

RECORD OF PROCEEDINGS

Minutes of

March 29, 2022 – REGULAR MEETING

Meeting

RECORD OF PROCEEDINGS

GOVERNMENT FORMS & SUPPLIES 844-224-9338 FORM NO. 10148

Held Minutes of BOARD OF TRUSTEES – BATAVIA TOWNSHIP 20

The Board of Trustees of Batavia Township met for the April regular meeting at 6:00 p.m. Tuesday, March 29, 2022, at the Batavia Township Community Center.

CALL TO ORDER

Following the Pledge of Allegiance, Jennifer Haley, Fiscal Officer, gave the roll call for the Board of Trustees. Present were: Mr. Perry, Mr. Sauls, and Mr. Parsons. Also present were Jeff Uckotter, Township Administrator, Denise Kelley, Zoning Administrator, and Deputy Benkelmann.

APPROVAL OF AGENDA AND MINUTES

Mr. Sauls motioned the Batavia Township Board of Trustees approve the March 29, 2022 agenda as presented, and approve the March 1, 2022 Regular Meeting Minutes as presented. Mr. Parsons seconded the motion. On the roll being called:

Mr. Parsons	yes	
Mr. Perry	yes	
Mr. Sauls	yes	Motion carried

RECOGNITION OF DEPUTY SHEPPARD AND DEPUTY SHOUSE AND WELCOMING OF DEPUTY NICKELL AND DEPUTY BLANTON

Mr. Perry recognized Deputies Chris Shouse and Yvonne Sheppard and thanked them for their dedicated service with Batavia Township since 2019. They were presented plaques from the Township. They will be missed.

The Trustees welcomed the incoming Deputies new to the Township, Deputies Kevin Nickell and Travis Blanton.

ODOT Update – Charlie Rowe, P.E.

A power point presentation for the construction on SR 32 was presented by Charlie Rowe, P.E. from ODOT District Four. The total cost of the project is around \$135,000,000. The intersection at Glen Este Withamsville was on Governor Dewine’s top 150 safety list. The plan is to eliminate all traffic signals from I-275 to Bauer Road. Easterncorridor.org and Clermont County Transportation Improvement District are websites that can be viewed about the projects.

LAW ENFORCEMENT MONTHLY REPORT

Deputy Erik Benkelmann gave the Batavia Township crime report for the month of March thru 3/26/2022. There were 162 offense reports, down 6% from last month. There were 29 violent crimes. Drug and alcohol were combined reports; 6 were OVIs. There were 30 property crimes. There was a total of 16 theft offenses. Traffic arrests, warrants, civils, adult and juvenile arrests, and business checks have all increase. The Township Deputies covered 85% of the incident reports and 73% of the offense reports. There was a decrease due to hospital details and the annual range was conducted. There were 2 overdoses. There were two breaking and entries.

PUBLIC HEARING

Case B-02-22ZPD Forest Grove P.D. Map Amendment & P.D. at 6:35 p.m.

Jonathan Wocher gave a summary of the case and updates from the hearing on March 28, 2022.

Public Comments

Paul Coors, Representative from NVR – Ryan Homes – spoke on behalf of the developer.

RECORD OF PROCEEDINGS

Minutes of

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Meeting

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RECORD OF PROCEEDINGS

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Nick Selhorst, from Choice One, gave feedback.

Rick Anish, 1303 Forest Glen Blvd., questioned the square footage of the homes.

Tina Mattix, 1302 Forest Glen Blvd., spoke about the HOAs.

Christian Moore, 4249 Glenstream, commented about number of houses on lots, proximity of space, and increasing the buffer zone.

Denise Boutet, 4240 Leafwood Ct., spoke her concerns about the bend in the street, the left turn, and water runoff.

June Cole, 4241 Glenstream, asked if basements were optional.

Katie Gessendorf, 4244 Leafwood Ct., Batavia, addressed driveway setbacks, keeping viable trees, designated setbacks of homes, water pressure, and water drainage.

Bryan Cox, 1232 Autumnview Dr., spoke about the closeness of the back of the lots.

Alan Bruce, 4247 Glenstream, spoke about street traffic, size of driveways, home values, etc.

Jackie Lindner, 4246 Glenstream, spoke about the traffic noise and traffic flow on Clough Pike.

Tom Lindner, 4246 Glenstream, commented about noise pollution, speed of traffic as it is becoming more residential.

Joe Fisher, 4232 Trailoverlook, has major concerns about the overall density, frontages, path, etc.

Tina Mattix, 1302 Forest Glen Blvd., had more comments.

Joe Fisher spoke again.

Lisa Moore, 4249 Glenstream, spoke her concern about the density.

