

RECORD OF ORDINANCES

Craftsman Printing, Inc.—V0200

✓ Ordinance No. 994-02 Passed June 10 2002

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 994-02

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$600,000 OF FIRST MORTGAGE SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO, UNDER SECTION 12 OF ARTICLE XVIII OF THE OHIO CONSTITUTION FOR THE PURPOSE OF REFUNDING THE VILLAGE'S FIRST MORTGAGE SEWER SYSTEM REVENUE BONDS, SERIES 1992 AND FOR THE PURPOSE OF IMPROVING THE VILLAGE SEWER SYSTEM; AUTHORIZING A MORTGAGE OF SAID SYSTEM WITH A PLEDGE OF THE REVENUES THEREOF; PROVIDING A FRANCHISE TO BE EFFECTIVE IN THE EVENT OF FORECLOSURE OF SAID MORTGAGE; AND DECLARING AN EMERGENCY.

WHEREAS, in order to achieve interest cost savings and to consolidate its sewer system obligations, the Village has heretofore determined that it is necessary to advance refund the outstanding principal amount of its First Mortgage Sewer System Revenue Bonds, Series 1992, dated as of December 1, 1992 (the "Prior Bonds"); and

WHEREAS, the Village has heretofore determined that it is necessary to construct certain improvements to the municipally owned sewer system; and

WHEREAS, said improvements were funded with the proceeds of certain general obligation bond anticipation notes currently outstanding in the principal amount of \$145,000 (the "Notes"); and

WHEREAS, in order to advance refund the Prior Bonds and to retire the Notes at maturity on July 12, 2002, the Village deems it necessary to issue and sell the bonds herein authorized in accordance with the terms and conditions set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, State of Ohio:

SECTION 1. Definitions. When used in this ordinance:

"Additional Bonds" means the bonds issued for the purposes and under the terms and conditions set forth in Section 10 hereof.

"Bonds" means the First Mortgage Sewer System Revenue Refunding and Improvement Bonds authorized by this ordinance and any Additional Bonds as provided herein.

"Bond Account" means the account established in Section 7 hereof.

"Bond Purchase Agreement" means the Bond Purchase Agreement with respect to the Bonds, which such Bond Purchase Agreement shall be executed by both the Mayor and the Village Clerk-Treasurer of the Village on the date of sale of the Bonds by the Village to the Original Purchaser.

"Certificate of Award" means the Certificate of Award the form of which is attached to the mortgage referred to in Section 12 hereof as Exhibit B, which such Certificate of Award shall be executed by both the Mayor and the Village Clerk-Treasurer of the Village on the date of sale of the Bonds by the Village to the Original Purchaser.

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"Cost of Issuance Account" means the account established in Section 6 hereof.

"Eligible Investments" means the investments defined in Section 8 hereof.

"Government Obligations" means direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America, and any bond, debenture, note or other similar obligation issued by the Government National Mortgage Association, the Farmers' Home Administration or any successor agency or agencies thereto; provided that any such obligation is guaranteed by the United States.

"Notes" means the Village's outstanding Sewer Improvement Bond Anticipation Notes, Second (2001) Renewal, currently outstanding in the principal amount of \$145,000 and maturing July 12, 2002.

"Original Purchaser" means, as to the Bonds, Connors & Co., Inc., Cincinnati, Ohio, and as to any Additional Bonds, the person or persons identified in the legislation providing for the issuance and sale of such Additional Bonds.

"Prior Bonds" means the Village's \$650,000 First Mortgage Sewer System Revenue Bonds, Series 1992, dated as of December 1, 1992.

"Redemption Account" means the account established in Section 6 hereof.

"Replacement and Improvement Fund" means the fund established in Section 7 hereof.

"Required Balance" means an amount of money equal to the lesser of ten percent (10%) of the original face amount of the Bonds or the original maximum annual amount of principal and interest on the Bonds or 125% of the average annual debt service on the Bonds.

"Reserve Account" means the account established in Section 6 hereof.

"Revenue Fund" means the fund established in Section 7 hereof.

"Revenues" means the revenues and other moneys defined in Section 2 hereof.

"Surplus Fund" means the fund established by paragraph SIXTH of Section 7 hereof.

"System" means the sewer system (including all extensions, improvements, replacements and alterations at any time made in respect thereto) of the Village of Batavia, County of Clermont, Ohio.

"Trustee" means bank or trust company specified in the Certificate of Award, or any bank or trust company that is appointed successor trustee under the terms of the mortgage as referred to in Section 12 hereof.

"Village" means the Village of Batavia, County of Clermont, Ohio, sometimes also referred to as the "Mortgagor."

SECTION 2. That it is necessary in order to protect the health, safety and welfare of its inhabitants and of the users of its municipally owned sewer system to issue and sell not to exceed \$600,000 of first mortgage sewer system revenue refunding and improvement bonds of the Village to advance refund the Prior Bonds and to redeem certain outstanding general obligation bond anticipation notes heretofore issued for the purpose of making certain improvements to the sewer system (hereinafter sometimes called the "System") (the improvements to the System are hereinafter sometimes called the "Improvements"), together with the payment of costs related to the issuance of the Bonds and funding a portion of a

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reserve account for the Bonds, secured by a mortgage and a first lien on and payable primarily from the gross revenues of the System, and all extensions, improvements, replacements and alterations at any time made in respect thereto, after provision only for the reasonable operating and maintenance expenses thereof (the "Revenues"), including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the System, by the covenant of the Village to maintain certain rates and collect certain charges for the facilities and services afforded by the System; provided, however, that nothing in this ordinance shall be construed as pledging the general credit of the Village to the payment of said bonds or any part thereof, or the interest thereon.

SECTION 3. That bonds (hereinafter sometimes called the "Bonds," of the Village be issued in the principal sum of not to exceed \$600,000, for the purposes aforesaid. The Bonds shall be dated as of July 1, 2002, shall be issued as fully registered Bonds in the denomination of \$5,000 each or any integral multiple thereof. However, temporary bonds may be issued pending delivery of bonds in definitive form. The Bonds shall bear interest at the rates, payable semiannually on each July 1 and January 1, commencing January 1, until maturity, and shall mature on the 1st day of July, in the principal amounts, indicated in the Certificate of Award.

The Bonds are callable at the option of the Village as described in the Certificate of Award.

Notice of the call for redemption of the Bonds, specifying the numbers of the Bonds to be redeemed, shall be sent by the Trustee by registered mail to the registered holders thereof, not less than thirty (30) days prior to the date of redemption, upon which date all interest upon the Bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Trustee and the Village shall direct the Trustee in writing to make any notice of call for redemption.

If less than all of the Bonds shall be called for redemption at the option of the Village, those Bonds to be called shall be determined by the Trustee by lot.

The Bonds shall initially be numbered from R-1 upwards; provided, however, that in the event of the exchange or transfer of any Bond, any new Bonds issued by the Trustee as a result of such exchange or transfer shall be numbered in a manner which will assure that such new Bonds retain the same terms with respect to optional and mandatory sinking fund redemption as were possessed by the exchanged or transferred Bonds.

The principal of, and interest on, the Bonds shall be payable to the registered holders thereof by check or draft of the Trustee as paying agent, and such payment shall be made without deduction for the services of such paying agent.

The Bonds shall be designated "First Mortgage Sewer System Revenue Refunding and Improvement Bonds."

SECTION 4. Upon the face of each of the Bonds shall be recited a reference to the constitutional provision and the ordinance under which issued. Each of the Bonds shall express upon its face the purpose for which the same is issued; that the Bond is payable solely from the gross revenues of the System, and the extensions thereto, and is secured by a mortgage and a franchise stating the terms upon which, in case of foreclosure, the purchaser at such foreclosure may operate the System, which franchise extends for a period of twenty (20) years after the date of sale of the System upon foreclosure.

The Bonds shall bear the manual or facsimile signatures of the Mayor and Village Clerk-Treasurer, shall be authenticated manually by the Trustee, and may, but shall not be required to, bear manual or facsimile impression of the corporate seal of the Village. The

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Bonds shall be prepared, issued, and delivered to the Original Purchaser, as defined in Section 1 hereof, under the direction of the Mayor and Village Clerk-Treasurer as hereinafter provided.

SECTION 5. Subject to execution and delivery by the Village of the Certificate of Award and the Bond Purchase Agreement acceptable in form and content to the Village, the Bonds are hereby awarded and shall be delivered to the firm of Connors & Co., Inc. (such firm being hereinbefore and hereinafter designated the "Original Purchaser"), Cincinnati, Ohio, upon payment for the Bonds. The Mayor and the Village Clerk-Treasurer are hereby authorized and directed in the name of and on behalf of the Village to make, execute and deliver to the Original Purchaser the Bond Purchase Agreement and the Certificate of Award.

SECTION 6. The proceeds of the sale of the Bonds, less the underwriting discount of Original Purchaser, if any, as set forth in the Bond Purchase Agreement referred to in Section 5 hereof, and except for accrued interest, shall be deposited with the Trustee as follows:

(a) an amount detailed in the Certificate of Award to the account hereby created and designated as the "Costs of Issuance Account", to be used to pay all costs and items of expense incurred by the Village in connection with the issuance of the bonds, including without limitation costs of financial and/or feasibility studies and reports; costs of financial advisory, legal, accounting and management services and services of other consultants and professional and related charges, fees and disbursements; printing and reproduction costs; filing and recording fees; initial fees and charges of the Trustee; and costs of preparation, execution, transportation and safekeeping of the Bonds. The Trustee shall transfer to the Bond Account any moneys remaining in the Costs of Issuance Account upon receipt of a certificate signed by the Village Clerk-Treasurer and certifying that all the costs described above have been received by the Village and forwarded to the Trustee for payment;

(b) an amount detailed in the Certificate of Award to the account hereby created and designated as the "Reserve Account" (hereinafter the "Reserve Account"), to be used as provided in Section 7, THIRD; and

(c) the balance of the proceeds, together with any amounts supplied by the Village from other lawfully available funds, to the account hereby created and designated as the "Redemption Account," to be used only for the purpose of paying the principal of and interest on the Village's outstanding Notes at their maturity. This Council hereby determines that the principal amount of the Bonds deposited in the Redemption Account, together with other lawfully available funds, will provide sufficient funds for such purpose of retiring the Notes. Moneys in the Redemption Account shall continue to be fully secured in direct obligations of the United States of America, and may be invested in Eligible Investments maturing not later than the time when such moneys are required for the purpose set forth above.

Bond proceeds shall also be distributed to the escrow trustee (as determined in the Certificate of Award) in an amount specified in the Certificate of Award or in the letter of instructions delivered at closing.

Any accrued interest on the Bonds shall be transferred by the Trustee to the Bond Account hereinafter established and shall be applied by such Trustee only to the payment of the interest and principal of the Bonds and for no other purpose.

SECTION 7. From and after the date of issuance and delivery of the Bonds the entire income and revenue of the System shall be set aside and deposited by the Village in a special and separate fund designated as the "Sewer System Revenue Fund," hereby created

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(hereinafter designated the "Revenue Fund"). The Revenue Fund shall be administered as follows with the following payments only being made and in the following order:

FIRST: The reasonable expenses of operation and maintenance of the System, such expenses to exclude those of any other utility of the Village, whether or not such other utility shall be operated as a single unit, with the System, and further to exclude depreciation and capital replacements;

SECOND: There shall next be paid monthly into the Bond Account hereby established and held by the Trustee on the twentieth day of each month, commencing July 20, 2002, an amount equal to one-sixth (1/6) of the interest due on all outstanding Bonds on the next ensuing interest payment date; plus, commencing July 20, 2002, one-twelfth (1/12) of the principal due on the next ensuing principal payment date (provided that such additional amounts shall be deposited as may be necessary to provide adequate moneys for said debt service payments) from the Revenue Fund into the Bond Account;

THIRD: There shall be paid on the date of delivery of the Bonds from Bond proceeds, an amount as detailed in the Certificate of Award into the Reserve Account. No payments shall be made for so long as the Required Balance is maintained. Monthly payments in an amount equal to one-twelfth (1/12) of the Required Balance shall next be made on the first day of each month if at any time said balance is less than the Required Balance and shall continue until said Required Balance is established. The Reserve Account shall be held by the Trustee and shall be used only for the payment of principal and interest on the Bonds. Moneys in the Reserve Account shall be invested, to the extent possible, in direct obligations of the United States of America. After the balance in the Reserve Account equals the Required Balance, any surplus in said fund, including interest earnings thereon, shall be deposited or transferred to the Bond Account;

FOURTH: Commencing on July 20, 2002 and continuing on the twentieth day of each month thereafter until a total amount detailed in the Certificate of Award is on deposit, there shall be paid the sum detailed in the Certificate of Award, into the Replacement and Improvement Fund hereby created (hereinafter called the "Replacement and Improvement Fund"), which shall be held by the Village. Thereafter no payments shall be made for so long as a balance not less than the amount detailed in the Certificate of Award is maintained in the Replacement and Improvement Fund. Monthly payments shall be made in the amount equal to one-twelfth (1/12) of the balance for the fund detailed in the Certificate of Award if at any time said balance is less than the sum detailed in the Certificate of Award and shall continue until the balance in the Replacement and Improvement Fund again equals the sum detailed in the Certificate of Award, thereafter such monthly payments shall cease for so long as said balance is maintained and such monthly payments shall resume again if at any time said balance is less than the sum detailed in the Certificate of Award and shall continue until said balance is established. Interest earnings on the Replacement and Improvement Fund shall be paid into the Surplus Fund if the balance in the Replacement and Improvement Fund is the sum detailed in the Certificate of Award and interest earnings on the Replacement and Improvement Fund shall be retained in the Replacement and Improvement Fund if the balance in the Replacement and Improvement Fund is less than the sum detailed in the Certificate of Award. The Replacement and Improvement Fund shall be used as hereinafter in this Section set forth;

FIFTH: Monthly, as aforesaid, such sum in addition to any of the foregoing allocations as may be necessary and available, after meeting the requirements of the preceding paragraphs FIRST, SECOND, THIRD, and FOURTH, to make up any previous deficiency; and

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SIXTH: Annually on February 10, beginning February 10, 2003, the revenues remaining in the Revenue Fund at the end of the preceding calendar year, after making the payments required by paragraphs FIRST to FIFTH, inclusive, hereof, including any balances to be accrued and maintained, and after reserving therein an amount sufficient to maintain adequate working capital for the System (not less than one-fourth of the operation and maintenance expense for the year immediately preceding) and to provide necessary accruals against the current requirements of paragraphs SECOND to FIFTH, inclusive, shall be transferred to the Surplus Fund.

The Redemption Account, Bond Account, Costs of Issuance Account and Reserve Account (as provided in Sections 6 and 7 hereof) shall be maintained in the custody of the Trustee; the Bond Account and the Reserve Account may be used for the payment of the principal of and interest on the Bonds and, to the extent provided in this ordinance, for the redemption and the purchase for retirement of Bonds.

The Replacement and Improvement Fund shall be maintained in the custody of the Village as a trust fund, shall, to the extent necessary from time to time, after applying to that purpose any moneys then in the Surplus Fund, be transferred to the Bond Account to permit the payment of all obligations payable from such Bond Account and, otherwise, shall be used solely to replace obsolete or worn out equipment or to make improvements to, and extensions of, or extraordinary repairs to the System.

The Surplus Fund shall be maintained in the custody of the Village and shall, to the extent necessary, from time to time be transferred to the Bond Account to permit the payment of all obligations payable from such Bond Account without drawing upon the Replacement and Improvement Fund or transferred to the appropriate fund of the Village to permit the payment of principal of and interest on any unvoted general obligation bonds and notes issued by the Village to pay a portion of the cost of improving and extending the System, and otherwise may be used for any other lawful System purpose, including without implied limitation, the retirement of outstanding Bonds by call or by purchase for cancellation or replenishment of the Replacement and Improvement Fund. Until required or used for such purposes, moneys in the Surplus Fund may be invested in Eligible Investments maturing, or redeemable by the holder, in not more than five (5) years from the date of investment.

Any Bonds purchased for cancellation shall be purchased at a price not exceeding their then prevailing call price, if any, nor exceeding their fair market value.

SECTION 7A. There is hereby created by the Village and ordered maintained, as a separate deposit account in the custody of the Trustee a trust fund to be designated the "Village of Batavia Sewer System Revenue Bond Rebate Fund" (hereinafter called the "Rebate Fund"). Such fund is not subject to the lien or encumbrance of either the Trustee or the Bondholders, but is held, as in trust, for the benefit of the United States of America and is subject to the claim of no other person, including that of Bondholders. The Rebate Fund shall be held and applied as provided in the section designated as such in the Indenture.

SECTION 8. Moneys in the Bond Account may be invested in direct obligations of the United States of America, maturing or redeemable by the holder not later than the times and to the extent such moneys are required for the purpose of paying interest payments on the Bonds. Moneys in the Bond Account and those accounts set forth in paragraphs FOURTH and SIXTH of Section 7 herein and moneys in the Rebate Fund set forth in Section 7A herein, in addition to any other authorized investments, may be invested in those investments that correspond to the Village's investment policy and Chapter 135 of the Ohio Revised Code.

SECTION 9. The Village hereby covenants with the holders of the Bonds and with the Trustee (a) that it will at all times prescribe and charge such rates for the services of the

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System, and will so restrict operation and maintenance expenses of the System, as shall result in revenues from the System at least equal, after meeting such operation and maintenance expenses, to one hundred fifteen per centum (115%) of the largest amount of principal and interest debt service requirements necessary in any succeeding year to meet interest and principal maturities of all bonds secured solely by revenues of the System plus one hundred per cent (100%) of the largest amount of principal and interest debt service necessary in any succeeding year to meet any interest and principal maturities (in the case of notes, interest and any legally required principal maturities, except the final principal maturity) of all general obligation bonds and notes which are also supported by revenues of the System; (b) that the Village will furnish to the Trustee and to the Original Purchaser reports of the operation and income of the System at least annually, and more frequently, if requested, which reports shall begin with a report for 2002, and shall be supplied no later than June 1 of the year following the year to which the report relates, and also a complete and accurate copy of the periodic audit reports issued by the Auditor of State or his designee, within thirty (30) days of the date such reports are released to the public, and will permit the authorized representative of the Trustee, of the Original Purchaser, or of any holder or holders of twenty-five per centum (25%) of the amount of the Bonds at the time outstanding to inspect the System and all records, accounts and data of the System at all reasonable times; (c) that the Village will segregate the revenues, funds and properties of the System from all other funds and properties of the Village; and (d) that the Village will observe and perform all its agreements and obligations provided for by the Bonds, the mortgage hereinafter provided for and this ordinance.

Sewer rates are to be reviewed annually not later than thirty (30) days after the close of the fiscal year and if for any reason the rates have proved insufficient to cover the above requirements, then the Mayor is hereby authorized and directed to either (i) increase the rates by a fraction equal to one and one-half times the previous year's deficiency divided by sewer service charges for the year in question, which shall be for the benefit of the holders of the Bonds from time to time; or (ii) commission a rate study by a nationally recognized firm of certified public accountants familiar with sewer systems or an engineer familiar with public sewer systems, provided that the Village shall not be obligated to follow the suggestions made in such rate study, but may choose the remedy provided in (i) above.

SECTION 10. It is hereby covenanted and agreed by the Village with the holder or holders of the Bonds herein authorized and provided for, that the Village and each and every officer thereof will satisfactorily and punctually perform all duties with reference to the System required by the constitution and statutes of the State of Ohio, by this ordinance and by the mortgage hereinafter provided for, all and each of which duties are hereby defined and established to be the duties specifically enjoined by law resulting from an office, trust, and station within the meaning of Section 2731.01 of the Ohio Revised Code. The Village shall have the right from time to time to issue Additional Bonds (hereinafter and hereinafter called the "Additional Bonds") for the purpose only of (a) providing additional funds, if necessary, for the completion of said improvements; (b) making replacements, extensions and improvements to the System; and/or (c) refunding for any lawful purpose any outstanding Bonds, which such Additional Bonds shall be payable from the Bond Account and other special funds set forth in Section 7 hereof and shall be secured by a lien upon the properties and Revenues on a parity with the Bonds, and the Trustee shall authenticate and deliver such Additional Bonds; provided that, when any such Additional Bonds are issued; the Village shall have furnished to the Trustee the following:

- (a) A certificate of the fiscal officer and the legal officer of the Village certifying that, to the best of their knowledge, the Village is not, on the date of issuance of such Additional Bonds, in default in the performance of any of its covenants provided in this ordinance, in the mortgage or in the Bonds;
- (b) A certificate of an independent engineer, satisfactory to the Trustee showing:

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- (1) That, if issued for such purpose, the Additional Bonds are necessary for the completion of the aforesaid improvements and will provide sufficient funds to effect such completion, or, if the Additional Bonds are issued to finance replacements, extensions or improvements, to the System, such replacements, extensions or improvements are reasonably necessary for the proper and economical operation of the System or for meeting existing or prospective demands for its services or both;
- (2) That, if issued to finance replacements, extensions or improvements to the System or for refunding any outstanding Bonds, the aggregate Revenues of the System received during the most recent twelve-month period immediately preceding the adoption of the ordinance authorizing such Additional Bonds, for which audited financial reports exist, and adjusted to reflect, if necessary, rates in effect at the time of adoption of such ordinance authorizing the Additional Bonds, and further adjusted to reflect any additional net Revenues resulting from any additional sewer connections occurring after the close of such twelve-month period but before the date of adoption of such ordinance, less the total expenses of operation and maintenance of the System during the aforesaid period, will aggregate an amount at least equal to one hundred fifteen per centum (115%) of the largest amount of principal and interest debt service requirements (plus the annual requirements, if any, of the Reserve Account for the Additional Bonds which such fund shall be funded in an amount equal to the lesser of maximum annual debt service on the Additional Bonds or ten percent (10%) of the face amount of the Additional Bonds or 125% of the average annual debt service on the Additional Bonds and which shall be fully funded on the date of delivery of the Additional Bonds to the purchaser thereof) in any succeeding year to meet interest and principal maturities of all bonds, secured by the Revenues of the System plus one hundred per cent (100%) of the largest amount of principal and interest debt service necessary in any succeeding year to meet any interest and principal maturities (in the case of notes, interest and any legally required principal maturities, except the final principal maturity) of all general obligation bonds and notes which are also supported by revenues of the System, to be outstanding immediately after the issuance of the Additional Bonds;
- (c) A certified copy of the ordinance authorizing the issuance of the Additional Bonds; and
- (d) In the case of Additional Bonds to be issued for the purpose of refunding any outstanding Bonds, evidence satisfactory to the Trustee (1) that provision has been made to assure that moneys sufficient to retire the Bonds to be refunded will be available in the possession of the Trustee at the time provided for retirement thereof under the plan for refunding and are committed to such purpose, and (2) that moneys sufficient to pay interest accrued and to accrue and principal, if any, payable on such Additional Bonds prior to such retirement of the Bonds thereby to be refunded have been deposited in the Bond Account without impairment of any provision or covenant of this ordinance and from sources other than the Revenue Fund and other than the Reserve Account except to the extent of any moneys in the special funds set forth in Section 7 hereof in excess of the balances required to be maintained therein under the provisions of this ordinance, the transfer of which excess moneys for such purpose is

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hereby authorized, or will be deposited directly in the Bond Account from appropriate portions of the proceeds from the sale of such Additional Bonds pursuant to the ordinance described in (c) hereof.

In making the calculation for purposes of the certificate of the independent engineer provided for in paragraph (b) above, in the case of issuance of Additional Bonds for refunding any outstanding Bonds, annual debt service requirements on account of interest and/or principal maturities of such Additional Bonds shall be used in lieu of and to the exclusion of such annual debt service requirements on account of interest and principal maturities of the Bonds being refunded thereby.

SECTION 11. Until the Bonds herein authorized shall be fully paid, the Village shall operate the System and maintain the same and all parts thereof in constant good condition and repair and maintain insurance upon the same, payable to the Trustee, as its interest may appear, of a kind and in an amount which normally would be carried by private companies engaged in a similar type of business.

SECTION 12. In order to secure the payment of the principal of and the interest on the Bonds as the same shall become due and payable, the Mayor and Village Clerk-Treasurer are hereby authorized and directed in the name of and on behalf of the Village to make, execute, acknowledge and deliver to the Trustee, in trust for the purchaser or purchasers of the Bonds, a good and sufficient first mortgage deed upon all of the property of the System now owned by the Village or hereinafter acquired, together with all extensions, betterments and additions to the System made during the time any of the Bonds shall remain outstanding and unpaid. Said mortgage shall be in such form and contain such terms, covenants and conditions not inconsistent with this ordinance as shall be approved by the Original Purchaser and the law director or solicitor of the Village. Said mortgage shall contain a condition that in case the Village shall make default in the payment of any of the Bonds or the interest thereon or of any of the terms of said mortgage or this ordinance, the owners or holders of twenty-five per centum (25%) in amount of said bonds remaining unpaid or the Trustee for said bondholders, on its own initiative, may elect to declare the entire amount of said Bonds due and payable and that, upon default in the payment thereof, said mortgage may be foreclosed.

SECTION 13. In the event of any litigation commenced or pending in any court having jurisdiction in which the Village is a party, which litigation involves the System, the operation of the same, the Revenues from the same, or wrongful performance or failure to perform any of the terms and conditions of this ordinance, and there is at such time any default in the payment of the Bonds or interest when and as the same fall due, the court, having jurisdiction of such cause may appoint a receiver to administer and operate the System, on behalf of the Village, with full power to pay and to provide for the payment of the Bonds and interest thereon, and for the payment of the operating expenses and to apply the income and Revenues to the payment of the Bonds and interest thereon in accordance with this ordinance and the provisions of the mortgage securing such indebtedness. The power of such receiver to provide for the payment of Bonds that are due and outstanding shall not be construed as pledging the general credit of the Village to the payment of the Bonds, or any part thereof or interest thereon. Such receiver shall have such powers under the direction of the court, as receivers in general equity cases.

SECTION 14. In the event of the foreclosure of the mortgage provided for in Section 12, the purchaser or purchasers at such foreclosure sale shall be entitled to operate the System as improved or extended, under the terms of the following franchise, which is hereby ordained and established to take effect immediately upon the confirmation of such foreclosure sale, to wit:

FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A PUBLIC UTILITY KNOWN AS THE SEWER SYSTEM IN AND FOR THE VILLAGE OF BATAVIA, OHIO, UPON AND UNDER THE STREETS,

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LANES, ALLEYS, AVENUES AND OTHER PUBLIC THOROUGHFARES OF SAID VILLAGE, AND TO FIX AND PRESCRIBE THE TERMS AND CONDITIONS UNDER WHICH SAID OPERATION SHALL BE CONDUCTED.

Section A. Hereafter, when the word "Grantee" appears in this franchise, it shall be held to mean and include the purchaser or purchasers at judicial sale upon foreclosure of the mortgage on the sewer system of the Village of Batavia, and any person, association of persons, partnership or corporation who shall, upon such foreclosure, become the owner of said public utility, and this franchise shall inure to the benefit of such person, association, partnership or corporation and their heirs, executors, administrators, successors and assigns.

Section B. In the event that any judicial foreclosure shall be had of the property hereinbefore described, the mortgaged property shall be sold under such proceedings, the Grantee is hereby granted the right for the full period of twenty (20) years from the date of such foreclosure sale or the final confirmation thereof, if such confirmation be then required under Ohio procedure, to construct, maintain, operate and extend, upon, along and under the streets, lanes, alleys, avenues, and other public thoroughfares and public property in the Village with the full and necessary privileges for the use of the streets, lanes, alleys, avenues and other public thoroughfares or property for the purpose of constructing, erecting, maintaining, operating and extending sewer lines, meters, and all other apparatus necessary for the operation for all purposes.

Section C. This franchise shall be held to apply to and give the exclusive right to own and operate all the property rights and interests theretofore owned or operated by the Village as said public utility, including the distribution system, with all extensions, betterments, replacements and new equipment which have been made or added thereto by the Village prior to the taking effect of this franchise, together with the extensions and betterments which may thereafter be made from time to time by the Grantee during the life of this franchise.

Section D. The Grantee, in the construction, maintenance, extension and repair of said public utility shall not unnecessarily interrupt or obstruct the passage upon any street, lane, alley, avenue or other public thoroughfare or property, and whenever it shall in any way open any of said thoroughfares or property, for the construction or maintenance of any underground construction, it shall replace such thoroughfares and property in as good a condition as before undertaking such work. The Grantee shall hold the Village harmless from any liability, cost, damage or expense which shall arise or be caused by the occupancy or use of the streets, lanes, avenues or other public thoroughfares or property by the Grantee.

Section E. The Grantee, in the operation of said public utility, shall be subject at all times, to such reasonable regulations of the council of the Village or its corporate successor, and the Village shall not interfere with the ability of such Grantee to earn a fair return upon the reproduction cost of said public utility, less depreciation, after proper allowance for operation and depreciation or replacement.

Section F. For a period of ten (10) years after the taking effect of this franchise, the Grantee may charge rates for supplying-services of said public utility to the corporation and its inhabitants twenty per centum (20%) in excess of the maximum rates in effect at any time prior thereto.

Services rendered to the Village by said public utility for public purposes, shall be charged against the Village and shall be paid for by it as the same accrues, but out of the current revenues of the Village collected or in the process of collection. The payments to be made by the Village to the Grantee for such services

RECORD OF ORDINANCES

Craftsman Printing, Inc.—V0200

Ordinance No. 994-02

Passed June 10

XKX 2002

to be furnished to the Village, shall be paid to the Grantee in the same manner and at the same time as other customers of the Village make payment during the term of the contract; and, in order to provide means for the payment of the account to be paid by the Village under this contract, the Village in its annual budget and taxation and appropriation ordinances each year during the term of this contract, obligates itself to include and levy a sufficient sum on all the taxable property in the Village to pay for the services, rendered as aforesaid, the proceeds of which levy shall be placed in a separate and distinct fund and which taxes, when collected, shall be held inviolate for that purpose.

Section G. In the event that the above rates, which are minimum rates, not maximum rates, shall prove insufficient to enable the Grantee to earn, after payment of operating expenses, maintenance and a reasonable allowance for depreciation, a net return of eight percent (8%) upon the reproduction cost of said public utility after making reasonable allowance for depreciation of said public utility since the time of installation and after taking into consideration the adequacy of the maintenance thereof, the Village, by appropriate ordinances, shall raise such rates sufficiently to produce such return as provided in Section 4909.34 of the Ohio Revised Code, except that it shall not be necessary for the Village to wait until one year before the expiration of said period, but duty to increase shall arise upon request of the Grantee, forthwith, whereupon, in event that such action by the Village is not taken, complaint may be filed with the Public utilities Commission or its successors in office, and proceedings had before said commission as provided in Section 4909.34 *et seq.*, of the Ohio Revised Code. The Grantee's right to complain to said commission shall be cumulative to its right to enforce performance of the above imposed duty on the Village under the provisions of Section 2731.01 of the Ohio Revised Code.

Section H. For the second period of ten years of this franchise the rates to be charged by the Grantee shall be fixed by the council of the Village by and with the consent of the Grantee or by the Public Utilities Commission or its successors in office, in event of the failure of the Village and the Grantee to agree, but in any event, the rates shall be such as to enable the Grantee to earn a minimum of eight percent (8%) upon the reproduction cost of said public utility, less depreciation, as hereinbefore provided, as determined by the Public Utilities commission after payment of operating expenses, maintenance and proper allowances for depreciation or replacement.

Section I. This franchise shall take effect immediately upon the confirmation by the court of the foreclosure sale of the property constituting said public utility to the Original Purchaser and to the Trustee.

SECTION 15. Should it be judicially determined by a court having jurisdiction to pass upon the validity of this ordinance, the mortgage or bonds herein authorized, that any provision of the ordinance is beyond the powers of this council or the Village, or is otherwise invalid, then such decision shall in no way affect the validity of said mortgage or the validity of the Bonds, or any proceeds related thereto, except as to the particular matters found by such decision to be invalid.

SECTION 16. The funds derived from the sale of the Bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payments as described in this ordinance.

SECTION 17. That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

RECORD OF ORDINANCES

1

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 994-02

Passed June 10

2002

SECTION 18. That the Village Clerk-Treasurer of the Village of Batavia be and she is hereby authorized to draw her warrants of the Village Treasury and Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the ordinances of the Village of Batavia.

SECTION 19. This Council, for the Village, hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Section 103 (b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The Village Clerk-Treasurer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the Village, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds are hereby designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3) of the Code. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during calendar year 2002.

SECTION 20. This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 21. That this content, form and distribution of the Official Statement, if any, or similar documents prepared in connection with the Bonds be and the same is hereby approved and ratified and any official having charge with respect to the issuance of the Bonds is hereby authorized to execute on behalf of the Village a certification with respect thereto. Any official having charge with respect to the issuance of the Bonds is further authorized to execute the bond purchase agreement with the Original Purchaser with respect to the Bonds.

SECTION 22. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the immediate issuance of the Bonds to provide: (i) interest cost savings by refunding the Prior Bonds, (ii) the orderly retirement of the Notes issued for financing a portion of the project to which the Bonds relate and (iii) consolidation of the Village's sewer system obligations, and shall take effect immediately upon its adoption.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 994-02Passed June 10, 2002Adopted this 10th day of June, 2002.

Robert P. Handra
Mayor
Robert P. Handra

Attest:

Elizabeth A. Pulliam
Clerk of Council
Elizabeth A. Pulliam

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the
Village of Batavia, Clermont County, Ohio,
do hereby certify that the foregoing
ordinance was published in the Clermont
Star once a week for two
consecutive weeks on the 18th day and the
25th day of July, 2002.

E. Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

1

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓

Ordinance No. 995-02

Passed July 8, 2002

ORDINANCE 995-02 AMENDMENT TO ANNUAL APPROPRIATION ORDINANCE

To amend ordinance 988 making appropriations for current expenses and other expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2002.

Be it resolved by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said village during the fiscal year ending December 31, 2002, the following sums be amended in the ordinance:

GENERAL FUND - Increase by:

A1-7A-241 Office Supplies (computer & desk) \$ 8,000

WATER FUND - Increase by:

E1-5A-240 Office Supplies (printer & software) \$ 5,000

SEWER FUND - Increase by:

E2-5C-231 Contractual Services (engineering) \$ 10,000

E2-5X-260 Debt Service \$710,000
(recall previous bond issue & reissue with current note)

This ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village by providing for the orderly payment of obligations, and shall take effect immediately upon its adoption.

ADOPTED: July 8, 2002

ATTEST:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Star once a week for two consecutive weeks on the 15th day and the 22nd day of August 2002

E. Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓ Ordinance No. 996-02 Passed August 19, 2002

ORDINANCE AUTHORIZING ADOPTION OF AN ALTERNATIVE METHOD
OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT
AND LOCAL GOVERNMENT REVENUE ASSISTANCE FUNDS

WHEREAS, Ohio Revised Code Sections 5747-53 and 5747.63 authorize adoption of an alternative method for determining the amount to be apportioned from the Undivided Local Government and Local Government Revenue Assistance Funds among the various political subdivisions within a county; and

WHEREAS, the Clermont County Budget Commission has presented proposed alternative formulae for the Local Government and Local Government Revenue Assistance funds which attempt to safeguard those political entities in Clermont County which have traditionally relied upon the funds as a significant source of operating revenues while also recognizing those areas which have had substantial increases in population; and

WHEREAS, the Clermont County Budget Commission has presented the proposed alternative formulae for the Undivided Local Government and Local Government Revenue Assistance funds for consideration by the County, Townships, and Municipalities in Clermont County; and

WHEREAS, the Council of the Village of Batavia, in Clermont County; Ohio, desires to approve the alternative method for allocation of the Undivided Local Government and Local Government Revenue Assistance Funds as proposed by the Clermont County Budget Commission.

NOW, THEREFORE, BE IT RESOLVED, by this Council of the Village of Batavia, in Clermont County; Ohio, that

1. The following alternative method of apportionment for the undivided Local Government and Local Government Revenue Assistance Funds has been approved previously for 2001:

	Revenue Assistance Fund	Local Gvt Fund	Total
County	45%	50%	
Townships:			
Batavia	\$ 57,665.32	\$ 30,170.16	\$ 87,835.48
Franklin	\$ 16,086.29	\$ 39,445.39	\$ 55,541.68
Goshen	\$ 64,777.47	\$ 37,766.84	\$ 102,544.31
Jackson	\$ 14,331.72	\$ 27,639.23	\$ 41,970.95
Miami	\$ 119,996.55	\$ 39,802.01	\$ 159,798.56
Monroe	\$ 40,455.77	\$ 49,583.03	\$ 90,038.80
Ohio	\$ 16,505.02	\$ 7,107.11	\$ 23,612.13
Pierce	\$ 43,948.94	\$ 2,314.49	\$ 46,263.43
Stonelick	\$ 24,763.51	\$ 22,573.47	\$ 47,336.98
Tate	\$ 31,732.35	\$ 49,586.87	\$ 81,319.22
Union	\$ 141,992.60	\$ 10,716.22	\$ 152,708.82
Washington	\$ 11,744.48	\$ 13,288.20	\$ 25,032.68
Wayne	\$ 23,502.52	\$ 39,455.39	\$ 62,957.91
Williamsburg	\$ 14,360.40	\$ 37,766.84	\$ 52,127.24
TOTAL	\$ 621,862.94	\$407,225.25	\$1,029,088.19
Village/Cities:			
Amelia	\$ 23,133.14	\$145,813.21	\$ 168,946.35
Batavia	\$ 21,571.22	\$103,607.34	\$ 125,178.56
Bethel	\$ 29,627.52	\$188,017.57	\$ 217,645.09
Chilo	\$ 3,683.42	\$ 22,572.69	\$ 26,256.11
Felicity	\$ 11,956.21	\$ 91,789.70	\$ 103,745.91
Loveland	\$ 16,626.29	\$122,470.60	\$ 139,096.89
Milford	\$ 55,682.93	\$367,410.42	\$ 423,093.35
Moscow	\$ 5,380.65	\$ 61,401.46	\$ 66,782.11

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 996-02

Passed August 19, 2002

Neville	\$ 4,777.22	\$ 22,572.69	\$ 27,349.91
New Richmond	\$ 29,638.68	\$171,138.04	\$ 200,776.72
Newtonsville	\$ 7,068.31	\$ 36,078.24	\$ 43,146.55
Owensville	\$ 13,812.69	\$128,930.63	\$ 142,743.32
Williamsburg	\$ 28,659.50	\$ 51,873.07	\$ 80,532.57
TOTAL	\$ 251,617.78	\$1,513,675.66	\$1,765,293.44

2. That the distribution of local government and local government revenue assistance funds be distributed for 2003 through 2007 on the following basis:

A. For 2003 through 2007 the county will receive the same percentage of funds it received in 2001.

B. All remaining funds will be distributed based on the same formula as 2001 until all municipalities and townships have received the annual guaranteed amount. Such amount shall be 75% of the amount they received in 2001 for 2003 and decrease by 5% annually until it reaches 55% in 2007.

C. The remaining amount of funds will be distrusted each year on a per capita basis based on the U.S. Bureau of the Census, Census 2000.

3. That a certified copy of this Ordinance be sent to the Clermont County Budget Commission.

4. That this Ordinance shall take effect at the earliest period allowed by law.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Council of the Village of Batavia, hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Board and that all deliberations of this board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted: August 19, 2002

Robert P. Handra
Robert P. Handra, Mayor

ATTEST:

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Trs

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Scene once a week for two consecutive weeks on the 12th day and the 19th day of Sept 2002

E. Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓ Ordinance No. 997-02

Passed October 7, 2002

AN ORDINANCE DESIGNATING THE VILLAGE ADMINISTRATOR AS
PURCHASING AGENT FOR ALL VILLAGE DEPARTMENTS, OFFICES,
DIVISIONS, BOARDS AND COMMISSIONS IN ACCORDANCE WITH THE
PROVISIONS OF SECTION 731.141, REVISED CODE

WHEREAS, the position of Village Administrator has been established in accordance
with the provisions of section 735-271 of the revised code, and

WHEREAS, it is deemed to be more efficient for all purchases of supplies, materials
and work for village offices, departments, divisions, boards and commissions to be
under the direction of the Village Administrator.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia,
Clermont County, State of Ohio:

Section 1. The Village Administrator is hereby designated as purchasing agent for all
village offices, departments, divisions, boards and commissions and shall make all
contract, purchase supplies or materials and provide for any work of the village, as
provided by Section 731-141 of the Revised Code.

Section 2. The Village Administrator is hereby authorized to promulgate written
rules and procedures to be followed by all village officers and employees relative to
the requisitioning of supplies, materials and work for their respective offices,
departments, divisions, boards or commissions. Such rules and procedures shall not
conflict with any of the provision of the ordinances of the Village of Batavia or the
Ohio Revised Code.

Section 3. This ordinance shall take effect and be in force from and after the earliest
period allowed by law.

Adopted: October 7, 2002

ATTEST:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the
Village of Batavia, Clermont County, Ohio,
do hereby certify that the foregoing
ordinance was published in the Clermont
Sun once a week for two
consecutive weeks on the 17th day and the
24th day of Oct 2002

E. Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 998-02

Passed September 9, 2002

ORDINANCE 998-02

AN ORDINANCE AUTHORIZING THE MAYOR, THE VILLAGE ADMINISTRATOR, AND THE CLERK-TREASURER TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR STATE ISSUE II FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the improvement to our water distribution is a priority of the Village of Batavia; and

WHEREAS, the Ohio Revised Code has allowed for the issuance of State Issue II Funds for 2003; and

WHEREAS, the District Public Works Integrating Committee of Clermont County (DPWIC) is the recipient of State Issue II Funds; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio;

SECTION 1. That the Council of the Village of Batavia does hereby endorse and support the application for State Issue II Funds for Karen Drive and Hulick Drive Waterline Project within the Village of Batavia.

SECTION II. That the Mayor, the Village Administrator and the Clerk-Treasurer are hereby authorized and directed to file and application with the district Public Works Integrating Committee to Clermont County (DPWIC) for Ohio Public Works Commission funding under State issue II for 2003; and if awarded to implement said program.

SECTION III. That the Village of Batavia hereby requests the District Public Works Integrating Committee (DPWIC) and the Ohio Public Works Commission (OPWC) to consider and fund the referenced application.

SECTION IV. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate necessity of Council's approval for applying for Issue II Funds with the period of application.

ADOPTED:

Robert P. Handra
Robert P. Handra, Mayor

ATTEST:

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 19th day and the 26th day of Sept 2002

E. Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓ Ordinance No. 999-02

Passed September 9, 2002

ORDINANCE 999-02
AMENDMENT TO ANNUAL APPROPRIATION ORDINANCE

To amend ordinance 988 making appropriations for current expenses and other expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2002.

Be it resolved by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said village during the fiscal year ending December 31, 2002, the following sums be amended in the ordinance:

GENERAL FUND - Increase by:

A1-1A-230 Cemetery \$ 1,000

STATE HIGHWAY FUND - Increase by:

B2-6B-240 Street Supplies \$ 11,100

This ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village by providing for the orderly payment of obligations, and shall take effect immediately upon its adoption.

ADOPTED: September 9, 2002

ATTEST:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 31st day and the 1st day of Oct & Nov 2002.

E Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓

Ordinance No. 1000-02

Passed October 7, 2002

AN ORDINANCE EMPLOYING GEORGE LEICHT AS SOLICITOR OF THE VILLAGE OF BATAVIA AND DECLARING AN EMERGENCY

WHEREAS, the Village presently has no legal representation due to the resignation of the previous solicitor, and

WHEREAS, the Village requires legal opinions and reviews as to numerous matters now before Council including adoption of a personnel policy and threatened litigation, and

WHEREAS, the Villages wishes to employ George Leicht as its solicitor, to immediately review certain matters before Council, now therefore

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, at least three-fourths of its members concurring;

SECTION 1. That George Leicht shall be employed as the solicitor of the Village of Batavia for a term commencing September 1, 2002. The solicitor shall submit a monthly statement for services, itemized as to work performed, time expended and costs advanced.

SECTION 2. That the solicitor shall be paid the sum of \$125.00 per hour for services to the Village. He shall also participate in the State PERS program. The Clerk shall withhold funds for the payment of PERS and taxes.

SECTION 3. This ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reasons set forth in the preamble and incorporated within this section.

ADOPTED: October 7, 2002

ATTEST:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 31st day and the 7th day of Oct + Nov 2002

E Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓ Ordinance No. 1001-02Passed December 2, 2002AN ORDINANCE ESTABLISHING THE DATE AND TIME
FOR COUNCIL MEETINGS WITHIN THE
VILLAGE OF BATAVIA, OHIO

BE IT ORDAINED, by the Council of the Village of Batavia, Ohio

Section 1. Village Council shall meet on the first Monday of each month at 7:00pm local time, effective December 2, 2002.

Section 2. This ordinance is adopted pursuant to Ohio Revised Code Section 731.46.

