

**Village of Batavia – MINUTES of COUNCIL MEETING,
February 8, 2021**

**Batavia Village Council
Minutes of Meeting
Monday, February 8, 2021**

The Batavia Village Council met in regular session on Monday, February 8, 2021, 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, Ms. Cole, Mr. Gipson

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite, Solicitor Christopher Moore, Chief Young, and Officer Whitaker

Others Attending the Meeting: Joanne Martino, Mary Moore, Hank Pryor, Jon Pryor, Anna Thomas, Joe Greener, Stacey Greener, Matt Durham, Jenn Durham, Elin Durham, Logan Durham, Sandy Pryor, Andy Barnes, Cheri Barnes, Katie Pryor, David Pryor, Pete Jung, Kiersten Jung, Scott Runk

Approval of Financial Reports:

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

Approval of Minutes:

Mr. Garrison made a motion to approve the minutes of the January 11, 2021 Council Meeting, seconded by Ms. Cole. The motion passed 5-0

Vacancy on Council

On January 12, Brian Vickers resigned from Village Council. The Village solicited letters of interest to fill the seat. We received three letters of interest: David Pryor, Mary Moore and Joe Greener. Village Council has 30 days from the date of the vacancy to appoint a replacement member.

Mr. Gipson made a **Motion** to adjourn to Executive Session to interview candidates for the vacancy on council, seconded by Ms. Cole.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Mr. Garrison, yes, Ms. Turner, yes, Mr. Handra, yes
Motion passed 5-0 Council went into Executive Session at 7:10pm.

Mr. Handra made a **Motion** to return from Executive Session, seconded by Ms. Turner.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Mr. Garrison, yes, Ms. Turner, yes, Mr. Handra, yes
Motion passed 5-0 Council returned from Executive Session at 8:20pm.

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Ms. Turner made a **Motion** to nominate Mary Moore to fill the vacancy on council, seconded by Mr. Garrison.

Mr. Gipson made a **Motion** to nominate David Pryor to fill the vacancy on council, seconded by Ms. Cole.

Vote to appoint Mary Moore to fill the vacancy on council by roll: Mr. Handra, yes, Ms. Turner, yes, Mr. Garrison, yes, Mr. Gipson, no, Ms. Cole, no Vote 3yea, 2 nea
Mary Moore appointed to Council

Village Administrator: Dennis Nichols

A Resolution establishing and describing the boundaries of the Community Reinvestment Area in the Village of Batavia

Resolution 302-21 1st reading

Community Reinvestment Area Housing Council

This Council establishes the CRA Housing Council (the “Housing Council”), consisting of two members appointed by the Mayor, two members appointed by this Council, and one member appointed by the Planning Commission. The majority of the members shall then appoint two additional members, who must be residents of the Village. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the manner as the initial appointment was made. The Housing Council shall inspect the properties annually within the CRA for which an exemption has been granted under Section 3735.67 of the Ohio Revised Code. The Housing Council shall also hear appeals under Section 3735.70 of the Ohio Revised Code

On May 13, 2019, Council appointed Kathy Turner and Jason Garrison to three-year terms.

On March 20, 2018, the Planning Commission appointed Gerald Harley to a three-year term.

The Mayor announced that his two appointments to the Housing Council are Joanne Martino and Edmund “Skip” Parrot.

An Ordinance revising the fees for zoning and sign permits

Ordinance 1474-21 1st reading

Amending Ordinance 1328-15 that established certain fees for zoning and sign permits and procedures

CRA agreement for renovation of 175 & 179 E Main Street.

The Administrator asked Council for approval of CRA for commercial property renovation by Courtney & Adam Huber at 175 & 179 E Main Street.

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Mr. Gipson made **Motion** to approve the CRA for commercial property renovation by Courtney & Adam Huber at 175 & 179 E Main Street, seconded by Ms. Cole.

The **Motion** passed 6-0

Real Estate Development and Annexations

The Administrator told Council that he wanted them to give him confirmation as to whether or not they want him to continue pursuing expansion of the Village through residential development within the existing boundaries or through additional annexations.

He previously negotiated a deal with Hal Homes where the Village issued a \$3 million infrastructure bond to be paid off with a PILOT (Payment In Lieu Of Taxes) equal to 50% of the real estate tax abatement granted to the homeowners through a CRA (Community Reinvestment Area).

He negotiated a deal with Charles Kubicki to annex into the Village for a 400 unit residential Planned Use Development (PUD). The Village did not have to issue infrastructure bonds. The Village, the Batavia Local School District and the Central Joint Fire EMS District have an “understanding” that the Village will share the municipal income tax revenue received from the homeowners during the period of the CRA tax abatement with the schools and the fire district.

