

**Village of Batavia – MINUTES of COUNCIL MEETING,  
April 12, 2021**

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**Batavia Village Council  
Minutes of Meeting  
Monday, April 12, 2021**

The Batavia Village Council met in regular session on Monday, April 12, 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. Handra, Mr. Garrison, Ms. Cole, Ms. Moore, Mr. Gipson.

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

Others Attending the Meeting: Joanne Martino, Sandy Sheley and Wayne Smith

**Approval of Financial Reports:**

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

**Approval of Minutes:**

Mr. Gipson made a motion to approve the minutes of March 22, 2021 Village of Batavia CIC Meeting, seconded by Mr. Handra. The motion passed 6-0

**Public Hearing for Proposed Planned Unit Development (PUD) Zoning**

Public comments about establishing the PUD zoning district for a 139-acre development on the north side of S.R. 32

The Harvest Meadows residential subdivision plans for 405 single-family homes under planned unit development zoning. There were no comments or questions from the public.

The Public Hearing closed and the meeting returned to regular session at 7:10pm.

**Village Administrator: Dennis Nichols**

Ordinance to approve amendment to Planned Unit Development Zoning to include Harvest Meadows Residential Development

**Ordinance 1475-21** 1<sup>st</sup> reading

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.

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**American Rescue Plan Funding**

We expect to receive \$388,800, half in 2021 and half in 2022. There are restrictions on the use of the funds, but they can be used to pay for water and sewer improvements.

**Roads, Maintenance and Facilities**

We are planning on blacktopping several roads this year, including Glen, Ely, Forest and parts of Sixth Street and Seventh Street. We are hiring Burgess & Niple to engineer the project.

We are applying for an OPWC grant to pave the roads and improve storm drains for Diana Dr., Charles Street, Gregory Dr., Shelley Dr., Old Boston Road and Edith Dr.

**Streamside Residential Development**

There are 26 houses under roof in Section 1. Most of the 64 lots in Section 1 have been sold. Work has begun on the infrastructure on Section 2, which is another 64 lots. We expect there will be about 100 homes completed or under roof by the end of the year.

**Electric Utility update**

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

**Real Estate Development**

The Batavia Schools have agreed to not oppose a 30-year 100% TIF for Paul Staggs development

The Administrator asked Council if they were agreeable to acquiring and consolidating property for redevelopment in the Village. The Administrator cited the area including Clark Street, Glen Ave., Ely Street, and Forest Ave. that was annexed into the Village about 1900 and contains mostly small lots. There a lot of vacant lots and dilapidated properties in that area. The Village could begin acquiring those vacant lots and offer to purchase occupied homes in the area for the purpose of consolidated the properties into a large site for redevelopment.

There was a discussion about the use of eminent domain to force a sale form a homeowner who didn't want to sell. Council expressed its opposition to the use of eminent domain.

**Site for dumping leaves and for a new Street Department storage barn**

We have been talking to a owner of a field that looks promising.

**Business Developments**

The Golden Grace Boutique in moving to a newly renovated building at 175 E Main Street. There is a grand opening on Friday, April 16 at 4:00pm. They offer clothing, jewelry, accessories, gift items and home décor.

A new business in town, Barrels & Boards, is moving into the spot left available by the relocation of the Golden Grace Boutique. They create and sell hand-crafted furniture from barrels.

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The Cincinnati Preservation Association has completed the purchase of the property at 225 Wood Street.

**Police Department, Chief Young**

Chief Young submitted his monthly report to Council

Two suspected bank robbers found hiding in the Village were arrested. We confiscated drugs and guns from vehicles stopped on S.R. 32. A 36-year old man was arrested for unlawful sexual conduct with a 14-year old female.

Chip Stewart is an auxiliary officer. The Chief, the Mayor and Safety Committee recommended changing his status to Part-Time Patrolman as of March 21, 2021 at a pay rate of \$17.25 per hour.

Ms. Turner made a **Motion** to approve the promotion of Chip Stewart from Auxiliary Officer to Part-Time Patrolman as of March 21, 2021 at \$17.25 per hour, seconded by Ms. Moore.

**Motion** passed 6-0

The police have been checking speeders on Fifth Street. They made 23 patrols and stopped 4 vehicles.

Ms. Moore asked the Chief if the Village has considered installing speed bumps on Wood Street and Broadway to slow speeders. The Chief said, "No." It seems counter-intuitive, but studies have shown that adding speed bumps actually increases the number of speeders.