Steve Jones, 1898 Hunters Ridge, commented about lot sizes and density.

Beth Klaine, 1380 Forest Glen, had questions about the two retention ponds.

Motion

Mr. Sauls motioned the Batavia Township Board of Trustees table the decision and continue at the May 10th meeting at 6:15 p.m. Mr. Parsons seconded the motion. On the roll being called:

Mr. Perry	yes	
Mr. Parsons	yes	
Mr. Sauls	yes	Motion carried

There was a 5-minute break.

INTRODUCTION OF SCOTT PHILLIPS, ATTORNEY, FROST BROWN TODD

The Township has been in the process of seeking special counsel services to ensure proper compliance with ARPA funding and for other special economic development projects. Law Director Dave Frey and the Administrator, Jeff Uckotter, interviewed several land-use attorneys from the southern Ohio region. Mr. Uckotter noted that Mr. Frey was on vacation and unable to make the meeting. After the conclusion of the interviews, given his experience and the firm's resources, Mr. Uckotter noted that both he and Mr. Frey unanimously recommend the services of Scott D. Phillips of Frost Brown Todd LLC to the Board to provide special counsel services.

RECORD OF PROCEEDINGS

Minutes of

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Held Minutes of BOARD OF TRUSTEES – BATAVIA TOWNSHIP 20

Mr. Uckotter introduced Mr. Phillips.

The Board and Mr. Phillips discussed economic development trends (e.g., how retail has been affected by COVID), economic development topics, and about issues related to proper procedures related to the proper use of ARPA funding.

At the end of the conversation, it was noted that Mr. Phillips would send a letter of engagement to pursue future special counsel services.

TOWNSHIP ADMINISTRATOR REPORT

Jeff Uckotter gave his March report.

Jeff updated the Board on 119 SR125 properties. There is no national historical landmark status for this property. Jeff is working with Loretta for the auction of antique furniture that is located in the building.

Jeff is working with a sign vendor to get sign graphics and designs for the corporation signs. The logo is in a rasterized format and to allow the designers to more easily work with the logo, the logo needs to be vectorized.

ZONING ADMINISTRATOR/INSPECTOR REPORT

Denise Kelley gave her report, and the report for Brad Harris the Zoning Inspector, for March, 2022.

There was a total of 52 permits. There were 17 single family home permits and one for an attached single family.

The activity of the Zoning Commission includes three cases that will be heard April 14th; Phase One of the Preserves of Olive Branch; Hanger Flats Project; and the Bach-Buxton project.

The BZA had a case on March 28th. There is an interest in the Claybon Property which would require a use variance. Mr. Uckotter stated they are working on the bi-laws for the BZA.

SERVICE DIRECTOR REPORT

Steven Tyminski was not present due to illness. Mr. Uckotter gave the March 2022 report.

There was a cemetery work day on March 16th.

They received an order of 100 ton of salt on March 28th. There is room for more and we may order more while the prices are locked in for the year.

The Kenworth was dropped off at JCM last week for a new unit for the DEF system as the gauge was reading empty when it was not empty.

The John Deere Tractor had a full service so it will be ready for mowing soon.

They have been working on blacktopping patches and jetting clogs, culvert replacements, and ditching.

The snow and salt equipment may be taken off next week and they plan to summarize the bathrooms and concession buildings later this week.

COMMITTEE APPOINTMENTS/REPORTS

Mr. Parsons reported there was not a meeting for the Batavia-Union Cemetery.

RECORD OF PROCEEDINGS

Minutes of

March 29, 2022 – REGULAR MEETING

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

RECORD OF PROCEEDINGS

Held Minutes of BOARD OF TRUSTEES – BATAVIA TOWNSHIP

Jennifer reported there was not a meeting for CJFED.

NEW BUSINESS

Resolution 4-01-2022

Mr. Sauls motioned the Batavia Township Board of Trustees adopt **Resolution 4-01-2022**, to declare the intent to dispose of property (obsolete technology) not needed for public use. Inventory is needed. Mr. Parsons seconded the motion. On the roll being called:

Mr. Parsons	yes	
Mr. Perry	yes	
Mr. Sauls	yes	Motion carried

Resolution 4-02-2022

Mr. Parsons motioned the Batavia Township Board of Trustees adopt **Resolution 4-02-2022**, to supersede **Resolution 12-03-2021** – which approved a paving estimate of \$252,932. As of the March 18, 2022 invoice provided by the Clermont County Engineer's Office, Clermont County's 2022 Contract recommendation is to be awarded to Barrett Paving for a total of \$328,028.11 contingent on ARPA funds. Due to inflation and other factors, this total represents \$75,095.41 more than the amount estimated in the agreement authorized in December 3, 2021. Mr. Sauls seconded the motion. On the roll being called:

Mr. Perry	yes	
Mr. Sauls	yes	
Mr. Parsons	yes	Motion carried

Resolution 4-03-2022

The Board of Trustees passed **Resolution 02-01-2022** on February 1, 2022, requesting the Clermont County, Ohio Board of Commissioners to vacate Ashkirk Way as a public street in Batavia Township.