Adopted: December 2, 2002

ATTEST:

Robert P. Handra
Robert P. Handra, MayorElizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Trs

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 5th day and the 12th day of Dec 2002

E. Pulliam
Clerk of Council
Batavia, Ohio

✓

Ordinance No. 1002-02

Passed November 2, 2002

AN ORDINANCE AMENDING SEWER RATES
FOR THE VILLAGE OF BATAVIA

WHEREAS, the Bond indenture for the Village of Batavia requires sewer rates to equal one-hundred fifteen per-cent (115%) of the largest amount of principal and debt service, and

WHEREAS, the Village Administrator has determined that the present sewer rates are not sufficient to comply with the bond indenture, and

WHEREAS, the Village does not wish to be in default of its Bond Indenture which may jeopardize the operation of the sewer system within the Village, now therefore,

BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least two thirds of it's members concurring:

Section 1. Rates for sewer service within the Village of Batavia shall be:

Monthly Water Usage

1 to 100 cubic feet, per month (base rate)
For each 100 cubic feet or fraction thereof
Over the base rate

Monthly Sewer Rate

\$ 16.00
\$ 2.25/100 100 cubic feet

Section 2. This rate shall become effective with the next billing cycle.

Adopted: November 2, 2002

ATTEST:

Elizabeth A. Pulliam
Robert P. Handra, Mayor
Elizabeth A. Pulliam

ATTEST:

Robert P. Handra
Elizabeth A. Pulliam, Clerk/Trs
Robert P. Handra

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 5th day and the 12th day of Dec. 2002

E. Pulliam
Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓ Ordinance No. 1003-02Passed December 2, 2002ORDINANCE 1003-02
AMENDMENT TO ANNUAL APPROPRIATION ORDINANCE

Council has reviewed the anticipated expenditures for the rest of the year and identified costs not previously anticipated,

THEREFORE, be it ordained that ordinance 988-01 for 2002 appropriations be amended as follows:

GENERAL FUND increase:

A1-7X Transfer Out

H1-7G-230 Auditors Fee

~~\$ 25,000~~ ^{\$ 35,000}
100 EAP

SEWER FUND increase

E2-5C-240 Supplies

\$ 35,000

SEWER FUND decrease

E2-5X-260 Debt Service

\$60,000

WASTE COLLECTION FUND – increase

E10-5X-230 Contractual

\$ 1,100

STREET II – increase

B8-6B-212 Benefits

\$ 2,000

INCOME TAX-increase

G3-7C-271 Transfer Out

\$70,000

This ordinance is declared to be an emergency due to safety and public health issues; the immediate repairs to the sewer plant are necessary to maintain service to the community.

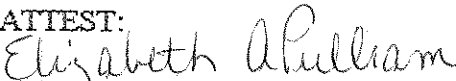
ADOPTED December 2, 2002



Robert P. Handra

Mayor

ATTEST:




Elizabeth A. Pulliam

Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 29th day and the 9th day of January 2003


Clerk of Council
Batavia, Ohio

✓

Ordinance No. 1004-02

Passed December 2, 2002

TEMPORARY 2003 APPROPRIATION ORDINANCE

An ORDINANCE to make temporary appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2003.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2003, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	170,000
212 Personal Services/Benefits	78,000
220 Travel Transportation	1,000
230 Contractual Services	15,000
240 Supplies & Materials	12,000
250 Capital Outlay	6,700

Street Lighting

230 Contractual Services	20,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	2,500
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Payment to County Health District

230 Contractual Service	7,000
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	2,000
250 Capital Outlay	1,500

Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	50,000
212 Mayor/Admin Benefits	15,000
240 Mayor/Admin Supplies & Materials	2,100
210 Council/Salaries	7,500
212 Council/Benefits	1,300
230 Council/Contractual Srv (incl solicitor)	20,000
211 Secretary/Salaries	22,000
212 Secretary/Benefits	10,000
210 Clerk/Trs Salaries	7,500
212 Clerk/Trs Benefits	1,100
230 Clerk/Trs Contractual Srv	2,000
240 Clerk/Trs Supplies & Materials	1,500
230 Land & Bldg/Contractual Serv	20,000
240 Land & Bldg/Supplies & Materials	2,500
270 Boards & Commissions/Auditors Fee	2,200

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1004-02Passed December 2, 2002

212 Other Genl Gvt/Benefits (workers comp) 3,500

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$483,900

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS.

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

210 Personal Services/Salaries	\$90,000
212 Personal Services/Benefits	<u>31,000</u>
TOTAL STREET CONST MTN & REPAIR	\$121,000

STREET MAINTENANCE & REPAIR FUND II

Program 6 - TRANSPORTATION

212 Personal Services/Benefits	\$6,000
230 Contractual Services	9,000
240 Supplies & Materials	<u>64,000</u>
TOTAL STREET MTN & REPAIR II FUND	\$79,000

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 - TRANSPORTATION

230 Contractual Services	1,200
240 Supplies & Materials	<u>5,000</u>
TOTAL ST HIGHWAY FUND	\$6,200

ENFORCEMENT & EDUCATION FUND

Program 1 - SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FUND	\$1,400
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MOTOR VEHICLE LICENSE FUND

Program 6 - TRANSPORTATION

250 Street Const & Repair/Capital Outlay/TOTAL	\$11,360
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GRAND TOTAL SPECIAL REVENUE FUNDS \$218,960

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:

WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments	\$32,000
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GRAND TOTAL DEBT FUND	\$32,000
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Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:

CAPITAL IMPROVEMENT FUND

250 Capital Outlay (streets)	\$206,000
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STREET IMPROVEMENT FUND

250 Capital Outlay (streets)	\$150,000
270 Other uses/salaries (VA bonus)	<u>23,000</u>
TOTAL STR IMPR FUND	\$173,000

GRAND TOTAL CAPT PROJECTS FUNDS	\$379,000
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Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1004-02 Passed December 2, 2002

WATER FUND

230 Office/Contractual	\$6,000
240 Office/Supplies	4,000
230 Supply/Contractual Srv (bulk water purchase)	200,000
230 Filtration/Contractual Srv	9,000
211 Distribution/Personal Srv - Salaries	45,000
212 Distribution/Personal Srv - Benefits	16,000
230 Distribution/Personal Srv - Contractual (John)	6,000
240 Distribution/Supplies & Materials	<u>25,000</u>
TOTAL WATER FUND	\$311,000

SEWER FUND

240 Office/Supplies	4,000
211 Pumping/Personal Srv - Salaries	45,000
212 Pumping/Personal Srv - Benefits	15,000
230 Pumping/Contractual Srv (incl John VanH)	39,000
240 Pumping/Supplies & Materials	40,000
271 Other Uses/Transfers to Swr R&I per bond	7,000
273 Other Uses/Bond payment	<u>55,000</u>
TOTAL SEWER FUND	\$205,000

UTILITIES DEPOSITS FUND

Deposits Refunded	\$1,000
Deposits Applied to Account	<u>2,500</u>
TOTAL UTILITIES DEPOSITS FUND	\$3,500

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND	\$17,000
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WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND	\$77,000
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GRAND TOTAL ENTERPRISE FUND \$613,500

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:
No money appropriated

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

INCOME TAX FUND

211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	2,000
230 Tax Admin/Contractual Srv (insurance)	300
240 Tax Admin/Supplies	2,000
Taxes Refunded	25,000
Transfers	<u>557,700</u>
TOTAL INCOME TAX FUND	\$600,000

Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS
No money appropriated.

TOTAL ALL APPROPRIATIONS \$2,327,360

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1004-02Passed December 2, 2002

the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Section 12. This resolution shall take effect at the earliest period allowed by law.

Passed: December 2, 2002

ATTEST:

Robert P. Handra

Robert Handra, Mayor

Elizabeth A. Pulliam

Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 9th day and the 16th day of January

E. Pulliam
Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1005-03 Passed January 6, 2003

AN ORDINANCE APPROVING ANNEXATION OF
25.663 ACRES OF THE LAND TO THE VILLAGE OF BATAVIA

WHEREAS, on December 4, 2001, Stanley Rafalo filed a petition of annexation of various lands to the Village of Batavia, pursuant to the Ohio Revised Code Section 709.03 and

WHEREAS, the Board of County Commissioners of Clermont County, after public hearing, has approved the annexation of October 22, 2002 and

WHEREAS, the Village of Batavia received official notice of this approval on October 29, 2002, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. That the proposed annexation applied for by Stanley Rafalo for annexation to the Village of Batavia, Clermont County, Ohio, by the Board of County Commissioners on October 22, 2002, is hereby accepted. The territory to be annexed is described on the attached exhibit.

The certified transcript of the proceedings for annexation, with an accurate map of the territory, together, with the petition for annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk-Treasurer of this village and have been for more than sixty (60) days.

Section 2. The Clerk-Treasurer of the village is directed to make three copies of this ordinance, to each of which shall be attached a copy of the map accompanying the amended petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk-Treasurer shall then forthwith deliver on copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all others things required by law.

Adopted: January 6, 2003

Attest:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Trs

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 27th day and the 3rd day of Mar/Apr 2003

E Pulliam
Clerk of Council
Batavia, Ohio

Ordinance No. 1006-03Passed January 6, 2003

AN ORDINANCE APPROVING THE ADDENDUM
TO THE CONTRACT OF EMPLOYMENT OF ROBERT STEWART

WHEREAS, Robert Stewart was employed by the Village of Batavia as the village administrator for a probationary period of six months on 6-1-02, and

WHEREAS, Robert Stewart has completed the probationary period and the Village and Robert Stewart desire to append his employment contract to include matters discussed and approved by not reduced to writing during the interview and probationary period, and

WHEREAS, the Village Council wishes to acknowledge and accept with the formality of an ordinance the original employment contract heretofore adopted by motion of Council on 4-13-02, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Ohio at least a majority of its members concurring:

SECTION 1. Village Council hereby approved the original employment contract and addendum to employ Robert Stewart as Village Administrator.

SECTION 2. A copy of the original employment contract and addendum is attached hereto.

Adopted: January 6, 2003

ATTEST:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 18th day and the 20th day of Feb 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

Ordinance No. 1006-03

Passed January 6, 2003

Village of Batavia

389 East Main Street • Batavia, OH 45103 • (513) 732-2020 • FAX (513) 732-569

EMPLOYMENT CONTRACT FOR POSITION OF BATAVIA VILLAGE ADMINISTRATOR

This contract is entered into between the Village of Batavia (hereinafter "Village") by and through the appropriate legislative authorities thereto and Robert Stewart relative to employment of Mr. Stewart as Village Administrator for the Village of Batavia (hereinafter "Administrator").

1. Mr. Stewart shall fulfill all duties of Administrator for said Village in accordance with the Ohio Revised Code and all relevant Village Ordinances.

2. In consideration for said services the Village agrees to provide the following to Mr. Stewart:

a. Annual salary of \$45,000 per year, ^{Payable Bi-weekly RPH} ~~payable monthly~~. The base salary may be adjusted on an annual basis for cost of living or merit increases following review and evaluation at any time during the contract period, except that in no case may the base salary be reduced without mutual consent.

b. Incentive pay of ten percent (10%) of grant money obtained by Mr. Stewart and used by the Village up to a maximum of fifty percent (50%) of the aforementioned base salary.

c. An additional five (5) days per year of paid administrative leave upon sufficient notice to the Mayor prior to exercise. (Said leave does not affect any vacation time already allowed pursuant to relative Ohio Law and Village Ordinances).

d. All medical/dental insurance coverage provided to full time employees of the Village.

The within contract act shall begin after successful completion of a six (6) month probationary employment. Specifically the within contract shall be for the time period beginning ^{DEC 1st} ~~Jan 1st~~ of 2002 and ending ^{DEC 1st} ~~Jan 1st~~ of 2005. Prior to ^{RPH} completion of said six months either party may terminate the employment relationship with sixty (60) days notice in writing.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

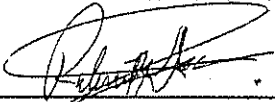
Form 6220

Ordinance No. 1006-03Passed January 6, 2003

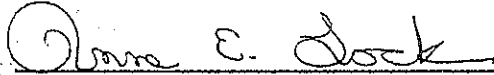
Page 2 of 2

EMPLOYMENT CONTRACT FOR POSITION OF
BATAVIA VILLAGE ADMINISTRATOR

Both parties fully understand and agree to all the foregoing terms and affix their signatures hereto acknowledging same with the intent of being bound to the terms herein. Further, both parties hereby acknowledge that absent the successful completion of the six (6) month probationary employment the within contract is null and void.



Robert Stewart



Witness



Mayor, Village of Batavia

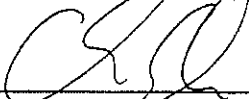


Witness



Witness/Clerk-Treasurer Batavia

Contract reviewed and approved:



Solicitor

Witness

Ordinance No. 1006-03Passed January 6, 2003**ADDENDUM TO THE CONTRACT FOR EMPLOYMENT
FOR ROBERT STEWART**

This addendum made this 6th day of December, 2002 between the Village of Batavia, Ohio and Robert Stewart for employment as Village Administrator. The purpose of this addendum is to reduce to writing matters discussed but left unresolved during the administrator's probationary employment.

1. Relocation Expense. The Village will reimburse the Administrator for relocation expense for himself and his family to the Village of Batavia, an amount not to exceed \$4,700.00.
2. The administrator will be given a credit of 200 hours for sick leave upon completion of his probationary period. This credit shall be reduced on an hour for hour basis for each hour of sick leave earned by the Administrator from his initial date of employment until total earned hours of sick leave equal 200 hours.
3. The Administrator will receive a mileage reimbursement equal to the current Federal rate for mileage deductions for use of his personal vehicle for official village business. The Administrator shall file a monthly report of mileage accrued and purpose of said mileage.
4. During the transition to the Village health insurance from the Administrator's prior health system, the Village shall reimburse the Village Administrator up to the deductible amount

This addendum is authorized by Ordinance No. 1006-03 adopted by Council on 1-6-2003

For the Village of Batavia

Robert P. Handra
Mayor Handra

Robert Stewart
Robert Stewart

✓

Ordinance No. 1007-03Passed March 3, 2003

2003 APPROPRIATION ORDINANCE

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2003.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2003, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	160,260
212 Personal Services/Benefits	71,000
220 Travel Transportation	1,000
230 Contractual Services	11,000
240 Supplies & Materials	10,500
250 Capitol Outlay	6,700

Street Lighting

230 Contractual Services	19,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	8,000
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Payment to County Health District

230 Contractual Service	7,000
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	2,000
250 Capital Outlay	1,500

Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	49,000
212 Mayor/Admin Benefits	21,850
240 Mayor/Admin Supplies & Materials	2,100
210 Council/Salaries	7,200
212 Council/Benefits	1,300
230 Council/Contractual Srv (incl solicitor)	18,000
211 Secretary/Salaries	22,000
212 Secretary/Benefits	10,000
210 Clerk/Trs Salaries	7,500
212 Clerk/Trs Benefits	1,100
230 Clerk/Trs Contractual Srv	1,000
240 Clerk/Trs Supplies & Materials	1,500
230 Land & Bldg/Contractual Serv	17,000
240 Land & Bldg/Supplies & Materials	2,000
270 Boards & Commissions/Auditors Fee	2,200
212 Other Genl Gvt/Benefits (workers comp)	3,500

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1007-03

Passed March 3, 2003

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$465,210

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS.
STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 – TRANSPORTATION

210 Personal Services/Salaries	\$90,000
212 Personal Services/Benefits	<u>31,000</u>
TOTAL STREET CONST MTN & REPAIR	\$121,000

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

212 Personal Services/Benefits	\$6,000
230 Contractual Services	9,000
240 Supplies & Materials	<u>64,000</u>
TOTAL STREET MTN & REPAIR II FUND	\$79,000

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

230 Contractual Services	1,200
240 Supplies & Materials	<u>5,000</u>
TOTAL ST HIGHWAY FUND	\$6,200

FIRE OPERATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FIRE FUND	\$10,000
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ENFORCEMENT & EDUCATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FUND	\$1,400
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MOTOR VEHICLE LICENSE FUND

Program 6 – TRANSPORTATION

250 Street Const & Repair/Capital Outlay/TOTAL	\$11,360
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GRAND TOTAL SPECIAL REVENUE FUNDS \$228,960

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:
WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments	\$32,000
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GRAND TOTAL DEBT FUND	\$32,000
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Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:
CAPITAL IMPROVEMENT FUND

250 Capital Outlay (streets)	\$206,000
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STREET IMPROVEMENT FUND

250 Capital Outlay (streets)	\$150,000
270 Other uses/salaries (VA bonus)	<u>23,000</u>
TOTAL STR IMPR FUND	\$173,000

GRAND TOTAL CAPT PROJECTS FUNDS \$379,000

Ordinance No. 1007-03

Passed March 3, 2003

Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND

230 Office/Contractual	\$6,000
240 Office/ Supplies	8,000
230 Supply/Contractual Srv (bulk water purchase)	200,000
230 Filtration/Contractual Srv	9,000
211 Distribution/Personal Srv - Salaries	45,000
212 Distribution/Personal Srv - Benefits	16,000
230 Distribution/Personal Srv - Contractual (John)	6,000
240 Distribution/Supplies & Materials	25,000
250 Capitol Outlay/Equipment	<u>24,000</u>
TOTAL WATER FUND	\$339,000

SEWER FUND

240 Office/Supplies	2,000
211 Pumping/Personal Srv - Salaries	45,000
212 Pumping/Personal Srv - Benefits	15,000
230 Pumping/Contractual Srv (incl John VanH)	39,000
240 Pumping/Supplies & Materials	40,000
271 Other Uses/Transfers to Swr R&I per bond	7,000
273 Other Uses/Bond payment	<u>55,000</u>
TOTAL SEWER FUND	\$203,000

UTILITIES DEPOSITS FUND

Deposits Refunded	\$1,000
Deposits Applied to Account	<u>2,500</u>
TOTAL UTILITIES DEPOSITS FUND	\$3,500

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND	\$17,000
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WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND	\$77,000
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GRAND TOTAL ENTERPRISE FUND \$639,500

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:
No money appropriated

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

INCOME TAX FUND

211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	2,000
230 Tax Admin/Contractual Srv (insurance)	300
240 Tax Admin/Supplies	2,000
Taxes Refunded	25,000
Transfers	<u>557,700</u>
TOTAL INCOME TAX FUND	\$600,000

Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS
No money appropriated.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1007-03Passed March 3, 2003

TOTAL ALL APPROPRIATIONS \$2,344,670

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Section 12. This ordinance adopted as an emergency measure and shall take effect at the earliest period allowed by law.

Passed: March 3, 2003

Robert P. Handra
Robert Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 6th day and the 13th day of March 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1008-03

Passed May 5, 2003

**ORDINANCE 1008-03
CROSS-CONNECTION & BACKFLOW CONTROL
TO PROVIDE AN EFFECTIVE MEANS FOR PROTECTING
THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF
CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE
PUBLIC WATER SYSTEM &
REPEALING ORDINANCE 734-85**

WHEREAS, Section 6109.13 of the Ohio Revised Code requires protection of the public water system from contamination through any connection whereby water from a private, auxiliary or emergency water system may enter the public water system; and

WHEREAS, Section 3745-95 of the Ohio Administrative Code requires protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Ohio Environmental Protection Agency requires the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and

WHEREAS, in order to accomplish these goals it is necessary to introduce restrictions that go beyond usual plumbing code requirements; now, therefore,

BE IT ORDAINED by the Council of the Village of Batavia, State of Ohio:

Section 1. That if, in the finding of the Village Administrator, an approved backflow prevention device is necessary for the safety of the public water system, the Village Administrator will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Village Administrator and shall have inspections and tests made of such approved devices as required by the Village Administrator.

Section 2. That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Administrator of the Village of Batavia and by the Ohio Environmental Protection Agency.

Section 3. That it shall be the duty of the Village Administrator to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Village Administrator shall deem necessary.

Section 4. That the Village Administrator of the Village of Batavia or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Batavia for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Village Administrator any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall within the discretion of the Village Administrator, be deemed evidence of the presence of improper connections as provided in this ordinance.

Ordinance No. 1008-03

Passed

May 5

2003

Section 5. That the Village Administrator of the Village of Batavia is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this ordinance.

Section 6. Ordinance 734-85 is hereby repealed in its entirety.

Section 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Section 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted: May 5, 2003

Robert P. Handra, Mayor

Elizabeth A. Pulliam, Clerk/Treasurer

Robert P. Handra, Mayor

Elizabeth A. Pulliam, Clerk/Treasurer

print error

Section 5. That the Village Administrator of the Village of Batavia is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this ordinance.

Section 6. Ordinance 734-85 is hereby repealed in its entirety.

Section 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted: May 5, 2003

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Star once a week for two consecutive weeks on the 15th day and the 22nd day of May 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

WATER CONSERVATION PLAN

The potential exists for the Village of Batavia due to either a drought situation or a major equipment failure, to experience a water emergency. Consequently, the following restrictions are necessary to protect the village's ability to supply water to the citizens of Batavia, Ohio. The Ohio Environmental Protection Agency is requiring water suppliers to adopt a system of water conservation measures to cover such potential problems. This plan consists of four levels or phases. The last two phases of the plan require mandatory conservation measures for Batavia's water customers.

Phase I - Normal:

Water supplies are adequate and climatological conditions are normal.

Phase II - Alert:

Climatological data indicates above normal temperatures and below normal precipitation for an extended period. Streamflow, reservoir levels, and/or groundwater levels are below normal over an extended period of time. Implement system-wide voluntary water conservation measures, and establish a use reduction goal of 10 percent.

Customer Action: Voluntary reduction of lawn watering on odd and even numbered days according to residents house number. Watering restricted to 6:00 a.m. to 9:00 a.m. or 7:00 p.m. to 10:00 p.m.

Phase III - Conservation:

Climatological conditions worsen and water levels continue to decline. Water conservation measures are increased. Implement system-wide mandatory water conservation measures, and establish a use reduction goal of 20 percent.

Customer Action - Mandatory reduction of lawn watering on odd and even numbered days according to residents house number. Watering restricted to 6:00 a.m. to 9:00 a.m. or 7:00 p.m. to 10:00 p.m. Restrict all unnecessary usage as deemed appropriate.

Phase IV - Emergency:

Climatological conditions continues to worsen and water levels continue to diminish. Conservation measures have to be more stringent to ensure adequate water supply for health and sanitary purposes. Implement system-wide mandatory water conservation measures, and establish a use reduction goal of 30 percent.

Customer Action - Mandatory prohibition of lawn watering. Washing of autos, trucks, and recreational vehicles shall be recommended only in commercial wash centers that are equipped with recycling facilities. Use of water for the filling of swimming pools is prohibited. Hose spraying of driveways, sidewalks, and parking areas is prohibited. Restrict all other unnecessary usage as deemed appropriate.

Exhibit A

Ord 1009-03

✓

Ordinance No. 1009-03

Passed

April 7

2003

ORDINANCE 1009-03

AN ORDINANCE ESTABLISHING A WATER CONSERVATION PLAN
FOR THE VILLAGE OF BATAVIA, OHIO, AND DECLARING THE SAID TO BE AN
EMERGENCY

WHEREAS, the Ohio Environmental Protection Agency is requiring water suppliers to adopt a system of mandatory water conservation measures to cover potential problems and

WHEREAS, the potential exists for the Village of Batavia, Ohio to experience a water emergency due to either a drought situation or a major equipment failure, and

WHEREAS, the restrictions contained in the Water Conservation Plan are necessary to protect the Village of Batavia's ability to supply water to the citizens of Batavia.

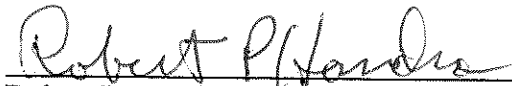
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BATAVIA, STATE OF OHIO, THAT:

Section 1. The Water Conservation Plan, as set forth in Exhibit "A" attached hereto and made a part hereby adopted.

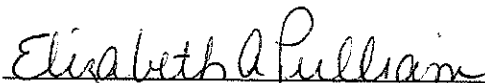
Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the further reason that Council desires to meet the requirements as set forth by the Ohio Environmental Protection Agency for water conservation measures, therefore, this measure shall take effect and be in full force from and after its passage.

Section 3. Failure to comply with this ordinance shall be punishable by a minor misdemeanor with a penalty of up to \$100.00 per day or per occurrence.

Adopted: April 7, 2003



Robert P. Handra, Mayor



Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 17th day and the 24th day of April 2003


Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1010-03Passed April 7, 2003

AMENDMENT TO 2003 APPROPRIATION ORDINANCE

Whereas, Council has reviewed the anticipated expenditures for the rest of the year and identified costs not previously anticipated,

THEREFORE, be it ordained that ordinance 1007 for 2003 appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2003 be amended as follows:

WATER FUND increase:

E1-51-250 Capitol outlay \$ 5,000

SEWER FUND increase:

E2-5C-240 Supplies & Materials \$20,000

EMS LEVY FUND increase:

Contractural services \$ 900

POLICE (DONATIONS) FUND increase:

Supplies & Materials \$ 25

Section 12: This ordinance shall take effect at the earliest period allowed by law.

Passed: April 7, 2003

Robert P Handra
Robert Handra, Mayor

Elizabeth A Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 17th day and the 24th day of April 2003

EPulliam
Clerk of Council
Batavia, Ohio

Ordinance No. 1011-03

Passed April 7, 2003

ORDINANCE 1011-03

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR
TO ENTER INTO A CONTRACT FOR REINSTALLATION OF THE PUMPS
AT THE SEWER LIFT STATION AND DECLARING AN EMERGENCY

WHEREAS, the Village sewer lift station is operating with portable pumps on a temporary basis, and

WHEREAS, it is necessary to immediately reinstall the lift station pumps to avoid potential overflow problems in the event of heavy spring rains, and

WHEREAS, it is estimated that the funds necessary to reinstall the lift pumps will exceed the maximum amount that can be expended without bid, now therefore,

BE IT ordained by the council of the Village of Batavia, Ohio, at least two thirds of its members concurring:

Section 1. That the Village Administrator is authorized to enter into a contract with J T Lohrer & Company for the reinstallation of the sewer lift station pumps.

Section 2. That council declares a real and present emergency exists in the operation and maintenance of a village utility and the necessity of bidding is waived pursuant to Ohio Revised Code Section 735.051.

Section 3. This ordinance is declared to be an emergency measure as the operation of the village sewer system directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: April 7, 2003

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 17th day and the 24th day of April 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

Ordinance No. 1012-03Passed May 5, 2003

AMENDMENT TO 2003 APPROPRIATION ORDINANCE

Whereas, the Council has reviewed the anticipated expenditures and revenues for the calendar year 2003 and identified revenues not properly estimated for specific funds

THEREFORE, be it ordained that ordinance 1007 for 2003 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2003 be amended as follows:

STREET FUND – decrease

B1-6B-211 Salary \$ 10,000
 B1-6B-212 Benefits \$ ~~20,000~~ ^{15,000} *EAP*

STREET II FUND – increase

B8-6B-212 Benefits \$ ~~1,000~~ ^{10,000} *EAP*

MOTOR VEHICLE LICENSE (B10) FUND – increase

B10-6B-211 Salary \$ 11,000
 B10-6B-212 Benefits \$ 24,000

WASTE COLLECTION FUND – increase

E10-5A-230 Contractual Services \$ 6,000

This ordinance shall take effect at the earliest period allowed by law.

Passed: May 5, 2003

ATTEST:

Robert P. Handra
 Mayor Robert P. Handra

Elizabeth A. Pulliam
 Elizabeth A. Pulliam
 Clerk-Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 15th day and the 22nd day of May 2003

E. Pulliam
 Clerk of Council
 Batavia, Ohio

✓

Ordinance No. 1013-03

Passed

May 5

2003

VILLAGE OF BATAVIA

ORDINANCE NO. 1013-03

AN ORDINANCE SETTING WATER AND SEWER RATES AND CONNECTION FEES FOR THE VILLAGE OF BATAVIA

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

WHEREAS, the Village of Batavia Council provides water and sewer utility services to residential and commercial properties and,

WHEREAS, the Village of Batavia purchases water from Clermont County and is subject to their capacity fees and,

WHEREAS, the cost of provide such services has increased,

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio:

The fee identified in the codified ordinance section 50.02 be replaced with the following:

SCHEDULE 1 SYSTEM CAPACITY CHARGES

Residential:

User Class	Sewer	Water
Single Family Residence	2,100.00	1,230.00
Multi-Family:		
One Bedroom	1,230.00	770.00
Two Bedroom	1,475.00	930.00
Three Bedroom	1,720.00	1,110.00
Public Water Supplier Bulk Sales	n.a.	1.12/GPD

Public Water Supplier Bulk Sales:

User Class	Sewer	Water
Public Water Supplier Bulk Sales	n.a.	1.12/GPD

To qualify for this user class, entity must be a "Public Water Supplier" as defined by O.E. P.A. serving a customer base outside the service area of Village of Batavia.

Fees will be based on the capacity volume guaranteed to the Water Supplier. The actual volume purchased will be reviewed on an annual basis to determine peak and average demand. Should the seasonal average daily volume in any calendar year exceed the guaranteed capacity by more than 10%, additional capacity fees shall be assessed.

Minimum billings will require payment of 80% of the purchased capacity for the first five (5) years, should actual demand fall below the 80% threshold. After this five-year interval, the water will be billed based on actual consumption. All water billed will be at the lowest rate in effect at the time of usage.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1013-03Passed May 5, 2003

Capacity purchased under this class is based on availability and is purely at the discretion of the Council of the Village of Batavia.

Commercial, Industrial, Food Service:

Industrial, Commercial and Food Service System Capacity Charges based on water meter size.

Meter Size	Sewer	Water
5/8" x 3/4" Indust/Commer.	2,945.00	1,850.00
5/8" x 3/4" Food Service	3,575.00	1,850.00
1" Industrial/Commercial	7,420.00	4,635.00
1" Food Service	8,040.00	4,635.00
1-1/2" Indust./Commercial	14,805.00	9,270.00
1-1/2" Food Service	15,430.00	9,270.00
2" Industrial/Commercial	23,715.00	14,830.00
2" Food Service	24,345.00	14,830.00
3" Industrial/Commercial	47,440.00	29,635.00
3" Food Service	48,075.00	29,635.00

SCHEDULE 2 WATER METER & INSTALLATIONS FEES

Meter Size	Full Service Inst. Fee	Meter Fee
5/8" x 3/4"	630.00	50.00
1"	665.00	95.00
1 1/2"	1180.00	185.00
2"	1,390.00	250.00
3"	N/A	1315.00
4"	N/A	1,805.00
6"	N/A	4,235.00
8"	N/A	3,560.00

Full service setting available up to 2", 3" and larger require meter vault to be constructed by private contractor.

SCHEDULE 3 SEWER TAP FEES

Service	Fee
Commercial; Industrial & Food Services	\$1,000.00
Residential	600.00

This ordinance will become effective as soon as allowed by law.

Adopted: May 5, 2003

Robert D. Handra
Mayor, Village of Batavia, Ohio

Attest:

Elizabeth A. Pulliam
Village Clerk

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 12th day and the 1st day of June 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

✓

Ordinance No. 1014-03

Passed August 4, 2003

ORDINANCE 1014-03
AN ORDINANCE REGULATING THE ORDER TO COVER OR REMOVE
JUNK MOTOR VEHICLES FROM ALL PROPERTIES WITHIN THE
LIMITS OF THE VILLAGE OF BATAVIA, OHIO

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. Definitions for the purpose of this section, "Junk Motor Vehicle", shall mean any motor vehicle meeting all the following requirements:

- a. Three years old or older
- b. Extensively damaged, such damage including but not limited to any of the follow: a broken window or windshield, missing wheels, tires, motor or transmission.
- c. Apparently inoperable
- d. Having a fair market value of \$1500.00 or less.

Section 2. Any Junk Motor Vehicle that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority.

Section 3. The Chief of Police of the Village, within his respective territorial jurisdiction, the legislative authority of the Village of Batavia, or the Village Administrator of the Village of Batavia, may send notice by certified mail with a return receipt requested to the person having the right to possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

Section 4. No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in Section 3. The fact that a junk motor vehicle is left is prima-facie evidence of willful failure to comply with the notice and each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense.

Section 5. Penalties: Whoever violated Ordinance No 1014-03 shall be fined not more than one hundred dollars (\$100.00) for each violation.

Section 6. This Ordinance shall take effect and be in force from and after the earliest time allowed by law.

Adopted: August 4, 2003

ATTEST:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 4th day and the 11th day of Sept 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1015-03 Passed July 7, 2003

AN ORDINANCE PRESCRIBING GENERAL RULES FOR
THE EMPLOYMENT OF AUXILIARY POLICE OFFICERS &
DECLARING AN EMERGENCY

WHEREAS, Council wishes to establish an auxiliary police unit and general rules for the appointment and termination of auxiliary police officers, now therefore,

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, all of its members concurring:

SECTION 1. All auxiliary officers shall be fully certified by the Ohio Peace Officers Training Council, at the time of their appointment.

SECTION 2. Auxiliary police officers shall be appointed by the Mayor with the approval of a majority of Council. Auxiliary police officers may be terminated by the Mayor.

SECTION 3. All auxiliary police shall be required to have 24 scheduled hours of training within the Village Police Department prior to being assigned to regular patrol duty. After completion of training, all auxiliary officers shall be required to fulfill a minimum requirement of 18 hours of police duty, per 28 day period.

SECTION 4. All auxiliary police officers of the Village of Batavia, having fulfilled their minimum requirement of eighteen (18) scheduled hours of service; and who shall be subsequently scheduled by the Mayor, Chief of Police or Acting Chief of Police for additional service due within the twenty-eight (28) day period; shall receive the same rate of pay as part-time officers for all service in excess of eighteen (18) hours.

SECTION 5. This ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: July 7, 2003

ATTEST:

Robert P. Handra
Mayor Robert P. Handra

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk-Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 15 day and the 19 day of Aug 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

Ordinance No. 1016-03

Passed July 7, 2003

**ORDINANCE 1016-03
AN ORDINANCE AMENDING CHAPTER 35.22
ALLOCATION OF INCOME TAX & ESTABLISHING NEW FUND
TO PAY FINAL JUDGMENT AGAINST VILLAGE**

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring;

WHEREAS, the 10% income tax allocation to the Water Debt Fund has collected more than is required to satisfy the payment ordered by the Findings of Fact, Conclusion of Law & Order (Court of Common Pleas, Clermont County) regarding case #97CV-0793 and,

WHEREAS, the Water Debt Fund currently has a cash balance in excess of one year's payment requirement as ordered by the Findings of Fact, Conclusion of Law & Order prepared by the Court of Common Pleas Clermont County regarding the case #97CV-093 and

WHEREAS, the Finance Committee recommended to reduce the income tax allocation to the Water Debt Fund to match the required annual settlement payment to Clermont County,

THEREFORE, BE IT ORDAINED, that chapter 35.22(b) allocation of funds be amended to the following:

(B) The balance of any monies collected shall be allocated as follows:

1. Thirty one percent (31%) to the General Fund for the purpose of general municipal operations;
2. Eleven percent (11%) for street maintenance;
3. Fourteen percent (14%) for street improvement
4. Thirty six percent (36%) for capitol improvement
5. Eight percent (8%) for Water Debt Fund to satisfy the judgment against the Village in case CA2800-06-039 County vs Village opinion 2-36-01; the eight percent for the judgment shall remain until the judgment is fully satisfied; one the judgement is paid the monies shall be redirected to the street improvement fund.

The effective date of this ordinance shall be August 31, 2003.

Adopted: July 7, 2003

Attest:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Star once a week for two consecutive weeks on the 18th day and the 25th day of September 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

✓

Ordinance No. 1017-03Passed August 4, 2003

AMENDMENT TO 2003 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the anticipated expenditures for the Clark/Glen/Ely Sewer Main Installation project and must adjust for the State grant revenues and expenditures during the calendar year 2003,

THEREFORE, be it ordained that ordinance 1007 for 2003 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2003 be amended as follows:

GENERAL FUND – increase

A1-7B-230 Council Contractual \$ 3,000

OPWC-CAPITAL (CLARK/GLEN/ELY) – new fund

Capitol Outlay \$197,300

CAPITAL IMPROVEMENT

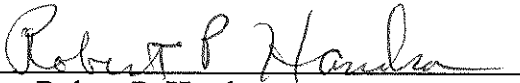
Capital Outlay \$290,000

STREET IMPROVEMENT

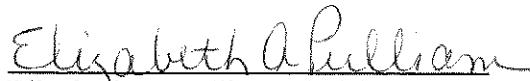
Capital Outlay \$ 40,000

This ordinance shall take effect at the earliest period allowed by law.

Passed: August 4, 2003




Mayor Robert P. Handra



Elizabeth A. Pulliam Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 4th day and the 11th day of Sept 2003


Clerk of Council
Batavia, Ohio

Ordinance No. 1018-03

Passed August 8, 2003

AN ORDINANCE SETTING THE
SALARY OF THE CHIEF OF POLICE

WHEREAS, the Village has employed Mike Gardner as the Chief of Police and it is necessary to set a salary for said position, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Ohio at least three-fourths of its members concurring

SECTION 1. That the Chief of Police shall be paid \$16.35/hour, payable bi-weekly, effective July 8, 2003

SECTION 2. This ordinance is declared to be an emergency measure as the previous Chief of Police has resigned, the Ohio Revised Code requires the appointment of a Chief of Police and it is necessary to immediately set the pay scale for said position. Supervision of the Police Department by a chief directly affects the safety and welfare of the residents of the Village of Batavia.

Adopted: August 8, 2003

Robert P. Handra
Mayor Robert P. Handra

ATTEST:

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk-Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 18th day and the 25th day of Sept 2003

E. Pulliam
Clerk of Council
Batavia, Ohio

Ordinance No. 1019-03

Passed

August 4, 2003

AN ORDINANCE PRESCRIBING GENERAL RULES FOR
THE EMPLOYMENT OF AUXILIARY POLICE OFFICERS &
DECLARING AN EMERGENCY

WHEREAS, Council wishes to establish an auxiliary police unit and general rules for the appointment and termination of auxiliary police officers, now therefore,

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, all of its members concurring:

SECTION 1. All auxiliary officers shall be fully certified by the Ohio Peace Officers Training Council, at the time of their appointment.

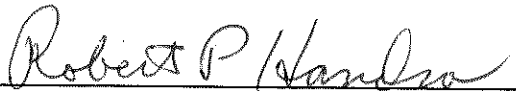
SECTION 2. Auxiliary police officers shall be appointed by the Mayor with the approval of a majority of Council. Auxiliary police officers may be terminated by the Mayor.

SECTION 3. All auxiliary police shall be required to have a minimum of 24 scheduled hours of training or more at the Chief's discretion within the Village Police Department prior to being assigned to regular patrol duty. After completion of training, all auxiliary officers shall be required to fulfill a minimum requirement of 24 hours of police duty, per 28 day period.

SECTION 4. All auxiliary police officers of the Village of Batavia, having fulfilled their minimum requirement of twenty-four (24) scheduled hours of service; and who shall be subsequently scheduled by the Mayor, Chief of Police or Acting Chief of Police for additional service due within the twenty-eight (28) day period; shall receive eight dollars (\$8.00) per hour for all service in excess of (24) hours per month.

SECTION 5. This ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: August 4, 2003



Mayor Robert P. Handra

ATTEST:



Elizabeth A. Pulliam, Clerk-Treasurer

CERTIFICATION OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was posted in five public places for two consecutive weeks.


Elizabeth A. Pulliam, Clk/Trs

Ordinance No. 1020-03

Passed October 6, 2003

AN ORDINANCE REGULATING SOUND AMPLIFYING DEVICES WITHIN THE VILLAGE OF BATAVIA

BE IT ordained by the Council of the Village of Batavia, Ohio, at least a majority of members concurring:
SOUND AMPLIFYING DEVICES:

(A) No person shall generate or permit to be generated from a structure, vehicle or business unreasonable noise or loud sound that is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loudspeaker, CD player, digital tape or disc or any other sound amplifying device or by any horn, drum, piano, or other musical or percussion instrument said.

(B) It is prima facie unlawful for a person to generate or permit to be generated sound by the above-described devices or instruments in the following circumstances:

- (1) On private property in a residentially zoned area, regardless of existing nonconforming use or variance, where the sound is audible more than 80 feet from the property line of the property on which the source of the sound is located;
- (2) On a street, highway, or in the public right-of-way where sound is audible 80 feet from the device generating the sound.

(C) No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency, or otherwise, whether such ownership, possession, or control is exclusive or joint, shall permit a violation of this section.

(D) The following uses and activities shall be exempt from the noise level regulations:

- (1) Noises of warning and alarm devices, safety signals and emergency pressure relief valves;
- (2) Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency;
- (3) Noises resulting from any work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger;
- (4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the village;
- (5) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulation, and air traffic control instruction;
- (6) Noises resulting from the normal use of churches, schools, athletic fields, parks and auditoriums.
- (7) Building mechanical equipment regulated by the Building Code (FPCO 152RI03.I).

E) Whoever violates this section is guilty of generating unreasonable noises and a minor misdemeanor. If the offender persists in generating or permitting to be generated unreasonable noise after reasonable warning or request to desist, generating unreasonable noise is a misdemeanor of the fourth degree; on a second offense within year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree.

This ordinance shall be added to the codified village ordinances.

Adopted: October 6, 2003

ATTEST:

Robert P. Handra

Elizabeth A. Pulliam

Robert P. Handra, Mayor

Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATION OF PUBLICATION: I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was posted in five public places for two consecutive weeks.

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clk/Trs

Ordinance No. 1021-03

Passed

November 3

2003

Ordinance 1021-03

An Ordinance restricting the illicit discharge of deleterious substances into the sanitary sewer system of the Village of Batavia and providing for the detection and elimination or pretreatment of the same

WHEREAS the Ohio Environmental Protection Agency requires that all Points of Treatment of Wastewater (hereinafter referred to as a POTW) be subject to the restrictions of a National Pollutant Discharge Elimination Systems Permit (hereinafter referred to as an NPDES Permit) and

WHEREAS the Village of Batavia Wastewater Treatment Plant is subject to the restrictions of an NPDES Permit, making it necessary to treat, eliminate, control, or otherwise restrict the discharge of pollutants into the waters of the State of Ohio,

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, STATE OF OHIO, THAT:

Section 1. If any substances discharged or proposed to be discharged into a POTW under the control of the Village of Batavia, where such substances may, in the judgment of the Village Administrator, have a deleterious effect upon the POTW, treatment processes, or receiving waters, including violation of applicable water quality standards, or which otherwise may create a hazard to health, safety, welfare, or the environment, or increase the cost of operating the POTW, the Village Administrator may:

- A. Require immediate cessation of the discharge; and/or
- B. Revoke or suspend the administrative order authorizing the discharge; and/or
- C. Require pretreatment or additional pretreatment; and/or
- D. Limit the quantities and/or rates of discharge; and/or
- E. Require payment for the added cost of handling and treating the substances.

Section 2. Industrial discharges: All industrial wastes discharged to the POTW shall, at a minimum, meet the most stringent requirements of applicable national categorical pretreatment standards, or best practical control technology currently available for incompatible pollutants, as prescribed in the Code of Federal Regulations.

Section 3. Discharge Prohibitions. No person shall discharge or cause to be discharged, directly or indirectly, any of the following substances or classes of substances into the POTW:

- A. Any storm water, roof runoff, surface water, ground water or other subsurface drainage, or non-contact cooling water.
- B. Any substance which may create a fire or explosion hazard in the POTW, including, but not limited to, substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- C. Any solid or viscous substance in quantities or of a size that may cause obstruction to the flow in a sewer or interference or pass through the POTW including, but not limited to: medical wastes, grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, blood, feathers, ashes, cinders, sand, mud, spent lime, stone or marble dust, wood, metal, glass, plastics, shavings, straw, grass clippings, rags, spent

Ordinance No. 1021-03

Passed November 3, 2003

grains, waste paper, paper products, gas, tar, asphalt residues, residues from the refining or processing of fuel or lubricating oil, or lens grinding or polishing wastes.