The Administrator is currently negotiating with a developer for another residential developer. The Administrator asked Council to go into executive session to discuss real estate development.

Mr. Gipson made a **Motion** to adjourn to Executive Session to discuss real estate development, seconded by Ms. Cole.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Ms. Turner, yes, Mr. Handra, yes Motion passed 6-0 Council went into executive session.

Mr. Handra made a **Motion** to return from Executive Session, seconded by Ms. Turner.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Ms. Turner, yes, Mr. Handra, yes Motion passed 6-0. Council returned from executive session.

Mr. Handra made a **Motion** to give the Administrator direction to proceed with negotiations for residential development annexations as long as there is substantial compensation to the schools and fire district, seconded by Mr. Gipson. **Motion passed 6-0**

Police Department, Chief Young

Chief Young submitted his monthly report to Council

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The police have been using a borrowed “Your Speed is ___” sign on Fifth Street. It has had some effect in slowing the speed of cars on Fifth Street. He would like to purchase two signs and use them on Riverside Dr. and on Fifth Street.

Mayor, John Thebout

The Mayor presented his annual State of the Village address.

The Mayor appointed Mr. Garrison to fill the vacancy on the Finance Committee.

Village Solicitor, Christopher Moore

The Solicitor working with the Court to determine how to proceed with the continued nuisance violations on the Bach property. Fines will be coming.

All of the briefings for the Duke Energy lawsuit have been completed. There is a hearing before Judge McBride on February 25.

The Solicitor has been having discussions with the Administrator about real estate developments.

Fiscal Officer: John Waite

Mr. Waite presented the Fiscal Officer’s report on January activity.

2021 Appropriations Amendment

Ordinance 1472-21 1st reading Pass as an emergency and waive the 3 readings

This increases the appropriations for police department contractual expenses because Clermont County’s bill for 911 Emergency Calls was greater than the amount appropriated under temporary appropriations.

Mr. Handra made a **Motion** declare an emergency and to waive the three readings because of the necessity to pay for 911 Emergency Call, seconded by Ms. Cole

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

Mr. Gipson made a **Motion** to adopt **Ordinance 1472-21**, seconded by: Mr. Garrison

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes,
Ms. Turner, yes, Mr. Handra, yes **Motion passed 6-0**
Ordinance 1472-21 Adopted

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Ordinance 1471-21 2nd reading

An Ordinance declaring that the Village has the right under Home Rule to decide whether or not the payment of an expense is for a public purpose, and when the Mayor, the Administrator or Council approves of the payment of any invoice, whether for sales tax, late fees, interest expenses, penalties, or any other expense, the payment of such approved invoice shall be deemed to be “for a public purpose”.

Adopt Appropriations for the Full-Year 2021

Ordinance 1473-21 1st reading Waive the 3 readings

It takes three readings to adopt legislation without an emergency waiver. This Ordinance should have been presented for a first reading in January, but the Fiscal Officer failed to include it. The temporary appropriations that the Village is currently operating under will expire on March 31. Without passage of this Ordinance waiving the three readings, the Village will be unable to pay any bills on April 1, 2021.

Mr. Gipson made a **Motion** waive the three readings because of the necessity to pay bills beginning April 1, seconded by Ms. Cole

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

Ms. Turner made a **Motion** to adopt **Ordinance 1473-21**, seconded by: Ms. Cole

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes,
Ms. Turner, yes, Mr. Handra, yes **Motion passed 6-0**
Ordinance 1473-21 Adopted

Committee Reports:

Finance Committee: Bob Handra Next Meeting, Thursday, February 25 @ 6:00 pm.
Planning Commission Bob Handra Next Meeting, Tuesday, February 16@ 7:00pm

New Business / Audience Participation:

Joanne Martino asked is anyone had any new information about the Kinner house at 225 Wood Street. She said that the sale is currently scheduled to close on February 27.

Special Meeting:

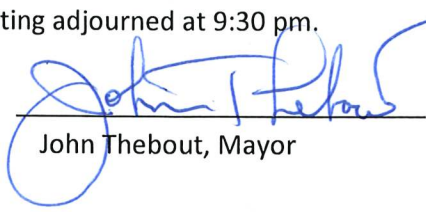
The Administrator asked Council to schedule a special meeting to discuss his succession. The Mayor declared there will be a special meeting on Thursday, February 25 at 6:30, following the Finance Committee Meeting.

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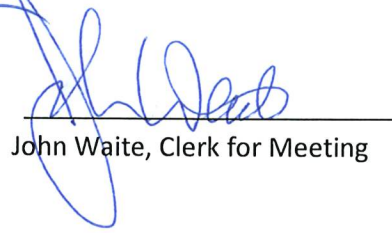
Adjournment:

Mr. Gipson 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