing on July 29 Judge Brock issued the following ruling against CRT Electronics for zoning violations:

- Within 42 days CRT will be in complete compliance with the Village's zoning ordinance,
- CRT is limited to having no more than 12 vehicles on the property,
- CRT will remove the trailer currently being used for storage,
- CRT will remove the awning on the east side of the building that is over a waterline,
- CRT will clear an easement for the waterline, and
- Failure to be in compliance will result in CRT paying a fine to the Village of Batavia of \$35,000.

The Duke Energy is still be obstructive. They just included the City of Hamilton in the lawsuit against Batavia.

There are only two remaining issues with Clermont County regarding the County taking over our water utility. One is the waterline easement on the CRT property that has just been resolved by Judge Brock's ruling. The other is an easement that was previously signed, but that needs to be resigned and the signer is reluctant to do so.

Fiscal Officer: John Waite

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

Credit Card Policy

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Ordinance 1457-20 1st 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 1458-20 1st reading Waive the 3 readings and pass as an emergency

The 2020 appropriations included \$4.25 million in the general fund from the sale of bonds. The state auditor told us that only \$300,000 belongs in the general fund. \$3,950,000 needs to be in the Street Capital Fund because the use of the funds is restricted to refunding debt and capital improvements. Therefore, the appropriations in the general fund need to be reduced by \$3,950,000. The street capital fund needs to be increased by \$800,000 for capital improvements.

Mr. Vickers made a **Motion** to declare this to be an emergency and to waive the three readings to correctly reflect bond revenue received August 5 so that the funds can be properly appropriated, 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. Gipson made a **Motion** to adopt **Ordinance 1458-20**, 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 Ordinance 1458-20 Adopted**

Coronavirus Relief Fund 2151

Ordinance 1459-20 1st reading Waive the 3 readings and pass as an emergency

The state auditor informed us that Council needs to approve the creation of a new fund account. Fund 2151 was created to receive Coronavirus Relief Funds. This is an emergency because approval is required by O.R. C., the fund is in existence and has already received funding.

Mr. Handra made a **Motion** to declare this to be an emergency and to waive the three readings because approval is required by O.R.C., 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**

Mr. Vickers made a **Motion** to adopt **Ordinance 1459-20**, 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 1459-20 Adopted**

Tax Budget for 2021

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Resolution 292-20 1st reading Waive the 3 readings and pass as an emergency
The Ohio Revised Code requires the Village to file a tax budget for next year before July 15

Mr. Handra made a **Motion** to declare this to be an emergency and to waive the three readings because O.R.C. requires the adoption before July 15, seconded by: Mr. Gipson

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, abstain, Mr. Garrison, yes,
Ms. Cole, yes, Mr. Gipson, yes **Motion passed 5-0-1**

Ms. Cole made a **Motion** to adopt **Resolution 292-20**, seconded by: Ms. Turner

Vote by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Vickers, abstain, Mr. Garrison, yes,
Ms. Cole, yes, Mr. Gipson, yes **Motion passed 5-0-1 Resolution 292-20 Adopted**

Establish an Amount Limit for Blanket Purchase Orders

Resolution 293-20 1st reading Waive the 3 readings and pass as an emergency
O.R.C. 5705.41(D0(3) requires establishing a blanket purchase order amount limit

Ms. Turner made a **Motion** to declare this to be an emergency and to waive the three readings because O.R.C. requires the adoption, 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 **Resolution 293-20**, 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 Resolution 293-20 Adopted**

New Business / Public Comment

Street Lights

Mr. Garrison informed the Administrator that a street light on N Riverside Dr. between North Street and Wood Street is not working, and asked him to get it fixed.

Kelly Wright

Ms. Wright asked if Council Agendas could be made available to the public ahead of the meeting. She was told that the agendas are only prepared a day or two before the meeting. If she wants to be included in the email distribution of the agenda, she should send an email to the Fiscal Officer asking to be put on the list.

Ms. Wright complained that although the minutes of Council Meetings are posted on the Village website, the postings are not current.

Ms. Wright also complained about a resident who is burning garbage in their yard, causing noxious odors. The Mayor told her that he would contact that person.

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Demolition of Buildings

One of the residents was concerned about Council approving demolition of the buildings instead of seeking grants for restoring them. They particularly objected to the demolition of 225 Wood Street. The Village Administrator replied that regarding the properties approved for demolition, the Village has been trying to work with the owners for years to get the properties restored, but that the owners have been unable or unwilling to make improvements. Meanwhile, the properties have continued to deteriorate and are nuisances.

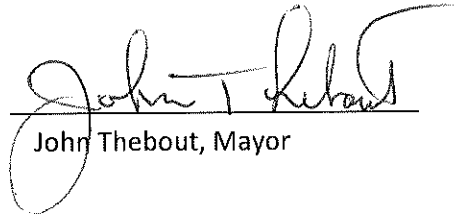
Committee Reports:

Finance Committee:	Bob Handra	Next Meeting, Thursday, August 27 @ 6:00 pm.
Planning Commission	Bob Handra	Next Meeting, Tuesday, August 18 @ 7:00pm, but it may be cancelled

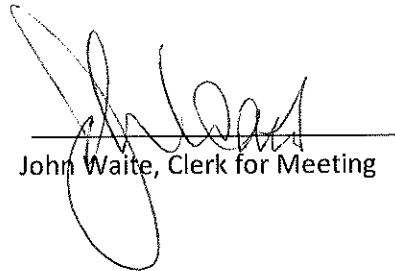
Adjournment:

Mr. Garrison made a motion to adjourn, seconded by Ms. Cole. Motion passed 6-0
The meeting adjourned at 8:55 pm.

ATTEST:



John Thebout, Mayor



John Waite, Clerk for Meeting