- D. Any garbage, unless originating from residences used for non-commercial purposes, which has not been shredded such that no particle is greater than ½-inch in any dimension. Garbage grinders shall not be connected to the POTW from hotels, institutions, restaurants, hospitals, groceries, catering establishments or similar places where garbage originates from the commercial or large-scale preparation of food for the purpose of sale, consumption on the premises, or for service by caterers.
- E. Any petroleum oil, non-biodegradable cutting oils, products of mineral oil origin, or floatable oils, fat, wax or grease, that pass through the POTW or cause interference. In no event shall the total concentration of such substances exceed 250 mg/l.
- F. Any substance having a pH less than 5.0 or greater than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW. The Village Administrator may impose more stringent pH limits on any user where he determines that such limits are necessary to avoid an adverse impact on the POTW, treatment processes, sludge disposal methods, or violation of NPDES permits.
- G. Any substance that either singly or by interaction with other substances, may create a public nuisance, a hazard to human life or health, or prevent or interfere with entry into the sewerage system for maintenance and repair.
- H. Any substance that may cause a treatment plant effluent or any other product of the treatment plant, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- I. Any substance that may cause a treatment plant to violate any applicable sludge use or disposal statute, regulation, guideline, or criterion.
- J. Any substance which may cause a treatment plant to violate its NPDES permit or cause a violation of water quality standards.
- K. Any substance, the color of which is not completely removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions.
- L. Any substance the temperature of which may inhibit biological activity in a treatment plant or interfere with wastewater treatment process efficiency. At no time shall any discharge into the POTW exceed 120°F (49°C), or cause the wastewater at a treatment plant to exceed 104°F (40°C).
- M. Any substance, including oxygen demanding materials (BOD and COD), at a rate and/or concentration that may cause interference or pass through at a treatment plant. No discharge shall have a flow rate or contain concentrations or quantities of pollutants that exceed, for any period of time longer than sixty (60) minutes, during any twenty-four (24) hour period, more than five (5) times the permitted average twenty-four (24) hour concentration, quantity, or flow representative of normal operations.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1021-03Passed November 3, 2003

- N. Any radioactive substance whose half-life or concentration exceeds limits established or prescribed by applicable federal or state requirement.
- O. Any substance that, either singly or by interaction with other substances, may injure or interfere with any wastewater treatment process, constitute a hazard to the life or health of humans or animals, create a public nuisance, may be toxic to any organism in the receiving water of a treatment plant or exceeds any limitation set forth in a pretreatment standard.
- P. Any substance that may result in gases, vapors, or fumes within the POTW that may endanger the health, safety or welfare of Village employees.

Section 4. Evaluation and Review. Before any application to use the sewer system is approved, a review of the proposed installation shall be reviewed by the Village Administrator to determine if the discharge is compatible with both the capacity and the capability for treatment of the proposed discharge.

Section 5. Monitoring Manholes. If the discharge requires periodic sampling to assure allowable discharge, a monitoring manhole must be installed between the building sewer and the public sewer. Such manhole must be available for sampling without prior notice.

Section 6. System Capacity. In no case will a new user or increased release into the system from a present user be permitted that is in excess of the capacity of the system. This capacity is determined not only by the capacity of the final plant destination and discharge permit, but also the capacity of the piping within the system, lift stations, surge tanks, or any other component of the system.

Section 7. Flow Meters: If for any reason the system has the capability of discharging an amount of effluent into the system that could be in excess of the domestic water meter reading, the system will be required to have a flow meter installed between the building sewer and the public system.

Section 8. Sampling and testing: Sampling and testing of discharges into the public system shall be made by the Sewer Department any time there is a reason to believe the approved discharge has changed. If found to vary from the original approval, appropriate action shall be taken to bring the discharge into compliance.

Section 9. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted: November 3, 2003

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth Pulliam, Clerk/Treasurer

CERTIFICATION OF PUBLICATION: I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was posted in five public places for two consecutive weeks.

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clk/Trs

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Ordinance No. 1022-03

Passed

September 8

2003

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$285,000 SEWER IMPROVEMENT SPECIAL ASSESSMENT GENERAL OBLIGATION BOND ANTICIPATION NOTES BY THE VILLAGE OF BATVIA, OHIO, FOR THE PURPOSE OF PROVIDING SEWER IMPROVEMENTS WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY

WHEREAS, the fiscal officer of this Village has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty (20) years; and

WHEREAS, the debt service charges on the notes, and the bonds in anticipation of which they are issued, are expected to be paid from the levy and collection of special assessments paid by benefited property owners, within the ten-mill limitation imposed by the Ohio Constitution and laws, for the Village and overlapping subdivisions;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, (hereinafter called the "Village"), County of Clermont, Ohio Three-Fourths of the Members Elected Thereto Concurring:

SECTION 1. That it is necessary to issue bonds of the Village in the principal amount of not to exceed \$285,000 in anticipation of the levy and collection of special assessments, for the purpose of installing sanitary sewers on Clark, Glenn and Ely Streets within the Village (the "Project"). Said bonds shall be dated approximately August 1, 2004, shall bear interest at an approximate rate of five percent (5.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years.

SECTION 2. The notes of the Village shall be issued in anticipation of such bonds.

SECTION 3. That the notes shall be dated such date as determined by the Village Manager and the Clerk-Treasurer without further action of this council required, shall bear interest at such rate as determined by the Village Manager and Clerk-Treasurer without further action of this council required, which date is no more than one year from the date of issuance of the notes, and shall be of such number and denomination as requested by the purchaser. These notes may be prepaid prior to maturity at the discretion of the Clerk-Treasurer of the Village.

SECTION 4. That the notes shall be executed by the Mayor and the Clerk-Treasurer and may, but shall not be required to, bear the seal of the Village. The Mayor and the Clerk-Treasurer are also authorized to take all other action required in connection with the issuance and sale of the notes. The notes shall be designated "Sewer Improvement Special Assessment General Obligation Bond Anticipation Notes" and shall be payable at such other bank or trust company as is acceptable to the Mayor and the Clerk-Treasurer and shall express upon their faces the purpose for which they are issued and they are issued in pursuance of the Uniform Public Securities Law of the Ohio Revised Code and this ordinance.

SECTION 5. That the notes shall be sold at private sale to Connors & Co., Inc., in accordance with its offer to purchase the same which is hereby accepted, at par plus accrued interest, if any, and the proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the notes shall be the full general obligation of the Village, and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. The par value received from the sale of the bonds anticipated by the notes, and any excess fund resulting from the issuance of the notes, shall to the extent necessary be used only for the retirement of the notes a maturity, together with interest thereon and is hereby pledged for such purpose.

Ordinance No. 1022-03Passed September 8, 2003

SECTION 7. That during the period while the notes run there shall be levied upon all of the taxable property in the Village within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if the bonds had been issued without the prior issue of the notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected; provided, however, that to the extent the Village has appropriated other lawfully available moneys for such purpose, no tax need be levied. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the notes in anticipation when and as the same fall due.

SECTION 8. That this council, for and on behalf of the Village, hereby covenants that it will restrict the use of the proceeds of the notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Clerk-Treasurer or any other officer having responsibility with respect to the issuance of the notes is authorized and directed, as necessary by law, to give an appropriate certificate on behalf of the Village, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 103(b)(2) and 148 and regulations thereunder. These notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 9. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the county auditor.

SECTION 10. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the immediate issuance of the notes to provide for the orderly financing of the project to which the notes relate, and shall take effect immediately upon its adoption.

ADOPTED: September 8, 2003

ATTEST:

Robert P. Handra
Mayor Robert P. Handra

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 18th day and the 25th day of Sept 2003.

E. Pulliam
Clerk of Council
Batavia, Ohio

✓

Ordinance No. 1023-03

Passed December 1, 2003

AN ORDINANCE ENGAGING PECK, SHAFFER & WILLIAMS LLP
AS BOND COUNSEL FOR THE VILLAGE OF BATAVIA, OHIO

WHEREAS, from time to time the Village of Batavia, Ohio (the "Village") must issue its obligations in order to finance the costs of improving (as defined in Chapter 133 of the Revised Code); and

WHEREAS, in connection with such issuance, it is necessary to employ the services of a law firm to prepare the proceedings and the required associated documentation; and

NOW, THEREFORE, BE IT ORDAINED by Council of the Village of Batavia, County of Clermont, Ohio, three-fourths of the members elected thereto concurring:

SECTION 1. That the firm of Peck, Shaffer & Williams LLP ("PSW") is hereby engaged as the Village's "bond counsel".

SECTION 2. That the Mayor and the Clerk-Treasurer are hereby authorized and directed to execute and deliver the engagement letter of PSW in the form on file with the Clerk-Treasurer.

SECTION 3. This Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 4. That this ordinance shall become effective at the earliest date permitted by law and the Village's charter.

Adopted: December 1, 2003

ATTEST:

Robert P. Handra
Mayor Robert P. Handra

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk-Treasurer

CERTIFICATION OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was posted in five public places for two consecutive weeks.

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clk/Trs

Ordinance No. 1025-03Passed December 1, 2003

APPROPRIATION ORDINANCE

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2004.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2004, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	132,000
212 Personal Services/Benefits	62,500
220 Travel Transportation/School	2,000
230 Contractual Services	22,520
240 Supplies & Materials	16,000
250 Capitol Outlay	10,000

Street Lighting

230 Contractual Services	19,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	8,000
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Payment to County Health District

230 Contractual Service	7,000
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT

230 Bike Hike Trail	1,500
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Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	2,000
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Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	49,000
212 Mayor/Admin Benefits	21,850
240 Mayor/Admin Supplies & Materials	2,100
210 Council/Salaries	7,200
212 Council/Benefits	1,300
230 Council/Contractual Srv (incl solicitor)	18,000
211 Secretary/Salaries	14,000
212 Secretary/Benefits	7,000
210 Clerk/Trs Salaries	7,500
212 Clerk/Trs Benefits	1,100
230 Clerk/Trs Contractual Srv	1,000
240 Clerk/Trs Supplies & Materials	1,500
230 Land & Bldg/Contractual Serv	17,000
240 Land & Bldg/Supplies & Materials	2,000
270 Boards & Commissions/Auditors Fee	2,200
212 Other Genl Gvt/Benefits (workers comp)	7,000

Ordinance No. 1025-03Passed December 1, 2003

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$442,270

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 – TRANSPORTATION

210 Personal Services/Salaries/TOTAL \$96,000

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

212 Personal Services/Benefits \$42,000

240 Supplies & Materials 53,000

TOTAL STREET MTN & REPAIR II FUND \$95,000

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

230 Contractual Services 1,500

240 Supplies & Materials 5,000

TOTAL ST HIGHWAY FUND \$6,500

FIRE OPERATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FIRE FUND \$10,000

ENFORCEMENT & EDUCATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FUND \$0

MOTOR VEHICLE LICENSE FUND

Program 6 – TRANSPORTATION

230 Contractual \$15,000

250 Street Const & Repair/Capital Outlay \$22,000

TOTAL MVL FUND \$37,000

GRAND TOTAL SPECIAL REVENUE FUNDS \$244,500

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:

WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments/TOTAL \$32,000

Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:

CAPITAL IMPROVEMENT FUND

250 Capital Outlay (streets) \$225,000

STREET IMPROVEMENT FUND

250 Capital Outlay (streets) \$120,000

270 Other uses/salaries (VA bonus) 30,000

TOTAL STR IMPR FUND \$150,000

GRAND TOTAL CAPT PROJECTS FUNDS \$375,000

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 10255-03

Passed December 1, 2003

Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND

230 Office/Contractual	\$9,500
240 Office/ Supplies	3,000
230 Supply/Contractual Srv (bulk water purchase)	200,000
230 Filtration/Contractual Srv	10,000
211 Distribution/Personal Srv - Salaries	52,100
212 Distribution/Personal Srv - Benefits	18,480
240 Distribution/Supplies & Materials	<u>25,000</u>
TOTAL WATER FUND	\$318,080

SEWER FUND

240 Office/Supplies	3,000
211 Pumping/Personal Srv - Salaries	52,100
212 Pumping/Personal Srv - Benefits	18,480
230 Pumping/Contractual Srv	30,000
240 Pumping/Supplies & Materials	40,000
271 Other Uses/Transfers to Swr R&I per bond	7,000
272 Repay Advance to General Fund	35,000
273 Other Uses/Bond payment	<u>55,000</u>
TOTAL SEWER FUND	\$240,580

UTILITIES DEPOSITS FUND

Deposits Refunded	\$2,500
Deposits Applied to Account	<u>2,500</u>
TOTAL UTILITIES DEPOSITS FUND	\$5,000

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND	\$16,000
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WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND	\$78,000
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GRAND TOTAL ENTERPRISE FUND \$657,660

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:
No money appropriated

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

REHAB FUND

270 Transfer for Sewer Assmt (Clark/Glen/Ely)	\$20,687.27
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INCOME TAX FUND

211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	2,000
230 Tax Admin/Contractual Srv (insurance)	300
240 Tax Admin/Supplies	2,500
Taxes Refunded	20,000
Transfers	<u>562,200</u>
TOTAL INCOME TAX FUND	\$600,000

Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS
No money appropriated.

TOTAL ALL APPROPRIATIONS \$2,372,117.27

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

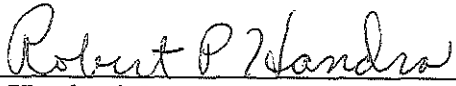
Form 6220

Ordinance No. 1025-03Passed December 1, 2003

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Section 12. This ordinance adopted as an emergency measure and shall take effect at the earliest period allowed by law.

Passed: December 1, 2003



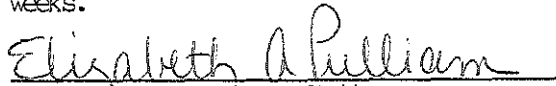
Robert Handra, Mayor



Elizabeth A. Pulliam, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was posted in five public places for two consecutive weeks.



Elizabeth A. Pulliam, Clk/Trs

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Ordinance No. 1026-03

Passed October 6, 2003

ORDINANCE NO. 1026-2003

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO PURCHASE MDC FOR THE BATAVIA POLICE DEPARTMENT AND DECLARING AN EMERGENCY

Whereas the Village of Batavia, plans to participate in the MDC (Mobile Data Console) program to provide computerized data retrieval by Batavia Police Officers when on patrol, and

Whereas, the MDC program will provide greater police protection for the residents of the Village by providing detailed information to Village Police Officers when making traffic stops, and

The MDC program will provide protection to our police officers by providing instantaneous information regarding warrants and other information on individuals stopped by police, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, three fourths of its members concurring:

Section 1. That the Village Administrator is authorized to purchase two Mobile Data Computers for use in the Clermont County MDC program.

Section 2. This ordinance is declared to be an emergency measure as the MDC program will provide safety for police officers and the general public by providing real time crime and safety information all of which directly affects the health, safety and welfare of the residents of the Village of Batavia and for the reasons set forth in the preamble of this ordinance.

Adopted: October 6, 2003

Attest:

Robert P. Handra
Robert P. Handra, Mayor

Elizabeth A. Pulliam
Elizabeth A. Pulliam, Clerk/Trs

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 15th day and the 22nd day of Jan 2004

E. Pulliam
Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1027-03Passed October 6, 2003**ORDINANCE NO. 1027-2003****AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH BARRETT PAVING FOR INSTALLATION OF WATER LINES, WITHOUT BIDS, AND DECLARING AN EMERGENCY**

Whereas a portion of the village water line has been exposed during the Clark-Glen-Ely storm water project and it is necessary to replace the waterline immediately and

Whereas the time required to bid in accordance with the Ohio Revised Code will cause undue delay in the completion of the Clark-Glen-Ely storm water and sewer project, and

Whereas the village has obtained preliminary bids for the replacement of the water line which the administrator believes is reasonable as Barrett Paving has equipment on site to perform the installation, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. Pursuant to Ohio Revised Code Section 735.051 the Village Administrator is hereby authorized to contract for the replacement and installation of the water line in the Clark-Glen-Ely project area, without bids.

Section 2. This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble and the maintenance of waterlines within the directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: October 6, 2003

Robert P. Handra

Robert P. Handra, Mayor

Elizabeth A. Pulliam

Elizabeth A. Pulliam, Clerk/Trs

CERTIFICATION OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was posted in five places for two consecutive weeks.

Elizabeth A. Pulliam

Elizabeth A. Pulliam, Clk/Trs

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1024-03

Passed October 6, 2003

ORDINANCE 1024-03
AMENDMENT TO 2003 APPROPRIATION ORDINANCE

WHEREAS, the Council has borrowed \$285,000 pay the amount due by property owners involved in the Clark/Glen/Ely Sewer Main Installation project and monies can not be expended prior to an appropriation of the funds and

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2003 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1007 for 2003 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2003 be amended as follows:

GENERAL FUND - increase

A1-1A-250 Capt outlay-police department \$ 3,200 (computers for cruisers)

A1-1A-230 Cemetery-contractual services \$ 1,000

CAPITAL IMPROVEMENT

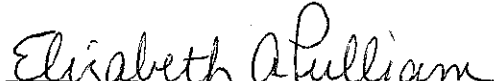
Capital Outlay \$285,000

This ordinance shall take effect at the earliest period allowed by law.

Passed: October 6, 2003



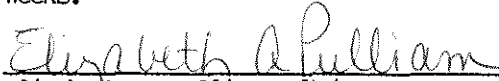
Mayor Robert P. Handra



Elizabeth A. Pulliam Clerk/Treasurer

CERTIFICATION OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was posted in five public places for two consecutive weeks.



Elizabeth A. Pulliam, Clk/Trs

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Ordinance No. 1028-04

Passed April 5, 2004

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 1028-04

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS
FOR THE PURPOSE OF CONSTRUCTING CERTAIN
IMPROVEMENTS IN THE VILLAGE AND DECLARING
AN EMERGENCY.**

WHEREAS, this Council by Resolution No. 122-03 adopted on May 5, 2003 has declared the necessity of constructing the improvements described in such Ordinance and has adopted the estimated assessments with respect to such improvements prepared and filed with the Clerk of Council; and

WHEREAS, the Village of Batavia has completed the construction of the identified in such Ordinance (hereinafter called the "Improvements");

NOW, THEREFORE, the Village of Batavia (herein the "Village"), County of Clermont, Ohio hereby ordains:

SECTION 1. That the list of revised assessments of the cost and expense of the Improvements amounting in the aggregate to **\$358,961.35**, as previously reported to this Council and now on file in the office of the Clerk of this Council, be and the same is hereby adopted and confirmed and that there be and are hereby levied and assessed upon the lots and lands bounding and abutting upon the Improvements the several amounts reported on such list.

SECTION 2. That this Council hereby finds and determines that the revised assessments, as now on file in the office of said Clerk, are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described Improvements is to the estimated cost of the Improvements as originally filed.

SECTION 3. That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the first publication of the notice of this Ordinance. All cash payments shall be made at the office of the Village Clerk-Treasurer. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed by him or her on the tax duplicate and collected in forty (40) semi-annual installments with interest thereon at the same rate as shall be borne by the notes or bonds issued in anticipation of the collection of said assessments, as other taxes are collected.

SECTION 4. That the Clerk of Council shall cause a notice of the adoption of this Ordinance to be published once in a newspaper of general circulation in this Village and to continue on file in his or her office said revised assessments.

SECTION 5. The Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within twenty (20) days after its adoption.

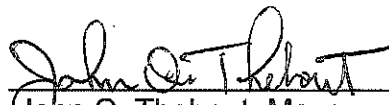
SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public,

Ordinance No. 1028-04Passed April 5, 2004

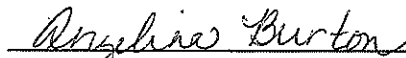
in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of this Village, and for the further reason that the immediate adoption of said Ordinance is necessary for the orderly financing of the project to which it relates; therefore, this Ordinance shall be in full force and effect from and immediately after its adoption.

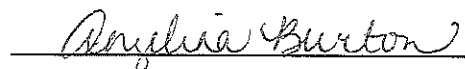
ADOPTED April 5, 2004.


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk of Council

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 04/15/04 and the _____.


Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

53

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1028-04

Passed APRIL 5, 2004

Table of Assessments - Clark Glen Ely Sanitary Sewer Project - Revision 4 - 040405

		Costs \$358,961.35	Frontage 3054.5	Cost/ln ft. \$ 117.52
Name	Address	Parcel No	Frontage	Cost
McNew, R	240 Glen	060213A028	120	\$ 14,102.26
Owens, R	254 Glen	060213A032	40	\$ 4,700.75
Owens, R	254 Glen	060213A031	40	\$ 4,700.75
Evans, L	Glen	060213A033A	40	\$ 4,700.75
Evans, L	Glen	060213A034A	40	\$ 4,700.75
Evans, L	433 Ely	060231A035A	40	\$ 4,700.75
Evans, L	433 Ely	060231A036A	103	\$ 12,104.44
Smith, C	403 Ely	060213A036B	80	\$ 9,401.51
Cincinnati Bell	430 Ely	060213A037A	165	\$ 19,390.61
Cincinnati Bell	430 Ely	060213A037B	123	\$ 14,454.82
Cincinnati Bell	Ely	060213A038B	80	\$ 9,401.51
Cincinnati Bell	Ely	060213A039B	20	\$ 2,350.38
Cincinnati Bell	Ely	060213A039C	20	\$ 2,350.38
Cincinnati Bell	430 Ely	060213A040	40	\$ 4,700.75
Cincinnati Bell	430 Ely	060213A041	40	\$ 4,700.75
Murphy, R	500 Ely	060213A084B	40	\$ 4,700.75
Murphy, R	Glen	060213A042	40	\$ 4,700.75
Murphy, R	Glen	060213A043A	20	\$ 2,350.38
Justice, T	313 Glen	060213A044	40	\$ 4,700.75
Justice, T	313 Glen	060213A045	40	\$ 4,700.75
Justice, T	313 Glen	060213A046	120	\$ 14,102.26
Justice, T	313 Glen	060213A043B	20	\$ 2,350.38
Moermond, E	297 Glen	060213A047A	105	\$ 12,339.48
Moermond, E	297 Glen	060213A048A	40	\$ 4,700.75
Moermond, E	297 Glen	060213A049A	40	\$ 4,700.75
Crooks, L	365 Glen	060213A112B	40	\$ 4,700.75
Smith, G	370 Glen	060213A113A	40	\$ 4,700.75
Murphy, R	375 Glen	060213A113B	40	\$ 4,700.75
Cincinnati Bell	303 Clark	060213B026	45	\$ 5,288.35
Cincinnati Bell	303 Clark	060213B027	45	\$ 5,288.35
Cincinnati Bell	303 Clark	060213B028	113	\$ 13,279.63
Goldberry, R	265 Clark	060213B030	22.5	\$ 2,644.17
Goldberry, R	265 Clark	060213B031	45	\$ 5,288.35
Goldberry, R	265 Clark	060213B032	45	\$ 5,288.35
Haglage, W	255 Clark	060213B033	45	\$ 5,288.35
Prickett, J	245 Clark	060213B034	45	\$ 5,288.35
Prickett, J	245 Clark	060213B035	45	\$ 5,288.35
Prickett, I	245 Clark	060213B036	45	\$ 5,288.35
Prickett, I	245 Clark	060213B037	45	\$ 5,288.35
Prickett, I	345 Clark	060213B038	45	\$ 5,288.35
Thoroughman, O	225 Clark	060213B039	45	\$ 5,288.35
Faulk, R	215 Clark	060213B040	45	\$ 5,288.35
Murphy, R.M.	205 Clark	060213B041	45	\$ 5,288.35
Carter, E	190 Clark	060213B050	75	\$ 8,813.91
Good, M	176 Clark	060213B051	75	\$ 8,813.91
Village of Batavia	Intersections/other		568	\$ 66,750.71
			Total Cost	\$358,961.35

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1023-04Passed APRIL 5, 2004

Total Assessement Per Owner

Name	Assessment	% of Project
Carter, E	\$ 8,813.91	2.46%
Cincinnati Bell	\$ 81,205.53	22.62%
Crooks, L	\$ 4,700.75	1.31%
Evans, L	\$ 26,206.71	7.30%
Faulk, R	\$ 5,288.35	1.47%
Goldberry, R	\$ 13,220.87	3.68%
Good, M	8,813.91	2.46%
Haglase, W	\$ 5,288.35	1.47%
Justice, T	\$ 25,854.15	7.20%
McNew, R	\$ 14,102.26	3.93%
Moermond, E	\$ 21,740.99	6.06%
Murphy, R	\$ 16,452.64	4.58%
Murphy, R. M.	\$ 5,288.35	1.47%
Owens, R	\$ 9,401.51	2.62%
Prickett, I	\$ 15,865.05	4.42%
Prickett, J	\$ 10,576.70	2.95%
Smith, C	\$ 9,401.51	2.62%
Smith, G	\$ 4,700.75	1.31%
Thoroughman, O	\$ 5,288.35	1.47%
Village of Batavia	\$ 66,750.71	18.60%

✓

Ordinance No. 1029-04

Passed February 2, 2004

AN ORDINANCE SETTING THE SALARY OF THE CHIEF OF POLICE

WHEREAS, the Village has employed Mike Gardner as the Chief of Police and it is necessary to set a salary for said position, now therefore

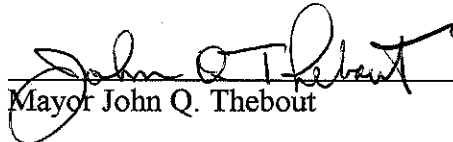
BE IT ORDAINED by the Council of the Village of Batavia, Ohio at least three-fourths of its members concurring

SECTION 1. That the Chief of Police shall be given a pay rate to \$17.00/hour, payable bi-weekly, effective January 4, 2004

SECTION 2. Ordinance 1018-03 is hereby amended.

Adopted: February 2, 2004

ATTEST:



Mayor John Q. Thebout



Elizabeth A. Pulliam, Clerk-Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 26th day and the 3rd day of Feb/March 2004



Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1030-04Passed February 2, 2004

AN ORDINANCE AMENDING CONTRACT
WITH ROBERT STEWART AS VILLAGE ADMINISTRATOR

WHEREAS, the Village has contracted Robert Stewart as the Village Administrator and it is necessary to pay a salary for said position, and

WHEREAS, The Finance Committee and Mayor recommend a pay increase be given, therefore,

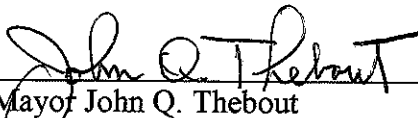
BE IT ORDAINED by the Council of the Village of Batavia, Ohio at least three-fourths of its members concurring

SECTION 1. That Robert Stewart shall be given a pay rate to \$45,900/year, payable bi-weekly, effective January 4, 2004

SECTION 2. Ordinance 1006-03 is hereby amended.

Adopted: February 2, 2004

ATTEST:




Mayor John Q. Thebout



Elizabeth A. Pulliam, Clerk-Treasurer

CERTIFICATE OF PUBLICATION

I, Elizabeth A. Pulliam, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 26th day and the 3rd day of Feb/March 2004



Clerk of Council
Batavia, Ohio

Ordinance No. 1031-04Passed May 3, 2004

ORDINANCE NO. 1031-04 AN ORDINANCE REGULATING
PEDDLERS AND SOLICITORS WITHIN THE VILLAGE OF
BATAVIA

WHEREAS, peddlers and solicitors may be disruptive to the peace and privacy of residents and have in some instances become a nuisance to the citizens of the Village of Batavia, Ohio, and

WHEREAS, action is required to preserve the health, peace and welfare of the citizens of Batavia,

NOW, THEREFORE, BE IT ORDAINED by the council of the Village of Batavia, Ohio, a majority of its members concurring,

SECTION 1: The practice of going in and upon private residences in the Village of Batavia, Ohio, by solicitors, peddlers, itinerant merchants or transient venders of merchandise not having been requested or invited to do so by the owner or occupant of said private residence for the purpose of soliciting orders for the sale of goods, wares, services and merchandise and for disposing of and/or peddling the same is declared to be a nuisance.

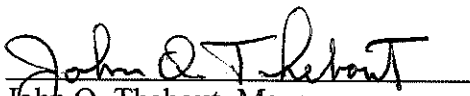
SECTION 2: Whoever violates this ordinance shall be guilty of a minor misdemeanor for a first offense. A subsequent violation of this ordinance within one year shall be a misdemeanor of the fourth degree punishable by a fine of not more than \$250.00 and incarceration for not more than 30 days or both.

SECTION 3: Each person or residence solicited shall constitute a separate offense or violation.

SECTION 4: This ordinance is intended to regulate only commercial practices and the solicitation of funds within the Village for the activities set forth in Section 1: above. Solicitation for purposes other than for the sale of merchandise or taking of orders for merchandise is not regulated by this ordinance.


Adopted May 3, 2004

ATTEST:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 20th May '04 and the _____.


Clerk of Council
Batavia, Ohio

Ordinance No. 1032-04Passed March 15, 2004**ORDINANCE 1032 - 04****AN ORDINANCE AMENDING THE ZONING MAP**

WHEREAS, a petition has been filed requesting a change of zoning for parcel # 060218.003 abutting West Main Street from B-1 Neighborhood Business to B-2 General business, and

WHEREAS, public hearings were held before the Planning commission on February 3rd, 2004 and before Village Council on March 15th, 2004, and

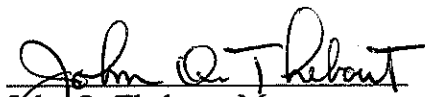
WHEREAS, the Planning Commission has found that the new use would be consistent with the use of adjacent and abutting properties and has unanimously recommended the change be enacted:

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio that:

SECTION ONE – The designation of the parcel of land recorded as # 060218.1003 on the Clermont County Auditor's tax roll, be changed from B-1 Neighborhood Business to B-2 General business.

SECTION TWO – That the Village of Batavia zoning map shall be changed to reflect the designation of this land.

Adopted: March 15, 2004


John Q. Thebout, Mayor


Elizabeth Pulliam, Clerk Treasurer

Ordinance No. 1033-04

Passed APRIL 5, 2004

ORDINANCE 1033-04

AMENDMENT TO 2004 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2004 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1025-04 for 2004 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2004 be amended as follows:

GENERAL FUND – increase

^{ab}
A1-7D-230 Clk/Trs Contractual \$ 10,000
A1-7E-230 Land/Bldg Contractual \$ 2,320

CAPITAL IMPROVEMENT – increase

Capital Outlay \$ 50,000

WATER FUND – increase

E1-5X-270 Debt OPWC \$ 5,000

This ordinance shall take effect from and after the earliest period allowed by law.

Adopted April 5, 2004

ATTEST:

John Q. Thebout
Mayor John Q. Thebout

Angelina Burton
Angelina Burton, Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 04/15/04 and the _____.

Angelina Burton
Clerk of Council
Batavia, Ohio

Ordinance No. 1034-04

Passed July 12, 2004

ORDINANCE 1034-04

**AN ORDINANCE AMENDING THE ZONING CODE CONTROLLING
THE ERECTION, USE AND MAINTENANCE OF SIGNS AND
REPEALING SECTIONS OF THE CODE OF ORDINANCES IN
CONFLICT**

WHEREAS there is a need to protect the general health, safety and welfare of the community by providing an instrument for the protection of the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information and identification, and

WHEREAS the Planning Commission has reviewed the current zoning code of the village and found it to be outdated and deficient in meeting this need, and

WHEREAS the Commission has researched the matter thoroughly and in consultation with representatives of industry, commerce, culture, real estate, and other interested parties in open meetings before the general public and, as a result, has recommended changes be adopted;

THEREFORE, BE IT ORDAINED by the council of the Village of Batavia, Clermont County, Ohio, that:

Article One: The Code of Ordinances of the village be amended as follows:

§ 153.030 PURPOSES.

The general purpose of this subchapter is to protect the general health, safety and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information and identification. It is the intent of this subchapter to provide businesses in the municipality with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, to provide the public with a safe and effective means of locating businesses, services and points of interest within the municipality, and to provide for a safe vehicular and pedestrian traffic environment. This subchapter is based on the premise that signs are as much subject to control as noise, odors, debris and other similar characteristics of land use, that if not regulated can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties within the community. It is also the intent of this subchapter to guarantee equal treatment under the laws through accurate record keeping and consistent enforcement.

More specifically, sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance thereof, are established in order to achieve, among others, the following purposes:

(A) To maintain high value residential districts and promote attractive public facilities, by permitting only nameplate, bulletin boards and signs related to the development rental or sale of properties in such districts.

(B) To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business and industrial districts by relating the size, type and design of signs to the type and size of establishments.

(C) To eliminate any conflict between advertising signs and traffic-control signs which would be hazardous to the safety of the motoring public or the pedestrian.

(D) To promote the most desirable developments and economic activity in accordance with the general plan of land use in the village.

§ 153.031 COMPLIANCE REQUIRED.

Ordinance No. 1034-04Passed July 12, 2004

(A) Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location and other provisions set forth in this chapter.

(B) The display of official public notices, public seasonal decorations and the flag, emblem or insignia of an official government body shall not be governed by the provisions of these regulations.

(C) Signs announcing local fairs, carnivals, festivals and socials or similar activities may be authorized by the Mayor or the Village Administrator, provided they are removed within 24 hours after the expiration of such event, and are not otherwise governed by the provisions of this chapter.

§ 153.032 DEFINITIONS AND STRUCTURAL CLASSIFICATIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *ABANDONED SIGN*. A sign associated with an abandoned use which no longer correctly directs any activity conducted or product available on the premises, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and or kept in good repair.
- (2) *ANIMATED SIGN*. Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation, or that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.
- (3) *ATM (AUTOMATED TELLER MACHINE)*. An electronically operated device used to conduct financial transactions on site, by means of direct computerized access. Such devices may be accessible by automobile and/or pedestrians.
- (4) *AWNING*. A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.
- (5) *AWNING SIGN*. A permanent sign that is mounted or painted on or attached to a seasonal or permanent awning structure.
- (6) *BANNER*. A non-rigid cloth, plastic, paper, or canvas sign typically related to a special event or promotion, that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private nonprofit, or religious organization.
- (7) *BENCH SIGN*. Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.
- (8) *BILLBOARD*. An off-premise sign directing attention to a specific business, product, service, entertainment or other activity sold, offered, or conducted off-site.
- (9) *BUILDING FRONTAGE*. The maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right-of-way.
- (10) *BULLETIN BOARD*. See *CHANGEABLE COPY SIGN*
- (11) *BUS SHELTER SIGN*. Any sign painted on or affixed to any bus shelter.
- (12) *CANOPY*. A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.
- (13) *CANOPY SIGN*. Any permanent sign attached to or constructed in or on a canopy.

Ordinance No. 1034-04

Passed July 12, 2004

- (14) *CHANGEABLE COPY SIGN* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.
- (15) *CHANNEL LETTERS*. The outline of a letter, border, or similar object with a vertical side wall to confine the lighting on the face either to restrict vision at an angle or to prevent light spillage over adjacent areas.
- (16) *CODE*. This subchapter, sometimes referred to as the sign code.
- (17) *COMMUNITY ACTIVITY*. An activity that is open to the general public and sponsored by a public, private nonprofit or religious organization that is educational, cultural, or recreational in function. Charitable events sponsored by for-profit organizations are also considered community activities. Examples of a community activity are a school play or a church fair.
- (18) *DEVELOPMENT SIGN*. A temporary sign indicating such things as the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the development, structure, or project. This includes both private and public projects.
- (19) *DIRECTIONAL SIGN*. A temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.
- (20) *EARTHEN MOUND*. A mound or berm formed as a result of man made grading and/or excavation.
- (21) *ELECTRONIC COPY SIGN*. A permanent sign where different copy changes are shown on the same lamp bank.
- (22) *ELECTRONIC SCOREBOARD*. An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on the sports field.
- (23) *ENTRY FEATURE SIGN*. An on-premises ground-mounted sign that graphically identifies a residential subdivision and/or multifamily development. For commercial properties, see *JOINT IDENTIFICATION SIGN*.
- (24) *ESTABLISHED GRADE LINE*. The average finished grade for that area of the site where the sign is to be located, provided however that the height of the sign shall not be artificially increased by the use of mounding. All references to sign height are from the established grade line unless otherwise noted.
- (25) *EXEMPT SIGN*. Signs exempted from normal permit requirements.
- (26) *EXTENSION* A wall or other structure which is connected to and extended from a building.
- (27) *FLAG*. Any fabric or bunting containing the officially recognized and adopted colors, patterns, or symbols used as the official symbol of a government, political, or corporate entity.
- (28) *FLASHING SIGN*. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
- (29) *FOR SALE/FOR LEASE SIGN* A sign indicating the sale, rental, or lease of a structure or property.
- (30) *FREE-STANDING SIGN*. See *GROUND SIGN*.
- (31) *GAS-INFLATABLE SIGN/DEVICE*. Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or

Ordinance No. 1034-04

Passed July 12, 2004

event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

- (32) *GOVERNMENTAL SIGN.* A sign erected and maintained pursuant to and in discharge of any government functions or required by law, ordinance, or other governmental regulations.
- (33) *GROUND SIGN.* Any permanent or temporary sign six feet in height or less placed upon the ground or attached to a supporting structure not attached to any building.
- (34) *HEIGHT OF SIGN.* The vertical distance to top of sign structure measured from the adjacent street grade or upper surface of the nearest street curb excluding any elevated roadway. In cases where the site is elevated above an adjacent roadway on natural topography, sign height shall be determined from the lowest ground elevation point where sign is mounted, to top of sign structure. If sign is located on man made earthen mound, mounding shall be considered part of sign height. Any visible material whose major function is providing structural support for the sign shall be considered part of the overall sign height.
- (35) *HOSPITAL* Any medical facility that is capable of retaining patients overnight.
- (36) *ILLUMINATED SIGN* A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- (37) *ILLEGAL SIGN.* Any sign which is contrary to the requirements of this code and which does not satisfy the nonconforming specifications stated in this code.
- (38) *INDIVIDUAL ESTABLISHMENT* A separate and distinct operation.
- (39) *INFORMATION SIGN.* A sign displaying necessary information for the convenience and safety of residents and visitors, and containing no advertising.
- (40) *JOINT IDENTIFICATION SIGN* A sign that identifies the name, through type, graphics, or other symbols, of a shopping center, office park, industrial park, or other building complex containing three or other uses on the same lot, allowed in addition to the permitted signs of the individual occupants.
- (41) *LOGO.* See *PRIMARY IMAGES* and *SECONDARY IMAGES*.
- (42) *MARQUEE.* Any permanent structure which projects from a wall of a building over a walkway or entrance way to a shopping center and plaza generally ten feet or more above a walkway.
- (43) *MARQUEE SIGN* Any permanent sign attached to or constructed in or on a marquee.
- (44) *MONUMENT SIGN.* A ground sign attached to a wall or a base constructed specifically for the display of the sign. A common example is a permanent subdivision sign.
- (45) *NONCONFORMING SIGN.* Any sign lawfully existing on the effective date of an ordinance, which does not conform to all the standards and regulations of the current ordinance.
- (46) *NEON SIGN.* A sign formed from neon lamps containing neon gas or other florescent material, or forming a pattern or decorative border or design as on a marquee, archway, awning or building facade.
- (47) *OPEN HOUSE.* A temporary public showing of a structure available for sale, rental, or lease.
- (48) *PANEL SIGN.* See *WALL SIGN*
- (49) *PENNANT* A flag or banner longer in the fly than in the hoist, usually tapering to a point.

Ordinance No. 1034-04

Passed July 12, 2004

- (50) *PARCEL* A distinct portion or tract of land as is recorded and distinguished in the Clermont County Auditor's Property Tax records.
- (51) *PERMANENT SIGN* Any permitted or legal nonconforming sign intended to remain in place until a change of occupancy occurs. A permanent sign must be securely attached or installed upon a building, structure, or the ground.
- (52) *POLE SIGN*. Any permanent or temporary sign placed upon a pole and not attached to any building.
- (53) *POLITICAL SIGN* A sign concerning candidates for elective office, public issues and similar matters to be decided by the public at an election.
- (54) *PORTABLE SIGN* Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.
- (55) *PREMISE*. A building together with its ground or other appurtenances.
- (56) *PRIMARY IMAGE*. The name of the use or business identified on a sign. The primary image must be displayed in text.
- (57) *PRODUCT SIGN*. A sign typically located in a window, advertising a product or service offered by a business.
- (58) *PROJECTED IMAGE* An image projected onto a building, structure, or sign.
- (59) *PROJECTING SIGNS*. A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.
- (60) *PROMOTIONAL SIGNS*. A temporary sign that provides information regarding time, place, and the like of a special event, community activity or similar activity.
- (61) *PYLON SIGN* A permanent sign that is mounted on a free-standing pole or other support in which the sign exceeds six feet in height.
- (62) *RACEWAY*. An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.
- (63) *RE-FACING*. Any alteration to the face of a sign involving the replacement of materials or parts. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.
- (64) *ROOF LINE*. The uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of a sloped roof structure.
- (65) *ROOF SIGNS*. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the eave line of a building.
- (66) *SANDWICH BOARD SIGN* A sign with two hinged boards which can be placed on the ground.
- (67) *SECONDARY IMAGE*. Any and all text, graphics, or images displayed on a sign in addition to the name of the use or business, including but not limited to pictorial representations, tag lines, products and phone numbers.
- (68) *SECTION*. In the text, the term *SECTION* refers to the Arabic numeral under which it appears in this subchapter.
- (69) *SETBACK*. The distance from the property line and/or right-of-way line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line and/or right-of-way line.

Ordinance No. 1034-04Passed July 12, 2004

- (70) **SIGN.** A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity.
- (71) **SIGN AREA.** The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure. The area of individual elements of a sign placed against a non-localized background (such as letters placed against an awning, canopy, wall or window) shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.
- (72) **SIGN CODE.** This subchapter, sometimes referred to as the sign code or the code.
- (73) **SIGN FACE.** The surface intended for the display of information on the sign.
- (74) **SIGN STRUCTURE.** The supporting unit of a sign face, including but not limited to frames, braces and poles.
- (75) **SPECIAL EVENT.** A special event or activity that is open to the general public and supported by the Village. A special event is educational, cultural or recreational in function.
- (76) **STREAMER.** A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.
- (77) **SUBCHAPTER.** Refers to 153.030 through 153.055 in its entirety.
- (78) **TACK BOARD.** A board for posting bulletins, posters or notices of a temporary or time sensitive nature through the use of tacks, pins, magnets, staples or other temporary fasteners.
- (79) **TEMPORARY SIGN.** A sign permitted by this sign code to be located on a premises for a limited period of time. Section 153.041
- (80) **TRAILBLAZER SIGN.** A government sign identifying company logos for lodging, gasoline stations, Restaurants and other such establishments.
- (81) **TRAILER SIGN.** Any sign which is attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle whether or not such wheels, skids or devices have been removed.
- (82) **TREE LAWN.** That portion of a public right-of-way lying between the back face of the curb and the leading edge of the sidewalk.
- (83) **UNDER MARQUEE SIGN.** Any sign attached to the underside of a marquee.
- (84) **WALL SIGN.** Any sign attached to or erected against, or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the plane of the building or structure and extending less than 14 inches from the building or structure. Wall signs are also known as Panel Signs.
- (85) **WINDOW SIGN.** Any signs, posters, symbols and other types of identification or information about the use or premises directly attached to the window of a building or

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erected on the inside or attached to the interior or exterior of a window of the building and visible from any public right-of-way or adjacent property.

§ 153.033 GENERAL REQUIREMENTS FOR TEMPORARY AND PERMANENT SIGNS.

(A) Size. Sign area shall include the face of the entire display area not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest single rectangle which encompasses all the letters and symbols.

(B) Design

- (1) Signs shall not resemble the color, shape, design or other characteristics of any common traffic control device, directional or warning signs directed or maintained by the state, city, or any railroad, public utility, or similar agency concerned with the protection of the public health and safety.
- (2) Signs shall display as the primary image only the name of the business in text. Any additional text, graphic, or image displayed on the sign face will be considered a secondary image and shall not exceed 20% of the maximum permitted area of the sign face.
- (3) Any multi-faced sign shall consistently display the same name, message and graphics on all faces except bulletin boards.
- (4) Reverse sides of signs shall be unobtrusive and blend with the surroundings.
- (5) Reverse sides of all permanent signs and structural supports must be completely enclosed.

(C) *Landscaping.* The base of all permanent ground signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area shall extend at least three feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts. The landscaped area shall include all points where sign structural supports attach to the ground.

(D) Lighting.

(1) Signs shall be illuminated only by the following means:

- (a) By a white, steady, stationary light of reasonable intensity, directed solely at the sign and/or otherwise prevented from beaming directly onto adjacent properties or rights-of-way. Light fixtures shall be screened from view by site grading or evergreen shrubs.
- (b) By white interior light of reasonable intensity with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.

(2) The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed.

(E) *Construction.* All signs must be constructed to meet all current building code regulations of the municipality. All signs and related surroundings shall be properly maintained and shall not show signs of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials. The structural integrity of all sign foundations must be maintained.

§ 153.034 MEASUREMENT STANDARDS.

(A) Signs are regulated in this chapter by relating the gross area of signs to the building or use of a lot, or to the size of the building unit to which the sign is accessory.

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(B) The "gross area of signs" for a building or use shall include all the surfaces visible from a public way and shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper.

(C) The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the entire group.

(D) Whenever the gross area of the signs are related to the size of the building or lot the following shall apply. The "frontage of a building" shall be the width of the facade of the building, store, service or office unit which faces the principal street. The "frontage of a lot" not occupied by a building shall be the number of lineal feet the lot abuts on the principal street.

(E) For a corner building and lot, 50% of the building or lot depth facing the side street shall be included in the frontage width factor.

§ 153.035 DESIGN STANDARDS.

