

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

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

The Batavia Village Council met in regular session on Monday, March 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**

Ms. Turner, Mr. Garrison, Ms. Cole, Ms. Moore, Mr. Gipson. Mr. Handra was absent.

**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

**Approval of Financial Reports:**

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

**Approval of Minutes:**

Ms. Turner made a motion to approve the minutes of the February 25, 2021 Special Council Meeting, seconded by Ms. Moore. The motion passed 5-0

**Public Hearing for Proposed Changes to Zoning Code**

Village Administrator reviewed the proposed changes to Batavia's Zoning Code. The changes are the work of Gerald Harley who went through the Code line by line and corrected inconsistencies. The proposed changes were approved by the Planning Commission.

There were no comments or questions from the public.

Mr. Garrison asked about zoning density and if this makes any changes to the density. The Administrator informed him that the current minimum density for single-family residences is 8,500 square feet. The original lot size in old Batavia was less than that. If someone tears down a house on a smaller lot and then wants to build a replacement house, they can get a variance.

Mr. Garrison made a motion to close the Public Hearing, seconded by Mr. Gipson. The motion passed 5-0, and the meeting returned to regular session at 7:12pm.

**Village Administrator: Dennis Nichols**

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

**Resolution 302-21** 3<sup>rd</sup> reading

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The Administrator told Council that Fisher Homes has named the Kubicki development Harvest Meadows. Fischer Homes has agreed to pay the entire cost of building the access road to the development. Passage of this Resolution is necessary before they can get started.

Ms. Cole made a **Motion** to adopt **Resolution 302-21**, seconded by Mr. Gipson.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Ms. Turner, yes  
Motion passed 5-0. **Resolution 302-21 adopted.**

An Ordinance revising the fees for zoning and sign permits

**Ordinance 1474-21** 3<sup>rd</sup> reading

This amends Ordinance 1328-15 to adjust certain fees for zoning and sign permits to rates currently charged elsewhere. The rates are still low.

Mr. Gipson made a **Motion** to adopt **Ordinance 1474-21**, seconded by Ms. Cole.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Ms. Turner, yes  
Motion passed 5-0. **Ordinance 1474-21 adopted.**

Roads, Maintenance and Facilities

There are a lot of road projects pending.

The intersection of Main Street at Riverside Dr. will begin this summer funded by and OPWC grant.

ODOT will begin work on the intersection of S.R. 32 at Bauer Rd. with ODOT paying the entire cost

ODOT will begin work on a roundabout this fall at the intersection of S.R. 122 and S.R. 132.

The Village is working on a grant application for the intersection of S.R. 32 at Herold Road.

There was a 10" water main break on Wood Street Friday night. The break has been repaired and Clermont County will repair the road today.

Electric Utility update

There was a hearing before Judge McBride where all pending motions were argued. We are waiting for a ruling.

Zoning and Housing

Mr. Garrison asked the Administrator for information about zoning violations.

225 Wood Street is the Kinner house. There was supposed to have been a closing on the sale of the property last Friday. It didn't happen. We are waiting for a response from the Cincinnati Preservation Association.

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570 E. Main Street is an abandoned property where the owner died. We are trying to get the heirs to demolish the house.

234 E. Main is the Moonlight Chili property. The property is beyond repair.

The Nursing Home has been sold. Ms. Turner noted that the new owner has begun clearing the brush along the driveway.

**Hike-Bike Trail**

The hike-bike trail from Williamsburg currently ends at Elklick Rd. Mr. Gipson offered to work with the Administrator to find a way to get a path to the Village. The Administrator said the problem is getting the path past the railroad. The other problem is that the project has run out of money.

**Police Department, Chief Young**

Chief Young submitted his monthly report to Council

On February 9 Officer Whitaker stopped to help a driver whose car slid off the road in the snow on S.R. 132. Another car then also slid off the road and hit the first car and forced Officer Whitaker to jump over the guardrail and down an embankment. Officer Whitaker suffered minor injuries.

We have sold the two 2015 cruisers by auction on a website. We netted about \$12,000 after fees. We will be able to pay off the loan we made to purchase the two replacement vehicles with about another \$2,000.

Chip Stewart is an auxiliary officer who doesn't get paid unless he works more than 24 hours in a pay period. He volunteered to work some extra shifts recently to help out and exceeded the 24-hour limit.