Mr. Sauls motioned the Batavia Township Board of Trustees adopt **Resolution 4-03-2022**, ordering Ashkirk Way vacated as described in the legal description attached hereto as Exhibit A. The vacated road shall pass in fee to the abutting landowners subject to rights and easements set forth in Ohio Revised Code Section 5553.045(E). Mr. Parsons seconded the motion. On the roll being called:

Mr. Sauls	yes	
Mr. Perry	yes	
Mr. Parsons	yes	Motion carried

Request for a motion

Mr. Sauls motioned the Batavia Township Board of Trustees approve the annual Clermont County Stormwater invoice totaling \$7,897.09 for 2022. Mr. Parsons seconded the motion. On the roll being called:

Mr. Parsons	yes	
Mr. Perry	yes	
Mr. Sauls	yes	Motion carried

Request for a motion

Mr. Parsons motioned the Batavia Township Board of Trustees approve the Sullivan Services Lawn and Landscape contract so to maintain the Township's five cemeteries. The contract is

RECORD OF PROCEEDINGS

Minutes of

March 29, 2022 – REGULAR MEETING

Meeting

RECORD OF PROCEEDINGS

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Held Minutes of BOARD OF TRUSTEES – BATAVIA TOWNSHIP 20

~~similar to 2021 except for reasonable increases in cut prices to account for inflation.~~ Mr. Sauls seconded the motion. On the roll being called:

Mr. Sauls	yes	
Mr. Parsons	yes	
Mr. Perry	yes	Motion carried

Request For a Motion

Mr. Sauls motioned the Batavia Township Board of Trustees authorize the Perkins Carmack Application for Payment Number Four (\$74,602.80), retroactive to March 11, 2022; Application for Payment Number Five (\$77,580.00) for the park restroom, and Application for Payment Number Two for the Sanitary Extension (\$67,462.68). Mr. Parsons seconded the motion. On the roll being called:

Mr. Parsons	yes	
Mr. Sauls	yes	
Mr. Perry	yes	Motion carried

Request For a Motion

Mr. Parsons motioned the Batavia Township Board of Trustees to approve the updated community center and park shelter rules, guidelines, and fee structure as approved to form by the Law Director Dave Frey. Mr. Sauls seconded the motion. On the roll being called:

Mr. Sauls	yes	
Mr. Perry	yes	
Mr. Parsons	yes	Motion carried

Request for Discussion

The Brian Wilson Field was discussed. The baseball coach of UC Clermont had contacted the Reds Community Fund about funding to replace the grass field with turf. There was discussion about community partners.

Request for Discussion and Motion

There was discussion about the park restroom.

Mr. Parsons motioned the Batavia Township Board of Trustees approve change order #6 for epoxy finish on the floor. Mr. Sauls seconded the motion. On the roll being called:

Mr. Sauls	yes	
Mr. Parsons	yes	
Mr. Perry	yes	Motion carried

EXECUTIVE SESSION

Mr. Parsons motioned the Batavia Township Board of Trustees to move into executive session under ORC Section 121.22(G)(1) to consider the appointment, employment, or compensation of a public employee. Time: 9:58 p.m. Mr. Sauls seconded the motion. On the roll being called:

Mr. Sauls	yes	
Mr. Perry	yes	
Mr. Parsons	yes	Motion carried

REGULAR SESSION

The Board returned to regular session at 10:28 p.m.

RECORD OF PROCEEDINGS

Minutes of

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RECORD OF PROCEEDINGS

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Resolution 04-04-2022

Mr. Parsons motioned the Batavia Township Board of Trustees adopt **Resolution 4-04-2022**, to authorize Township Administrator, Jeff Uckotter to sign a contract not to exceed \$325.00/hr. with Scott Phillips who will represent the Township for ARPA funds and also provide guidance for economic development for Batavia Township. Mr. Sauls seconded the motion. On the roll being called:

Mr. Parsons	yes	
Mr. Sauls	yes	
Mr. Perry	yes	Motion carried

ADJOURNMENT

With no further business to come before the Board, Mr. Parsons motioned to adjourn the meeting. Mr. Sauls seconded the motion. Meeting adjourned at 10:29 p.m.


Randy Perry
Chairman


Jennifer Haley
Fiscal Officer