Signs permitted herein shall be designed, constructed and installed in accordance with the standards set forth below, and also shall comply with all applicable building code provisions.

(A) Wall or panel signs shall not project more than 18 inches from the building wall to which it is attached and shall be set back from the end of the building and party wall lines for a distance of at least three feet, and shall not project above the coping or eaves of the building on which it is placed.

(B) Projecting signs may be attached to the wall of the building and project at an angle of approximately 90 degrees for a distance of not more than seven feet from a party wall or property line and the lowest member of a projecting sign shall be at least ten feet above a public sidewalk and 15 feet above a driveway. All projecting signs shall be rigidly fastened to allow no movement. No projecting sign shall encroach on that portion of the public right-of-way used for vehicular traffic.

(C) Canopies or marquees constructed primarily for the purpose of displaying a sign shall be constructed so that the lowest member of the canopy or marquee is not less than eight feet above the sidewalk, and no portion of the canopy or marquee can be closer than five feet from the party wall or side property line. In addition the canopy or marquee shall comply with all applicable building code provisions.

(D) Pole signs shall not exceed 20 feet in height, shall not be located closer than 30 feet to an adjoining lot, and shall not exceed 100 square feet of gross area. The lowest member shall not be lower than 15 feet, and the base supports shall not be closer than ten feet to the public right-of-way.

(E) Ground signs shall not exceed six feet in height, shall not be located closer than 30 feet to an adjoining lot, and shall not exceed 50 square feet of gross area. The base supports shall not be closer than ten feet to the public right-of-way.

(F) Signs of every type shall be erected so that they do not interfere with pedestrian or vehicular traffic. No sign shall overhang the curb line of any street. All signs shall be positioned so that a clear line of sight exists along all public ways and so that traffic-control lights, street name signs at intersections and other traffic control devices are visible. The content, coloring or manner of illumination shall not resemble highway or traffic control signs.

(G) If the earthen mound is mandated by the village for the purpose of screening or landscaping and meets or exceeds the district height requirement, a sign may be erected on top of such earthen mound with height of sign not to exceed two feet.

(H) No signs shall be comprised of flashing or moving illumination. All signs shall be completely stationary with no moving parts. Streamers, spinners and other such devices for attracting attention to a business or industry are prohibited.

§ 153.036 ILLUMINATION.

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(A) In residential and service districts only bulletin boards may be illuminated, and in business and industrial districts all signs may be illuminated.

(B) Any permitted illuminated sign shall be internally illuminated or by reflected light of constant intensity, and no sign shall be illuminated by external neon light or contain flashing, intermittent, rotating or moving light or lights.

(C) Light sources to illuminate signs shall not be of such brightness, or directed in such a manner, to cause glare hazardous to pedestrian or automobile drivers or so as to cause reasonable objection from adjacent residential districts.

§ 153.037 SIGNS IN RESIDENTIAL AND NEIGHBORHOOD SERVICE DISTRICTS.

The types of signs permitted as to use, structure, size and number of each dwelling, unit or lot shall be regulated as follows:

(A) One nameplate not to exceed two square feet in area indicating an occupant's name, house number and permitted home occupation, or the name of the apartment, club, lodge or organization located therein.

(B) One temporary real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, not to exceed seven square feet nor more than three feet in height.

(C) One temporary sign placed upon the building or premises under construction to designate the contractor, architect, owner and/or proposed use, not to exceed 50 square feet.

(D) One bulletin board or changeable copy sign may be located on the premises of a public, charitable or religious institution not to exceed 20 square feet.

(E) Directional, warning and informational signs not to exceed two square feet.

(F) Structural types permitted shall be limited to wall, panel and ground signs.

(G) One additional sign shall be permitted in the Neighborhood Service District. No such sign shall be internally or externally illuminated; no such sign shall exceed 12 square feet of display per side, no sign shall display more than two sides, yard signs will not exceed a height of four feet and shall be anchored with posts set in concrete below ground level. No temporary banners, streamers or other signs of a temporary nature are permitted, except as described in section (B) and (C) above.

§ 153.038 SIGNS IN B-1 AND B-2 BUSINESS AND I INDUSTRIAL DISTRICTS.

The types of signs permitted as to use, structure, size and number for each building, unit or lot shall be regulated as follows:

(A) The maximum gross area of all permanent signs permitted for each separate use occupying a building, unit of a building or lot not occupied by a building shall be related to the width of the building, unit thereof or lot not occupied by a building, within limitations set for specific types of signs. The maximum gross area of signs shall not exceed two square feet multiplied by the frontage of the building, unit thereof or lot not occupied by a building.

(B) Signs shall direct attention to the business or industry of the establishment, goods sold, goods manufactured or services rendered on the premises.

(C) Professional nameplates and identification signs.

(D) One temporary real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, not to exceed ten square feet.

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(E) One temporary sign placed upon the building or premises under construction to designate the contractor, architect, owner and/or proposed use, not to exceed 50 square feet.

(F) One bulletin board or announcement sign may be located on the premises of a public, charitable or religious institution, not to exceed 20 square feet.

(G) Structural types permitted in business and industrial districts shall be limited to wall or panel, tack board, projecting, canopy, pole, ground and window signs.

(H) A single wall sign shall not exceed 100 square feet.

(I) Projecting signs shall be limited to not more than one for each establishment or store unit and shall not exceed 24 square feet in total area for each face visible from any location on a public way.

(J) Pole signs are limited to not more than one for each independent store unit and group of stores developed as a unit.

(K) Directional, warning and informational signs not exceeding two square feet for each such sign.

(L) Political signs as regulated in § 153.044 (G).

§ 153.039 SIGNS IN FLOOD PLAIN DISTRICT.

The following signs shall be permitted in the F Flood Plain District.

(A) Signs as are permitted in the residential districts.

(B) Warning signs such as no hunting, no trespassing, no dumping, keep off grass or signs of similar nature.

(C) Sign announcing wildlife preserve.

(D) Fire prevention signs.

§ 153.040 PERMANENT SIGNS.

All permanent signs shall also comply with the following requirements and with the height, area and setback requirements of § 153.035.

(A) *Wall Signs.* Wall signs are permitted for any business or use not identified by a ground sign.

(1) *Placement.*

(a) Wall signs shall not protrude more than 14 inches from the wall or face of the building to which it is attached, whether or not a raceway is used.

(b) Signs may be attached to a building wall or architecturally integrated extension which faces a street, parking lot or service drive, or may be attached to a canopy which projects beyond the building, provided that no part of the sign may extend above the roof or canopy.

(2) *Height.* Refer to § 153.035 for height limitations according to use. The height of a wall sign is measured from the established grade line to the top of the sign. In no case shall the sign extend above the roof line of the building.

(a) Signs may be attached to a building facade which faces a street, parking lot or service drive. It may be attached to a canopy which projects beyond the building, provided that no part of the sign extends above the roof or canopy.

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- (3) *Size.* The maximum allowable size for any wall sign shall be one square foot for every lineal foot of width of the building face to which the sign is attached, but shall not exceed the maximum size allowed for the use by § 153.035.
- (4) *Number.* Wall signs shall be limited in number to one per building or use. For buildings or uses on corner lots having at least 100 feet of lot frontage on each of two public rights-of-way, a second wall sign is permitted facing the second right-of-way. Each sign is limited to one square foot in area for every lineal foot of width of the building face to which the sign is attached, not exceeding the installed maximum size allowed for the use by § 153.035. The distance between the signs shall not be less than two-thirds the length of the longest elevation to which the sign is attached. The distance will be measured by two straight lines along the elevations of the building, from edge of sign to edge of sign. In no case shall two wall signs be closer than 30 feet apart. The provision for a second sign does not apply to individual tenants in a multi-tenant building.
- (B) *Ground Signs.* A ground sign or pole sign is permitted only when all of the following conditions are fulfilled:
- (1) *Placement.*
- (a) The sign is located on the property to which it refers;
 - (b) The use is free-standing on its individual lot, and the lot is accessible by automobile and has off-street parking;
 - (c) The use has no wall sign visible from the public right-of-way or adjacent property; and
 - (d) Such signs shall not be located in such a way that they interfere with the safe movement of vehicular and pedestrian traffic.
- (2) *Size.* The maximum allowable size for any ground or pole sign shall be in accordance with § 153.035.
- (3) *Height.* Refer to § 153.035 for height limitation according to use. The height shall be measured from the established grade line to the highest point of the sign or its frame/support. The height may not be artificially increased by the use of mounding.
- (4) *Setback.* All ground or pole signs must be set back a minimum of ten feet from any public right-of-way unless such signs are specifically exempted of this requirement, refer to § 153.043.
- (5) *Number.* Ground or pole signs shall be limited in number to one per lot or multiple lots if devoted to one specific use or user. Buildings on corner lots having at least 100 feet of frontage on two public rights-of-way may be entitled to one pole sign or two ground signs, one facing each public right-of-way, if they meet the following criteria:
- (a) The total combined height of both signs shall not exceed 1 1/3 times the maximum permitted height of a single ground sign for that use.
 - (b) The total combined area of both signs shall not exceed 1 1/3 times the maximum permitted area of a single ground sign for that use.
 - (b) The two signs shall be no closer than two-thirds the length of the longest public right-of-way frontage. The distance shall be measured by drawing two straight lines, measured from the edge of each sign, forming a 90 degree angle.
- (6) Pole signs shall not be permitted on lots bounded on two or more sides by residential lots
- (C) *Window Signs.* Window signs shall be permitted for the use specified in § 153.038 in addition to any permitted wall sign or ground sign. The sum of the area of the window signs and the area of the wall or ground sign may not exceed the maximum allowable area for the wall or ground sign.
- (1) *Placement.* Window signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and has no first floor occupancy.
- (2) *Number.* Window signs shall be limited to one sign per window.

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(3) *Size.* The total area of all such window signs is not to exceed 10% of the total window area of the establishment or 10 square feet, whichever is less. The maximum allowable area on the second floor may not exceed that of the first floor.

§ 153.041 TEMPORARY SIGNS.

(A) *Development Signs.* These shall include signs indicating or promoting the development of land, facilities, or structures. Such signs must comply with the provisions of § 153.035 with the exception that development signs shall not be illuminated. Such signs must be of a rectangular shape. No more than one such sign shall be permitted per street frontage and such signs shall be installed on the property to which they refer. For sites having at least 100 feet of frontage on each of two public rights-of-way, a second sign may be permitted facing the second right-of-way if both signs comply with code requirements. Such signs shall be limited to 32 square feet in area and eight feet in height. They shall be placed at least eight feet from any public right-of-way. If the site is entitled to two temporary development signs, the distance between the signs shall be not less than two-thirds the length of the longest right-of-way frontage. The distance shall be measured by drawing two straight lines, from the edge of each sign, forming a 90 degree angle. Application shall be made to the Village Administrator or designee for review. Approval shall be for a period not to exceed one year. In residential subdivisions, development signs must be removed when 75% of the lots in such subdivision have received any certificate of occupancy.

(C) *Community Activity Signs.* See § 153.043

(D) *For Sale/For Lease.* See §§ 153.044(I) and 153.045(F)

(E) *Political Signs.* See § 153.044(G)

~~§ 153.042 SPECIAL EXCEPTION FOR CERTAIN BUSINESSES.~~

~~Due to the special requirements of certain business enterprises for the utilization of large land areas in addition to the buildings occupied, the following named enterprises are granted the privilege to display two times the gross sign area otherwise provided in this chapter, provided that design standards and limitations are adhered to:~~

~~(A) Gasoline stations.~~

~~(B) Automobile dealerships.~~

~~(C) Lumber and supply companies.~~

153.043 COMMUNITY ACTIVITIES & SPECIAL EVENTS.

(A) A community activity or special event may be promoted by installing banners along the designated utility poles within the business district at the discretion of the village. The installation of these banners is coordinated through the office of the Village Administrator. All banners must be a standard size, installed by the village.

(B) A community activity or special event, as defined in § 153.032, shall be limited to a maximum of five off-site promotional sign. These signs are considered temporary signs, and a sign permit is required before installation. A temporary sign permit may be obtained from the Village Administrator or designee. The application and permit fees, as determined by Council, are included in the fee schedule. On-site community activity signage to be used ONLY for the duration of the event, with the exception of banners and gas-inflatable devices, does not require a permit. The event organizer is responsible for supplying paper or plastic signs which will be affixed to the sign posts.

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- (1) The event must be open to the public and be non-discriminatory. Free admission is not a requirement.
- (2) Community activity promotional signage shall not contain any commercial advertising. If an organization is sponsoring the event, the title of the organization may be used on promotional signage.
- (3) Promotional signs may not exceed six square feet in area and three feet in height.
- (4) Such signs shall not be illuminated.
- (6) Promotional signs shall not be displayed more than fourteen days immediately preceding the event and shall be removed no later than 24 hours following conclusion of the event.

§ 153.044 SIGNS NOT REQUIRING A PERMIT.

The following signs do not require a permit, but are subject to the restrictions listed in §§ 153.033, 153.034, and 153.036 of this subchapter unless expressly exempted. Nothing in this section shall be construed to allow any sign which is prohibited in § 153.047, unless any such sign is expressly permitted.

(A) *Government Flags.* The flag, pennant, or insignia of any nation, state, city or other political unit. Poles for such flags must be no more than 35 feet in height, or lower if in a lower structure height district. A foundation permit must be received from the Building Department for all flagpoles. The area of such flags must be determined according to the following table:

Pole Height Maximum Flag Size

35' 5' by 9' 6"
 30' 5' by 8'
 25' 4' by 6'
 20' 3' by 5'

(B) *Corporate Flags.* Corporate flags are exempt from the Sign Code subject to the following conditions:

- (1) No more than one corporate flag may be flown per eligible parcel of land.
- (2) The corporate flag shall not be larger than a government flag, if one is flown, and in no case larger than three feet in height and five feet in length.
- (3) All corporate flags must be flown below any government flag flown.
- (4) The maximum height for a corporate flag on a separate pole shall be twenty feet as measured from established grade line to the top of the pole.
- (5) Corporate flags may display only the name, corporate emblem and/or logo of a given corporation. Slogans and tag lines are not permitted.

(C) *Governmental Signs.* Governmental signs shall include traffic or similar regulatory devices, official "Welcome to Batavia" signs, legal notices, warnings at railroad crossings, or any other such sign required by law. Such signs shall be consolidated with other governmental signs whenever possible.

(D) *Public Information Signs.* Public information signs established by the village, including "Block Watch," "Tree City, USA," and other such signs, provided that they do not exceed three square feet in area. Such signs shall be consolidated with other governmental signs whenever possible. If the sign is located in right-of-way it must be approved by the Village Administrator.

(E) *Public Banners.* Banners established by the Village of Batavia to promote the community and city-sponsored events and located on utility poles in the public right-of-way, provided that such banners are restricted to eight square feet in area.

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(F) *Holiday Signs.* Signs clearly in the nature of decorations customarily associated with any national, state, local, or religious holiday, to be limited to an aggregate total of 90 days in any one given year, and to be displayed not more than 90 consecutive days. Such signs may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing holiday signs are permitted for residential uses only, providing no safety or visibility hazards are caused by such illumination. Gas inflatable signs, other than residential holiday displays, require a permit before being installed.

(G) *Political Signs.* Political signs or posters concerning candidates for office or ballot to be decided by the public at an election provided they are displayed no more than 30 days prior to an election and removed no later than seven days after such election. Such signs shall not exceed eight square feet in size, shall not be illuminated in any manner, shall not be affixed to any public utility, pole, tree, or natural object, nor be located within a public right-of-way, nor create a safety or visibility hazard. Permission to post such signs must be obtained from the owner(s) of the property on which the signs are placed.

(H) *Street Address Signs.* Signs bearing only the street address of the properties on which they are located. For residences, such numbers must consist of Arabic numerals no less than three inches nor more than eight inches in height. For non-residential uses, maximum number height varies according to front setback. If the setback is less than 100 feet, the maximum number height is 12 inches. For setbacks between 100 and 200 feet, the maximum height is 18 inches. For setbacks over 200 feet, the maximum height is 24 inches. All street address signs shall contrast to the color of the surface on which they are mounted and shall be clearly identifiable from the street and attached to the building or mailbox. Every building is required to post its street address.

(I) *Residential For Sale/For Lease Signs.* Signs indicating the sale, rental, or lease of residences, provided such signs are limited in size to seven square feet in area and three feet in height in all residential areas. Free-standing signs must be located so that they do not interfere with the safe movement of vehicular or pedestrian traffic, and all signs shall be removed within 14 days after the sale, rental, or lease has occurred. Signs must be located on the property involved and only one such ground or window sign per street frontage is permitted.

(J) *Open House Signs.* Signs promoting an open house for property that is available for sale, rent, or lease, provided that only three such signs for each open house. All such signs shall be installed not more than twenty four hours immediately preceding the open house and removed no more than two hours following conclusion of the open house. Such signs may not exceed seven square feet in area or three feet in height and must not be located in such a way that would interfere with the safe movement of vehicular or pedestrian traffic. Such ground signs may not be located within medians.

(K) *Private Traffic and on site Directional Signs.* Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited a maximum of four square feet in area and three feet in height and do not interfere with safe vehicular or pedestrian traffic circulation or obstruct the view of drivers exiting onto highways or thoroughfares. Such signs may contain information such as "in," "enter," "entrance," "out," "exit," "do not enter" or similar language as approved by the Village Administrator or designee. Arrows indicating desired traffic movement may also be used for directional signage. Such signs may contain no advertising, including logos and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way.

(L) *Informational Window Signs.* Window signage with a total area of two square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card). This includes product signs. Each individual sign is limited to three colors.

(M) *Residential Information Signs.* Information signs are allowed only when they display information necessary for the safety and convenience of residents and visitors, such as "beware of dog" and "no trespassing." Such signs may not exceed two square feet in area and may contain no advertising.

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(N) *Scoreboards*. Scoreboards used for sporting events, provided that they are not visible from a public right-of-way or adjacent property.

(O) *Security System Signs*. Signs displaying information about the security system protecting buildings or property, provided that such signs do not exceed one square foot in area.

(P) *Construction Trailer Signs*. Signs painted on or affixed to construction trailers, vans, or other vehicles temporarily in use on a construction site.

(Q) *Barber Poles*. According to state law, all barber shops must display either a barber pole or a window sign reading "Barber." If a pole is displayed, it may not exceed 28 inches in height.

(R) *ATMs*. Signage for all ATM's (Automated Teller Machines) shall be limited to one square foot of sign area and utilize no more than three colors. ATM signage must have an opaque background. If the ATM contains a logo, it may be internally illuminated. In addition, monochromatic, non-illuminated logos of accepted credit systems, (Visa, Mastercard, American Express, etc.), are limited to less than one square foot in area and must be oriented to the user of the device only.

§ 153.045 SIGNS WITH SPECIAL CONDITIONS.

For all permanent and temporary sign types listed below, permits must be obtained in accordance with § 153.043. In addition to the requirements and regulations previously listed, the following special conditions shall apply:

(A) *Gas-Inflatable Sign/Device*. Such signs are permitted only for special events in accordance with the restrictions set forth in § 153.043, and for holiday decorations in accordance with the requirements of § 153.044. Such signs shall be located only on the site where the special event occurs. A temporary sign permit is required for all gas-inflatable devices. A scaled diagram of the device and a site plan showing where the device is to be located are required. Such signs must not be inflated with helium or any other buoyant gas. Such signs shall be securely attached/tethered to the ground so that they will not shift more than three feet in any direction during any wind condition up to 25 miles per hour. Such signs shall not be attached to or mounted on any platform, roof, or similar structure. Such signs must be placed so that they will be clear of all utility lines, roads, parking lots and adjacent property in case of collapse. Such signs may contain no commercial advertising and shall not be internally illuminated.

(B) *Banners*. Banners are permitted only for the promotion of special events or for grand openings of businesses. A grand opening occurs only when there is a change of tenant or owner that brings a new business to a site. All banners are subject to the following regulations:

- (1) All banners shall be located only on the site where the community event or grand opening occurs. They shall not be located in any public right-of-way or in such a way that they would interfere with the safe movement of vehicular and pedestrian traffic.
- (2) All banners shall be safely secured to a building, structure, or stake. Banners shall have ventilated faces to reduce wind load.
- (3) Banners shall not be illuminated.
- (4) A temporary sign permit is required for all banners. A scaled diagram of the banner(s), a site plan showing the location of the banner(s) and a description of how the banner(s) is to be ventilated and secured shall be submitted to the Village Administrator or designee.
- (6) Banners may be erected for a maximum of 14 days.

(C) *Joint Identification Signs*. One ground sign or pole sign identifying only the name of a shopping center or other building complex shall be permitted, if there is a minimum of three uses sharing the same site. Such signs shall be permitted in addition to the permitted signs of individual occupants, but shall not list the names of these occupants. A joint identification sign shall not exceed the maximum permitted height of any pole sign (20 feet) or ground sign (6 feet.) identifying the individual occupants and the area

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Passed July 12, 2004

of a joint identification sign shall not exceed 80 square feet for a pole sign or 40 square feet for a ground sign. A second joint identification sign of the same size is permitted if the site has frontage on two streets, provided that the total lot frontage (on two streets) is 1000 feet or greater. The two signs shall be no closer than 75 feet. For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to all the requirements of this Code must be submitted to the Village Administrator or designee before any sign permit for the complex or an individual tenant will be issued.

(D) *Entry Feature Signs.* These shall include signs graphically identifying a subdivision and/or multi-family development. Such signs shall be limited to monument signs only. Pole and pylon signs are prohibited. Such signs must consist entirely of natural materials, such as wood, brick and stone. The reverse sides of such signs shall be finished to match the fronts. The graphic area of such signs shall not exceed 20 square feet and the height of the monument shall be limited to six feet. Such signs may not interfere with the safe movement of vehicular and pedestrian traffic. If an entry feature sign is to be located within the right-of-way it must be reviewed and approved by Village Council, the Planning and Zoning Commission and the Village Administrator.

(F) *Commercial and Industrial For Sale/For Lease Signs.* Commercial and Industrial For Sale/For Lease Signs require a temporary sign permit. Signs indicating the sale, rental, or lease of commercial or industrial real estate are limited to 16 square feet in area and 4 feet in height for lots with less than 100 feet of street frontage and 32 square feet in area and 8 feet in height for lots with street frontage of 100 feet or more. Individual tenant spaces within a parcel are allowed a window or wall sign no larger than 16 square feet in area. Free-standing signs must be located so that they do not interfere with the safe movement of vehicular and pedestrian traffic and must be removed within 14 days after the sale, rental, or lease has occurred. Only one such sign per street frontage is permitted.

(G) *Signs for Model Homes.* In addition to a special permit from the Board of Zoning Appeals, a sign permit must be obtained for model home signs. Such signs shall be permitted in lieu of an exempt residential for sale/for lease sign as described in § 153.044. Such signs must not exceed eight square feet in area and may not be internally illuminated.

(H) *Garage/Yard Sale Signs.* Three such signs may be posted no more than 24 hours immediately preceding the event and such signs must be removed no more than two hours after the event has ended. Such signs shall be no more than two square feet in area. They may be located in a public right-of-way so long as no safety or visibility hazards are created.

(I) *Nonconforming Signs.* All pre-existing illegal nonconforming signs must be removed in accordance with this subchapter. The Village Administrator shall issue an order for the sign to be removed within 15 days. The cost of removal will be assessed to the property owner. If the property owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to the property owner's tax records. All pre-existing legal signs that do not conform to the standards of this subchapter must be brought into conformity under any of the following conditions:

- (1) Upon any change in the use of the property for which such property was intended at the time this subchapter became effective.
- (2) Upon the discontinuance of the present use of property for a period of more than six months.
- (3) Upon alterations to the existing sign, the following regulations shall apply:
 - (a) *Structural.* No display sign shall hereafter be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of this subchapter.
 - (b) *Repainting or Refacing.* The repainting of existing nonconforming signs shall not be considered an alteration within the meaning of this section. Refacing an existing nonconforming sign shall not be considered an alteration as long as the refacing constitutes an exact replica of the existing sign face. The design, color scheme, translucency, graphics and text must exactly match those existing. If any portion of the replacement face(s) is not an exact replica of the original sign face, the replacement face(s) must be brought into compliance with this subchapter in so far as practicable.
 - (c) *Existing Signs; continuance.* Except as otherwise specifically provided, nothing in this section shall require the removal or discontinuance of a legally existing nonconforming permanent display sign which is attached to the property, as distinguished from a temporary or portable sign, that is not altered, rebuilt, enlarged, extended or relocated.

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(J) *Seasonal Business.* One sign per street frontage is allowed for a seasonal business. Such signs are limited to 32 square feet in area and 6 feet in height. They must be setback at least ten feet from any public right-of-way. Such signs are limited to three colors, including black and white.

(K) *Gasoline Stations.* Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those herein above authorized. Such signs shall be limited to the following:

- (1) One non-illuminated, double-faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying "self service" or "full service."
- (2) Price and grade information can be displayed only on the permitted sign, in manually changeable copy. Changeable copy for these purposes shall not include liquid crystal display (LCD), light emitting diodes (LED), or other similar electro/mechanical displays. This is the only circumstance in which changeable copy may be used.
- (3) Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. Fuel pumps shall not be illuminated. No signs projecting above the pumps may be permitted, except as required by law.
- (4) Any other such signs as may be required by law.

(L) *Drive-thru menu board signs.* This shall include free-standing, pole, pylon and monument signs. A drive-thru menu board sign is permitted only when all of the following conditions are fulfilled:

- (1) The sign is located on the property to which it refers;
- (2) The sign is not visible from the public right-of-way; and
- (3) The sign does not exceed 32 square feet in size.

§ 153.046 MAINTENANCE OF SIGNS.

All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended, or which have been abandoned or are not maintained in accordance with this chapter shall be removed by the latest permit holder or the village at the expense of such permit holder.

(A) *Re-inspection.* All signs for which a permit shall be issued in accordance with this subchapter shall be subject to the following provisions:

- (1) The Village Administrator or designee may re-inspect each sign without notice at anytime following erection of such sign to determine its continued compliance with the approved permit and plans as they were issued and to insure proper operating conditions and maintenance in accordance with this subchapter. The sign owner shall be solely responsible for maintaining the appearance, safety and structural integrity of the sign at all times.
- (2) Whenever the inspecting official finds a sign in need of repair, support, replacement, cleaning, repainting, or any maintenance service necessary to maintain reasonable and proper appearance and public safety, he or she shall issue an order to the owner allowing 30 days to effect needed repairs or maintenance. If the inspecting official determines that the existing condition of the sign creates an immediate hazard to the health or safety of the general public, he or she shall issue an order to the owner requiring the sign to be removed immediately.
- (3) Failure of an owner to comply with the provisions listed above shall be cause for the inspecting official to order the permit issued for the sign void and issue an order for the sign to be removed. The cost of removal will be assessed to the property owner. If the property owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to the property owner's tax records

Ordinance No. 1034-04Passed July 12, 2004**§ 153.047 PROHIBITED SIGNS**

The following signs or similar devices are prohibited: Off-premise signs, trailblazer signs, externally visible neon and neon look-alike signs, trailer signs, search lights, laser lights, pennants, streamers, spinners, bench signs, portable signs, roof signs, billboards, flashing signs, projected images and animated signs, signs with moving or moveable parts, and any look-alike version of any of these prohibited sign types. Signs on vending machines, trash bins or other devices serving any premises shall be screened from view of any public right-of-way and adjoining private property. Neon may be used for internal illumination if totally enclosed and not externally visible.

§ 153.048 OUTDOOR ADVERTISING.

Outdoor advertising consisting of logo signs, billboards or posters shall be prohibited. Signs which advertise products and give secondary mention to a business enterprise, for example Coca Cola type signs, are prohibited. Advertisement of any business or product other than the business name conducted within or upon the structure is prohibited.

§ 153.049 PROHIBITED SIGN LOCATIONS

Signs may not be installed in any of the following locations:

- (A) In any public right-of-way unless specifically authorized by the Village Administrator.
- (B) In any utility easement or no-build zone
- (C) In any public park or other public property unless authorized by the Village Administrator.
- (D) On any traffic control signs, constructions signs, fences, utility poles, street signs, trees or other natural objects
- (E) In any location where the view of approaching and intersecting traffic would be obstructed.
- (F) In any location as to interfere with the safe movement of vehicles or pedestrians entering or leaving a public right-of-way
- (G) In any residential area except as expressly permitted in section §153.037 of this subchapter
- (H) On any property without the prior authorization granted by the property owner on which any sign is to be placed.

§ 153.050 NONCONFORMING SIGNS.

(A) A sign conforming to the regulations prevailing prior to the effective date of this section but which does not conform with the regulations of this or any subsequent amendment shall be construed as a legal nonconforming sign with the exception of "temporary signs," under the definition of this ordinance. The owner of any existing temporary sign may submit to the Village Administrator an application for a temporary sign permit. The permit shall be issued only in accordance with the provisions of this subchapter.

(B) Nonconforming permanent signs, which have not been abandoned, may be maintained and structural parts repaired or restored to a safe condition if required and if a permit is issued. Altering or changing the advertising message by repainting or replacing portions of the sign shall result in the nonconforming status being lost. Any sign or part thereof which has been taken down shall not be rebuilt, re-erected or relocated unless it is made to comply with the provisions of this chapter or the building code. Signs may be repaired or replaced if blown down or otherwise damaged or destroyed.

Ordinance No. 1034-04Passed July 12, 2004**§ 153.051 PERMIT REQUIRED.**

All signs located on land within or hereafter annexed to the municipality shall comply with this subchapter unless specifically exempt. No person shall locate or retain any sign, or cause a sign to be located, relocated, altered, modified, or retained unless all provisions of this subchapter have been met. To ensure compliance with these regulations, a sign permit shall be secured from the Village Administrator or designee for each sign unless such sign is specifically exempted in this subchapter. Any sign requiring a structural steel foundation and/or electricity must obtain foundation and/or electric permits from the Building Division, as well as a sign permit. An application fee will be required at the time of application. Fees may be paid by cash, check, or money order. No permit shall be issued until a completed application and fees have been submitted.

§ 153.052 APPLICATION FOR PERMITS.

(A) Application for a permit to erect, place, paint, illuminate or alter a sign shall be made by the owner or lessee of the property for which a sign is proposed. The application shall be submitted to the Village Administrator on forms furnished by the village. The fee for a sign permit shall be established by separate ordinance.

(B) A permit shall be required for all signs located in business and industrial, residential and service districts.

(C) Each application shall be accompanied by drawings to scale showing the following:

(1) The proposed sign design and layout, including the total area, size, height, character and construction materials.

(2) The exact sign location in relation to the building and property, rights-of-way, sidewalks, curbs and roadways.

(3) For ground signs, a sign base landscaping plan

(4) For Wall signs, a building elevation drawn to scale showing the proposed wall sign and the dimension from established grade to the top of the sign

(3) Details and specifications for construction, erection and attachment.

(4) For illuminated signs, the number and types of lamps and lens material, and a statement in writing that the illumination of such sign shall meet the provisions of this chapter.

§ 153.053 REMOVAL OF SIGNS.

Whenever the removal or maintenance of any sign has been ordered in writing by the Village Administrator, the person, firm or corporation who erected such a sign or on whose premises such sign or display structure has been erected, affixed or attached shall remove or maintain such sign within 48 hours after receiving such notice. In the event of noncompliance, the Village Administrator may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected such sign or on whose premises it was erected, affixed or attached. Such person, firm or corporation shall be jointly and severally liable for the expense incurred in the removal or maintenance of such a sign. This provision shall be in addition to criminal prosecution provided for herein. If the property owner refuses to pay for removal of the sign, the cost of such removal, as determined by the Village Council, will be added to the owner's tax records.

§ 153.054 ABANDONED SIGNS.

(A) A sign shall be considered abandoned:

(1) When the sign remains after the discontinuance of a use.

(a) A business is considered to have discontinued operations if it is closed to the public for at least 90 consecutive days.

Ordinance No. 1034-04Passed July 12, 2004

(b) A seasonal business is considered to have discontinued operations if it is closed to the public for at least 72 hours.

(2) When the sign on its immediate premises is not adequately maintained and the repairs or maintenance ordered under § 153.046 are not effected within the 30-day time limit.

(3) When the pre-existing legal sign does not conform to the provisions of this subchapter and is not brought into conformity upon any change in use or design as specified in § 153.050.

(B) Abandoned signs shall be removed by the property owner. If the property owner does not remove the abandoned sign, the following procedure shall apply: The Village Administrator shall determine abandonment after a public hearing before the Board of Zoning Appeals. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Village Administrator or designee shall issue an order for the sign to be removed within 15 days by the property owner. Any abandoned sign still standing after 15 days following an order for removal may be removed by the Village Administrator of the municipality. If the property owner refuses to pay for removal of the sign, the cost of such removal, as determined by Village Council, will be added to the owner's tax records.

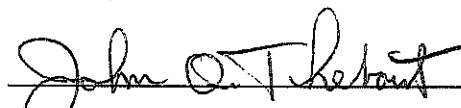
§ 153.055 FEES.

Fees. Permit and any other fees as determined by the Village Administrator with the approval of Council are posted in a fee schedule available through the office of the Village Administrator. The application fee is payable at the time of application.

Article Two: That Sections 153.030 through 153.045 of the Code of Ordinances of the Village of Batavia and any other sections in conflict with this amendment are hereby repealed.

Article Three: That this ordinance shall go into full force and effect in and after the earliest period allowed by law

Adopted 07/12/2004



John Q. Thebout, Mayor



Angelina Burton Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1035-04

Passed June 7, 2004

ORDINANCE 1035-04

AMENDMENT TO 2004 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2004 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1025-04 for 2004 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2004 be amended as follows:

GENERAL FUND – increase

A1-7A-240 Mayor & Village Administrator, Office Supplies
\$2000.00

A1-7E-230 Land & Building, Contractual Services
\$3098.00

A1-7X-212 Other, Benefits, Workers' Compensation
\$1043.00

EMS – increase

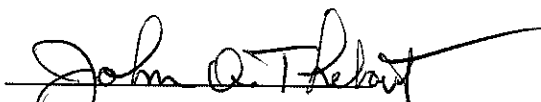
\$1183.58


Re-Hab – increase

\$1051.00

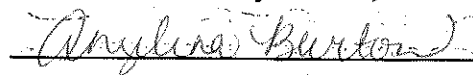
This ordinance shall take effect from and after the earliest period allowed by law.

Adopted June 7th, 2004


Mayor John Q. Thebout


Clerk/Treasurer Angelina Burton

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 17th day of June, 2004 and the 24th day of June, 2004.


Clerk of Council
Batavia, Ohio

Ordinance No. 1036-04Passed August 8, 2004

VILLAGE OF BATAVIA

ORDINANCE NO. 1036-04

AN ORDINANCE AUTHORIZING THE LEASE OF THE CERTAIN FIRE FIGHTING EQUIPMENT LOCATED ON THE PROPERTY KNOWN AS 377 EAST MAIN STREET, IN THE VILLAGE OF BATAVIA, OHIO.

WHEREAS, the Village of Batavia owns certain fire fighting equipment located at 377 East Main Street in the Village which was formerly used as a fire station for the Batavia Village Fire Department, and

WHEREAS, formation of the Central Joint EMS/Fire District now provides fire protection and emergency medical services the Village of Batavia, and

WHEREAS, the Central Joint EMS/Fire District equipment and building is located in Batavia Township, outside the Village municipal limits, and


WHEREAS, Council for the Village of Batavia and the Trustees of the Central Joint EMS/Fire District believe it would be in the best interest of the Village to utilize the former Batavia fire station as a satellite fire station for the Central Joint EMS/Fire District, and

WHEREAS, the Council of Village of Batavia desires to lease equipment stored in said property pursuant to Chapter 721 of the Ohio Revised Code, for a period not to exceed ten years, for a nominal annual fee, to the Central Joint EMS/Fire District now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. The at lease agreement attached hereto for the fire fighting equipment on the property located at 377 East Main Street and formerly used as the Village Fire Station, for a period not to exceed 10 years, is approved and the Mayor is authorized to execute the same.

Adopted: 08/02/2004


Mayor John Q. Thebout

Attest:


Angelina Burton, Clerk

Ordinance No. 1037-04

Passed October 4, 2004

ORDINANCE NO. 1037-04

A RESOLUTION CREATING A TABLE OF ORGANIZATION AND
ESTABLISHING WAGE SCHEDULES FOR EMPLOYEES OF THE
VILLAGE OF BATAVIA

WHEREAS, the Village has established a Water & Sewer Department to operate the water distribution, sanitary sewer collection, and wastewater treatment plant, and the Village has established a Street and Maintenance Department to maintain streets, parks, buildings and other infrastructure and public right-of-way, under the direction of the Village Administrator, and

WHEREAS, the Village has established a Police Department to provide for the peace, health and safety of village residents, under the direction of the Chief of Police, and

WHEREAS, it is necessary to the safe, efficient and responsible operation of said departments to establish a chart of organization and provide for the classification of employees within those departments:

NOW THEREFORE BE IT RESOLVED, by the council of the Village of Batavia, Clermont County, Ohio that:

SECTION ONE: The chart of organization provided in Exhibit A attached hereto is hereby adopted as the official chart of organization for the Village of Batavia.

SECTION TWO: that the chart of classification for Village Employees provided in Exhibit A is hereby adopted as the official chart of classification for employees of the Village.

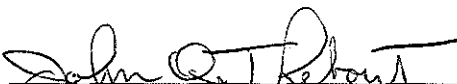
SECTION THREE: That the Village Administrator is hereby authorized to assign classifications to all employees currently employed in the Water and Sewer Department and in the Street and Maintenance Department. That such classification shall reflect as accurately as possible the current rate of pay for employees. If no classification is found for the exact current pay rate, the administrator will assign the closest matching classification and the employee will continue at the current rate of pay until the next wage review rate increase. In no case shall an employee be reduced in pay rate as a result of reclassification for the purposes of implementation of this ordinance.

SECTION FOUR: That the Chief of Police is hereby authorized to assign classifications to all employees currently employed in the Police Department. That such classification shall reflect as accurately as possible the current rate of pay for employees. If no classification is found for the exact current pay rate, the chief will assign the closest matching classification and the employee will continue at the current rate of pay until the next wage review rate increase. In no case shall an employee be reduced in pay rate as a result of reclassification for the purposes of implementation of this ordinance.

SECTION FIVE: This Resolution hereby repeals Ordinance No. 786-89 and all other ordinances and resolutions inconsistent with it.

Adopted: October 4, 2004

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

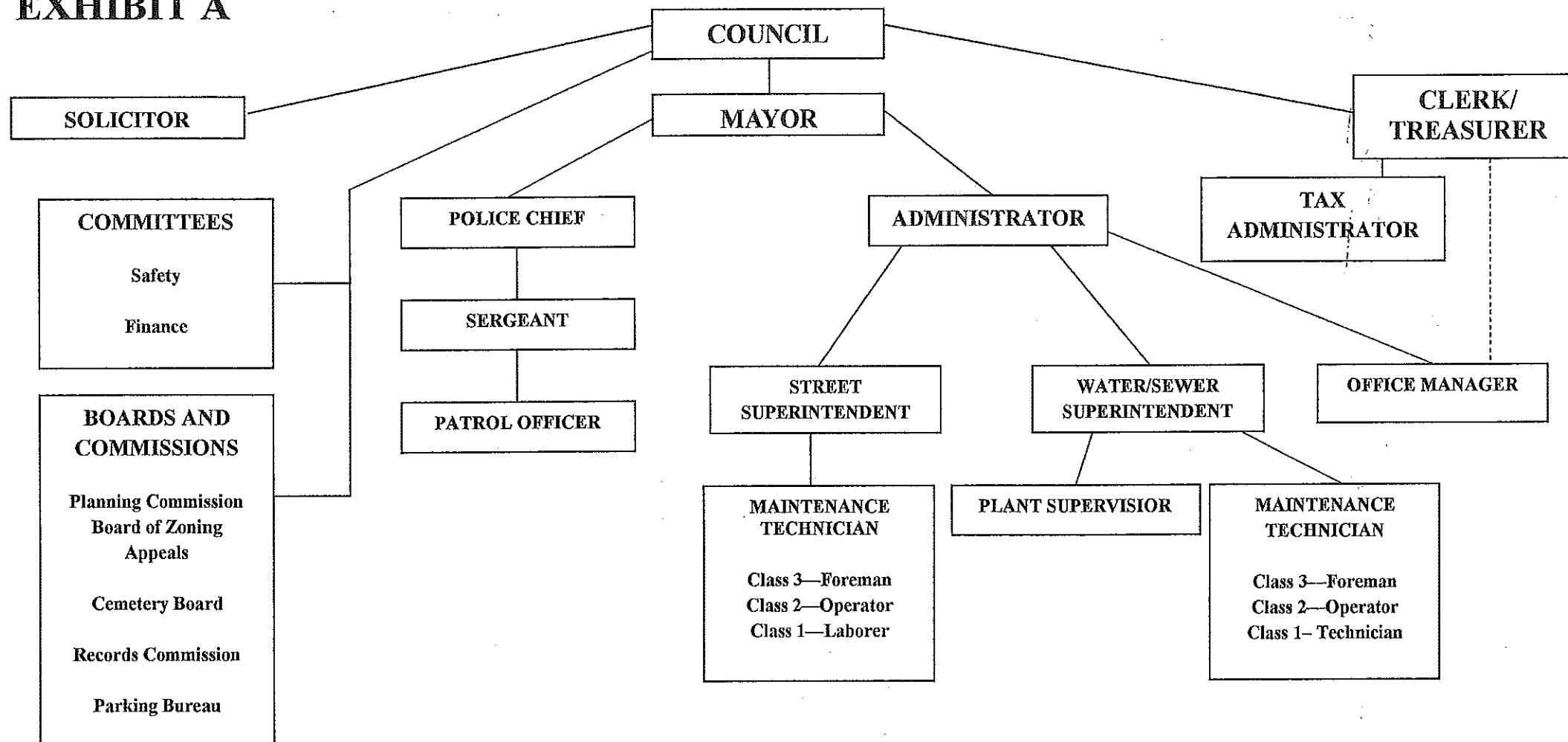
I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1037-04 Passed October 4, 2004

EXHIBIT A

VILLAGE OF BATAVIA ORGANIZATIONAL CHART



Ordinance No. 1007-04

Passed October 4, 2004

EXHIBIT B - Wage Schedule for Water/Sewer Department											
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Class 1 - TECHNICIAN											
	Level 1	\$8.00	\$8.20	\$8.40	\$8.60	\$8.80	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
	Level 2	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 3	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
Class 2 - OPERATOR											
	Level 1	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 2	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
	Level 3	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 4	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80
Class 3 - FOREMAN											
	Level 1	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 2	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80
	Level 3	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80
	Level 4	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80
WATER/SEWER SUPERINTENDENT											
	Level 1	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80
	Level 2	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80	\$16.00	\$16.20	\$16.40	\$16.60	\$16.80
	Level 3	\$16.00	\$16.20	\$16.40	\$16.60	\$16.80	\$17.00	\$17.20	\$17.40	\$17.60	\$17.80
	Level 4	\$17.00	\$17.20	\$17.40	\$17.60	\$17.80	\$18.00	\$18.20	\$18.40	\$18.60	\$18.80

Ordinance No. 1057-04Passed October 4, 1994**EXHIBIT B - Wage Schedule for Street Department**

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Class 1 - LABORER											
	Level 1	\$8.00	\$8.20	\$8.40	\$8.60	\$8.80	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
	Level 2	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 3	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
Class 2 - OPERATOR											
	Level 1	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 2	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
	Level 3	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 4	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80
Class 3 - FOREMAN											
	Level 1	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 2	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80
	Level 3	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80
	Level 4	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80
STREET SUPERINTENDENT											
	Level 1	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80
	Level 2	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80
	Level 3	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80	\$16.00	\$16.20	\$16.40	\$16.60	\$16.80
	Level 4	\$16.00	\$16.20	\$16.40	\$16.60	\$16.80	\$17.00	\$17.20	\$17.40	\$17.60	\$17.80

Ordinance No. 1059-04

Passed October 4, 2004

EXHIBIT B - Wage Schedule for Office Manager												
OFFICE MANAGER			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
	Level 1	Level 1	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 2	Level 2	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
	Level 3	Level 3	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 4	Level 4	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80

Ordinance No. 1037-04Passed October 4, 2004

Exhibit B

Batavia Police Department
Wage Schedule for January 2005 thru December 2007

Auxiliary Officer

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$9.00				\$9.50					\$10.00

Patrolman

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$12.50	\$13.00	\$13.50	\$13.75	\$14.00	\$14.25	\$14.50	\$14.75	\$15.00	\$15.25

Corporal

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$14.00	\$14.25	\$14.50	\$14.75	\$15.00	\$15.25	\$15.50	\$15.75	\$16.00	\$16.25

Sergeant

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$15.00	\$15.25	\$15.50	\$15.75	\$16.00	\$16.25	\$16.50	\$16.75	\$17.00	\$17.25

Ordinance No. 1038-04

Passed August 2, 2004 ✓

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 1038-04

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$310,000 OF SEWER IMPROVEMENT SPECIAL ASSESSMENT BONDS, SERIES 2004 BY THE VILLAGE OF BATAVIA, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, this Village Council has previously issued \$285,000 Sewer System Bond Anticipation Notes which are about to mature and should be permanently financed with an issue of bonds; and

WHEREAS, the fiscal officer of the Village has heretofore estimated that the life of the hereinafter described improvement is at least five (5) years, and certified that the maximum maturity of the bonds is twenty (20) years;

NOW, THEREFORE, the Village of Batavia (hereinafter called the "Village"), County of Clermont, Ohio, hereby ordains:

SECTION 1. That it is necessary to issue Bonds of the Village, in the principal amount of not to exceed \$310,000, for the purpose of paying part of the cost of sanitary sewers on Clark, Glenn and Ely Streets within the Village, and paying costs related to the issuance of the Bonds.