Mr. Garrison informed the Chief that he is concerned about the number of cars speeding up the alley that runs from Main Street to Wood Street between Riverside Dr. and Second Street. The Chief agreed to patrol the alley.

**Mayor, John Thebout**

Resolution authorizing the adoption of an alternative method of apportionment of the undivided Local Government Fund for calendar year 2022

**Resolution 303-21**            1<sup>st</sup> reading            Declare an emergency

The Clermont County Township Trustees recently submitted a proposal to the Clermont County Commissioners to change the allocation formula for Local Government Funds to allocate a greater share of the money to the Townships. The Clermont County Mayor's Association objected to the change and want to submit an alternate allocation formula to the Clermont County Commissioners that the Mayors believe more fairly allocates the funds.

The Mayor asked Council to adopt **Resolution 303-21** and to do it as an emergency because the Resolution will need to be adopted by a majority of the Clermont County municipalities and submitted to the Clermont County Commissioners as soon as possible. Solicitor Chris Moore stated that this qualifies as an emergency.

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Mr. Handra made a **Motion** to declare an emergency and to waive the three readings because of the time constraints for getting the legislation to the County Commissioners in time to implement the change for 2022, seconded by: Mr. Turner.

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

Mr. Handra made a **Motion** to adopt **Resolution 303-21**, seconded by: Mr. Gipson.

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

Motion passed 6-0.      **Resolution 303-21 adopted.**

Adjust Wages for Police Chief

**Ordinance 1476-21**      1<sup>st</sup> reading

This is a wage adjustment due to completion of the Chiefs' probationary period.

Mr. Garrison complemented the Mayor for the work pruning and preserving the large tree at 196 E Main Street.

**Village Solicitor, Christopher Moore**

Judge McBride is reviewing the briefs for the Duke Energy lawsuit and we are waiting for him to issue a judgement.

The Solicitor met with Lyle Bloom to finalize the water easement issue with the CRT Electronics property.

A Resolution authorizing the transfer of the Batavia Water Utility to Clermont County

**Resolution 304-21**      1<sup>st</sup> reading

CRT Electronics is still in violation of agreement to remove the excess vehicles and will be subject to a \$35,000 fine.

**Fiscal Officer: John Waite**

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

Last month Council approved a Village of Batavia CIC, Inc. workshop meeting on the fourth Monday of each month, which can be cancelled if there aren't any issues to discuss.

I recommend changing the notice to "Village of Batavia Council Meeting / Village of Batavia CIC, Inc. Meeting" so that we have the option to have either meeting, or both meetings, or cancelling both meetings on the 4<sup>th</sup> Monday of each month. The advantage of this instead

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of calling Special Meetings is that at Special Meetings you are restricted to only acting on the subject specified as the reason for the Special Meeting.

Mr. Gipson made a **Motion** to schedule "Regular Village of Batavia Council Meetings / Village of Batavia CIC, Inc. Meetings" on the fourth Monday of each month, seconded by: Ms. Turner

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

**Committee Reports:**

Planning Commission Next Meeting, Tuesday, April 20@ 7:00pm  
Fischer Homes will make a presentation regarding P.U.D. zoning for Harvest Meadows.  
Finance Committee: Next Meeting, Thursday, April 22 @ 6:00 pm.  
Joint Cemetery Meeting with Township Trustees Monday, May 10@ 6:30pm

**New Business / Audience Participation:**

Chickens in Village

A resident has a chicken coop in his yard. He plans to appear at the Planning Commission meeting on April 20 to ask for a zoning variance.

**Village Solicitor, Christopher Moore**

The Solicitor asked to have Council adjourn to Executive Session to discuss personnel issues regarding a possible hire.

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

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

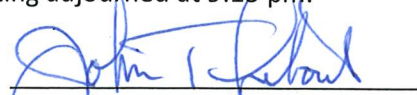
Mr. Gipson made a **Motion** to return from Executive Session, seconded by Ms. Cole.

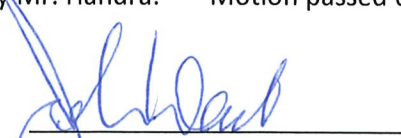
Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Mr. Handra, yes, Ms. Turner, yes Motion passed 6-0

**Adjournment:**

Mr. Gipson made a motion to adjourn, seconded by Mr. Handra. Motion passed 6-0  
The meeting adjourned at 9:15 pm.

ATTEST:

  
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John Thebout, Mayor

  
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John Waite, Clerk for Meeting