The police have been checking speeders on Fifth Street. They made 34 patrols and stopped 13 vehicles. Ms. Moore asked the Chief to also patrol Broadway to check for speeders.

**Mayor, John Thebout**

The Mayor didn't have anything to report.

**Village Solicitor, Christopher Moore**

The Solicitor will be meeting with Lyle Bloom on Wednesday to try to finalize the water easement issue with the CRT Electronics property.

There was a hearing before Judge McBride on February 25 where all of the pleadings were heard. The judge will read the briefs and issue a judgement.

The Solicitor has an issue that will require an executive session, but he will hold that off until the end of the meeting.

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**Fiscal Officer: John Waite**

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

**Ordinance 1471-21** 3rd 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".

Ms. Cole made a **Motion** to adopt **Ordinance 1471-21**, seconded by: Mr. Gipson

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Ms. Turner, yes  
Motion passed 5-0. **Ordinance 1471-21 adopted.**

**Village Solicitor, Christopher Moore**

The Solicitor discussed the Ohio Open Meeting Act and urged caution when Council Member contacted each other. It is OK to have social interaction, but discussion of Village business should be limited to public meetings.

Ms. Moore asked if the Village could provide email addresses to Council Members so that they don't have to use personal email for Village correspondence. The Administrator agreed to have our I.T. consultants establish the email accounts.

Ms. Moore asked if the Village could establish a committee where Council Member can get together and discuss their visions for the future development of the Village. She suggested workshop meetings Council Members can exchange ideas and then make recommendations at Council Meetings.

The Solicitor suggested that such a committee would have to give notice to the public in advance of each meeting to comply with the Open Meetings Act. He suggested establishing a standard monthly meeting time and date for the public meetings, which can then be cancelled in months where there isn't anything to discuss.

The Fiscal Officer suggested that the Village already has established a Community Investment Corporation whose purpose is to encourage development of the Village. The Village of Batavia Clermont County CIC, Inc. can establish a monthly workshop. Council decided to have the monthly workshops on the fourth Monday of each month at 7:00pm.

The Solicitor asked to have Council adjourn to Executive Session to discuss personnel issues.

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Mr. Gipson made a **Motion** to adjourn to Executive Session to discuss personnel issues, seconded by Ms. Cole.

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

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

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Ms. Turner, yes  
Motion passed 5-0      Council returned from Executive Session at 8:10pm

**Committee Reports:**

Finance Committee:	Next Meeting, Thursday, March 25 @ 6:00 pm.
Planning Commission	Next Meeting, Tuesday, March 16 @ 7:00pm
There will be Public Hearing on March 16 @ 6:30pm to discuss a zoning variance	

**New Business / Audience Participation:**

**2021 Yard Sale**

Council selected the weekends of June 5-6 and September 11-12 for this year's yard sales.

**Farmers Market**

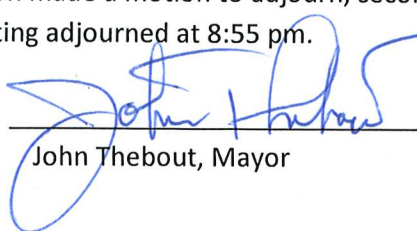
Mr. Garrison suggested moving the farmers market to the county's new parking lot on Main Street at Third Street. Ms. Moore suggested having it on Broadway at the park. Mr. Gipson suggested having it on Main Street across from the Courthouse. The Mayor was against the Broadway location and didn't want to have it on Main Street where we would have to close a section of the street. There was agreement that the Wednesday afternoon market would have to stay at the current location, but Council was OK with possibly moving the market on Saturday to the Third Street parking lot. The Fiscal Officer said that such a move would only be temporary because the county has plans to build an office at that location.

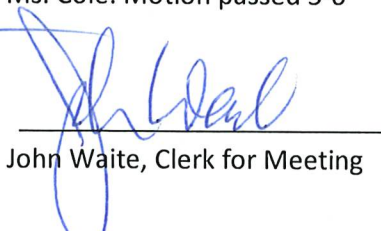
The Mayor said that he would have the Village contact the county to see if they would allow us to use the parking lot on Saturdays. Ms. Turner said that she would have to discuss a move with the vendors.

**Adjournment:**

Mr. Gipson made a motion to adjourn, seconded by Ms. Cole. Motion passed 5-0  
The meeting adjourned at 8:55 pm.

ATTEST:

  
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John Thebout, Mayor

  
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John Waite, Clerk for Meeting