SECTION 2. Said bonds shall be of the denomination of \$1,000 or any integral multiple thereof, shall be numbered from 1 upward, shall be dated September 1, 2004 and shall mature and bear interest at the rates and at a net interest cost as set forth in the contract of purchase between the Village and the Underwriter named herein (the "Bond Purchase Agreement"), (but such net interest cost shall not be in excess of six per centum (6.00%)), payable semiannually on June 1 and December 1 of each year, beginning June 1, 2005 until the principal sum is paid. Said bonds shall mature and be subject to redemption, as set forth in the Bond Purchase Agreement, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the Council. The Bonds are subject to optional redemption prior to maturity on such terms and at such times as are specified in the Bond Purchase Agreement.

SECTION 3. That said Bonds shall be designated "Sewer Improvement Special Assessment Bonds, Series 2004" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the Mayor and Clerk-Treasurer, provided that the execution of said officials may be by facsimile. The Bonds may, but shall not be required to, bear the seal of the Village, or a facsimile thereof. The bonds shall also bear the manual authenticating signature of an authorized signer of such bank or trust company as is selected by the Village Administrator without further action by this Council to act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the principal office of the Paying Agent and Registrar, and payment of interest thereon shall be made on each interest payment date to the person whose name appears on the record date (November 15 and May 15 for December 1 and June 1 interest, respectively) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The Village and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds for the same principal amount will be issued to the transferee in exchange therefor.

Ordinance No. 1038-04Passed August 2, 2014

The Village and the Paying Agent and Registrar may deem and treat the registered owner of a bond as the absolute owner thereof for all purposes, and neither the Village nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That the Bonds shall be sold to Conners & Co., Inc., Cincinnati, Ohio (the "Underwriter") at the price determined in the Bond Purchase Agreement. the proceeds from the sale of said Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to the Bond Retirement Fund to be applied to payment of the principal and interest on the Bonds in the manner provided by law.

The Village Administrator is hereby authorized and directed to execute and deliver, without further action by the Council being required, the Bond Purchase Agreement with the Underwriter setting forth the final terms of the Bonds. The signature of said officer on the Bond Purchase Agreement shall be conclusive evidence that the terms of the Bonds are acceptable to the Village.

The Mayor, the Village Administrator and the Clerk-Treasurer, or any of them, are also hereby authorized and directed to execute and deliver, without further action of this Council being required, a Bond Registrar Agreement with the Paying Agent and Registrar and any other agreements or certificates necessary in connection with the issuance of the Bonds as required by Peck, Shaffer & Williams LLP, bond counsel to the Village.

SECTION 5. That the Bonds shall be the full general obligations of the Village and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. That during the period while such Bonds run there shall be levied upon all of the taxable property in the Village of Batavia, Ohio, in addition to all other taxes, but within applicable limitations, a direct tax annually, in an amount sufficient to pay the principal of and interest on said bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of said bonds, when and as the same fall due; provided, however, that to the extent that other resources including special assessments are applied to the payment of interest and principal, said tax need not be levied.

SECTION 6. That the Village Administrator is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

SECTION 7. This Council, for the Village, hereby covenants that it will restrict the use of the proceeds of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103 and 148 of the Internal Revenue Code, the regulations prescribed thereunder and any subsequent amendments or modifications thereto that have a retroactive effective date on or prior to the date of issuance of the obligations authorized hereunder, including any expenditure requirements, investment limitations or rebate requirements. The Clerk-Treasurer any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the Village, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103 and 148 and regulations thereunder.

Ordinance No. 1038-04

Passed August 2, 2004

The bonds are hereby designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during this calendar year.

SECTION 8. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the County Auditor of the County of Clermont, Ohio.

SECTION 9. The Council of the Village of Batavia, Ohio, hereby finds and determines that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in full compliance with the law.

SECTION 10. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village for the reason that the immediate issuance of said bonds is required to provide for the orderly refinancing of the project to which the bonds relate, and shall take effect immediately upon its adoption.

ADOPTED August 2, 2004.

John Q. Thebault
Mayor

Attest:

Angelina Burton
Clerk-Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1039-04Passed August 2, 2004

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 1039-04

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$800,000 WEST MAIN STREET IMPROVEMENT GENERAL OBLIGATION BOND ANTICIPATION NOTES BY THE VILLAGE OF BATAVIA, OHIO, FOR THE PURPOSE OF PROVIDING IMPROVING WEST MAIN STREET WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of this Village has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is fifteen (15) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, (hereinafter called the "Village"), County of Clermont, Ohio, three-fourths of the members elected thereto concurring:

SECTION 1. That it is necessary to issue bonds of the Village in the principal amount of not to exceed \$800,000 for the purpose of improving West Main Street within the Village (the "Project"). Said bonds shall be dated approximately September 1, 2005, shall bear interest at an approximate rate of five percent (5.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding fifteen (15) years.

SECTION 2. That notes of the Village shall be issued in anticipation of such bonds.

SECTION 3. That the notes shall be dated September 1, 2004, shall bear interest at such rate as determined by the Village Manager and Clerk-Treasurer without further action of this council required, and shall mature on August 31, 2005, and shall be of such number and denomination as requested by the purchaser.

SECTION 4. That the notes shall be executed by the Mayor and the Clerk-Treasurer and may, but shall not be required to, bear the seal of the Village. The Mayor and the Clerk-Treasurer are also authorized to take all other action required in connection with the issuance and sale of the notes. The notes shall be designated "West Main Street General Obligation Bond Anticipation Notes" and shall be payable at such other bank or trust company as is acceptable to the Mayor and the Clerk-Treasurer and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of the Uniform Public Securities Law of the Ohio Revised Code and this ordinance.

SECTION 5. That the notes shall be sold at private sale to Connors & Co., Inc., in accordance with its offer to purchase the same which is hereby accepted, at par plus accrued interest, if any, and the proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the notes shall be the full general obligation of the Village, and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. The par value received from the sale of the bonds anticipated by the notes, and any excess fund resulting from the issuance of the notes, shall to the extent necessary be used only for the retirement of the notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the notes run there shall be levied upon all of the taxable property in the Village within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if the bonds had been issued without the prior issue of the notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said

Ordinance No. 1039-04

Passed August 2, 2004

years are certified, extended and collected; provided, however, that to the extent the Village has appropriated other lawfully available moneys for such purpose, no tax need be levied. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the notes in anticipation when and as the same fall due.

SECTION 8. That this council, for and on behalf of the Village, hereby covenants that it will restrict the use of the proceeds of the notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Clerk-Treasurer or any other officer having responsibility with respect to the issuance of the notes is authorized and directed, as necessary by law, to give an appropriate certificate on behalf of the Village, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. These notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 9. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the county auditor.

SECTION 10. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the immediate issuance of the notes to provide for the orderly financing of the project to which the notes relate, and shall take effect immediately upon its adoption.

ADOPTED August 2, 2004.

John Q. Thebaud
Mayor

Attest:

Angelina Burton
Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1040-04Passed September 13, 2004

ORDINANCE 1040-04

AMENDMENT TO 2004 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2004 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1025-04 for 2004 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2004 be amended as follows:

GENERAL FUND – increase

A1-1A-230 Police Contractual \$3352.80

A1-2A-230 Cemetary \$ 500

A1-7A-240 VA/Mayor Office Supplies \$ 3000

A1-7D-240 Clerk/Trs Office Supplies \$ 300

A1-7E-230 Land/Buildings Contractual \$ 2000

A1-7X-212 Workers Comp \$ 5150

STREET II FUND – increase

B8-6B-240 Supplies \$ 6526

FIRE FUND – increase

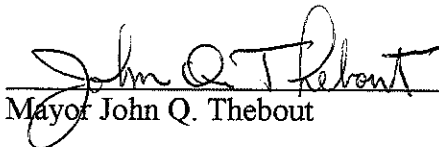
B8-1A-240 Supplies \$ 3500

CLARK/GLEN/ELY DEBT SERVICE FUND \$269,088

This ordinance shall take effect from and after the earliest period allowed by law.

Adopted: September 13, 2004

ATTEST:


Mayor John Q. Thebout


Angel Burton, Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1041-04Passed September 13, 2004 ✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1041-04**AN ORDINANCE PROVIDING FOR THE SALE OR OTHER DISPOSITION OF VEHICLES OR EQUIPMENT NO LONGER NEEDED FOR VILLAGE USE.**

WHEREAS, the Village of Batavia owns vehicles and equipment which is has become use, worn, obsolete or is no longer needed for village governmental or public purposes, and

WHEREAS, Village desires to sell said property pursuant to Chapter 721 of the Ohio Revised Code, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. That the following vehicles and equipment are hereby declared to be no longer needed for village governmental purposes or public use.

- a. 1996 Ford Crown Victoria Police cruiser
- b. 14 bicycles
- c. 800 Ft Christmas lights
- d. Snapper Push Mower

Section 2. Village council authorized the sale of the above described property by complete bidding, by invitation to bid or by public auction. Said property may be sold as a lot or individually.

Section 3. Sale of said property shall go to the best and highest bid as determined by the Village administrator.

Section 4. The Village reserves the right to reject any and all bids.

Adopted: September 13, 2004

Attest:

John Q. Thebaut
Mayor

Angelina Burton
Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1042-04Passed November 1, 2004**ORDINANCE NO. 1042-04****AN ORDINANCE AUTHORIZING THE PAYMENT OF A PREMIUM WAGE FOR INSPECTIONS OF CERTAIN VILLAGE CONSTRUCTION PROJECTS AND ESTABLISHING CONDITIONS UNDER WHICH SUCH PREMIUM WAGE SHALL BE PAID.**

Whereas The Village of Batavia lets contracts for construction and reconstruction of streets, storm sewers, sanitary sewers and water lines, and such projects require inspection by competent individuals, and

Whereas the cost of such inspections by consultants or engineers is significant, and

Whereas the Village of Batavia has in its employ individuals competent to make such inspections at a significant savings to the village;

Now therefore be it ordained by the Council of the Village of Batavia, at least a majority of its members concurring that:

SECTION ONE: A premium wage shall be paid to a Superintendent, or other competent person while inspecting construction projects within their area of expertise under the following qualifications.

1. The project is a project authorized by the Village Council
2. The project involves new construction or substantial renovation of streets, storm sewers, curb & gutter, sanitary sewers, water lines by a private contractor.
3. The project is funded through capital funds, street improvement funds, state or federal grant or loan funds or any combination of the above.
4. The costs of inspection have been included as a separate line item or included in the engineering costs projected for the project.
5. The hours of inspection are clearly recorded on approved time sheets or forms provided by the Village, and said hours are approved by the Village Administrator.


SECTION TWO: Conditions for payment of Premium Wage:

1. All five (5) of the above qualifications must be met
2. Premium funds shall be paid only from project funds and not salary & wage line items
3. All hours must be approved by the Village Administrator
4. Overtime hours must be approved in advance except in emergency situations
5. Overtime premium hours will be paid at the rate of 1 ½ times the regular premium rate.
6. Premium rate for each project will be recommended by the Village Administrator based on the level of competency and expertise demanded, and established by motion of the Village Council.
7. On call and call out rates and requirements are not applicable to premium pay. Premiums will be paid only for actual hours worked.

SECTION THREE: Premium wages shall be in addition to the regular hourly rate normally paid an employee and recorded separately in the payroll record. Premium wages shall be subject to the same payroll deductions and benefit rates as regular wages and shall be included in the employee's regular payroll check.

Adopted: November 1, 2004

Attest:


John Q. Thebout, Mayor


Angelina Burton Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1043-04

Passed October 10, 2004

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1043-04

AN ORDINANCE PROVIDING ADVANCES FOR VILLAGE EMPLOYEES TO QUALIFY FOR STATE WATER AND WASTE WATER LICENSES AND FOR REIMBURSEMENT OF FUNDS.

Whereas, the Council of the Village of Batavia encourages the continuing education of its employees, and

Whereas the Council of the Village of Batavia believes it is in the best interests of the Village for its water and sewer department employees to obtain water licenses, water distribution licenses and waste water licenses, now therefore

Be it Ordained by the Council of the Village of Batavia, Ohio, a majority of its members concurring:

Section 1. That the Village of Batavia will pay for the instruction and related materials for Village employees obtaining Class One through Class Four water licenses, Class One and Class Two water distribution licenses, and Class One through Class Four waste water licenses.

Section 2. No employee shall be required to reimburse the Village for advances made for qualifying for the above licenses unless said employee shall voluntary leave the employment of the Village within three years of any advance. Should any such employee voluntary leave their employment with the Village of Batavia, then they shall reimburse the Village of Batavia, pro rata to the date of their termination; that is the full amount of the advancement by the Village less 1/36 of the advanced amount for each month subsequently employed by the Village of Batavia.

Section 3. The terms of this ordinance shall be incorporated in the Village Personnel handbook.

Adopted: October 10, 2004

Attest:

Mayor John Q. Thebout

Anghna Burton
Batavia Village Clerk

✓ Ordinance No. 1044-04Passed November 1, 2004**VILLAGE OF BATAVIA, OHIO****ORDINANCE NO. 1044-04****AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$900,000 WEST MAIN STREET IMPROVEMENT GENERAL OBLIGATION BOND ANTICIPATION NOTES BY THE VILLAGE OF BATAVIA, OHIO, FOR THE PURPOSE OF PROVIDING IMPROVING WEST MAIN STREET WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.**

WHEREAS, the fiscal officer of this Village has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is fifteen (15) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, (hereinafter called the "Village"), County of Clermont, Ohio, three-fourths of the members elected thereto concurring:

SECTION 1. That it is necessary to issue bonds of the Village in the principal amount of not to exceed \$900,000 for the purpose of improving West Main Street within the Village (the "Project"). Said bonds shall be dated approximately December 1, 2005, shall bear interest at an approximate rate of five percent (5.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding fifteen (15) years.

SECTION 2. That notes of the Village shall be issued in anticipation of such bonds.

SECTION 3. That the notes shall be dated such date as determined by the Administrator and Clerk-Treasurer without further action of this Council being required, shall bear interest at such rate as determined by the Administrator and Clerk-Treasurer without further action of this council required, and shall mature on such date which is not more than one year from the date of issuance as determined by the Administrator and Clerk-Treasurer without further action of this Council being required, and shall be of such number and denomination as requested by the purchaser.

SECTION 4. That the notes shall be executed by the Mayor and the Clerk-Treasurer and may, but shall not be required to, bear the seal of the Village. The Mayor and the Clerk-Treasurer are also authorized to take all other action required in connection with the issuance and sale of the notes. The notes shall be designated "West Main Street General Obligation Bond Anticipation Notes" and shall be payable at such other bank or trust company as is acceptable to the Mayor and the Clerk-Treasurer and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of the Uniform Public Securities Law of the Ohio Revised Code and this ordinance.

SECTION 5. That the notes shall be sold at private sale to Conners & Co., Inc., in accordance with its offer to purchase the same which is hereby accepted, at par plus accrued interest, if any, and the proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the notes shall be the full general obligation of the Village, and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. The par value received from the sale of the bonds anticipated by the notes, and any excess fund resulting from the issuance of the notes, shall to the extent necessary be used only for the retirement of the notes at maturity, together with interest

Ordinance No. 104404

Passed November 1, 2004

thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the notes run there shall be levied upon all of the taxable property in the Village within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if the bonds had been issued without the prior issue of the notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected; provided, however, that to the extent the Village has appropriated other lawfully available moneys for such purpose, no tax need be levied. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the notes in anticipation when and as the same fall due.

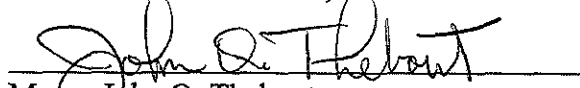
SECTION 8. That this council, for and on behalf of the Village, hereby covenants that it will restrict the use of the proceeds of the notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Clerk-Treasurer or any other officer having responsibility with respect to the issuance of the notes is authorized and directed, as necessary by law, to give an appropriate certificate on behalf of the Village, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. These notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 9. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the county auditor.

SECTION 10. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the immediate issuance of the notes to provide for the orderly financing of the project to which the notes relate, and shall take effect immediately upon its adoption.

ADOPTED November 1, 2004.


Mayor John Q. Thebout

Attest:


Angelina Burton, Clerk-Treasurer

Ordinance No. 1045-04Passed November 1, 2004**ORDINANCE NO. 1045-04****AN ORDINANCE REZONING PARCEL NO. 06-02-22.003
FROM I TO B 2**

Whereas, Granite Investment Company has filed a petition for a zoning change for Parcel 06-02-22.003 from I to B2, and

Whereas, the Village planning commission has held a public hearing in this matter and has approved such change, and

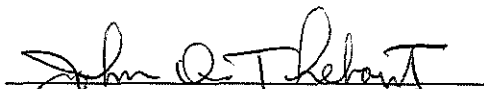
Whereas, Village Council has held a public hearing on the requested zoning change with no adverse comment by the public, now therefore

BE IT ORDAINED by the Council Of The Village Of Batavia, Ohio

Section 1. That parcel no. 06-02-22.003 consisting of 19.507 acres is hereby zoned B-2


Section 2. That the Village zoning map shall be amended to show the new zoning designation upon the effective date of this ordinance.

Adopted: November 1, 2004



Mayor, Village of Batavia, Ohio

Attest:



Angelina Burton, Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1046-04

Passed December 6, 2004



ORDINANCE 1046-04

AMENDMENT TO 2004 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2004 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1025-04 for 2004 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2004 be amended as follows:

CAPITAL FUND – increase
Capital – Main Street

\$250,000

This ordinance shall take effect from and after the earliest period allowed by law.

Adopted: December 6, 2004

ATTEST:

Mayor John Q. Thebout

Angel Burton, Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 6047-04

Passed _____

2005 APPROPRIATION ORDINANCE

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2005.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2005, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	135,360
212 Personal Services/Benefits	69,250
220 Travel Transportation/School	2,000
230 Contractual Services	16,500
240 Supplies & Materials	18,000
250 Capitol Outlay	7,500

Street Lighting

230 Contractual Services	19,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	8,000
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Payment to County Health District

230 Contractual Service	6,900
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT

230 Main Street Association	7,000
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Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	500
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Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	49,000
212 Mayor/Admin Benefits	21,850
240 Mayor/Admin Supplies & Materials	7,100
210 Council/Salaries	7,200
212 Council/Benefits	1,300
230 Council/Contractual Srv (incl solicitor)	18,000
211 Secretary/Salaries	14,000
212 Secretary/Benefits	5,000
210 Clerk/Trs Salaries	7,500
212 Clerk/Trs Benefits	1,100
230 Clerk/Trs Contractual Srv	10,000
240 Clerk/Trs Supplies & Materials	2,500
230 Land & Bldg/Contractual Serv	23,000
240 Land & Bldg/Supplies & Materials	2,000
270 Boards & Commissions/Auditors Fee	2,200
212 Other Genl Gvt/Benefits (workers comp)	7,000

Ordinance No. 1047-04

Passed _____, _____

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$468,760

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 – TRANSPORTATION

211 Personal Services/Salaries	\$96,000
212 Personal Services/Benefits	<u>29,275</u>
TOTAL STREET CONST, MAINT & REPAIR	\$125,275

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

212 Personal Services/Benefits	\$29,275
240 Supplies & Materials	<u>53,000</u>
TOTAL STREET MTN & REPAIR II FUND	\$82,275

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

230 Contractual Services	7,500
240 Supplies & Materials	<u>1,000</u>
TOTAL ST HIGHWAY FUND	\$8,500

POLICE

270 Other Uses/TOTAL POLICE FUND	\$25
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FIRE OPERATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FIRE FUND	\$10,000
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ENFORCEMENT & EDUCATION FUND

270 Other Uses/TOTAL FUND	\$2,500
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MOTOR VEHICLE LICENSE FUND

Program 6 – TRANSPORTATION

230 Contractual	\$7,500
250 Street Const & Repair/Capital Outlay	<u>\$17,000</u>
TOTAL MVL FUND	\$24,500

GRAND TOTAL SPECIAL REVENUE FUNDS \$253,075

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:

WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments/TOTAL	\$32,000
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SEWER DEBT (CLARK/GLEN/ELY) FUND:

Principal Payments/TOTAL	\$25,000
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GRAND TOTAL DEBT SERVICE FUNDS \$57,000

Ordinance No. 1047-04

Passed _____, _____

Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:
CAPITAL IMPROVEMENT FUND

250 Capital Outlay (Main & Clough) \$950,000

STREET IMPROVEMENT FUND

250 Capital Outlay (Clough) \$150,000

270 Other uses/salaries (VA bonus) 45,000

TOTAL STR IMPR FUND \$195,000

GRAND TOTAL CAPT PROJECTS FUNDS \$1,145,000

Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND

230 Office/Contractual \$9,500

240 Office/ Supplies 3,000

230 Supply/Contractual Srv (bulk water purchase) 200,000

230 Filtration/Contractual Srv 10,000

211 Distribution/Personal Srv - Salaries 53,946

212 Distribution/Personal Srv - Benefits 22,000

240 Distribution/Supplies & Materials 25,000

TOTAL WATER FUND \$323,446

SEWER FUND

240 Office/Supplies 3,000

211 Pumping/Personal Srv - Salaries 53,946

212 Pumping/Personal Srv - Benefits 22,000

230 Pumping/Contractual Srv 30,000

240 Pumping/Supplies & Materials 40,000

271 Other Uses/Transfers to Swr R&I per bond 7,000

273 Other Uses/Bond payment 55,000

TOTAL SEWER FUND \$210,946

UTILITIES DEPOSITS FUND

Deposits Refunded \$2,500

Deposits Applied to Account 2,500

TOTAL UTILITIES DEPOSITS FUND \$5,000

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND \$17,000

WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND \$78,000

GRAND TOTAL ENTERPRISE FUND \$634,392

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:

No money appropriated

Ordinance No. 1047-04

Passed _____, _____

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

INCOME TAX FUND

211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	2,000
240 Tax Admin/Supplies	2,500
Taxes Refunded	20,000
Transfers	<u>562,500</u>
TOTAL INCOME TAX FUND	\$600,000

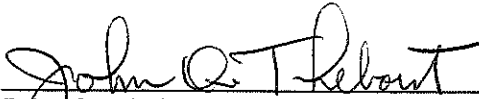
Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS
No money appropriated.

TOTAL ALL APPROPRIATIONS \$3,158,227.00

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Section 12. This ordinance adopted as an emergency measure and shall take effect at the earliest period allowed by law.

Passed:



John Q. Thebout, Mayor



Angelina Burton, Clerk/Treasurer

Ordinance No. 1048-04Passed December 6, 2004**ORDINANCE 1048-04****AN ORDINANCE AMENDING CHAPTER 35.22 ALLOCATION OF
INCOME TAX & ESTABLISHING NEW FUND TO PAY FINAL
JUDGMENT AGAINST VILLAGE**

BE IT ORDAINED by the Council of the Village of Batavia,

WHEREAS, the 8% income tax allocation to the Water Debt Fund has collected more than is required to satisfy the payment ordered by the Findings of Fact, Conclusion of Law & Order (Court of Common Pleas, Clermont County) regarding case #97CV-0793 and,

WHEREAS, the Water Debt Fund currently has a cash balance in excess of one year's payment requirement as ordered by the Findings of Fact, Conclusion of Law & Order prepared by the Court of Common Pleas Clermont County regarding the case #97CV-093 and

WHEREAS, the Finance Committee recommended to reduce the income tax allocation to the Water Debt Fund to match the required annual settlement payment to Clermont County,


THEREFORE, BE IT ORDAINED, that chapter 35.22(b) allocation of funds be amended to the following:

(B) The balance of any monies collected shall be allocated as follows:

1. Thirty two percent (32%) to the General Fund for the purpose of general municipal operations
2. Twelve percent (12%) for street maintenance,
3. Fourteen percent (14%) for street improvement
4. Thirty six percent (36%) for capitol improvement

Six percent (6%) for Water Debt Fund to satisfy the judgment against the Village in case CA2800-06-039 County vs Village opinion 2-36-01; the eight percent for the judgment shall remain until the judgment is fully satisfied, one the judgement is paid the monies shall be redirected to the street improvement fund.

Adopted: December 6, 2004


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk/Treasurer

Ordinance No. 1049-04Passed December 6, 2004 ✓**ORDINANCE 1049-04****AN ORDINANCE AMENDING CHAPTER 35 OF THE VILLAGE
CODE OF ORDINANCES (MUNICIPAL INCOME TAX) AND
REPEALING THE INCOME TAX CREDIT PAID TO OTHER
MUNICIPALITIES AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the Village of Batavia, OH, at least a majority of its members concurring

Section 1: Chapter 35 of the Codified Ordinances of the Village of Batavia are amended as follows:

§ 35.17 RETURN AND PAYMENT OF TAX.

(D) *Payment with returns.*

(1) The taxpayer making a return shall at the time of the filing thereof pay to the Tax Commissioner the amount of taxes shown as due thereon; however, where the source, pursuant to the provisions of § 35.18 or where any portion of such tax has been paid by the taxpayer pursuant to the provisions of § 35.19:

§ 35.19 DECLARATIONS.

(C) *Credit for tax withheld .:*

(1) Such declaration shall be filed upon a form furnished by or obtainable from the Tax Commissioner.


(2) Beginning with the year 1975, a declaration of estimated tax to be paid the municipality shall be accompanied by a payment of at least one-fourth of the estimated tax, less credit for taxes withheld or paid to another municipality, and at least a similar amount shall be paid on or before the last day of the seventh, tenth and thirteenth months after the beginning of the tax year.

(3) A declaration may be amended at any time, provided that if an amended declaration is filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.

Section 2: Section § 35.23 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY. Is hereby repealed.

Section 3: This ordinance is hereby declared to be an emergency measure for the reason that the Village budget has a critical short fall, that Section 35.23 was originally adopted by Village council with the understanding that there would be some sharing of tax revenue from those municipalities imposing income taxes in excess of one per-cent, however, such sharing has not come about resulting in a number of Village residents employed outside of the Village of Batavia who pay no income taxes.

Adopted: December 6, 2004


Mayor John Q. Thebout

Attest:


Angelina Burton, Clerk-Treasurer

✓ Ordinance No. 1050-05Passed January 3, 2005

VILLAGE OF BATAVIA

ORDINANCE NO. 1050-05

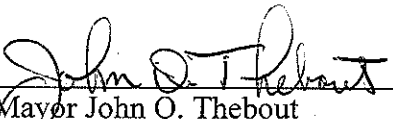
AN ORDINANCE ACCEPTING THE BID OF RUMPKE WASTE SYSTEMS FOR
COLLECTION OF WASTE
FROM FEBRUARY 1, 2005 THROUGH DECEMBER 31, 2007

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. That the bid of Rumpke Waste Systems dated December 22, 2004 which has been incorporated into a contract a copy of which is attached hereto and made a part of this ordinance (Exhibit A), is hereby accepted.

Section 2. The Village Administrator is hereby authorized to execute said contract on behalf of the Village of Batavia.

Adopted: January 3, 2005


Mayor John Q. Thebout

Attest:


Angelina Burton, Batavia Village Clerk

CONTRACT FOR
SOLID WASTE AND CURBSIDE RECYCLING
COLLECTION SERVICES

ORD 1050-05
Exhibit A

This contract is entered into this 1st day of February, 2005 by and between the Village of Batavia, Ohio, hereinafter referred to as "Village" and Rumpke of Ohio, Inc., hereinafter referred to as "Contractor" and consists of the following: Village of Batavia's Request for Bids and Specifications, Rumpke's December 22, 2004 bid, and this document.

Effective February 1, 2005 and concluding December 31, 2007 Rumpke will provide one (1) time per week (Wednesday) solid waste collection for all residential units and commercial hand service units (with a 6 can limit) as follows:

February 1, 2005 to December 31, 2005: \$8.30 Per Unit Per Month
January 1, 2006 to December 31, 2006: \$8.55 Per Unit Per Month
January 1, 2007 to December 31, 2007: \$8.81 Per Unit Per Month

Multi-family units utilizing dumpsters will be provided the necessary containers and service as follows:

<i>February 1, 2005 to December 31, 2005</i>			
SIZE	1X	2X	3X
2 YD	60.88	108.38	155.86
3 YD	69.17	120.84	179.72
4 YD	83.66	145.67	215.94
6 YD	108.48	193.28	274.98
8 YD	129.19	222.35	323.73

<i>January 1, 2006 to December 31, 2006</i>			
SIZE	1X	2X	3X
2 YD	62.71	111.63	160.54
3 YD	71.25	124.47	185.11
4 YD	86.17	150.04	222.42
6 YD	111.73	199.08	283.23
8 YD	133.07	229.02	333.44

<i>January 1, 2007 to December 31, 2007</i>			
SIZE	1X	2X	3X
2 YD	64.59	114.98	165.36
3 YD	73.39	128.20	190.66
4 YD	88.76	154.54	229.09
6 YD	115.08	205.05	291.73
8 YD	137.06	235.89	343.44

Curbside recycling collection will be provided on a voluntary basis one (1) time per week as follows:

February 1, 2005 to December 31, 2005: \$2.50 Per Unit Per Month
January 1, 2006 to December 31, 2006: \$2.58 Per Unit Per Month
January 1, 2007 to December 31, 2007: \$2.66 Per Unit Per Month

The charge for curbside recycling is only for those customers utilizing this service.

Additional services periodically requested by the Village of Batavia will be provided in accordance and at rates as set forth on Bid Proposal Form-Other Services contained in Rumpke's December 22, 2004 bid proposal (attached as Attachment A).

The Village invoice shall initially be based upon 610 units for solid waste collection and 225 units for curbside recycling collection. Prior to January 1st of each contract year the Village and/or Contractor shall make a recount of householders and light commercial users within the Village. Upon agreement of the recount, the Contractor and the Village shall adjust the unit count to be effective on January 1st of each current contract year.

Rumpke will provide containers and the required service for Village of Batavia facilities as outlined in Section 12 of the bid specifications at no charge to the Village.

In the event that either party is unable to perform any of its obligations under this contract or to enjoy any of its benefits because of (or if failure to perform the services is caused by) natural disaster (hereinafter referred to as a "Force Majeure Event"), the party who has been so effected shall immediately give notice to the other party. Upon receipt of such notice, either party may terminate this contract.

The term of this contract shall be for three (3) years beginning February 1, 2005 and continuing through December 31, 2007. The Village shall have the right to extend the Contract at one-year intervals for up to a maximum of two (2) additional years at rates as set forth in Rumpke's December 22, 2004 bid proposal (Attachment A and B) which are attached hereto as Exhibits A and B.

IN WITNESS WHEREOF, the Village of Batavia, by its authorized representative, hereunto subscribes its name; and Rumpke of Ohio, Inc., by its duly authorized representative, hereunto subscribes its name this 1st day of February, 2005, effective as of February 1, 2005.

Anne C. Dock
Witness

2/1/05
Date

VILLAGE OF BATAVIA, OHIO

Robert Stewart
Robert Stewart, Village Administrator

Sue Lockaby
Witness

1/21/05
Date

RUMPKE OF OHIO, INC.

William J. Rumpke
William J. Rumpke, President

Approved as to Form

George Leicht
George Leicht, Solicitor

Ordinance No. 1051-05

Passed February 7, 2005



ORDINANCE NO. 1051-05

AMENDING SOLID WASTE COLLECTION FEE AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Batavia has accepted a contract for waste collection services from Rumpke of Ohio, Inc., and

WHEREAS, the Village charges user fees to all residential and commercial users to pay the contract for services as billed by Rumpke of Ohio, Inc., and

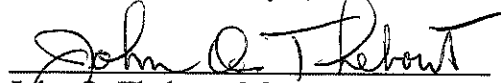
NOW THEREFORE LET IT BE ORDAINED, by the Council of the Village of Batavia that:

SECTION 1. That Section 51.02 (A) (1) of the codified ordinances of the Village of Batavia be amended as follows:

- (A) (1) The solid waste collection charge shall be assessed against all residential users and all commercial and institutional users except those who exceed the limitations designated in 51.03 (D). This charge shall be \$12.80 per month until January 1, 2006, \$13.13 per month from January 1, 2006 until December 31, 2006, \$13.47 per month on and after January 1, 2007.

SECTION 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, welfare and safety of this Village, and for the further reason that the former contract for waste collection services has expired and it is imperative that said collection of waste collection continue: therefor this ordinance shall be in immediate force and effect upon its passage.

ADOPTED February 7, 2005


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk of Council

Ordinance No. 1052-05Passed APRIL 4, 2005**ORDINANCE NO. 1052-05**

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO DECLARE A WEATHER EMERGENCY WITHIN THE VILLAGE AND ISSUE INTERIM ORDERS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF ITS CITIZENS DURING SAID EMERGENCY

WHEREAS, Article XVIII, Section Three of the Ohio Constitution permits municipalities to exercise its police power to provide for the public health, safety or general welfare of its citizens, and

WHEREAS, it is the legislative determination of this Council that severe weather conditions such as snow, sleet or freezing rain can cause deterioration in driving conditions and hazardous roadways which require immediate action by the Village, and

WHEREAS, Council desires to empower the Village Administrator to declare a weather emergency when severe weather conditions occur and to declare and enforce restrictions on the use of the roadways to allow for necessary travel and access for emergency vehicles,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, at least a majority of its members concurring, that:

Section 1. Declaration of Snow Emergencies

- A) When severe winter weather conditions result in the anticipation or accumulation of ice and/or snow, or significant snowfall with high winds which could or do result in blowing and drifting, or other severe winter conditions which result in a deterioration in driving conditions, and it becomes necessary for the Village to prepare for and/or to take action to clear Village streets of ice and/or snow in order to provide for safe travel by the public, the Village Administrator may, and is hereby authorized to, declare that a "Snow Emergency" exists in the Village. The Snow Emergency shall remain in effect until the Administrator terminates said declaration.
- B) The Village Administrator shall upon declaration of a Snow Emergency take such steps as are reasonable to notify Village residents that a Snow Emergency exists. Such actions may include phone calls, faxes, or emails to local news media, including local radio and TV stations. Upon determining that the appropriate time has come to issue a termination announcement, the Village Administrator may take the same reasonable steps to issue notification as when the Snow Emergency was declared.
- C) During the period of any Snow Emergency, no owner or operator of a motor vehicle shall park or permit such vehicle to be parked, stopped or abandoned on any route or street designated by the Village Administrator as a Snow Emergency Route. Vehicles so parked must be removed by owners within two hours of the declaration of emergency, unless the declaration is made between the hours of 12:00 a.m. and 6:00 a.m. If the declaration of emergency occurs between those hours, vehicles must be removed no later than 8:00 a.m.
- D) A list of designated "Snow Emergency Routes" shall be on file at the Village Office and may be updated from time to time. Snow Emergency Routes shall also be clearly marked and indicated by signs along said routes.
- E) After the declaration of an emergency as described in section A above the Village Administrator may, and is hereby authorized to, upon his discretion, issue the following orders:
- 1) Prohibit parking on any or all Village Streets
 - 2) Close any or all Village Streets to non-emergency personnel
 - 3) Call upon any Village personnel to report to work to provide essential emergency response functions.

Ordinance No. 1052-05

Passed APRIL 4, 2005

Section 2 – Classifications of Snow Emergencies

- A) The Village Administrator shall and is hereby authorized to classify Snow Emergencies according to their severity.
- B) Said Classifications shall be as follows:
 - 1) Level 1 Snow Emergency: Roadways are hazardous due to accumulations and/or blowing and drifting snow. Drivers are urged to use caution.
 - 2) Level 2 Snow Emergency: Roadways are hazardous with blowing and drifting snow or accumulations of ice. Unnecessary travel on the roadways should be curtailed. Employees should contact employers to determine if it is necessary to report to work.
 - 3) Level 3 Snow Emergency: Roadways are closed to non-emergency or essential personnel, Unnecessary travel on the roadways is prohibited.

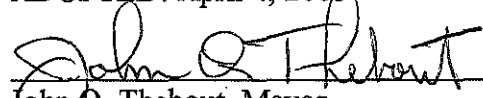
Section 3 – Violations

- A) Any motor vehicle found parked or standing on those streets or portions thereof designated by the Village Administrator during a Snow Emergency may be removed and stored upon the order of any duly appointed officer of the Police Department at the expense of the owner of said motor vehicle.
- B) The owner of such vehicle, removed under the provisions of division A above shall pay to the Clerk-Treasurer an amount equal to the cost of removing such parked vehicle from where it was illegally parked, plus the costs of storage of such vehicle after its removal, and such motor vehicle shall not be released to such owner until such costs are paid.
- C) If the Village Administrator issues an order restricting non-emergency personnel from using the Village Streets, operating a motor vehicle during such order is prima facie evidence of "Misconduct at an Emergency" which creates the risk of physical harm to persons or property in violation of the Code of Ordinances of the Village of Batavia 132.06 subjecting themselves to arrest had having their vehicle towed and impounded in accordance with 92.02 of the Code of Ordinances.
- D) Whoever violates any provision of this Ordinance is guilty of a minor misdemeanor, punishable by a fine not to exceed One Hundred (\$100.00) Dollars.
- E) In the absence of the Village Administrator, the acting Village Administrator, Mayor, or Chief of Police shall have all authority provided herein to the Village Administrator.

Section 4 – Effect

- A) This Ordinance shall not be deemed to modify, limit or reduce in any fashion any existing restrictions on parking of vehicles as set forth in the Code of Ordinances of the Village of Batavia and/or provisions of the zoning code.
- B) This Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the Village of Batavia, Ohio, inconsistent with the Ordinance or which imposes additional requirements for effectiveness or validity.

ADOPTED: April 4, 2005


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk

✓ Ordinance No. 1053-05Passed March 7, 2005

VILLAGE OF BATAVIA

Ordinance No. 1053-05**AN ORDINANCE AUTHORIZING THE LEASE OF THE PROPERTY KNOWN AS
377 EAST MAIN STREET, IN THE VILLAGE OF BATAVIA, OHIO.**~~XX~~

WHEREAS, the Village of Batavia owns certain real property located with the Village which was formerly used as a fire station for the Batavia Village Fire Department, and

WHEREAS, formation of the Central Joint EMS/Fire District now provides fire protection and emergency medical services the Village of Batavia, and

WHEREAS, the Central Joint EMS/Fire District equipment and building is located in Batavia Township, outside the Village municipal limits, and

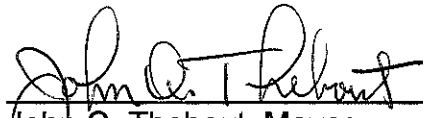
WHEREAS, Council for the Village of Batavia and the Trustees of the Central Joint EMS/Fire District believe it would be in the best interest of the Village to utilize the former Batavia fire station as a satellite fire station for the Central Joint EMS/Fire District, and

WHEREAS, the Council of Village of Batavia desires to lease said property pursuant to Chapter 721 of the Ohio Revised Code for a nominal annual fee, to the Central Joint EMS/Fire District now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. The lease agreement attached hereto for the property located at 377 East Main Street and formerly used as the Village Fire Station, is approved and the Mayor is authorized to execute the same.

Adopted: March 7, 2005



John Q. Thebout, Mayor



Angelina Burton, Village Clerk

Ordinance No. 1054-05

Passed March 7, 2005



VILLAGE OF BATAVIA

ORDINANCE NO. 1054-05

AN ORDINANCE PROVIDING FOR THE SALE OR OTHER DISPOSITION OF VEHICLES OR EQUIPMENT NO LONGER NEEDED FOR VILLAGE USE.

WHEREAS, the Village of Batavia owns vehicles and equipment which, is has become use, worn, obsolete or is no longer needed for village governmental or public purposes, and

WHEREAS, Village desires to sell said property pursuant to Chapter 721 of the Ohio Revised Code, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. That the following vehicles and equipment are hereby declared to be no longer needed for village governmental purposes or public use.

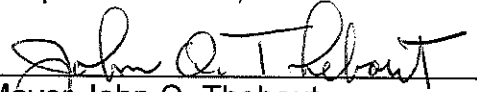
a. 1993 Ford F-150 Pickup Truck

Section 2. Village council authorized the sale of the above described property by complete bidding, by invitation to bid or by public auction. Said property may be sold as a lot or individually.

Section 3. Sale of said property shall go to the best and highest bid as determined by the Village administrator.

Section 4. The Village reserves the right to reject any and all bids.

Adopted: March 7, 2005


Mayor John Q. Thebout

Attest:


Angelina Burton, Village Clerk

Ordinance No. 1055-05

Passed APRIL 4, 2005

**ORDINANCE 1055-05
AN ORDINANCE SETTING THE
SALARY OF THE CHIEF OF POLICE**


WHEREAS, the Village has employed Mike Gardner as the Chief of Police and it is necessary to set a salary for said position, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Ohio at least three-fourths of its members concurring

SECTION 1. That the Chief of Police shall be given a pay rate to \$18.00/hour, payable bi-weekly, effective January 2, 2005


SECTION 2. Ordinance 1029-04 is hereby amended.

Adopted: April 4, 2005



Mayor John Q. Thebout

ATTEST:



Angelina Burton, Clerk-Treasurer

Ordinance No. 1056-05Passed May 2, 2005

ORDINANCE 1056-05
AMENDMENT TO 2005 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2005 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1047-04 for 2005 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2005 be amended as follows:

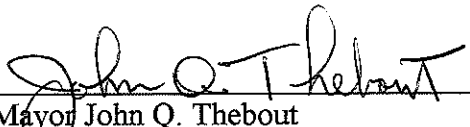
WATER FUND – increase
E1-5X-270 OPWC Debt \$ 5,000

CAPITAL IMPROVEMENT – increase
OPWC Main Street Grant \$282,260

This ordinance shall take effect at the earliest period allowed by law.

Passed: May 2, 2005

ATTEST:


Mayor John Q. Thebout


Angel Burton, Clerk/Treasurer

✓ Ordinance No. 1057-05Passed July 7, 2005**ORDINANCE NO. 1057-05**

AN ORDINANCE AMENDING TITLE FIFTEEN: LAND USAGE, OF THE CODE OF ORDINANCES OF THE VILLAGE OF BATAVIA, AMENDING THE SUBDIVISION REGULATIONS AND REPEALING ANY CODE SECTION OR ORDINANCE IN CONFLICT.

WHEREAS, the Village of Batavia has adopted regulations controlling the creation and development of Subdivisions within the Village; and

WHEREAS, the Planning Commission has made recommendations for the improvement of such regulations and held a public hearing for comment on such recommendations; and

WHEREAS, Village Council has reviewed such recommendations and held a public hearing for comment on such recommendation;

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, as follows:

SECTION ONE: That Section 152.037 of the Code of Ordinances be amended as follows:

§ 152.037 APPROVAL OF MINOR SUBDIVISIONS.

(A) Approval of a minor subdivision in the incorporated area of the village may be granted by the village administrator if the proposed division of a parcel of land meets all of the following conditions.

(1) The proposed subdivision is located along an existing public street or road and involves no opening, widening or extension of any street or road. Each lot or parcel created must display a minimum frontage of 66 feet on an existing public street or road.

(2) No more than five lots or parcels are involved after the original tract has been completely subdivided.

(3) The proposed subdivision is not contrary to applicable platting, subdividing or zoning regulations. Administrative approval may not be granted if any variance from either the zoning ordinance or subdivision regulations are requested. Variances of subdivision regulations may only be granted by the Planning Commission and not the administrative officer, and variances to the zoning ordinance only by the Board of Zoning Appeals.

(4) The property has been surveyed and the applicant has submitted:

(a) One copy of a completed "Application for Minor Subdivision Approval" form.

(b) Three copies of a drawing (plat of survey) showing the proper dimensions and areas of the entire tract and (note size) each individual lot and semi-permanent or permanent monumentation of each new and existing corner. The drawings shall be of such size and shape and contain such information as to meet the "survey plan" requirements of the Clermont County Tax Map Department.

(c) Three copies of the metes and bounds legal description that will be used in the individual conveyances for each of the lots involved.

(B) Upon submission of the required information, the village administrator will assign the application a review number and will forward to the County Tax Map Department one copy of the plat of survey, one copy of the legal description for the proposed lots and a "Minor Subdivision Survey Transmittal and Survey Approval Form." The Tax Map Department after reviewing these items will return the "Minor Subdivision Survey Transmittal and Survey Approval Form" indicating thereon whether the items are acceptable or unacceptable for that Department's purposes and requirements. Upon receipt of such form from the County Tax Map Department, the village administrator will

Ordinance No. 1057-05

Passed July 7, 2005

determine whether the proposed minor subdivision complies with the required conditions. Action will be taken by the village administrator within ten working days after the submission of the proposed division. The applicant will be promptly notified of the village administrator's action, and the applicant may request that one copy of the plat of survey, and one copy of the legal descriptions, with the village administrator's approval or disapproval indicated thereon, be returned to him for his own use. If the proposed division is acceptable, conveyances for the lots involved may be presented to village administrator who shall sign the conveyances and stamp them "Approved by the Batavia Planning Commission." The applicant may then proceed in recording his conveyances by taking them to the County Tax Map Department, the County Auditor's Office, and the County Recorder's Office for processing, transfer and recording.
(78 Code, § 1167.18)

SECTION TWO: That Section 152.108 of the Code of Ordinances be amended as follows:

§ 152.108 LARGE LOT DEVELOPMENT.

(A) *Generally.* The regulations contained in this section are intended to accommodate low-density developments which will provide livable environments with a minimal disturbance to natural topography and physical assets of the proposed site.

(B) *Minimum lot size.* All lots in "large lot developments" shall contain a minimum of two acres (87,120 square feet).

(C) *Conformity to existing streets and thoroughfare plan.* Whenever a large lot development abuts or contains an existing or proposed major thoroughfare, the standards contained in these regulations shall be applicable. If a large lot development abuts or contains an existing local or collector residential street, it must meet the requirements of these regulations.

(D) *Street design criteria.*

(1) All streets will be designed as local streets. Their alignment will reflect existing topographic features and will be planned to prohibit through traffic.

(2) The Planning Commission may allow a reduction in pavement width to 18 feet, without curb and gutter or 20 feet with curb and gutter only if the developer can demonstrate that by reason of unusual circumstances due to the topography or irregular layout of the development creates a hardship on the developer. These streets must be planned to terminate within the property and not be extended to additional lots. The Planning Commission, however, reserves the right to require extension of the street to property lines if special circumstances warrant this determination.

(3) As a general policy curbs, gutters, storm sewers and sidewalks will be required within a large lot development. However, the Planning Commission may waive these improvements where such improvements are not required under §§ 152.080 through 152.091 of these regulations and where the developer can demonstrate that by reason of unusual circumstances the installation would create a hardship on the developer. They shall not be waived where collector streets or thoroughfares are located within the subdivision.

(E) *Resubdivision.* A large lot development may be resubdivided only where no new building sites are created or where the resubdivider constructs all improvements or additional improvements to the design requirements set out in §§ 152.080 through 152.091. No lots created by a resubdivision may be smaller than 2 acres. The record plat of a large lot development must clearly indicate that it is a special development approved under this chapter and shall include in its covenants and restrictions a clause prohibiting the resubdivision of any lot within the development except where in compliance with the requirements of these regulations.

(78 Code, § 1175.04) Penalty, see § 152.999

SECTION THREE: That Section 152.023 of the Code of Ordinances be amended as follows:

Ordinance No. 1037-05Passed July 7, 2005**§ 152.023 PRELIMINARY PLAN REQUIRED.****(A) Concept Drawing**

A concept drawing may be submitted in duplicate to the Village Administrator. The drawing may be drawn to scale by the developer or his agent. The CONCEPT DRAWING may be submitted to the Planning Commission prior to the development of a PRELIMINARY DRAWING, at a regular meeting for their review and recommendations. The purpose of this drawing is to present the general scope of the development prior to the development of detailed plans. While there are not requisites for this drawing it should contain enough information to provide the Planning Commission with an overview of the proposed subdivision.

(B) Preliminary Plan

The subdivider shall submit a preliminary plan of the proposed subdivision and all supplementary information and materials required by §§ 152.050 through 152.053 of these regulations. The preliminary plan shall conform to the requirements set forth in §§ 152.050 through 152.053 and shall be prepared by a qualified registered engineer or surveyor.

(78 Code, § 1167.04) Penalty, see § 152.999

SECTION FOUR: That Section 152.083 of the Code of Ordinances be amended as follows:

§ 152.083 STREET DESIGN STANDARDS.

(A) General street design policies. To promote a coherent and efficient system of streets in Batavia, the Planning Commission will:

- (1) Require all new streets to conform to or complement the Batavia Thoroughfare Plan;
- (2) Encourage utilization of subdivision design techniques that will protect the arterial function of those streets so designated in the Thoroughfare Plan;
- (3) Encourage the use of collector streets to serve minor residential streets wherever possible;
- (4) Discourage the frequent intersection of local residential streets with arterials;
- (5) Require proposed street systems be compatible with the existing and/or proposed pattern of surrounding streets and land uses;
- (6) When considered desirable and practical, encourage the provision of inter-connecting streets to adjacent property in such a manner as to provide for the orderly development of such adjacent property;
- (7) Encourage an arrangement of subdivision streets that display a positive relationship to on-site natural conditions; and
- (8) Encourage street designs that enhance the residential amenity of new subdivisions by creating interesting visual perspectives and a sense of privacy.

(B) Minimum Street Design Standards**1. SURFACING OF ROADS AND STREETS -**

- a. Pavement widths shall be as specified in Section 2-A
- b. All street pavements shall slope from the crown of each gutter at three-sixteenths of an inch per foot minimum; one-fourth of an inch per foot is preferred. There shall be a planting strip between the curb and the sidewalk of at least ten feet in width, with a minimum slope of three-eighths of an inch per foot toward the curb and a maximum

Ordinance No. 1057-05

Passed July 7, 2005

slope of the three inches per foot toward the curb. Retaining walls shall be provided by the subdivider where the maximum slope cannot be maintained.

- c. Pavement designations for all street classifications shall be submitted to the Village Administrator for approval. The following pavement design shall be used for all local streets. All materials shall be in accordance with the State of Ohio Department of Transportation Construction and Material Specification Manual (January 1, 1983) or as subsequently revised.

Local Streets

<u>Description</u>	<u>ODOT Item Number</u>	<u>Thickness</u>
	<u>Asphalt Pavement</u>	
Subgrade compaction	203	
Aggregate base	304	10 inches (2-5 inches courses)
Bituminous prime coat	408	0.35 gallon/square yard
Asphalt concrete (AC-20)	402	2 inches
Asphalt concrete (AC-20)	404	1-1/2 inches

- d. The minimum centerline curve radius for all local streets shall be 100 feet. The minimum centerline radius for all other street classifications shall be as approved by the Village Administrator.
- e. The minimum back of the curb radius at all intersections shall be twenty-five feet.
- f. A street intersection shall be at least 150 feet, measured along the centerline from another street intersection.
- g. Approaches to intersections shall be straight for a distance of at least 100 feet from the centerline of the street intersected.
- h. Streets shall intersect as nearly as possible at right angles. No street shall intersect any other street at an angle of less than sixty degrees.
- i. A tangent of at least 100 feet in length shall be provided between reverse curves on all but marginal access streets.
- j. Approaches to intersections shall not exceed a grade of three percent for a distance of at least 100 feet.
- k. Curbs shall be constructed along all streets. Curbs on all local streets shall be mountable type "F" as shown in the Wood County Construction standards. Curbs for all other street classifications shall be as approved by the Village Administrator.
- l. The maximum street gradient shall be seven percent and the minimum street gradient shall be one-half percent. When establishing a road, street, or ally gradients, consideration shall be given to abutting property.
- m. Vertical curves shall be used at all points on the gradient where the algebraic difference is two percent (2%) or greater.

(C) *Pavement thickness and material standards.* Pavement thickness and material standards shall conform to those of the Village Engineer, Clermont County Engineer the State of Ohio Material Specifications.

(D) *Street names.* Names of new streets shall not duplicate or nearly duplicate the names of existing streets of record or streets for which preliminary plans have been approved. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets.
(78 Code, § 1173.04) Penalty, see § 152.999

SECTION FIVE: That Section 152.087 (M) of the Code of Ordinances be amended as follows:

(M) Density,

Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed two (2) dwelling units per gross acre.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1057-05Passed July 7, 2005

Medium-Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density.

Medium Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

Medium-High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed sixteen (16) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

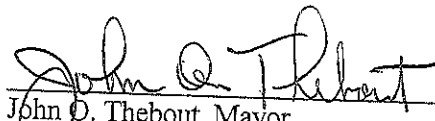
High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.


SECTION SIX: Repeal

This ordinance hereby repeals any ordinance or sections of the Code of Ordinances found in conflict with it.

Adopted July 7, 2005

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

Ordinance No. 1058-05

Passed June 6, 2005

✓

ORDINANCE NO. 1058-05

AN ORDINANCE AUTHORIZING THE VILLAGE OF BATAVIA TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE STATE OF OHIO FOR OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN REVITALIZATION PROGRAM, TIER ONE DOWNTOWN REVITALIZATION PLANNING FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of providing Downtown Revitalization Planning; and

WHEREAS, the Village of Batavia desires to participate in the program to receive financial assistance under the Small Cities Community Development Block Grant Program;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, as follows:

SECTION 1: That the Council of the Village of Batavia authorizes its Administrator to make application and to enter into agreement with the State of Ohio, Department of Development, Small Cities Community Development Block Grant Downtown Revitalization Program, Tier One Downtown Revitalization Planning funds, and to provide all information and documentation required.

SECTION 2: That the Council of the Village of Batavia hereby approves an application for financial assistance in the amount of fifteen thousand dollars, under the Small Cities Community Development Block Grant Downtown Revitalization Program for Tier One Downtown Revitalization Planning.

SECTION 3: That the Council of the Village of Batavia has committed through Ordinance No. 1047-04 the amount of seven thousand dollars of match and further acknowledges the Village Association of Batavia's eight thousand dollar funding commitment for the remaining match.

SECTION 4: That the Clerk of Council be, and hereby is, authorized and directed to cause publication or otherwise post this Ordinance in a summary manner as provided by law.

SECTION 5: That this Ordinance is declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare of the Village of Batavia and its inhabitants, for the further reason that it should be authorized immediately in that the economic development and continued improvement and revitalization of the main street area is necessary for the economic growth of the Village and that said grants are time sensitive requiring immediate action of the Village Council to make application as soon as possible; wherefore upon adoption by Council this Ordinance shall be in effect immediately upon its passage.

Date: June 6, 2005

John Q. Thebout
Mayor John Q. Thebout

ATTEST:

Angelina Burton
Angelina Burton, Clerk-Treasurer

Ordinance No. 1059-05Passed June 6, 2005

ORDINANCE NO. 1059-05

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AGREEMENT WITH THE VILLAGE ASSOCIATION OF BATAVIA TO PROVIDE SERVICES TO ADMINISTER AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN REVITALIZATION PROGRAM, UTILIZING TIER ONE DOWNTOWN REVITALIZATION PLANNING FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of providing Downtown Revitalization Planning; and

WHEREAS, the Village of Batavia desires to participate in the program to receive financial assistance under the Small Cities Community Development Block Grant Program; and

WHEREAS, the Council of the Village of Batavia has authorized its Administrator to make application and to enter into agreement with the State of Ohio, Department of Development, Small Cities Community Development Block Grant Downtown Revitalization Program, Tier One Downtown Revitalization Planning funds, and to provide all information and documentation; and

WHEREAS, the Village Association of Batavia, has agreed to provide the services necessary to execute the program of Downtown Revitalization Planning as specified in the application and agreement with the State of Ohio, Department of Development,

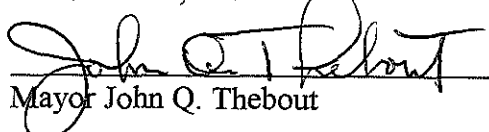
NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, as follows:

SECTION 1: That the Council of the Village of Batavia authorizes its Administrator to enter into agreement with Village Association of Batavia, committing the Village Association of Batavia to provide the services necessary to execute the program of Downtown Revitalization Planning as specified in the application and agreement with the State of Ohio, Department of Development,

SECTION 2: That the Clerk of Council be, and hereby is, authorized and directed to cause publication or otherwise post this Ordinance in a summary manner as provided by law.

SECTION 3: That this Ordinance is declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare of the Village of Batavia and its inhabitants, for the further reason that it should be authorized immediately in that the economic development and continued improvement and revitalization of the main street area is necessary for the economic growth of the Village and that said grants are time sensitive requiring immediate action of the Village Council to make application as soon as possible; wherefore upon adoption by Council this Ordinance shall be in effect immediately upon its passage.

Date: June 6, 2005


Mayor John Q. Thebout

ATTEST:


Angelina Burton, Clerk-Treasurer

RECORD OF ORDINANCES

125

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1060-05

Passed June 15, 2005

ORDINANCE 1060-05 AMENDMENT TO 2005 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2005 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1047-04 for 2005 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2005 be amended as follows:

GENERAL FUND -- increase
A1-1A-250 Police Capital Outlay \$ 8,500

This ordinance shall take effect at the earliest period allowed by law.

Passed: June 15, 2005

ATTEST:



Mayor John Q. Thebout



Angel Burton, Clerk/Treasurer

Ordinance No. 1061-05

Passed August 1, 2005

ORDINANCE 1061-05

AN ORDINANCE OF THE VILLAGE OF BATAVIA, OHIO
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH ROBERT STEWART TO PROVIDE SERVICES AS
VILLAGE ADMINISTRATOR

WHEREAS, the Village of Batavia has employed the services of Robert Stewart as Village Administrator for the past three years, and

WHEREAS, the initial contract agreement between Robert Stewart and the Village will expire on December 1, 2005, and

WHEREAS the mayor and village council wish to retain the services of Robert Stewart for an additional three years and have negotiated a contract acceptable to the Mayor and council;

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia that:

The Mayor is hereby authorized to enter into a contract for the employment of Robert Stewart as Village Administrator for a period of three years. Terms of said contract to be as follows:

**EMPLOYMENT CONTRACT FOR POSITION OF
VILLAGE ADMINISTRATOR
VILLAGE OF BATAVIA**

This contract between The VILLAGE OF BATAVIA (hereinafter referred to as "THE VILLAGE, and ROBERT STEWART, hereinafter referred to as "THE ADMINISTRATOR," is entered into through the appropriate legislative authorities and under the laws of the State of Ohio.

SECTION ONE: EMPLOYMENT

(A) Robert Stewart, currently serving as Village Administrator hereby agrees to continue to be employed as the Village Administrator for the Village of Batavia, with offices at 389 East Main Street, Batavia, Ohio, 45103, for the duration of this contract. Said employment shall commence on December 1, 2005 and continue for a period of not less than 3 years from that date.

(B) During that time he shall perform and exercise all rights, responsibilities and duties of a Village Administrator as described in the Ohio Revised Code, and any relevant ordinances and resolutions of the Village of Batavia. He agrees that he will at all times faithfully, industriously, and to the best of his ability, experience, and talents perform such duties to the reasonable satisfaction of the Village, under the direct supervision of the Mayor.

SECTION TWO: COMPENSATION

(A) In consideration for said services the Village agrees to provide the following compensation to the Administrator:

- 1) Annual Salary of \$46,350.00 in the first year of the contract. Compensation may increase annually for cost of living (as established by the US Department of Labor, Consumer Price Index on December 31st of the year just ended) or merit increases

Ordinance No. 1061-05

Passed August 1, 2005

following review and evaluation at any time during the contract period. Said reviews to be done at least annually.

- 2) In addition to the base salary, the Administrator shall receive incentive an administrative pay of 10% of all grant moneys obtained by the Administrator's individual efforts or in cooperation with other governmental agencies, which are used by the village and administered by the Administrator. Said incentive pay shall compensate the Administrator for the additional duties and responsibilities incurred in obtaining and administering such grants and shall be paid to the administrator in the fiscal year in which such grants are expended. The Administrator's incentive pay shall not exceed 50% of the Administrator's salary, per project for which grants are obtained. By agreement of the Administrator and Council and because of extraordinary circumstances, such cap may be increased for specific projects undertaken by the village.
- 3) An additional (5) five days per year of paid administrative leave upon sufficient notice to the Mayor prior to exercise. Said leave does not affect any vacation time already allowed pursuant to relative Ohio Law, Village Ordinance, or personnel policies.
- 4) All benefits provided or made available to other non-contract personnel including, but not limited to, Ohio Public Employees Retirement System, medical and dental coverage, deferred compensation options, Holidays, sick leave, etc.
- 5) A mileage reimbursement equal to the current Federal IRS rate allowable for mileage deductions for use of his personal vehicle on official Village business. The administrator shall provide a written report of mileage accrued and the purpose of said mileage to the Clerk/Treasurer before being compensated.

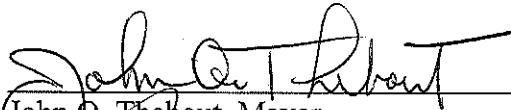
SECTION THREE: EFFECT OF PARTIAL INVALIDITY OR WAIVER

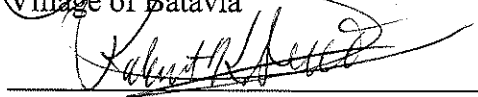
(A) The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect.

(B) The failure of either party to this agreement to insist upon the performance of any of the terms and conditions of this agreement, or the waiver of any breach of any of the terms and conditions of this agreement shall not be construed as waiving any such terms and conditions. The agreement shall remain in full force and effect as if no such breach of forbearance had occurred.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed on

this 1st day of August, 2005


 John Q. Thebout, Mayor
 Village of Batavia


 Robert Stewart, Administrator

Attest:


 Angelina Burton, Clerk/Treasurer

Ordinance No. 1063-05Passed September 6, 2005 ✓**ORDINANCE 1063-05****AN ORDINANCE RE-ZONING PARCEL NO. 060217.001
FROM R-1 TO B-2**

Whereas, Gregory H. Cribbet & Terry T. Fox, have filed a petition for a zoning change for the Parcel 060217.001 from R1 to B2, and

Whereas, the Village planning commission has held a public hearing in this matter and has approved such change, and

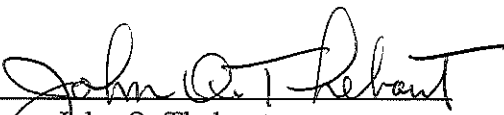
Whereas, Village Council has held a public hearing on the requested zoning change with no adverse comment by the public, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Ohio

Section 1. That parcel no. 060217.001 consisting of .831 Acres is hereby zoned B2.

Section 2. That the Village zoning map shall be amended to show the new zoning designation upon the effective date of this ordinance.

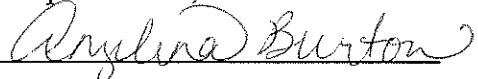
Adopted: September 6, 2005


Mayor John Q. Thebout

Attest:


Angelina Burton, Clerk-Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on September 15, 2005 and September 22, 2005.


Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1064-05Passed September 6, 2005**ORDINANCE NO. 1064-05****AN ORDINANCE OF THE VILLAGE OF BATAVIA, CLERMONT COUNTY, OHIO, GRANTING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO REPLACE CONCRETE BRIDGE DECKS, PAINT STEEL AND PERFORM OTHER REHABILITATION ON CERTAIN BRIDGES WITHIN THE VILLAGE OF BATAVIA AND DECLARING AN EMERGENCY**

The following is Ordinance No. 1064-05 enacted by the Village of Batavia, Clermont County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

WHEREAS, the LPA/STATE has identified the need for the described project:

Replace concrete bridge decks, paint steel and perform other rehabilitation on Bridge Nos. CLE

32-0684, SFN: 1300326; CLE-32-0696, SFN: 1300342; and CLE-32-0734, SFN: 1300377.

NOW THEREFORE, be it ordained by the Village of Batavia, Ohio, three fourths of its members hereto concurring:

SECTION I- Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION II .Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

ODOT shall assume and bear 100% of the necessary costs of the State's highway improvement project. In the event that the Village requests certain features or appurtenances be included within the State's Highway improvement project's design and construction, and which features and appurtenances are determined by the State and/or FHWA to be not necessary for the State's project, the Village shall contribute 100% of the cost of those items. This does not preclude the Village from seeking or applying for federal funds, specifically designated for enhancements, to cover such costs.

SECTION III .Utilities and Right-of-Way Statement

As it applies toward additional Village requests as stated in Section II, the LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

As it applies toward additional Village requests as stated in Section II, the LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Ordinance No. 1064-05

Passed September 6, 2005

SECTION V Maintenance

As it applies toward additional Village requests as stated in Section II, the Village shall maintain those features or appurtenances, keeping them free of obstructions, and holding said right-of-way inviolate for public highway purposes.

SECTION IV- Authority to Sign

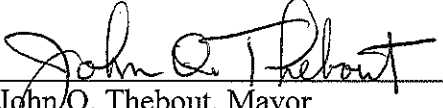
The Village Administrator of said Village is hereby empowered on behalf of the Village of Batavia to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION V – Declaration of Emergency

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Date Passed: September 6, 2005

Attest:


 John Q. Thebout, Mayor


 Angelina Burton, Clerk/Treasurer

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

✓ Ordinance No. 1065-05Passed September 6, 2005

**ORDINANCE 1065-05
AMENDMENT TO 2005 APPROPRIATION ORDINANCE**

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2005 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1047-04 for 2005 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2005 be amended as follows:

GENERAL FUND – increase

A1-1A-240 Police Supplies \$ 2,500

WATER FUND – increase

E1-5D-230 Contractual \$4,200

SEWER FUND – increase

E2-5C-240 Supplies \$15,000

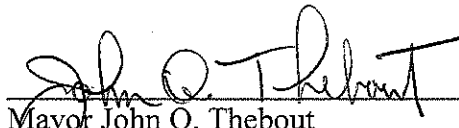
FIRE FUND – increase

B8-1A-240 Supplies \$7,000

This ordinance shall take effect at the earliest period allowed by law.

Passed: September 6, 2005

ATTEST:



Mayor John Q. Thebout



Angel Burton, Clerk/Treasurer

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1066-05

Passed October 3, 2005 ✓

ORDINANCE 1066-05 AMENDMENT TO 2005 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2005 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1047-04 for 2005 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2005 be amended as follows:

GENERAL FUND – increase

A1-1A-211 Police Salary \$2,000

A1-4A-230 Main Street \$15,000

WASTE FUND – increase

E10-5X-230 Contractual \$3,500

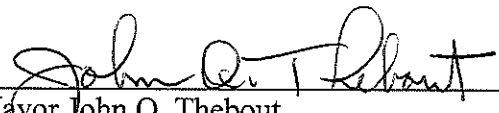
INCOME TAX FUND – increase

G3-7A-270 Transfer \$120,000

This ordinance shall take effect at the earliest period allowed by law.

Passed: October 3, 2005

ATTEST:


Mayor John Q. Thebout


Angel Burton, Clerk/Treasurer

Ordinance No. 1067-05Passed December 5, 2005

1067-05

2006 APPROPRIATION ORDINANCE

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2006.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2006, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	144,720
212 Personal Services/Benefits	70,000
220 Travel Transportation/School	2,000
230 Contractual Services	18,000
240 Supplies & Materials	20,000
250 Capital Outlay	14,500

Street Lighting

230 Contractual Services	15,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	8,000
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Payment to County Health District

230 Contractual Service	7,228
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT

230 Main Street Association	7,000
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Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	675
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Ordinance No. 1-67-05

Passed December 5, 2005

Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	51,000
212 Mayor/Admin Benefits	25,000
240 Mayor/Admin Supplies & Materials	5,000
210 Council/Salaries	7,200
212 Council/Benefits	1,300
230 Council/Contractual Srv (incl solicitor)	13,000
211 Secretary/Salaries	14,700
212 Secretary/Benefits	5,000
210 Clerk/Trs Salaries	7,500
212 Clerk/Trs Benefits	1,100
230 Clerk/Trs Contractual Srv	2,000
240 Clerk/Trs Supplies & Materials	1,700
230 Land & Bldg/Contractual Serv	20,000
240 Land & Bldg/Supplies & Materials	1,500
270 Boards & Commissions/Auditors Fee	1,200
212 Other Genl Gvt/Benefits (workers comp)	7,000

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$471,323

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 – TRANSPORTATION

211 Personal Services/Salaries	\$98,650
212 Personal Services/Benefits	<u>62,750</u>
TOTAL STREET CONST, MAINT & REPAIR	\$161,400

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

212 Personal Services/Benefits	\$0
240 Supplies & Materials	<u>65,000</u>
TOTAL STREET MTN & REPAIR II FUND	\$65,000

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

230 Contractual Services	7,500
240 Supplies & Materials	<u>1,000</u>
TOTAL ST HIGHWAY FUND	\$8,500

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1067-05Passed December 5, 2005

POLICE

270 Other Uses/TOTAL POLICE FUND \$25

FIRE OPERATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FIRE FUND \$10,000

ENFORCEMENT & EDUCATION FUND

270 Other Uses/TOTAL FUND \$2,500

MOTOR VEHICLE LICENSE FUND

Program 6 – TRANSPORTATION

230 Contractual \$7,500

250 Street Const & Repair/Capital Outlay 8,500

TOTAL MVL FUND \$16,000

GRAND TOTAL SPECIAL REVENUE FUNDS \$263,425

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:

WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments/TOTAL \$32,000

SEWER DEBT (CLARK/GLEN/ELY) FUND:

Principal Payments/TOTAL \$25,000

GRAND TOTAL DEBT SERVICE FUNDS \$57,000

Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:

CAPITAL IMPROVEMENT FUND

250 Capital Outlay (Main & Clough) \$315,000

STREET IMPROVEMENT FUND

250 Capital Outlay (Clough) \$132,000

270 Other uses/salaries (VA bonus) 30,000

TOTAL STR IMPR FUND \$162,000

GRAND TOTAL CAPT PROJECTS FUNDS \$477,000

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1067-05

Passed December 5, 2005

Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND

230 Office/Contractual	\$9,500
240 Office/ Supplies	3,000
230 Supply/Contractual Srv (bulk water purchase)	200,000
230 Filtration/Contractual Srv	13,000
211 Distribution/Personal Srv - Salaries	59,000
212 Distribution/Personal Srv - Benefits	18,072
240 Distribution/Supplies & Materials	25,000
270 OPWC Debt	<u>5,000</u>
TOTAL WATER FUND	\$332,572

SEWER FUND

240 Office/Supplies	3,000
211 Pumping/Personal Srv - Salaries	59,000
212 Pumping/Personal Srv - Benefits	18,072
230 Pumping/Contractual Srv	33,000
240 Pumping/Supplies & Materials	40,000
271 Other Uses/Transfers to Swr R&I per bond	6,600
273 Other Uses/Bond payment	<u>55,000</u>
TOTAL SEWER FUND	\$214,672

UTILITIES DEPOSITS FUND

Deposits Refunded	\$2,500
Deposits Applied to Account	<u>2,500</u>
TOTAL UTILITIES DEPOSITS FUND	\$5,000

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND	\$7,500
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WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND	\$85,000
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GRAND TOTAL ENTERPRISE FUND \$644,744

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:

No money appropriated

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1067-05Passed December 5, 2005

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

INCOME TAX FUND


211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	2,000
240 Tax Admin/Supplies	2,500
Taxes Refunded	20,000
Transfers	587,500
TOTAL INCOME TAX FUND	\$625,000


Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS
No money appropriated.

TOTAL ALL APPROPRIATIONS \$2,538,492

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Passed: December 5, 2005


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

Ordinance No. 1068-05

Passed November 10, 2005

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 1068-05

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$900,000 WEST MAIN STREET IMPROVEMENT GENERAL OBLIGATION BOND ANTICIPATION NOTES, FIRST (2005) RENEWAL, BY THE VILLAGE OF BATAVIA, OHIO, FOR THE PURPOSE OF PROVIDING IMPROVING WEST MAIN STREET WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of this Village has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is fifteen (15) years; and

WHEREAS, this Village has issued its \$900,000 West Main Street Improvement General Obligation Bond Anticipation Notes to finance the cost of improving West Main Street within the Village (the "Project") and such notes are about to come due and should be renewed in the same principal amount;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, (hereinafter called the "Village"), County of Clermont, Ohio, three-fourths of the members elected thereto concurring:

SECTION 1. That it is necessary to issue bonds of the Village in the principal amount of not to exceed \$900,000 for the purpose of financing the cost of the Project. Said bonds shall be dated approximately November 1, 2006, shall bear interest at an approximate rate of five percent (5.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding fifteen (15) years.

SECTION 2. That notes of the Village shall be issued in anticipation of such bonds.

SECTION 3. That the notes shall be dated November 30, 2005, shall bear interest at such rate as determined by the Administrator and Clerk-Treasurer without further action of this council required, and shall mature on November 29, 2006, and shall be of such number and denomination as requested by the purchaser.

SECTION 4. That the notes shall be executed by the Mayor and the Clerk-Treasurer and may, but shall not be required to, bear the seal of the Village. The Mayor and the Clerk-Treasurer are also authorized to take all other action required in connection with the issuance and sale of the notes. The notes shall be designated "West Main Street General Obligation Bond Anticipation Notes, First (2005) Renewal" and shall be payable at such other bank or trust company as is acceptable to the Mayor and the Clerk-Treasurer and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of the Uniform Public Securities Law of the Ohio Revised Code and this ordinance.

SECTION 5. That the notes shall be sold at private sale to Connors & Co., Inc., in accordance with its offer to purchase the same which is hereby accepted, at par plus accrued interest, if any, and the proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the notes shall be the full general obligation of the Village, and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. The par value received from the sale of the bonds anticipated by the

Ordinance No. 1968-05

Passed November 10, 2005

notes, and any excess fund resulting from the issuance of the notes, shall to the extent necessary be used only for the retirement of the notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the notes run there shall be levied upon all of the taxable property in the Village within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if the bonds had been issued without the prior issue of the notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected; provided, however, that to the extent the Village has appropriated other lawfully available moneys for such purpose, no tax need be levied. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the notes in anticipation when and as the same fall due.

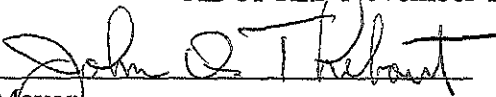
SECTION 8. That this council, for and on behalf of the Village, hereby covenants that it will restrict the use of the proceeds of the notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Clerk-Treasurer or any other officer having responsibility with respect to the issuance of the notes is authorized and directed, as necessary by law, to give an appropriate certificate on behalf of the Village, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. These notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 9. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the county auditor.

SECTION 10. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the immediate issuance of the notes to provide for the orderly financing of the project to which the notes relate, and shall take effect immediately upon its adoption.

ADOPTED November 10, 2005.


Mayor

Attest:


Clerk-Treasurer

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1069-05

Passed December 5, 2005

✓

ORDINANCE 1069-05 AMENDMENT TO 2005 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2005 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1047-04 for 2005 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2005 be amended as follows:

GENERAL FUND – increase

A1-7A-211 Mayor & Village Admin Salary \$2000

A1-7A-212 Mayor & Village Admin Benefits \$500


WATER FUND – increase

E1-5A-240 Supplies \$5000

This ordinance shall take effect at the earliest period allowed by law.

Passed: December 5, 2005

ATTEST:


Mayor John Q. Thebout


Angel Burton, Clerk/Treasurer

✓ Ordinance No. 1062-05Passed September 6, 2005**ORDINANCE NO. 1062-05**

AN ORDINANCE ESTABLISHING REGULATIONS AND RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS OF THE VILLAGE OF BATAVIA'S WATER AND SEWER SYSTEM AND REPEALING CONFLICTING ORDINANCES

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO:

SECTION 1: The users of RESIDENTIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates.

A. AVAILABILITY. The Residential Rate is available for domestic water & sewer service to individual residences and multiple dwelling units, such as apartments, mobile homes, condominiums, etc., used for strictly residential purposes.

Where service is supplied for commercial, business, industrial, professional or other similar non-residential purposes, in part or in whole, such service shall be considered as Commercial in character and the applicable Commercial Schedule shall apply.

RATE PER SERVICE OR DWELLING UNIT PER MONTH OR PART THEREOF**WATER RATE**

CUBIC FEET OF WATER USED
CORP.

INSIDE CORP. OUTSIDE

UP TO ONE INCH METER

Unit Charge	\$1.50	\$ 2.25
Minimum Charge (1st 100 CF.)	\$8.00	\$12.00
Over 100 CF. (per 100 CF.)	\$3.40	\$ 5.10

OVER ONE INCH METER

Unit Charge	\$1.50	\$ 2.25
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$3.40	\$ 5.10

SEWER RATE

CUBIC FEET OF WATER USED
CORP.

INSIDE CORP. OUTSIDE

Unit Charge	\$2.00	\$ 3.00
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$2.25	\$ 3.35

B. MULTIPLE DWELLING UNITS. Where more than one dwelling unit (such as an apartment house, mobile home court, duplex, etc.) is served through one meter, the unit charge will apply to each separate dwelling unit, whether occupied or not.

The Village reserves the right to require that all future individual dwelling units be individually metered and plumbed in accordance with current administrative policy before water service is established.

Ordinance No. 1062-05

Passed September 6, 2005

C. MINIMUM CHARGE PER MONTH. The minimum charge will not be less than the above applicable charge for the first 100 cubic feet of water used during any month or any part thereof, and shall not be prorated.

Minimum usage is per active service to a meter, not to a dwelling unit, and shall not be charged to an account where service to a meter has been discontinued by the Village or at the request of the owner and/or occupant.

D. TERMS OF PAYMENT. The rates set forth herein are net, and apply only in the event that accounts for water service are paid within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

E. BILLING. All billing will be done on an approximately 30 day basis and will be billed to the nearest cubic foot on the meter. All rates shall be applicable for any fractional part of a billing month.

SECTION 2: The users of COMMERCIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates:

A. AVAILABILITY. The Commercial Rate is available to Commercial, Industrial and other classes of service not provided for in the Residential Rate Schedule. The Schedule in Paragraph B below is applicable to all Commercial, Industrial, and non-residential users, including but not limited to business establishments, factories, processing plants, offices, restaurants, clubs, lodges, theaters, rest homes, hospitals, motels, hotels, churches, schools, service stations, commercial car washes, and reception halls. In the event the same meter services both residential and commercial establishments, the Commercial Rate shall apply, with the exception that in such case the residential unit charge shall be applied for each residential unit served.

B. WATER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be the sum of the charges (A) and (B) below.

(A) Commodity Charge	INSIDE CORP.	OUTSIDE CORP.
0.75" service line/meter	\$ 1.50	\$2.25
1.00" service line/meter	\$ 1.50	\$2.25
2.00" service line/meter	\$ 2.00	\$3.00
3.00" service line/meter	\$2.50	\$3.75
4.00" service line/meter or greater	\$3.00	\$4.50

Ordinance No. 1062-05

Passed September 6, 2005

(B) CUBIC FEET OF WATER USED CORP.	INSIDE CORP.	OUTSIDE
UP TO ONE INCH METER		
Minimum Charge (1st 100 CF.)	\$8.00	\$12.00
Over 100 CF. (per 100 CF.)	\$3.40	\$ 5.10

B. SEWER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be:

CUBIC FEET OF WATER USED CORP.	INSIDE CORP.	OUTSIDE
Unit Charge	\$2.00	\$ 3.00
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$2.25	\$ 3.35

The capacity of service will be determined by the Village and shall normally be equal to the nominal diameter in inches of the water service line tap extending from the Village's main to Consumer's meter, or the size of the meter, whichever is greater.

For government buildings, schools, churches and other non-profit charitable institutions where the service line is 4.00 inches or less, the .capacity of service charge shall be \$1.50 inside the Corporation limits and \$2.25 outside the Corporation limits of the Village.

C. MULTIPLE ESTABLISHMENTS. The Village reserves the right to require that all future individual business establishments or activities located on the same premises be individually metered and plumbed before service is established.

D. MINIMUM CHARGE. The minimum charge per month shall not be less than the sum of the above applicable usage rate and the applicable Commodity Charge and shall not be prorated for any part of a month.

E. BILLING. All billings will be on an approximately 30 day basis and will be billed to the nearest cubic foot of water registered on the meter. All rates shall be applicable for any fractional part of a billing month.

F. TERMS OF PAYMENT. The rates set forth are net, and apply only in the event that accounts for water service are paid in full within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

SECTION 3: The users of SPECIAL WATER SERVICES in the Village of Batavia shall be subject to the following regulations and rates.

A. FIRE PROTECTION SERVICE. For all fire protection service made and requiring a special separate fire service line located on the consumer's premises, the following conditions apply:

1) The consumer shall install at his expense, subject to the Village's inspection and approval, all the necessary complete and separate piping system extending from the consumer's system and connecting to the Village's existing water main.

Ordinance No. 1062-05

Passed September 6, 2005

2) All separate fire service lines shall have installed in same a check meter to determine any flow of water in same and to detect any illegal diversion of water from the fire line. Such meter and its installation shall meet the Village's specifications and the entire installation shall be at the expense of the consumer.

3) No charge shall be made for any measured water flow through said fire line resulting from use of water for fire fighting purposes. Any other usage, accidental or intentional, shall be billed at the appropriate rate in SECTION 2 above, including capacity charges, in addition to the regular capacity charges in the schedule below which shall be billed monthly.

CAPACITY CHARGE FOR FIRE SERVICE LINE		
SIZE OF FIRE SERVICE LINE .	INSIDE CORP.	OUTSIDE CORP.
1 to 2 inches	\$10.00 per month	\$15.00 per month
4 TO 6 inches	\$20.00 per month	\$30.00 per month
6 to 8 inches	\$30.00 per month	\$45.00 per month

The above Capacity Charges do not apply to wholly tax supported public buildings, such as schools and governmental buildings.

B. BULK WATER SALES. Direct metered sales from the Village mains may be made at a location designated by the Village at such times and hours as fixed by the water department. The charge for such service shall be \$5.25 per 1000 gallons. Such sales shall be governed by the terms and conditions set forth in the Administrative Policy Manual.

C. TEMPORARY SERVICE FOR NON-PROFIT ORGANIZATIONS. Temporary service for tax-free and non-profit public activities, such as fairs, festivals, athletic events, etc., may be established according to the terms and conditions set forth in the Administrative Policy Manual.

D. SERVICE TO VILLAGE OFFICES AND BUILDINGS. Services to all the offices and buildings owned, leased, rented, or otherwise occupied in any official capacity by the Village of Batavia, its boards and commissions, shall be extended without charge. Such service shall, when practicable, be metered and recorded.

SECTION 4: All users of the Village water system shall be subject to DEPOSIT REQUIREMENTS as outlined in the Administrative Policy Manual.

SECTION 5: All users of the Village water system shall be subject to, and comply with, the provisions and conditions provided for in the Administrative Policy Manual (available at the Village's Water Department), the same as if herein written, which may be amended from time to time under the authority granted to the Village Administrator in Code Section 31.04 and ORC 743.

SECTION 6: Partial payments of utility bills shall be applied first to any outstanding balance in water, then to trash collection (garbage), then to sewer.

SECTION 7: Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part to be so declared invalid.

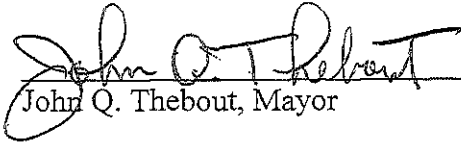
SECTION 8: This ordinance repeals Ordinance No. 947-98; Ordinance No. 979-01; Ordinance 1002-02 and all other ordinances inconsistent herewith.

Ordinance No. 1062-05Passed September 6, 2005

SECTION 9: The rates herein shall be effective for meter readings in October 2005 and thereafter.


Date: September 6, 2005

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on September 15, 2005 and September 22, 2005.


Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1070-06Passed January 9, 2006**ORDINANCE 1070-06**

AN ORDINANCE ADOPTING THAT MAYOR MARY ANN LEFKER, VILLAGE OF WILLIAMSBURG, CLERMONT COUNTY, OHIO, BE THE CHIEF EXECUTIVE OFFICER TO REPRESENT THE MUNICIPAL CORPORATIONS IN CLERMONT COUNTY ON THE PLANNING COMMITTEE FOR THE CLERMONT COUNTY FINAL 9-1-1 PLAN.

WHEREAS, the Federal Communication Commission (FCC) has issued docket # 94-102 in 1996, and WHEREAS, the 125th Ohio State House General Assembly passed HB361 and SB21 1, and

WHEREAS, the State of Ohio Governor Bob Taft signed the Wireless E 9-1-1 Funding law on February 1, 2005 that establishes a Wireless E9-1-1 service charge, with a three year sunset provision, and

WHEREAS, the wireless carriers began collection of the thirty-two cent service charge per wireless phone on August 1, **2005**, with the funds collected to be deposited into the State of Ohio Treasury, and

WHEREAS, this funding is to be disbursed to local government operated Public Safety Answering Points (PSAP) for the purpose of providing the infrastructure to support Wireless E9-1-1 Phase I and Phase II technology, and

WHEREAS, each County with a PSAP(s) operates under an adopted Final 9-1-1 Plan that now must be amended to accept the Wireless E9-1-1 funding, and

WHEREAS, the Planning Committee must be re-established for the purpose of amending the Clermont County Final 9-1-1 Plan, and

WHEREAS, the municipal corporations need to appoint representation to the Planning Committee, that position being the chief executive officer of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF BATAVIA, OHIO BY AUTHORITY OF CHAPTER 504 OF THE OHIO REVISED CODE, AS FOLLOWS;

SECTION I

Mayor Mary Ann Lefker, Village of Williamsburg, is the name set forth to represent the Village of Batavia on the Planning Committee for the purpose of amending the Clermont County Final 9-1-1 Plan as deemed by ORC.

SECTION II

This ordinance is declared to be an emergency for the preservation of the public health and safety. Specifically, to provide the two PSAP's in Clermont County with the designated funding for implementation of Wireless E9-1-1.

SECTION III

That this Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO


Form 6220

Ordinance No. 1070-06Passed January 9, 2006

Therefore, this ordinance shall go into immediate effect

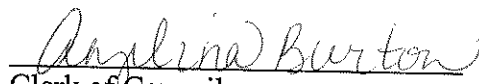
Adopted: January 9, 2006

Attest:


John Q. Thebout, Mayor
Angelina Burton, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Angelina Burton, Clerk/Treasurer of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week on two consecutive weeks on the 01/19/06 and the 01/26/06 in accordance with the provisions of the Ohio Revised Code.


Clerk of Council
Batavia, Ohio

Ordinance No. 1071-06Passed March 6, 2006**ORDINANCE NO 1071-06****AN ORDINANCE OF THE VILLAGE OF BATAVIA, CLERMONT COUNTY, OHIO
AMENDING CHAPTER 151 OF THE VILLAGE CODE OF ORDINANCE**

WHEREAS, the Federal Emergency Management Agency, U.S. Department of Homeland Security had completed a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the Village of Batavia, and

WHEREAS, the FIS and FIRM will become effective on March 16, 2006, and

WHEREAS, by that date the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office will have to approve the legally enforceable floodplain management measures the Village of Batavia is required to adopt in accordance with 44 Code of federal Regulations Section 60.3 (d), and

WHEREAS, the Council of the Village of Batavia desires to comply with and implement all Federal Regulations for floodplain management for the protection of the peace, health and safety of the citizens of the Village of Batavia, and

WHEREAS, it is necessary to amend the current floodplain regulations to comply with current Federal regulations,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, that Chapter 151: FLOOD DAMAGE PREVENTION is amended as follows:

CHAPTER 151: FLOOD DAMAGE REDUCTION REGULATIONS**SECTION 1.0: GENERAL PROVISIONS****1.1 Statutory Authorization**

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Village Council of Batavia, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The Village of Batavia has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

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- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

1.5 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Batavia as identified in Section 1.6, including any additional areas of special flood hazard annexed by Village of Batavia.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. Flood Insurance Study for Clermont County, Ohio and Incorporated Areas, March 16, 2006
Flood Insurance Rate Map for Clermont County, Ohio and Incorporated Areas, March 16, 2006
- B. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Batavia as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Clermont County Building Department, 2275 Bauer Road, Batavia, Ohio 45103

1.7 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed.

Ordinance No. 1071-06Passed March 6, 2006

These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Batavia, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number from 1 to 3 feet.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Critical Development

Critical development is that which is critical to the community's public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or

Ordinance No. 1077-06

Passed March 6, 2006

water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/ propane storage facilities.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Ordinance No. 1271-26Passed March 6, 2006

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus one (1) foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Functionally dependant use

Functionally dependant use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repairing facilities, but does include long-term storage or related manufacturing facilities.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

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4. Individually listed on the inventory of historic places maintained by the Village of Batavia whose historic preservation program has been certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Industrialized unit

"Industrialized unit" means a building unit or assembly of closed construction fabricated in accordance with 3781.06 (C) (3) of the Ohio Revised Code in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home or a mobile home that are defined by this section.

Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or an "industrialized unit". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Ordinance No. 1571-06Passed March 6, 2006**Manufactured home park**

As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park; even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the initial effective date of the Village of Batavia's Flood Insurance Rate Map, February 4, 1981, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer

A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor

A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

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Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds 50 percent of a structure's market value, that structure is considered a substantial improvement.

This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure which is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The Building Official for Clermont County is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.

Ordinance No. 1571-206Passed March 6, 2006

- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - 2. All new construction and substantial improvements other than accessory use buildings equal to or less than 600 square feet.

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3. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
4. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required by Section 4.9(C).
5. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
6. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
7. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 4.3.
8. Volumetric calculations demonstrating compensatory storage has been provided as required by Section 4.9(D).

F. A floodplain development permit application fee set by the schedule of fees adopted by the Clermont County Board of County Commissioners shall be paid at the time of application.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

Ordinance No. 1571-016Passed March 6, 2006

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A areas without a base flood elevation, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data.
- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

3.10 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that The Village of Batavia flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted

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to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- a. Proposed floodway encroachments that increase the base flood elevation; and
- b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by Mayor of the Village of Batavia, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Batavia have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Batavia's Flood Insurance Rate Map accurately represent the Village of Batavia boundaries, include within such notification a copy of a map of the Village of Batavia suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Batavia has assumed or relinquished floodplain management regulatory authority.

3.11 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

Ordinance No. 1571-016Passed March 6, 2016

- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

3.12 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Batavia are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
3. Critical developments in all special flood hazard areas.
4. Fill found not to be in compliance with 4.9(D) and not approved in accordance with Section 4.10.
5. Storage or processing of any flammable, combustible, toxic or other hazardous materials in quantities that exceed an amount necessary for building service equipment such as heating, air conditioning and water heating for domestic use.

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Passed March 6, 2006

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).
- F. Any proposed street shall be located at an elevation above the 100-year flood plain. All public and private streets situated within the 100-year flood plain shall be located and constructed in a manner that will not trap and accumulate flood water and will ensure that the street sub-grade material at the edge of the pavement or back of the curb is situated at an elevation above the 100 year flood plain.
- G. If a blue line stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right of way along the stream sufficient to accommodate the 100-year storm event.
- H. All storm water structures (detention and retention basins) will have the 100-year storm elevation defined on the plans and any work performed below that 100-year elevation shall be in compliance with these regulations.
- I. Any development or other construction that uses a culvert, pipe, bridge or other structure to cross any stream, swale, ditch or other water conveyance feature must be designed to accommodate a 100-year storm event without backup. If the culvert, pipe, bridge or other structure is designed for anything less than the 100-year storm event, the resulting elevation at the 100-year storm event that exists as a result of the backup of water must be defined on the plans and any work performed below that 100-year line shall be in compliance with these regulations.

4.4 Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other

Ordinance No. 1071-010Passed March 6, 2006

service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- D. New construction and substantial improvement of any residential structure, including manufactured homes and industrialized units, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In zone A where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes and industrialized units, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. If the structure is unoccupied such as a garage or storage building, have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

4.5 Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) – (G).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

Ordinance No. 1571-06Passed March 6, 2006**4.6 Accessory Structures**

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 4.4.

4.8 Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

- 1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

- 1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- 2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

Ordinance No. 1571-516Passed March 6, 2006

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village of Batavia specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

D. Compensatory Storage Required for Fill

Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.

Section 4.10: Fill. The following standards apply to all fill activities in special flood hazard areas:

A. Fill Sites

Fill sites, upon which structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method,

B. Fill slopes Fill Slopes shall not be steeper than one foot vertical to two feet horizontal,

C. Protection against erosion and scour for fill slopes

Adequate protection against erosion and scour is provided for fill slopes. When expected velocities during the occurrence of the base flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less, protection shall be provided by covering them with vegetative cover.

C. Fill composition

Fill shall be composed of clean granular, earthen or other approved material.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The Clermont County Board of County Commissioners shall appoint an Appeals Board consisting of five members as follows: one engineer registered in the State of Ohio, one Surveyor registered in the State of Ohio, one developer/real estate

Ordinance No. 1071-06

Passed March 6, 2006

professional, two members shall come from the professional community preferably with knowledge in the construction field or an Attorney admitted to the Ohio Bar. The members shall serve three (3) year terms after which time they shall be reappointed or replaced by the Clermont County Board of County Commissioners. No member shall serve more than two consecutive terms. Each member shall serve until his/her successor is appointed.

- B. A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. A minimum of three (3) members must be present to constitute a legal meeting. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Clermont County Building Department.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

- Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the Clermont County Board of County Commissioners.

Ordinance No. 1071-06Passed March 6, 2006**B. Notice for Public Hearing**

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Flood Damage Reduction Regulations. Hearing notification shall be in accordance with Section 119 of the Ohio Revised Code.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below

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Passed March 6, 2006

the base flood elevation and the cost of flood insurance will be commensurate with the increased risk. resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Clermont County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if

Ordinance No. 1071-06Passed March 6, 2006

a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

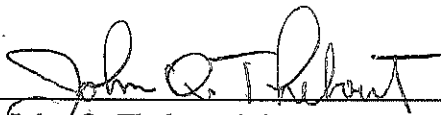
Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor of the 4th degree. Any person who violates this ordinance or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Batavia, Ohio. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Batavia from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Batavia shall prosecute any violation of this ordinance in accordance with the penalties stated herein.

SECTION 7.0: ADOPTION

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 877-94, which is hereby repealed.

Adopted: March 6, 2006

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk Treasurer

Ordinance No. 1072-06

Passed January 9, 2006 ✓

ORDINANCE NO. 1072-06

AN ORDINANCE AMENDING ORDINANCE NO. 1062-05 ESTABLISHING REGULATIONS AND RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS OF THE VILLAGE OF BATAVIA'S WATER AND SEWER SYSTEM AND REPEALING CONFLICTING ORDINANCES

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO:

That Section 2 B (B) of Ordinance No. 1062-05 be amended as follows:

(B) CUBIC FEET OF WATER USED CORP.	INSIDE CORP.	OUTSIDE
UP TO ONE INCH METER		
Minimum Charge (1st 100 CF.)	\$8.00	\$12.00
Over 100 CF. (per 100 CF.)	\$3.40	\$ 5.10
OVER ONE INCH METER		
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$3.40	\$ 5.10

B. SEWER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be:

CUBIC FEET OF WATER USED CORP.	INSIDE CORP.	OUTSIDE
Unit Charge	\$2.00	\$ 3.00
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$2.25	\$ 3.35

The capacity of service will be determined by the Village and shall normally be equal to the nominal diameter in inches of the water service line tap extending from the Village's main to Consumer's meter, or the size of the meter, whichever is greater.

For government buildings, schools, churches and other non-profit charitable institutions where the service line is 4.00 inches or less, the capacity of service charge shall be \$1.50 inside the Corporation limits and \$2.25 outside the Corporation limits of the Village. For such buildings with service lines greater than 4.00 inches the commercial commodity charge shall apply.

BE IT FURTHER ORDAINED:

That Section 6 of Ordinance 1062-05 shall be amended as follows

A. The Clerk Treasurer of the Village of Batavia is directed and hereby authorized to create a Water II (Fund Code E11) capital improvements fund and that all funds deposited in said fund may be used only for capital improvements in the water system

B. The Clerk Treasurer of the Village of Batavia is directed and hereby authorized to establish a Sewer II (Fund Code E12) capital improvements fund and that all funds deposited in said fund may be used only for capital improvements in the sanitary sewer system

C. All residential Unit charges for water shall be deposited in the Water II capital improvements fund.

D. All commercial and industrial commodity charges for water shall be deposited in the Water II capital improvements fund.

E. All residential Unit charges for sewer shall be deposited in the Sewer II capital improvements fund.

F. All commercial and industrial Unit charges for sewer shall be deposited in the Sewer II capital improvements fund.

G. All Capacity fee charges for new water taps shall be deposited in the Water II capital improvements fund.

H. All Capacity fee charges for new sewer taps shall be deposited in the Sewer II capital improvements fund.

Adopted: January 9, 2006

John Q. Thebout
John Q. Thebout, Mayor

Attest:

Angelina Burton
Angelina Burton, Clerk/Treasurer

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1073-06Passed January 9, 2006

ORDINANCE NO. 1073-06

AN ORDINANCE OF THE VILLAGE OF BATAVIA, CLERMONT, OHIO,
DIRECTING THE TREASURER IN THE APPLICATION OF PARTIAL
UTILITY BILL PAYMENTS AND ESTABLISHING PROCEDURES
ADDRESSING CUSTOMER BANKRUPTCY PETITIONS.

WHEREAS, the Village of Batavia collects partial utility bill payments which are distributed over various funds and accounts, and

WHEREAS, there is a need to determine priority in said distribution, and

WHEREAS, from time to time customers file bankruptcy petitions affording them certain protections from collection of village utility bills, and

WHEREAS, there is a need to establish a policy and procedure to process such accounts when said petitions are received,

THEREFORE BE IT ORDAINED:

Section One:

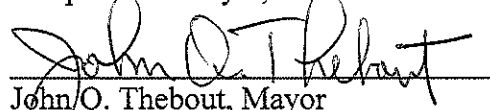
That the Village Clerk is directed to apply utility payments received from an individual, commercial or industrial user (customer) as follows:

1. First to any NSF or late charges accrued on the account
2. Second to payment of the garbage or trash charges for the immediate month
3. Third to the payment of the sewer charges for the immediate month
4. Fourth to the payment of the water charges for the immediate month.
5. Fifth to any other charges appearing on the account billing

Section Two:

That in the event that the Village shall receive a notice that a user (customer) has filed a bankruptcy petition, the Village Administrator shall immediately calculate the utility charges for said user to the date of the bankruptcy and shall create a new account for future service to said user. User shall be required to place a deposit on the new account as provided for in the Administrative Code. Services provided to the new account shall be governed by the standard procedures in the Village Administrative Code.

Adopted: January 9, 2006


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk Treasurer

Ordinance No. 1074-06

Passed February 6, 2006

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1074-06

AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF MANLEY BURKE FOR LEGAL SERVICES RELATING TO THE CLOUGH PIKE RELOCATION PROJECT.

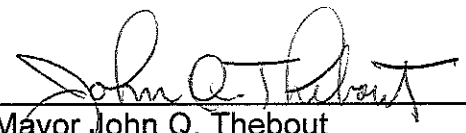
WHEREAS, Village Council deems necessary to relocate, construct, maintain and operate a section of Clough Pike located within the Village of Batavia and to acquire real property in accordance with plans on file in the Village Clerk's Office, and

WHEREAS the solicitor of the Village has recommended that the Village employ Manley Burke, a legal Professional Association to represent the Village in adversary matters relating to the acquisition of said property

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio,

Section 1. The Mayor and Village Administrator are authorized to enter into a contract with Manley Burke, for legal representation related the Clough Pike Relocation Project, a copy of said contract being attached hereto .

Adopted: February 6, 2006


Mayor John Q. Thebout


Village Clerk Angelina Burton

Ordinance No. 1075-06Passed APRIL 3, 2006ORDINANCE 1075-06
AMENDMENT TO 2006 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1067-05 for 2006 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2006 be amended as follows:

GENERAL FUND – increase

A1-4E-230 Community Environment Contractual \$ 5,000

STATE HIGHWAY FUND – increase


B2-6B-240 Supplies \$25,000

SEWER FUND – increase

E2-5C-230 Contractual \$18,000

This ordinance shall take effect at the earliest period allowed by law.

Passed: April 3, 2006



Mayor John Q. Thebout

ATTEST:



Angel Burton, Clerk/Treasurer

Ordinance No. 1076-06

Passed March 6, 2006

ORDINANCE NO. 1076-06

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO PURCHASE MATERIALS AND SERVICES WITHOUT FORMAL BIDDING AND DECLARING AN EMERGENCY

WHEREAS, Village Council has been advised that a real and present emergency exists in the village owned utilities, to wit: an 8 inch sanitary sewer main on North Riverside Drive has shifted, creating a severe constriction of flow and immediate danger of creating a sanitary sewer overflow. Such overflows being a threat to the health and safety of the general public and a violation of Ohio EPA regulations, it is imperative that repairs be made immediately, and

WHEREAS, the anticipated costs of repairs including the costs of materials and services is expected to exceed \$15,000.00, and

WHEREAS, ORC Section 735.051 permits Council to authorize the Village Administrator to purchase materials and services without formal bidding when a real and present emergency exists, now therefore

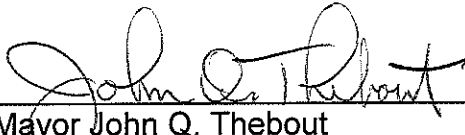
BE IT BE ORDAINED, by the Council of the Village of Batavia that:

Section 1: That a real and present emergency exists in the village owned utilities, said emergency being described in the preamble of this ordinance and incorporated herein.

Section 2. That the Village Administrator is authorized to purchase materials and services without the formal bidding and advertising requirements of the Ohio Revised Code to alleviate such emergency

Section 3. This ordinance is declared to be an emergency measure as specified by ORC Section 731.30 for the reasons and circumstances set forth in the preamble and incorporated in this section., said circumstances requiring the immediate preservation of public health and safety of the residents of the Village of Batavia, Ohio.

Adopted: March 6, 2006


Mayor John Q. Thebout

Attest


Village Clerk Angelina Burton

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RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

✓ Ordinance No. 1077-06

Passed March 20, 2006

VILLAGE OF BATAVIA

ORDINANCE NO. 1077-06

**AN ORDINANCE accepting dedication and maintenance of the
relocated Clough Pike from Clermont County, Ohio**

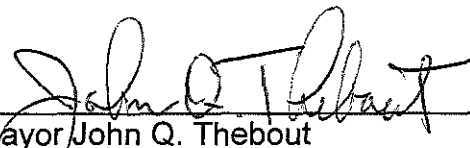
WHEREAS, Clough Pike is to be relocated within the Village of Batavia, Ohio,
on and over certain lands owned by Clermont County, Ohio, and

WHEREAS the Commissioners of Clermont County Ohio have offered to
dedicate a public right of way over said property with the Village to accept and
maintain said right of way,

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of
Batavia, Ohio,

Section 1. That the Village of Batavia, Ohio hereby accepts the right of way
and of the relocation of Clough Pike as set forth on the attached plat and will hence
forth maintain said right of way as described. .

Adopted: March 20, 2006


Mayor John Q. Thebout


Village Clerk Angelina Burton

Ordinance No. 1078-06

Passed April 3, 2006



ORDINANCE NO. 1078-06

AN ORDINANCE AMENDING ORDINANCE NO. 1037-04 CREATING A TABLE OF ORGANIZATION AND ESTABLISHING WAGE SCHEDULES FOR EMPLOYEES OF THE VILLAGE OF BATAVIA

WHEREAS, the Village has established a Water & Sewer Department to operate the water distribution, sanitary sewer collection, and wastewater treatment plant, and the Village has established a Street and Maintenance Department to maintain streets, parks, buildings and other infrastructure and public right-of-way, under the direction of the Village Administrator, and

WHEREAS, the Village has adopted a chart of classification for Village Employees provided in Ordinance No. 1037-04, Exhibit B, as the official chart of classification for employees of the Village, and

WHEREAS, Exhibit B, has been found to be inadequate to meet current requirements for wages in that department;

Now therefore be it ordained by the Council of the Village of Batavia that Exhibit B of Ordinance 1037-04, shall be amended as it relates to the Street Department in accordance with Exhibit B, attached hereto and made a part of this ordinance.

Adopted: April 3, 2006

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

Ordinance No. 1078-06Passed April 3, 2006

Exhibit B Wage Schedule for Street Department											
Class 1 - LABORER		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
	Level 1	\$8.00	\$8.20	\$8.40	\$8.60	\$8.80	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
	Level 2	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 3	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
Class 2 - OPERATOR											
	Level 1	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
	Level 2	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80
	Level 3	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 4	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80
Class 3 - FOREMAN											
	Level 1	\$11.00	\$11.20	\$11.40	\$11.60	\$11.80	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80
	Level 2	\$12.00	\$12.20	\$12.40	\$12.60	\$12.80	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80
	Level 3	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80
	Level 4	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80
STREET SUPERINTENDENT											
	Level 1	\$13.00	\$13.20	\$13.40	\$13.60	\$13.80	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80
	Level 2	\$14.00	\$14.20	\$14.40	\$14.60	\$14.80	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80
	Level 3	\$15.00	\$15.20	\$15.40	\$15.60	\$15.80	\$16.00	\$16.20	\$16.40	\$16.60	\$16.80
	Level 4	\$16.00	\$16.20	\$16.40	\$16.60	\$16.80	\$17.00	\$17.20	\$17.40	\$17.60	\$17.80
	Level 5	\$18.00	\$18.20	\$18.40	\$18.60	\$18.80	\$19.00	\$19.20	\$19.40	\$19.60	\$19.80

Ordinance No. 1079-06

Passed APRIL 3, 2006

VILLAGE OF BATAVIA

Ordinance No. 1079-06

**AN ORDINANCE AUTHORIZING THE LEASE OF THE PROPERTY KNOWN AS
377 EAST MAIN STREET, IN THE VILLAGE OF BATAVIA, OHIO.**

WHEREAS, the Village of Batavia owns certain real property located with the Village which was formerly used as a fire station for the Batavia Village Fire Department, and

WHEREAS, formation of the Central Joint EMS/Fire District now provides fire protection and emergency medical services the Village of Batavia, and

WHEREAS, the Central Joint EMS/Fire District equipment and building is located in Batavia Township, outside the Village municipal limits, and

WHEREAS, Council for the Village of Batavia and the Trustees of the Central Joint EMS/Fire District believe it would be in the best interest of the Village to utilize the former Batavia fire station as a satellite fire station for the Central Joint EMS/Fire District, and

WHEREAS, the Council of Village of Batavia desires to lease said property pursuant to Chapter 721 of the Ohio Revised Code for a nominal annual fee, to the Central Joint EMS/Fire District now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. The lease agreement attached hereto for the property located at 377 East Main Street and formerly used as the Village Fire Station, is approved and the Mayor is authorized to execute the same.

Adopted: April 3, 2006


John Q. Thebout, Mayor


Angelina Burton, Village Clerk

Ordinance No. 1079-06Passed APRIL 3, 2006

LEASE FOR REAL PROPERTY

The Council of the Village of Batavia, Clermont County, Ohio, hereinafter referred to as Owner, and the Board of Trustees of Central Joint EMS/Fire District, hereinafter referred to as Tenant, do hereby agree as follows:

1. LEASED PREMISES

Owner, in consideration of the rents to be paid and covenants to be performed by the Tenant hereunder, hereby leases to the Tenant, for the term and subject to the covenants and conditions hereinafter set out, the following described known as space currently occupied for the provision of Fire/EMS services at 377 East Main Street, Batavia, Ohio 45103, located in Clermont County, Ohio.

2. TERM

Subject to the restrictions as set out in the following paragraph, the term of this lease shall be for One (1) year beginning April 1, 2006 and ending March 30, 2007.

3. RENT FOR LEASED PREMISES

Tenant shall pay the Owner as rent for the premises during the period of this lease, the sum equal to \$1.00 per year.

4. USE OF PREMISE

Tenant will not commit or permit any waste in the premises, use the premises, or permit them to be used for any unlawful purpose, or any dangerous, noxious or offensive activity, or cause or maintain any nuisance in the premises. At the end of the term of this Lease the Tenant will deliver up the premises in as good an order and condition as they are now, or may be put by the Owner or Tenant, reasonable use and ordinary wear and tear and damage by fire or other casualty excepted.

5. REPAIRS

The Owner shall be responsible for all maintenance and repairs and to do whatever is necessary to keep the premises leased hereunder in a fit and habitable condition including, but not limited to, the maintenance and repair of all structural, plumbing, and electrical systems in the premises. The Tenant shall be responsible to keep the leased premises in a safe and sanitary condition, and shall be responsible for repairs to the heating system and garage doors including openers.

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Ordinance No. 1079-06Passed April 3, 2006

6. ALTERATIONS

The Tenant will not alter, remodel or make permanent changes to the premises without first obtaining the permission of the Owner.

7. UTILITIES

The Tenant shall be responsible for all utilities including, but not limited to, gas, electric, cable, water, sewer and trash removal, used by the Tenant for the premises during the lease term.

8. INSURANCE

- A) The Tenant shall be responsible for all insurance costs on the premises. The insurance must provide for total replacement cost of the leased property at 377 East Main Street, Batavia, Ohio 45103.
- B) The Tenant shall at all times maintain liability insurance on the premises, personal injury or death and property damage in an amount equal to \$1,000,000.00 and the Tenant shall deliver a copy or certificate of the insurance policy to the Owner upon request.
- C) The Tenant shall maintain the insurance coverage for all risks of loss to the leased property and shall be responsible for any deductibles. The Tenant shall list the owner as the loss payee on the insurance policies and proof of the insurance shall be submitted upon signing of this Lease.

9. ASSIGNMENTS AND SUB-LEASE

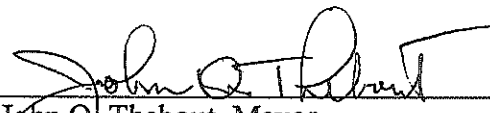
The Tenant shall not assign this Lease or sublet the premises or any part thereof without prior written consent of the Owner.

10. BINDING EFFECT

This Lease and all agreements of the Owner and Tenant contained herein shall be binding upon and inure to the benefit of successors of the respective parties herein.

Ordinance No. 1079-06Passed April 3, 2006

IN WITNESS WHEREOF the parties have hereunto set their hands this 7th day of
April, 2006.


John Q. Thebout, Mayor
Village of Batavia

State of Ohio
County of Clermont ss.



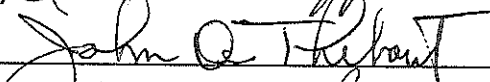
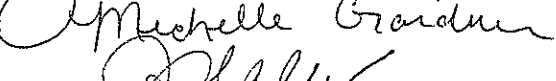

Before me, a notary public, in and for the State of Ohio, personally appeared the
above mentioned Mayor of the Village of Batavia on this the 7th day of
April, 2006

WITNESS MY official signature and seal on the day last above mentioned



NICOLE GREEN
Notary Public State of Ohio

Board of Trustees of Central Joint Fire/EMS
District

State of Ohio
County of Clermont ss.

Before me, a notary public, in and for the State of Ohio, personally appeared the
above mentioned trustees of Central Joint Fire/EMS District on this 7th day
April, 2006

Ordinance No. 1080-06

Passed April 3, 2006

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1080-06

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR
TO ENTER INTO A LEASE PURCHASE AGREEMENT FOR A
STREET SWEEPER**

WHEREAS, the present street sweeper is antiquated and unfit for its intended purpose, and is necessary to replace said equipment, and

WHEREAS, Baystone Financial Group has offered to lease to the Village a 2004 Schwartz A-4000 Street Sweeper which is used but in excellent condition, and

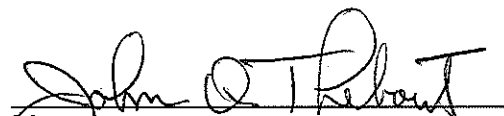
WHEREAS, the village administrator has represented to counsel that lease of the street sweeper would provide the village with the most value for money expended,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, at least a majority of its members concurring, that:

Section 1. That the Village administrator is authorized to enter into a lease purchase agreement for a used 2004 Schwarz A-4000 under the terms and conditions contained in the formal proposal dated March 31, 2006, subject to approval, as to form, by the solicitor of the Village

Section 2 That said lease shall reflect Option one as stated in the Formal Proposal.

Adopted: April 3, 2006


Mayor


Village Clerk

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the _____.

Clerk of Council
Batavia, Ohio

✓ Ordinance No. 1081-06Passed May 1, 2006**ORDINANCE: 1081-06****AN ORDINANCE AMENDING THE VILLAGE ZONING MAP**

WHEREAS, a petition has been filed requesting a change of zoning for parcel # 060207A021 abutting South Riverside Drive from S1 – Service District to B1 – Neighborhood Business District, and

WHEREAS, public hearings were held before the Planning Commission on February 28th, 2006 and before Village Council on May 1st, 2006, and

WHEREAS, the Planning Commission has found that the new use would be consistent with the use of adjacent and abutting properties and has unanimously recommended the change be enacted:

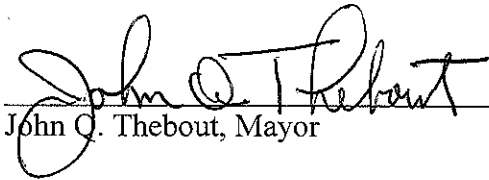
NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio that:

SECTION ONE – The designation of the parcel of land recorded as # 060207A21 on the Clermont County Auditor's tax roll, be changed from S1 – Service District to B1 – Neighborhood Business District.

SECTION TWO – That the Village of Batavia zoning map shall be changed to reflect the designation of this land.

Adopted: May 1, 2006

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

RECORD OF ORDINANCES

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Form 6220

Ordinance No. 1082-06

Passed July 3, 2006

ORDINANCE 1082-06 AMENDMENT TO 2006 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1067-05 for 2006 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2006 be amended as follows:

GENERAL FUND – increase

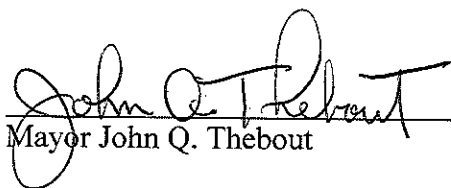
A1-1C-230	Street Lighting Contractual	\$ 3,000
A1-6E-230	Street Utilities, Traffic Signals	\$ 125
A1-7B-230	Council Contractual	\$ 7,500
A1-7D-230	Clerk/Treasurer Contractual (Audit)	\$11,000
A1-4A-230	Community Environment (Hike-Bike)	\$ 5,000

WATER FUND – increase

E1-5F-240	Water Supplies	\$ 4,700
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This ordinance shall take effect at the earliest period allowed by law.

Passed: July 3, 2006


Mayor John Q. Thebout

ATTEST:


Angel Burton, Clerk/Treasurer

Ordinance No. 1083-06Passed July 3, 2006

VILLAGE OF BATAVIA

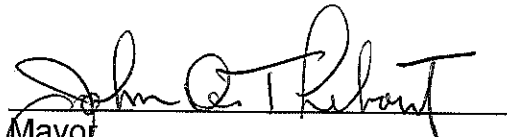
ORDINANCE NO. 1083-06

AN ORDINANCE SETTING COMPENSATION FOR THE
CHIEF OF POLICE.**BE IT ORDAINED** by the Council of the Village of Batavia, Ohio,

Section 1. The Chief of Police shall be paid at the rate of Nineteen Dollars (\$19.00) per hour commencing on the first full pay period in 2006.

Section 2. All other compensation for the Chief of Police shall be subject to the provisions of the Village Handbook.

Adopted: July 3, 2006


Mayor

Attest:


Village Clerk

Ordinance No. 1084-06

Passed June 5, 2006

✓

**VILLAGE OF BATAVIA
ORDINANCE NO. 1084-06**

A TECHNICAL CORRECTION ORDINANCE AMENDING ORDINANCE NO. 1051-05 AND SECTION 51.02(A) OF THE CODIFIED VILLAGE ORDINANCES TO PROVIDE FOR THE CONTINUED ADDITIONAL CHARGE FOR SOLID WASTE COLLECTION FOR MULTIPLE UNITS WITHIN THE VILLAGE OF BATAVIA, OHIO.

Whereas, Section 51.02 of the Codified Village Ordinances, as enacted on April 14, 1997, provided for designated (or base) charge for solid waste pickup within the Village of Batavia, and additional unit charge of \$7.50 per additional household or business located at the same address (Multiple Unit Charge), and

Whereas, on February 7, 2005 the Village adopted Ordinance No. 1051-05 which raised the designated (or base charge) to \$12.80 per month effective February 7, 2005 through January 1, 2006, \$13.13 per month until December 13, 2005 and \$13.47 per month effective January 1, 2007, and

Whereas, by oversight the multiple unit charge was not addressed in Ordinance No. 1051-05 and it is unclear whether the multiple unit charge was implicitly repealed with the adoption of Ordinance No. 1051-05, and

Whereas it was the intention of Village Council to keep the multiple unit charge and raise only the base charge, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. That Section 51.02(A)(1) of the Codified Ordinances of the Village of Batavia, Ohio is amended as follows:

A solid waste collection charge shall be assessed against all residential users and commercial and institutional users, except those who exceed the limitations designated in Section 51.03(D) This charge shall be:

\$12.80 per month until December 31, 2005


\$13.13 per month from January 1, 2006 through December 31, 2006

\$13.47 per month from January 1, 2007.

All owners of property having additional family or business units living or operating therein (operating upon the same premise's address) shall be charged an additional collection charge per household(s) and/or business unit(s). The titled owner(s) of the premises shall be responsible for payment of these charges.

Adopted: June 5, 2006

Attest:


Mayor John Q Thebout


Angelina Burton, Clerk-Treasurer

Ordinance No. 1085-06Passed June 5, 2006

**VILLAGE OF BATAVIA
ORDINANCE NO. 1085-06**

**ORDINANCE TO APPROPRIATE CERTAIN LAND FOR PUBLIC
PURPOSE AND DECLARING AN EMERGENCY**

The Council of the Village of Batavia, Ohio met in regular session on Monday, June 5, 2006 with the following members present:

Ray Seibert, Kathy Turner, Bob Handra, Summer Tyler, Kathy Leone,
Michelle Gardner

Councilperson Bob Handra moved for the adoption of the following Ordinance:

WHEREAS, it is deemed necessary to relocate, construct, maintain and operate a section of Clough Pike located within the Village of Batavia and to acquire real property in accordance with plans on file in the Village Clerk's Office, and

WHEREAS the Village Council has negotiated or caused to be negotiated with Sally Fox, who is the owner of real estate located on both sides of the current position of Clough Pike, the acquisition of real property necessary to relocate, construct, operate and maintain the said roadway in accordance with said plans and said negotiations have been to no avail

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio,

1. That the Council of the Village of Batavia, Ohio proceed to file a Petition for Appropriation of said property which property is more fully described in the Petition for Appropriation of property, a copy of which is attached hereto as "**Exhibit A**" and which is hereby authorized to be filed pursuant to this Ordinance.

2. That the Declaration of Intent to take possession attached as **Exhibit B**, is hereby authorized to be filed and that compensation for said property being appropriated together with damages, if any, to the residue shall be assessed at the value of \$8,279.00 for the real property to be acquired in fee simple absolute and \$2,009.40 for the temporary construction easement, and that the Village Clerk is hereby authorized and directed to issue a check in the amount of \$10,288.40, made payable to the Clerk of Courts, Clermont County, Ohio, as and for deposit with the Clerk of said appraised sum in order that the Village may proceed immediately to obtain possession and access to said property in order to proceed with the plans and specifications for relocation of Clough Pike.

3. That the Solicitor of the Village upon receipt of said deposit shall immediately file an Application on behalf of the Village for a right of possession and pursue obtaining an immediate entry of possession as provided by the Ohio Revised Code.

4. That the Office of the Solicitor shall undertake to represent the interest of the Batavia Village Council in said appropriation proceedings and shall pursue said appropriation proceedings to their conclusion.

5. This ordinance is hereby declared to be an emergency measure for the reason that the relocation of Clough Pike to avoid a dangerous and unguarded rail

RECORD OF ORDINANCES

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Form 6220

Ordinance No. 1085-06

Passed June 5, 2006

road crossing directly affects the health, safety and welfare of the residences of the Village of Batavia.

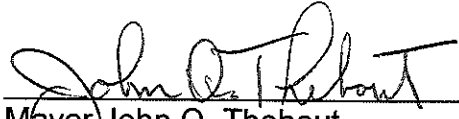
NOW, THEREFORE, BE IT FURTHER Ordained, that the Batavia Village Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Councilperson Kathy Leone seconded the Ordinance and on roll call the vote resulted as follows:

Ray Seibert, "Yea"; Kathy Turner, "Yea"; Bob Handra, "Yea"; Summer Tyler, "Yea"; Kathy Leone, "Yea"; Michelle Gardner, "Yea"

Adopted: June 5, 2006

Attest:


Mayor John Q. Thebout


Angelina Burton, Village Clerk

✓ Ordinance No. 1086-06Passed July 3, 2006

ORDINANCE NO. 1086-06

AN ORDINANCE OF THE VILLAGE OF BATAVIA AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CLERMONT COUNTY PARK DISTRICT REGARDING THE PLANNING, CONSTRUCTION AND MAINTENANCE OF THE WILLIAMSBURG/BATAVIA HIKE-BIKE TRAIL

WHEREAS the Village of Batavia, Village of Williamsburg, Batavia Township and Williamsburg Township have expressed a sincere desire to jointly support a Hike-Bike Trail which would link residents of their communities together through the East Fork State Park, and

WHEREAS such a trail would provide the citizens of these communities with an additional non-polluting form of transportation, and

WHEREAS a Hike-Bike Trail would benefit all the residents of Clermont County and provide economic development to the central portion of the county, and

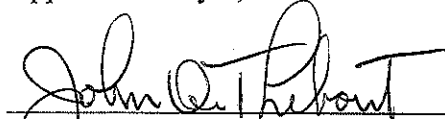
WHEREAS the Clermont County 32 Corridor Vision Plan suggests creation of multi-purpose trails that serve recreational, environmental, social and economic development functions, and

WHEREAS The Clermont County Park District has agreed to provide the non-profit (501C3) designation needed for this collaborative effort to solicit and receive charitable and private foundation contributions, to receive and manage agreed upon amounts from other collaborative members, assist in the procurement of state and federal grants, and assist in maintenance of the trail, and

WHEREAS The Village of Williamsburg, Ohio; Williamsburg Township, Ohio; and Batavia Township, Ohio, have agreed to join the Village of Batavia, Ohio in establishing a memorandum of understanding with the Clermont County Park District for this project;

NOW THEREFORE BE IT ORDAINED by the council of the Village of Batavia that the Village Administrator is hereby authorized to enter into a Memorandum of Agreement for the purpose of formalizing and expanding a framework of cooperation between the Park District and the individual local entities of the Village of Williamsburg, Ohio; Williamsburg Township, Ohio; and Batavia Township, Ohio, and the Village of Batavia, Ohio.

Approved: July 3, 2006


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk/Treasurer

Ordinance No. 1087-06

Passed July 3, 2006

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1087-06

AN ORDINANCE DECLARING THE 1952 AHRENS-FOX FIRE PUMPER NO LONGER NEEDED FOR PUBLIC PURPOSES AND AUTHORIZING SALE OF VEHICLE

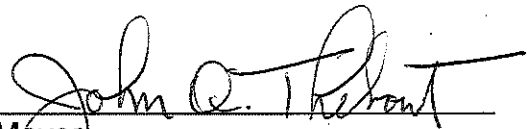
Whereas, The 1952 Ahrens-Fox fire pumper is no longer needed for public purposes, and,

Whereas, it is anticipated that the Village will be unable to store said vehicle within the next six months and that its condition will continue to deteriorate, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. That the 1952 Ahrens-Fox fire pumper is no longer needed for public purposes and the Village Administrator is hereby authorized to sell said vehicle for the highest and best bid. The Village shall have the right to reject all bids.

Adopted: July 3, 2006


Mayor

Attest:


Batavia Village Clerk

Ordinance No. 1088-06Passed September 6, 2006ORDINANCE 1088-06
AMENDMENT TO 2006 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1067-05 for 2006 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2006 be amended as follows:

GENERAL FUND – increase

A1-1A-211	Police Salary	\$ 5,000
A1-7X-212	Benefits – Workers' Comp	\$ 500

STREET FUND – increase

B8-6B-240	Street Maintenance Supplies	\$ 18,000
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CAPITAL FUND – increase

D1-6A-250	Capital Improvements	\$135,000
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WATER FUND – increase

E1-5F-240	Water Operating Supplies	\$ 5,000
E1-5D-230	Water Contractual – Testing	\$ 6,000

SEWER FUND – increase

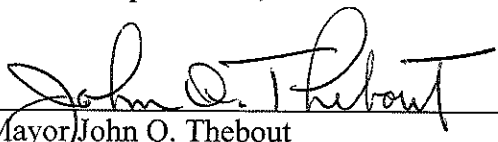
E2-5C-240	Sewer Operating Supplies	\$ 8,000
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INCOME TAX – increase

G3-7A-240	Office Supplies	\$ 2,000
G3-7C-271	Transfers-Out	\$123,000

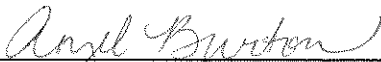
This ordinance shall take effect at the earliest period allowed by law.

Passed: September 6, 2006



Mayor John Q. Thebout

ATTEST:



Angel Burton, Clerk/Treasurer

Ordinance No. 1089-06

Passed November 6, 2006 ✓

**VILLAGE OF BATAVIA, OHIO
ORDINANCE NO. 1089-06**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$800,000 WEST MAIN STREET IMPROVEMENT GENERAL OBLIGATION BOND ANTICIPATION NOTES, SECOND (2006) RENEWAL, BY THE VILLAGE OF BATAVIA, OHIO, FOR THE PURPOSE OF PROVIDING IMPROVING WEST MAIN STREET WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of this Village has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is fifteen (15) years; and

WHEREAS, this Village has issued its \$900,000 West Main Street Improvement General Obligation Bond Anticipation Notes, First (2005) Renewal, to finance the cost of improving West Main Street within the Village (the "Project") and such notes are about to come due and should be renewed in the reduced principal amount of \$800,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, (hereinafter called the "Village"), County of Clermont, Ohio, three-fourths of the members elected thereto concurring:

SECTION 1. That it is necessary to issue bonds of the Village in the principal amount of not to exceed \$800,000 for the purpose of financing the cost of the Project. Said bonds shall be dated approximately November 1, 2007, shall bear interest at an approximate rate of five percent (5.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding fifteen (15) years.

SECTION 2. That notes of the Village shall be issued in anticipation of such bonds.

SECTION 3. That the notes shall be dated November 29, 2006, shall bear interest at such rate as determined by the Administrator and Clerk-Treasurer without further action of this council required, and shall mature on November 28, 2007, and shall be of such number and denomination as requested by the purchaser.

SECTION 4. That the notes shall be executed by the Mayor and the Clerk-Treasurer and may, but shall not be required to, bear the seal of the Village. The Mayor and the Clerk-Treasurer are also authorized to take all other action required in connection with the issuance and sale of the notes. The notes shall be designated "West Main Street General Obligation Bond Anticipation Notes, Second (2006) Renewal" and shall be payable at such other bank or trust company as is acceptable to the Mayor and the Clerk-Treasurer and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of the Uniform Public Securities Law of the Ohio Revised Code and this ordinance.

SECTION 5. That the notes shall be sold at private sale to Connors & Co., Inc., in accordance with its offer to purchase the same which is hereby accepted, at par plus accrued interest, if any, and the proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the notes shall be the full general obligation of the Village, and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. The par value received from the sale of the bonds anticipated by the notes, and any excess fund resulting from the issuance of the notes, shall to the extent

Ordinance No. 1037-06Passed November 6, 2006

necessary be used only for the retirement of the notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the notes run there shall be levied upon all of the taxable property in the Village within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if the bonds had been issued without the prior issue of the notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected; provided, however, that to the extent the Village has appropriated other lawfully available moneys for such purpose, no tax need be levied. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the notes in anticipation when and as the same fall due.


SECTION 8. That this council, for and on behalf of the Village, hereby covenants that it will restrict the use of the proceeds of the notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Clerk-Treasurer or any other officer having responsibility with respect to the issuance of the notes is authorized and directed, as necessary by law, to give an appropriate certificate on behalf of the Village, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. These notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 9. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the county auditor.

SECTION 10. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the immediate issuance of the notes to provide for the orderly financing of the project to which the notes relate, and shall take effect immediately upon its adoption.

ADOPTED November 6, 2006


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk

Ordinance No. 1090-06

Passed September - 6, 2006

ORDINANCE NO. 1090-06

AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO REIMBURSE CLERMONT COUNTY FOR THE LOCAL SHARE OF THE RELOCATION OF CLOUGH PIKE.

WHEREAS, The Clough Pike crosses a grade crossing of the Norfolk and Southern Rail System and is a demonstrably dangerous grade crossing, creating concern for the safety of motorists, pedestrians and railroad personnel, and the elimination of said dangerous crossing has become a priority of the Village of Batavia; and


WHEREAS, the Village of Batavia proposes to enter into a cooperative agreement with Clermont County, Union Township and the City of Milford, which would allow for the closing of said crossing and relocation of Clough Pike, in exchange for the creation of a new grade crossing on Beechwood Road in the City of Milford; and

WHEREAS, the Ohio Public Works Commission has awarded State Issue II grant funds for this project; and

WHEREAS, Clermont County has accepted the bid of CJ&L Construction as the lowest and best bid at \$798,526.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that the Clerk-Treasurer is hereby authorized to release \$364,326.00 from the Capital Improvement and Street Improvement accounts to the Clermont County Treasurer for the completion of this project.

ADOPTED: September 6, 2006


John Q. Thebout, Mayor

ATTEST:


Angelina Burton, Clerk-Treasurer

✓ Ordinance No. 1091-06Passed September 6, 2006

VILLAGE OF BATAVIA

ORDINANCE NO. 1091-06

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR
TO ENTER INTO A LEASE PURCHASE AGREEMENT FOR A
TRAILER MOUNTED HIGH-PRESSURE SEWER JET**

WHEREAS, the present sewer jet is antiquated and unfit for its intended purpose, and it is necessary to replace said equipment, and

WHEREAS, JACK DOHENY SUPPLIES has offered to lease to the Village a 747fr-2000 trailer mounted high-pressure sewer jet with rotating hose reel per the State of Ohio DAS State Term Schedule Number 776670C, and

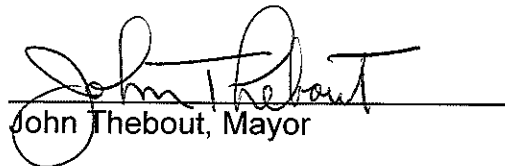
WHEREAS, the Village Administrator has represented to counsel that lease of the sewer jet would provide the Village with the most value for money expended,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, at least a majority of its members concurring, that:

Section 1. That the Village Administrator is authorized to enter into a lease purchase agreement for a 747fr-2000 Trailer mounted high-pressure sewer jet with rotating hose reel per the State of Ohio DAS State Term Schedule Number 776670C under the terms and conditions contained in the formal proposal dated August 8, 2006, subject to approval, as to form, by the solicitor of the Village

Section 2. That said lease shall be for a three year period at a cost not to exceed \$47,025.60.

Adopted: September 6, 2006


John Thebout, Mayor


Angelina Burton, Village Clerk

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1092-06

Passed October 2, 2006

✓

ORDINANCE NO: 1092-06

AN ORDINANCE AMENDING THE VILLAGE ZONING MAP

WHEREAS, a petition has been filed requesting a change of zoning for parcel # 060208,046B, 245 Spring St., and

WHEREAS, public hearings were held before the Planning Commission on July 11, 2006 and before Village Council on September 6, 2006, and

WHEREAS, the Planning Commission has found that the new use would be consistent with the use of adjacent and abutting properties and has recommended the change be enacted:


NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio that:

SECTION ONE – The designation of the parcel of land recorded as # 060208,046B, 245 Spring St. on the Clermont County Auditor's tax roll, be changed from R – Residential to S-1 Service District.

SECTION TWO – That the Village of Batavia zoning map shall be changed to reflect the designation of this land.

Adopted: October 2, 2006

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

✓ Ordinance No. 1093-06Passed December 4, 2006

1093-06

2007 APPROPRIATION ORDINANCE

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2007, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	158,600
212 Personal Services/Benefits	76,400
220 Travel Transportation/School	2,000
230 Contractual Services	19,500
240 Supplies & Materials	20,000
250 Capital Outlay	6,900

Street Lighting

230 Contractual Services	23,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	10,000
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Payment to County Health District

230 Contractual Service	7,113
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT

230 Main Street Association	7,000
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Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	1,200
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Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	51,000
212 Mayor/Admin Benefits	25,000
240 Mayor/Admin Supplies & Materials	5,000
210 Council/Salaries	7,200
212 Council/Benefits	1,500
230 Council/Contractual Srv (incl solicitor)	20,000
211 Secretary/Salaries	14,700
212 Secretary/Benefits	5,500
210 Clerk/Trs Salaries	7,500
212 Clerk/Trs Benefits	1,200
230 Clerk/Trs Contractual Srv	5,000
240 Clerk/Trs Supplies & Materials	2,000
230 Land & Bldg/Contractual Serv	20,000
240 Land & Bldg/Supplies & Materials	1,000
270 Boards & Commissions/Auditors Fee	1,500
212 Other Genl Gvt/Benefits (workers comp)	0

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$499,813

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1093-06

Passed December 4, 2006

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 – TRANSPORTATION

211 Personal Services/Salaries	\$102,600
212 Personal Services/Benefits	<u>65,850</u>
TOTAL STREET CONST, MAINT & REPAIR	\$168,450

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

212 Personal Services/Benefits	\$0
240 Supplies & Materials	<u>83,000</u>
TOTAL STREET MTN & REPAIR II FUND	\$83,000

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

230 Contractual Services	10,000
240 Supplies & Materials	<u>23,000</u>
TOTAL ST HIGHWAY FUND	\$33,000

POLICE

270 Other Uses/TOTAL POLICE FUND	\$0
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FIRE OPERATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FIRE FUND	\$5,000
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ENFORCEMENT & EDUCATION FUND

270 Other Uses/TOTAL FUND	\$0
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MOTOR VEHICLE LICENSE FUND

Program 6 – TRANSPORTATION

230 Contractual	\$10,000
250 Street Const & Repair/Capital Outlay	<u>8,700</u>
TOTAL MVL FUND	\$18,700

GRAND TOTAL SPECIAL REVENUE FUNDS \$308,150

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:

WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments/TOTAL	\$32,000
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SEWER DEBT (CLARK/GLEN/ELY) FUND:

Principal Payments/TOTAL	\$25,000
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GRAND TOTAL DEBT SERVICE FUNDS	\$57,000
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Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:

CAPITAL IMPROVEMENT FUND

250 Capital Outlay	\$40,000
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STREET IMPROVEMENT FUND

250 Capital Outlay (Clough)	\$140,000
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GRAND TOTAL CAPT PROJECTS FUNDS	\$180,000
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RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1293-06Passed December 4, 2006

Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND

230 Office/Contractual	\$9,500
240 Office/ Supplies	3,500
230 Supply/Contractual Srv (bulk water purchase)	200,000
230 Filtration/Contractual Srv	15,000
211 Distribution/Personal Srv - Salaries	63,200
212 Distribution/Personal Srv - Benefits	22,700
240 Distribution/Supplies & Materials	30,000
270 OPWC Debt	<u>5,000</u>
TOTAL WATER FUND	\$348,900

SEWER FUND

240 Office/Supplies	3,500
211 Pumping/Personal Srv - Salaries	63,200
212 Pumping/Personal Srv - Benefits	22,700
230 Pumping/Contractual Srv	35,000
240 Pumping/Supplies & Materials	56,000
271 Other Uses/Transfers to Swr R&I per bond	6,600
273 Other Uses/Bond payment	<u>45,000</u>
TOTAL SEWER FUND	\$232,000

UTILITIES DEPOSITS FUND

Deposits Refunded	\$2,500
Deposits Applied to Account	<u>2,500</u>
TOTAL UTILITIES DEPOSITS FUND	\$5,000

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND	\$7,500
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WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND	\$100,000
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GRAND TOTAL ENTERPRISE FUND \$693,400

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:

No money appropriated

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

INCOME TAX FUND

211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	3,000
240 Tax Admin/Supplies	3,500
Taxes Refunded	25,000
Transfers	<u>705,500</u>
TOTAL INCOME TAX FUND	\$750,000

Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS

No money appropriated.

TOTAL ALL APPROPRIATIONS \$2,488,363

Ordinance No. 1093-06

Passed December 4, 2006

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Passed: Dec. 4, 2006

John Q. Thebout
John Q. Thebout, Mayor

Angelina Burton
Angelina Burton, Clerk/Treasurer

Ordinance No. 1094-06Passed October 2, 2006

VILLAGE OF BATAVIA

ORDINANCE NO. 1094-06

AN ORDINANCE ADOPTING THE OHIO BASIC CODE AND
DECLARING AN EMERGENCY.

WHEREAS, Village Council deems necessary to revise the codified ordinances of the Village of Batavia,

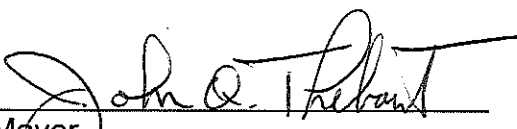
NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio,


Section 1. That the Village hereby Adopts the Ohio Basic Code 2006 edition published by American Legal Publishing Company.

Section 2. That the Village Clerk shall cause a summary of said code to be published, according to law.

Section 3. That this ordinance is declared to be an emergency measure for the reason that it is necessary to amend certain provisions of the Village Criminal Code to be in compliance with the Ohio Revised Code which directly affects the health, safety and welfare of the residents of the Village of Batavia, Ohio

Adopted: October 2, 2006


Mayor


Village Clerk

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1095-06

Passed November 14, 2006

✓

ORDINANCE 1095-06 AMENDMENT TO 2006 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1067-05 for 2006 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2006 be amended as follows:

GENERAL FUND – increase

A1-2A-230 Cemetery	\$ 2,000
A1-7D-230 Clerk Contractual	\$ 2,000

STREET IMPROVEMENT FUND – increase

D2-6A-250 Capital Improvements	\$ 60,000
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WATER FUND – increase

E1-5F-240 Water Operating Supplies	\$ 32,000
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SEWER FUND – increase

E2-5C-240 Sewer Operating Supplies	\$ 25,000
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INCOME TAX – increase

G3-7B-272 Refunds	\$ 10,000
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This ordinance shall take effect at the earliest period allowed by law.

Passed: November 14, 2006

ATTEST:



 Mayor John Q. Thebout



 Angel Burton, Clerk/Treasurer

✓ Ordinance No. 1096-07Passed January 8, 2007**VILLAGE OF BATAVIA, OHIO****ORDINANCE NO. 1096-07**

AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE VILLAGE OF BATAVIA, OHIO FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO WITH THE CONDITION THAT THE CLERMONT COUNTY RESIDENTIAL BUILDING DEPARTMENT EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND AUTHORIZING AN AGREEMENT FOR SUCH ENFORCEMENT BETWEEN THE VILLAGE OF BATAVIA AND CLERMONT COUNTY

WHEREAS, the Village of Batavia, Ohio desires to enforce the Residential Code of Ohio for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings specified in section 3781.06 of the Revised Code of Ohio; and

WHEREAS, the Village of Batavia, Ohio seeks to obtain the authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code, with the condition that the Clermont County Residential Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio; and

WHEREAS, the said Board of Building Standards has certified the Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective, as set forth in said Board's certification rule; and

WHEREAS, it is necessary in accordance with law to administer and enforce the Residential Code of Ohio within the limits of the Village of Batavia; and

WHEREAS, it is necessary that an agreement be entered into between the Village of Batavia and Clermont County for the enforcement of the Residential Code of Ohio within the limits of said Village of Batavia;

THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF BATAVIA, CLERMONT, COUNTY, OHIO, THREE-FOURTHS OF ALL MEMBERS ELECTED THERETO CONCURRING, THAT:

SECTION I: That Ohio Administrative Code 4101:8 – Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, was adopted for enforcement within the Village of Batavia, Ohio pursuant to Ordinance # _____,

SECTION II: That this ordinance shall be in full force and effect from and after the earliest period permitted by law following promulgated of the Residential Code of Ohio By the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.

SECTION III: The mayor of the Village of Batavia is hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said Board to certify the Village of Batavia for enforcement of the Residential Code of Ohio with the condition that the Clermont County Residential Building Department exercise the enforcement authority as necessary in accordance with the Residential Code of Ohio within the limits of said Village of Batavia and to enter into an agreement with Clermont County Residential Building Department for such purpose.

SECTION IV: The Village of Batavia through its mayor and its clerk is hereby authorized and directed to enter into an agreement Clermont County for the enforcement of the Residential Code of Ohio within the limits of said Village of Batavia), whereby the Clermont County Residential Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said Village of Batavia in accordance with the provisions of the Residential Code of Ohio.

SECTION V: The terms of the said agreement shall grant to the Clermont County full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the

Ordinance No. 1096-07 Passed January 8, 2007

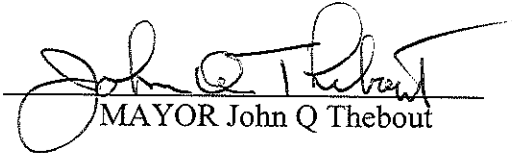
Village of Batavia, and in consideration therefore to allow the Clermont County Residential Building Department to retain all permit and inspection fees authorized by the State of Ohio for such purposes.

SECTION VI: The Legislature Authority of said Village of Batavia further agrees to hold Clermont County harmless for all claims or causes of action of every kind and nature arising from the acts of the Clermont County Residential Building Department, its agents, employees, and representatives in the administration and enforcement of said codes.

SECTION VII: That this ordinance shall be in full force and effect from and after the earliest period permitted by law and effective date of certification issued by the Ohio Board of Building Standards.

SECTION VIII: The said clerk is further directed to publish this Ordinance

PASSED: January 8, 2007


MAYOR John Q Thebout

ATTEST:


CLERK Angelina Burton

✓ Ordinance No. 1097-07Passed January 8, 2007

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 1097-07

AN ORDINANCE/RESOLUTION REQUESTING CERTIFICATION TO ENFORCE THE RESIDENTIAL BUILDING CODE OF OHIO FOR ONE, TWO, AND THREE-FAMILY DWELLINGS WITHIN THE VILLAGE OF BATAVIA, OHIO.

WHEREAS, the Village of Batavia, Ohio desires to enforce the *Residential Building Code of Ohio for One, Two, and Three-Family Dwellings* for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings; and

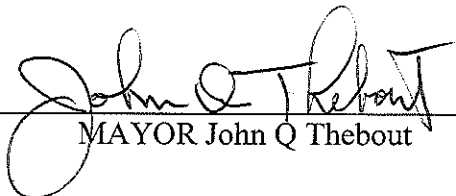
WHEREAS, the Village of Batavia, Ohio seeks to obtain the authority to enforce the provisions of the *Residential Building Code of Ohio for One, Two, and Three-Family Dwellings* through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Ohio Revised Code; therefore

BE IT ORDAINED by the village council of the Village of Batavia, Ohio:

SECTION 1: That *Residential Building Code of Ohio for One, Two, and Three-Family Dwellings*, Ohio Administrative Code Section 4101:8, as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village of Batavia, Ohio, *except plumbing*

SECTION II: That this ordinance/resolution shall be in full force and effect from and after the earliest period permitted by law following promulgation of the *Residential Building Codes of Ohio for One, Two, and Three-Family Dwellings* by the Board of Building Standards.

PASSED: January 8, 2007


MAYOR John Q Thebout

ATTEST:


CLERK Angelina Burton

Ordinance No. 1098-07

Passed February 5, 2007

VILLAGE OF BATAVIA

ORDINANCE NO. 1098 07

**AN ORDINANCE AUTHORIZING THE VILLAGE CLERK TO PAY
\$7,000 TO THE VILLAGE ASSOCIATION OF BATAVIA**

WHEREAS, Village Council supports the efforts of the Village Association of Batavia, and has previously committed financial support for the association, and

WHEREAS the Village has previously made two installments to said association,

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio,

Section1. The Village Clerk is hereby authorized to pay the Village Association of Batavia the sum of \$7,000 for the 2007 fiscal year. .

Adopted: February 5, 2007


Mayor


Village Clerk

✓ Ordinance No. 1099-07Passed February 5, 2007

**ORDINANCE 1099-07
AMENDMENT TO 2007 APPROPRIATION ORDINANCE**

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1093-06 for 2006 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007 be amended as follows:

GENERAL FUND – increase

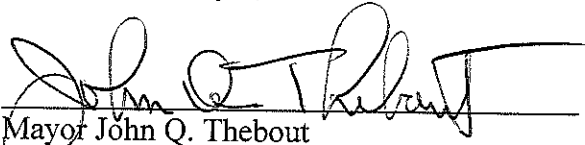
A1-1A-211	Police Salary	\$ 8,000
A1-1A-212	Police Benefits	\$ 3,000
A1-1A-250	Police Capital	\$ 12,500
A1-7E-240	Land & Building Supplies	\$ 4,000
A1-7X-212	Workers' Comp	\$ 8,000

BEAUTIFICATION FUND – increase

Beautification Community Activities	\$ 2,000
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This ordinance shall take effect at the earliest period allowed by law.

Passed: February 5, 2007


Mayor John Q. Thebout

ATTEST:


Angel Burton, Clerk/Treasurer

Ordinance No. 1100-07

Passed February 5, 2007



VILLAGE OF BATAVIA

ORDINANCE NO. 1100-07

AN ORDINANCE PRESCRIBING GENERAL RULES FOR THE EMPLOYMENT OF AUXILIARY POLICE OFFICERS AND FOR THE PAYMENT OF AUXILIARY POLICE OFFICERS FROM JANUARY 15, 2007 THROUGH APRIL 15, 2007.

WHEREAS, Council has established an auxiliary police unit with general rules for the appointment and termination of auxiliary police officers for the purpose of supplementing regular police services within the Village, and, WHEREAS, due to some extended absence in the Department, it is necessary to use auxiliary officers for extended periods of time, in excess of the usual 24 hours per month, and

WHEREAS, The Village desires to compensate the auxiliary officers while performing regular patrol duty commencing January 15, 2007 though April 15, 2007. now therefore,

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, a majority of its members concurring:

SECTION 1. All auxiliary officers shall be fully certified by the Ohio Peace Officers Training Council, at the time of their appointment.

SECTION 2. Auxiliary police officers shall be appointed by the Mayor with the approval of a majority of Council. Auxiliary police officers may be terminated by the Mayor.

SECTION 3. All auxiliary officers shall be required to have 24 scheduled hours of training within the Village Police Department prior to being assigned to regular patrol duty.

SECTION 4. Auxiliary Police officers shall be paid \$11.00 per hour while this ordinance shall be in effect for regular patrol duty. Auxiliary Police Officers shall not be eligible to receive any other benefits, other than required by law, usually received by full time or part time police officers. .

SECTION 5. This ordinance shall be come void and of no force and effect on April 15, 2007.

Adopted: February 5, 2007


Mayor, Village of Batavia

Attest:


Village Clerk

✓ Ordinance No. 1101-07Passed March 5, 2007

**VILLAGE OF BATAVIA
ORDINANCE NO. 1101-07**

**AN ORDINANCE AMENDING SECTIONS OF THE VILLAGE
INCOME TAX CODE TO PROVIDE FOR THE ASSESSMENT AND
COLLECTION OF TAXES BY THE VILLAGE TAX ADMINISTRATOR**

WHEREAS, The Tax Commissioner of the Village of Batavia has requested clarification of authority for the imposition and collection of Municipal Income Taxes, and

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring:

Section 1. That the Municipal Income Tax Ordinance is amended as follows:

Section **35.21 COLLECTION OF UNPAID TAXES AND REFUNDS OF OVERPAYMENTS**, shall read as follows:

(A) *Time limitation on suits.* All taxes imposed by this chapter shall be collectible, together with any interest and penalties thereon, by suit as other debts of like amount are recoverable. No additional assessment shall be made after three years from the time of payment of any tax due hereunder. However, there shall be no period of limitation on an additional assessment in the case of a return that omits gross income in excess of 25% of that required to be

(B) *Costs of Collection of taxes.* In the event the Tax Commissioner attempts to collect delinquent taxes through the civil courts, or a collection service, reasonable administrative costs of collection shall be deducted from all sums received before crediting said sum for the payment of delinquent taxes. Reasonable administrative costs associated with the delinquent tax collection, includes, but is not limited to, fees no less than 25% of the total delinquent amount, including the tax amount, interest and penalties of any post judgment account assigned to a collection agency and no greater than 35% of the total delinquent amount, including tax amount, interest and penalties of any prejudgment account assigned to a collection agency.

Section **35.35 INCOME TAX BUREAU; AUTHORITY**, shall read as follows:

(1) There is hereby created an Income Tax Bureau for the administration of the provisions of this chapter. Such Bureau shall consist of a Tax Commissioner, Deputy Tax Commissioner and such clerical and secretarial personnel as may be determined to be necessary for the administration of this chapter. All such personnel shall be appointed by the Mayor, except that the Tax Commissioner shall be appointed by the Mayor annually on a calendar year basis with the approval of Council. The Tax Commissioner's salary shall be determined by Council on a calendar year basis

(2) It shall be the duty of the Tax Commissioner to collect and receive the tax imposed by this chapter in the manner prescribed therein, and to keep an accurate record thereof, and to report all moneys so received.

Ordinance No. 1101-07

Passed March 5, 2007

(3) It shall be the duty of the Tax Commissioner to enforce payment of all income taxes owing the municipality, to keep accurate records for a minimum of five years, showing the amount due from each taxpayer required to file a declaration or make any return including a return of taxes withheld, and to show the dates and amounts of payments thereof.

(C) Determination of Taxes:

(1) In any case where a taxpayer has failed to file a return or a taxpayer has failed to pay the tax due on a return which does not show the proper amount of tax due, the Tax Commissioner may determine the amount of tax appearing to be due the Village from the taxpayer based on any information in his or her possession and send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.

(2) Such determination may be modified or amended based upon information or data subsequently secured by or made available to the Tax Commissioner.

(3) If the taxpayer fails to either, amend and resubmit the tax return to the Village or file an appeal with the Review Board, within thirty (30) days, the tax, penalties and interest assessed shall become due and payable and collectible as are other unpaid taxes.

(D) *Compromise authority.* Subject to the consent of the Board of Review or pursuant to regulation approved by the Board of Review, the Tax Commissioner shall have the power to

Section 35.37 BOARD OF REVIEW. , shall read as follows:

(A) *Composition.* A Board of Review consisting of three persons, appointed by the Mayor, with the consent of Council, is hereby created. The individual acting as the local administrator of the tax shall act as secretary of the Board. Board members shall receive such compensation as Council may determine.

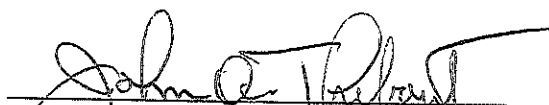
(B) *Procedure.* A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. All hearings by the Board shall be conducted privately unless the taxpayer requests a public hearing, and the provisions of § 35.36 hereof with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the Board on appeal.

(C) *Appeals.* Any person dissatisfied with any ruling or decision of the Tax Commissioner which is made under the authority conferred by this chapter **including the commissioner's determination of taxes due the Village**, may appeal therefrom to the Board of Review within 30 days from the announcement of such ruling or decision by the Tax Commissioner, and the Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

Ordinance No. 1101-07Passed March 5, 2007

(D) **Appeals Procedure.** An appeal shall be perfected by notifying the Batavia Village Board of Tax Review, in writing, at 389 Main Street, Batavia, Ohio 45103, post marked or personally delivered to the Village Offices, no later than thirty days from the date of the tax commissioner's determination and shall specify the year or years being appealed. The Board of Review shall convene not later than 45 days from the date the appeal is filed to hear evidence of the appeal. The Board may continue any hearing, in progress, for the purpose of obtaining evidence, however, the Board shall issue a decision within 30 days of the conclusion of said hearing. Said decision can affirm, deny or modify the decision or determination of the Tax Commissioner.

Adopted: March 5, 2007


John Q. Thebout, Mayor
Angelina Burton, Village Clerk

Ordinance No. 1102-07

Passed APRIL 2, 2007

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1102-07

AN ORDINANCE PRESCRIBING GENERAL RULES FOR THE EMPLOYMENT OF AUXILIARY POLICE OFFICERS AND FOR THE PAYMENT OF AUXILIARY POLICE OFFICERS FROM APRIL 15, 2007 THROUGH JULY 15, 2007.

WHEREAS, Council has established an auxiliary police unit with general rules for the appointment and termination of auxiliary police officers for the purpose of supplementing regular police services within the Village, and, WHEREAS, due to some extended absence in the Department, it is necessary to use auxiliary officers for extended periods of time, in excess of the usual 24 hours per month, and

WHEREAS, The Village desires to compensate the auxiliary officers while performing regular patrol duty commencing April 15, 2007 through July 15, 2007. now therefore,

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, a majority of its members concurring:

SECTION 1. All auxiliary officers shall be fully certified by the Ohio Peace Officers Training Council, at the time of their appointment.

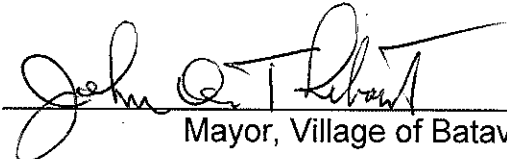
SECTION 2. Auxiliary police officers shall be appointed by the Mayor with the approval of a majority of Council. Auxiliary police officers may be terminated by the Mayor.

SECTION 3. All auxiliary officers shall be required to have 24 scheduled hours of training within the Village Police Department prior to being assigned to regular patrol duty.

SECTION 4. Auxiliary Police officers shall be paid \$11.00 per hour while this ordinance shall be in effect for regular patrol duty. Auxiliary Police Officers shall not be eligible to receive any other benefits, other than required by law, usually received by full time or part time police officers. .

SECTION 5. This ordinance shall be come void and of no force and effect on July 15, 2007.

Adopted: April 2, 2007


Mayor, Village of Batavia

Attest:


Village Clerk

✓ Ordinance No. 1103-07Passed June 4, 2007

**ORDINANCE 1103-07
AMENDMENT TO 2007 APPROPRIATION ORDINANCE**

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1093-06 for 2007 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007 be amended as follows:

GENERAL FUND – increase

A1-4E-230	Community Involvement	\$ 10,000
A1-7D-230	Clerk-Treasurer Contractual	\$ 3,000

STREET IMPROVEMENT – increase

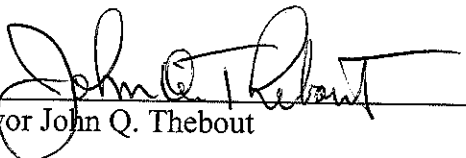
D2-6A-250	Capital Improvements	\$ 160,000
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LAW ENFORCEMENT AND EDUCATION – appropriation

LAW E&E	Supplies	\$ 1,500
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This ordinance shall take effect at the earliest period allowed by law.

Passed: June 4, 2007



Mayor John Q. Thebout

ATTEST:



Angel Burton, Clerk/Treasurer

Ordinance No. 1104-07

Passed April 2, 2007

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1104-07

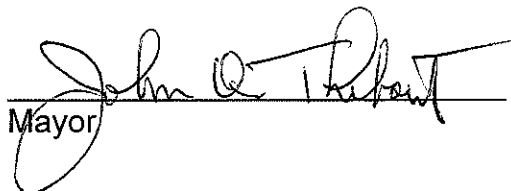
AN ORDINANCE SETTING COMPENSATION FOR THE
CHIEF OF POLICE.

BE IT ORDAINED by the Council of the Village of Batavia, Ohio,

Section 1. The Chief of Police shall be paid at the rate of Twenty Dollars (\$20.00) per hour commencing on the first full pay period in March, 2007.

Section 2. All other compensation for the Chief of police shall be subject to the provisions of the Village Handbook.

Adopted: April 2, 2007


Mayor


Village Clerk

✓ Ordinance No. 1105-07Passed May 7, 2007

PRELIMINARY LEGISLATION

Rev. 6/26/00

Ordinance/Resolution # 1105-07
PID #25378
CLE-132-0.00

The following ordinance is enacted by the Village of Batavia,
(Ordinance/Resolution) (Local Public Agency) (City/Village Name)
Clermont County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter
of the stated described project.

SECTION I – Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

Resurface a portion of SR 132 in the Village of Batavia from the bridge over the East Fork Little Miami River (SLM 11.79) to the northern corporation line (SLM 12.49).

NOW THEREFORE, be it ordained by the Village of Batavia,
(LPA) (City/Village Name)
Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

Consent.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Ordinance No. 1105-07

Passed May 2, 2007

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public purposes.

SECTION VI – Authority to Sign

The Village Administrator of said Village of Batavia is hereby empowered
(Contractual Agent) (LPA)
on behalf of the Village of Batavia to enter into contracts with the Director of
(LPA)
Transportation necessary to complete the above described project.

Passed: May 7, 2007
(Date)

Attested: Angela Bowler
(Clerk)

Clerk-Treasurer
(Officer of LPA – title)

Attested: John C. Lehart
(Title)

Mayor
(President of Council)

This ordinance is hereby declared to be an emergency measure to expedite the
(Ordinance/Resolution)
highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ordinance No. 1106-07Passed May 7, 2007**ORDINANCE NO. 1106-07**

AN ORDINANCE AUTHORIZING THE CLERK TREASURER TO REIMBURSE CLERMONT COUNTY FOR THE LOCAL SHARE OF THE RELOCATION OF CLOUGH PIKE .

WHEREAS, The Clough Pike crosses a grade crossing of the Norfolk and Southern Rail System is a demonstrably dangerous grade crossing, creating concern for the safety of motorists, pedestrians and railroad personnel, and the elimination of said dangerous crossing has become a priority of the Village of Batavia; and

WHEREAS, the Village of Batavia has entered into a cooperative agreement with Clermont County, Union Township and the City of Milford, which would allow for the closing of said crossing and relocation of Clough Pike, in exchange for the creation of a new grade crossing on Beechwood Road in the City of Milford; and

WHEREAS, the Ohio Public Works Commission has awarded State Issue II grant funds for this project; and

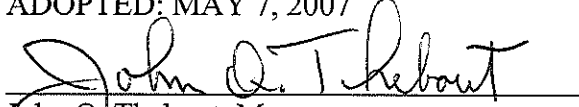
WHEREAS, Clermont County has accepted the bid of CJ&L Construction as the lowest and best bid, and

WHEREAS, change orders in the amount of \$18,574 have been approved for additional work on the project and Purchase Orders 5404 in the amount of \$70,000 and 5532 in the amount of \$30, 000 have been issued to Clermont county, and

WHEREAS, the purchase orders are insufficient to cover the full cost of the change orders,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that the Clerk Treasurer is hereby authorized to release \$18,574 from the Capital Improvement and Street Improvement accounts to the Clermont County Treasurer for the completion of this project.

ADOPTED: MAY 7, 2007


John Q. Thebout, Mayor

ATTEST:


Angelina Burton, Clerk-Treasurer

Ordinance No. 1107-07

Passed July 2, 2007

ORDINANCE 1107-07

AN ORDINANCE OF THE VILLAGE OF BATAVIA ADOPTING A MARKET STUDY AS AN OFFICIAL PLANNING DOCUMENT FOR THE VILLAGE OF BATAVIA

WHEREAS, the council of the Village of Batavia has determined that economic development is vital to the future of the Village, and

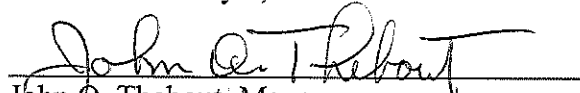
WHEREAS, the Village has entered into a cooperative agreement with Downtown Ohio and the Village Association of Batavia for the development of an plan for economic development in the historic Main Street District, and

WHEREAS, the Village has obtained funds from the Ohio Department of Development, Tier One Community Development Block Grant for the purpose of creating a market study to utilize in planning such development, and

WHEREAS, a Market Study has been prepared for the Village by the Ohio State University Extension, and presented to council for approval,

NOW THEREFORE LET IT BE ORDAINED, by the council of the Village of Batavia, at least a majority of its members concurring, that the Market Study be adopted as an official planning document for the Village of Batavia.

ADOPTED: July 2, 2007


John Q. Thebout, Mayor

ATTEST: 
Angelina Burton, Clerk/Treasurer

✓ Ordinance No. 1108-07Passed June 4, 2007

VILLAGE OF BATAVIA

Ordinance No. 1108-07**AN ORDINANCE AUTHORIZING THE LEASE OF THE PROPERTY KNOWN AS
377 EAST MAIN STREET, IN THE VILLAGE OF BATAVIA, OHIO.**

WHEREAS, the Village of Batavia owns certain real property located with the Village which was formerly used as a fire station for the Batavia Village Fire Department, and

WHEREAS, formation of the Central Joint EMS/Fire District now provides fire protection and emergency medical services the Village of Batavia, and

WHEREAS, the Central Joint EMS/Fire District equipment and building is located in Batavia Township, outside the Village municipal limits, and

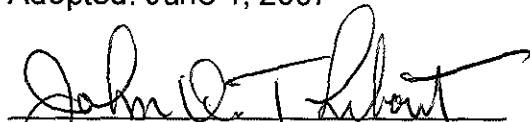
WHEREAS, Council for the Village of Batavia and the Trustees of the Central Joint EMS/Fire District believe it would be in the best interest of the Village to utilize the former Batavia fire station as a satellite fire station for the Central Joint EMS/Fire District, and

WHEREAS, the Council of Village of Batavia desires to lease said property pursuant to Chapter 721 of the Ohio Revised Code for a nominal annual fee, to the Central Joint EMS/Fire District now therefore

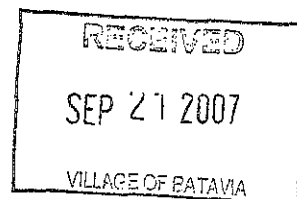
BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. The lease agreement attached hereto for the property located at 377 East Main Street and formerly used as the Village Fire Station, is approved and the Mayor is authorized to execute the same.

Adopted: June 4, 2007


John Q. Thebout, Mayor


Angelina Burton, Village Clerk



LEASE FOR REAL PROPERTY

The Council of the Village of Batavia, Clermont County, Ohio, hereinafter referred to as Owner, and the Board of Trustees of Central Joint EMS/Fire District, hereinafter referred to as Tenant, do hereby agree as follows:

1. LEASED PREMISES

Owner, in consideration of the rents to be paid and covenants to be performed by the Tenant hereunder, hereby leases to the Tenant, for the term and subject to the covenants and conditions hereinafter set out, the following described known as space currently occupied for the provision of Fire/EMS services at 377 East Main Street, Batavia, Ohio 45103, located in Clermont County, Ohio.

2. TERM

Subject to the restrictions as set out in the following paragraph, the term of this lease shall be for One (1) year beginning April 1, 2007 and ending March 30, 2008.

3. RENT FOR LEASED PREMISES

Tenant shall pay the Owner as rent for the premises during the period of this lease, the sum equal to \$1.00.

4. USE OF PREMISE

Tenant will not commit or permit any waste in the premises, use the premises, or permit them to be used for any unlawful purpose, or any dangerous, noxious or offensive activity, or cause or maintain any nuisance in the premises. At the end of the term of this Lease the Tenant will deliver up the premises in as good an order and condition as they are now, or may be put by the Owner or Tenant, reasonable use and ordinary wear and tear and damage by fire or other casualty excepted.

5. REPAIRS

The Owner shall be responsible for all maintenance and repairs and to do whatever is necessary to keep the premises leased hereunder in a fit and habitable condition including, but not limited to, the maintenance and repair of all structural, plumbing, and electrical systems in the premises. The Tenant shall be responsible to keep the leased premises in a safe and sanitary condition, and shall be responsible for repairs to the heating system and garage doors including openers.

6. ALTERATIONS

The Tenant will not alter, remodel or make permanent changes to the premises without first obtaining the permission of the Owner.

7. UTILITIES

The Tenant shall be responsible for all utilities including, but not limited to, gas, electric, cable, water, sewer and trash removal, used by the Tenant for the premises during the lease term.

8. INSURANCE

A) The Tenant shall be responsible for all insurance costs on the premises. The insurance must provide for total replacement cost of the leased property at 377 East Main Street, Batavia, Ohio 45103.

B) The Tenant shall at all times maintain liability insurance on the premises, personal injury or death and property damage in an amount equal to \$1,000,000.00 and the Tenant shall deliver a copy or certificate of the insurance policy to the Owner upon request.

C) The Tenant shall maintain the insurance coverage for all risks of loss to the leased property and shall be responsible for any deductibles. The Tenant shall list the owner as the loss payee on the insurance policies and proof of the insurance shall be submitted upon signing of this Lease.

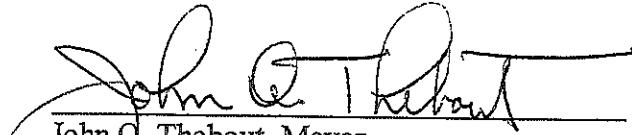
9. ASSIGNMENTS AND SUB-LEASE

The Tenant shall not assign this Lease or sublet the premises or any part thereof without prior written consent of the Owner.

10. BINDING EFFECT

This Lease and all agreements of the Owner and Tenant contained herein shall be binding upon and inure to the benefit of successors of the respective parties herein.

IN WITNESS WHEREOF the parties have hereunto set their hands this 17 day of
SEPTEMBER, 2007

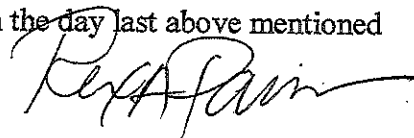

John Q. Thebout, Mayor
Village of Batavia

State of Ohio
County of Clermont ss.


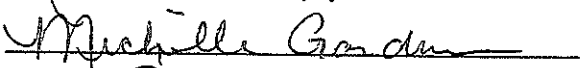

Before me, a notary public, in and for the State of Ohio, personally appeared the
above mentioned Mayor of the Village of Batavia on this the 17th day of
September, 2007

REX A. PARSONS, Notary Public
In and for the State of Ohio
My Commission Expires April 2, 2012

WITNESS MY official signature and seal on the day last above mentioned



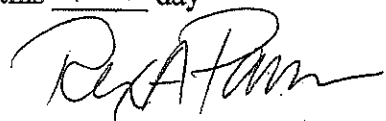
Board of Trustees of Central Joint Fire/EMS
District

State of Ohio
County of Clermont ss.

Before me, a notary public, in and for the State of Ohio, personally appeared the
above mentioned trustees of Central Joint Fire/EMS District on this 17th day
September, 2007

REX A. PARSONS, Notary Public
In and for the State of Ohio
My Commission Expires April 2, 2012



Ordinance No. 1109-07

Passed July 2, 2007 ✓

ORDINANCE NO. 1109-07

ORDINANCE AUTHORIZING ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT AND LOCAL GOVERNMENT REVENUE ASSISTANCE FUNDS.

The Council of the Village of Batavia met in regular session on the 2nd day of July 2007, with the following members present:

Ray Seibert
Bob Handra
Kathy Leone

Kathy Turner
Summer Tyler
Michelle Gardner

Councilperson Kathy Turner moved the passage of the following Ordinance:

WHEREAS, Ohio Revised Code Sections 5747.53 and 5747.63 authorize adoption of an alternative method for determining the amount to be apportioned from the Undivided Local Government and Local Government Revenue Assistance Funds among the various political subdivisions within a county; and

WHEREAS, adoption of an alternative method of apportionment for the Undivided Local Government and Undivided Local Government Revenue Assistance Funds requires the approval of the Board of County Commissioners, the legislative authority of the City, located wholly or partially in the County, with the greatest population, and a majority of the Boards of Township Trustees and legislative authorities of municipal corporations, located wholly or partially in the County; and

WHEREAS, the proposed alternative formula for the distribution of Undivided Local Government and Local Government Revenue Assistance funds attempts to safeguard those political entities in Clermont County which have traditionally relied upon the funds as a significant source of operating revenues while also recognizing those areas which have had substantial increases in population; and

WHEREAS, the Council of the Village of Batavia, in Clermont County, Ohio, desires to approve the alternative method for allocation of the Undivided Local Government and Local Government Revenue Assistance Funds as proposed.

NOW, THEREFORE, BE IT ORDAINED, by this Council of the Village of Batavia, in Clermont County, Ohio; that

Ordinance No. 1109-07Passed July 2, 2007

Section 1. The actual apportionment of the Undivided Local Government and Local Government Revenue Assistance Funds distributed in 2001 were as follows:

	Revenue Assistance Fund	Local Govt Fund	Total
County	45%	50%	
Townships:			
Batavia	57,665.32	30,170.1 6	87,835.48
Franklin	16,086.29	39,455.39	55,541.68
Goshen	64,777.47	37,766.84	102,544.31
Jackson	14,331.72	27,639.23	41,970.95
Miami	119,996.55	39,802.01	159,798.56
Monroe	40,455.77	49,583.03	90,038.80
Ohio	16,505.02	7,107.11	23,612.13
Pierce	43,948.94	2,314.49	46,263.43
Stonelick	24,763.51	22,573.47	47,336.98
Tate	31,732.35	49,586.87	81,319.22
Union	141,992.60	10,716.22	152,708.82
Washington	11,744.48	13,288.20	25,032.68
Wayne	23,502.52	39,455.39	62,957.91
Williamsburg	14,360.40	37,766.84	52,127.24
Total	621,862.94	407,225.25	1,029,88.19

Ordinance No. 1109-07

Passed July 2, 2007

Village/Cities:	Revenue Assistance Fund	Local Govt Fund	Total
Amelia	23,133.14	145,813.21	168,946.35
Batavia	21,571.22	103,607.34	125,178.56
Bethel	29,627.52	188,017.57	217,645.09
Chilo	3,683.42	22,572.69	26,256.11
Felicity	11,956.21	91,789.70	103,745.91
Loveland	16,626.29	122,470.60	139,096.89
Milford	55,682.93	367,410.42	423,093.35
Moscow	5,380.65	61,401.46	66,782.11
Neville	4,777.22	22,572.69	27,349.91
New Richmond	29,638.68	171,138.04	200,776.72
Newtonsville	7,068.31	36,078.24	43,146.55
Owensville	13,812.69	128,930.63	142,743.32
Williamsburg	28,659.50	51,873.07	80,532.57
Total:	251,617.78	1,513,675.6	1,765,293.4

Section 2. That the distribution of Undivided Local Government and Local Government Revenue Assistance funds, or any successor funds as established by the Ohio legislature for 2008 through 2012 be on the following basis:

- A. The county will receive the same percentage of funds it received in 2006 which equaled 48.545% of the combined distribution Local Government and Local Government Revenue Assistance funds, or their successor fund
- B. All remaining funds will first be distributed based on the municipalities and townships receiving an annual guaranteed amount. Such amount shall be 66% of the amount they received in 2001 as set forth on the next page of this ordinance.

Ordinance No. 110907Passed July 2, 2007

	66% Annual guarantee
Townships:	
Batavia	57,971.42
Franklin	36,657.51
Goshen	67,679.24
Jackson	27,700.83
Miami	105,467.05
Monroe	59,425.61
Ohio	15,584.01
Pierce	30,533.86
Stonelick	31,242.41
Tate	53,670.69
Union	100,787.82
Washington	16,521.57
Wayne	41,552.22
Williamsburg	34,403.98
Village/Cities:	
Amelia	111,504.59
Batavia	82,617.85
Bethel	143,645.76
Chilo	17,329.03
Felicity	68,472.30
Loveland	91,803.95
Milford	279,241.61
Moscow	44,076.19
Neville	18,050.94
New Richmond	132,512.64
Newtonsville	28,476.72
Owensville	94,210.59
Williamsburg	53,151.50
Total:	1,844,291.89

- C. The remaining amount of funds will be distributed each year on a per capita basis based on the United States Census, Census 2000 as published by the United States Census Bureau through 2011 and based on Census 2010, if available, for 2012 distributions.

Section 3. That a certified copy of this Ordinance be sent to the Clermont County Board of County Commissioners and the Clermont County Budget Commission.

Section 4. That this Ordinance shall take effect at the earliest period allowed by law.

Ordinance No. 1109-07

Passed July 2, 2007

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Council of the Village of Batavia, hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Board and that all deliberations of this board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Councilperson Bob Handra seconded the Ordinance and upon roll call, the vote resulted as follows:

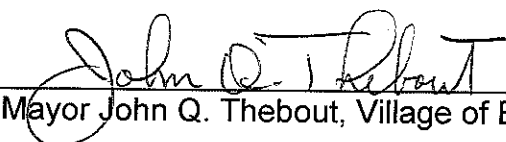
Ray Seibert	Yea
Bob Handra	Yea
Kathy Leone	Yea
Kathy Turner	Yea
Summer Tyler	Yea
Michelle Gardner	Yea

APPROVED BY:

The Office of the Prosecuting Attorney
Clermont County, Ohio

Approved as to form by
Solicitor, Village of Batavia

Adopted: July 2, 2007



Mayor John Q. Thebout, Village of Batavia

Attest:



Angelina Burton, Village Clerk

✓ Ordinance No. 1110-07Passed September 4, 2007

ORDINANCE 1110-07

AN ORDINANCE AUTHORIZING THE MAYOR, THE VILLAGE ADMINISTRATOR, AND THE CLERK TREASURER TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR STATE OPWC GRANT FUNDS FOR IMPROVEMENTS TO FIFTH STREET

WHEREAS, sections of Fifth Street and supporting infrastructure has deteriorated and replacement of the infrastructure has become a priority of the Village of Batavia; and

WHEREAS the Ohio Revised Code has allowed for the issuance of State Issue I funds for 2008; and

WHEREAS the District Public Works Integrating Committee of Clermont County (DPWIC) is the recipient of State Issue I Funds through the Ohio Public Works Commission; and

WHEREAS available funds of the Village of Batavia are insufficient to complete such repairs and replacement without supplemental grant funds:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

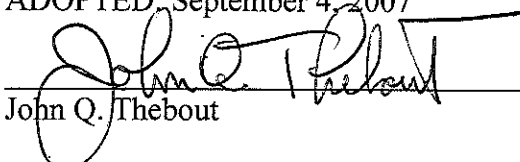
SECTION I. The Council of the Village of Batavia does hereby endorse and support the application for State Issue I Funds from the Ohio Public Works Commission for the Fifth Street Improvement Project within the Village of Batavia.

SECTION II. That the Mayor, the Village Administrator and the Clerk-Treasurer are hereby authorized and directed to file an application with the district Public Works Integrating Committee of Clermont County (DPWIC) for Ohio Public Works Commission funding under State Issue I for 2008; and if awarded to implement said program.

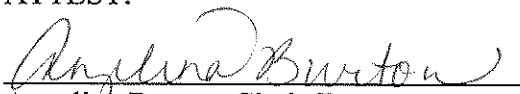
SECTION III. That the Village of Batavia hereby requests the District Public Works Integrating Committee (DPWIC) and the Ohio Public Works Commission (OPWC) to consider and fund the referenced application.

SECTION IV. That this resolution shall go into force and effect within the earliest period allowed by law.

ADOPTED: September 4, 2007


John Q. Thebout

ATTEST:


Angelina Burton, Clerk-Treasurer

Ordinance No. 1111-07

Passed July 2, 2007

✓

ORDINANCE 1111-07

AN ORDINANCE AMENDING THE VILLAGE ZONING MAP

WHEREAS, a petition has been filed requesting a change of zoning for parcel # 060207.042A, 199 Spring St., and

WHEREAS, public hearings were held before the Planning Commission on February 21, 2007 and before Village Council on July 2, 2007, and

WHEREAS, the Planning Commission has found that the new use would be consistent with the use of adjacent and abutting properties and has recommended the change be enacted:


NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio that:

SECTION ONE – The designation of the parcel of land recorded as 060207.042A, 199 Spring St., on the Clermont County Auditor's tax roll, be changed from R – Residential to S-1 Service District.

SECTION TWO – That the Village of Batavia zoning map shall be changed to reflect the designation of this land.

Adopted: July 2, 2007

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

Ordinance No. 1112-07Passed July 30, 2007

**ORDINANCE 1112-07
AMENDMENT TO 2007 APPROPRIATION ORDINANCE**

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2007 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1093-06 for 2007 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007 be amended as follows:

GENERAL FUND – increase

A1-7X-212 Workers' Compensation \$ 1,000

WATER FUND – increase

E1-5F-271 Transfers out \$ 25951.41

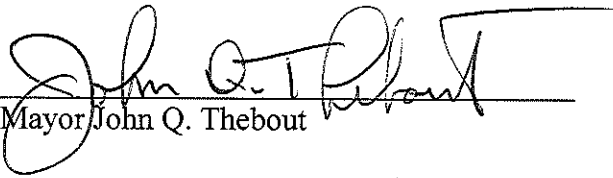
SEWER FUND – increase

E2-5C-271 Transfers out \$ 37803.14

BE IT FURTHER ORDAINED, that this measure shall be deemed an emergency measure and shall go into immediate force and effect upon its passage.

Passed: July 30, 2007

ATTEST:


Mayor John Q. Thebout


Angel Burton, Clerk/Treasurer

Ordinance No. 1113-07

Passed July 30, 2007

✓

**ORDINANCE 1113-07
WATER AND SEWER FUND TRANSFER**

WHEREAS, the Village of Batavia collects a water unit charge and a sewer unit charge on monthly utility bills for the specific purpose of capital improvements (ordinance 1072-06), and

WHEREAS, the receipt of these funds have been accounted for in the water and sewer funds, and

WHEREAS, the balance of water unit charges collected through June 30, 2007 is \$25951.41 and the balance of sewer unit charges collected through June 30, 2007 is \$37803.14, and

WHEREAS, the water capital improvement fund and the sewer capital improvement fund have been created to account for these proceeds;

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, three fourths of its members concurring, that:

\$25951.41 be transferred from the Water fund to the Water Capital Improvements fund;

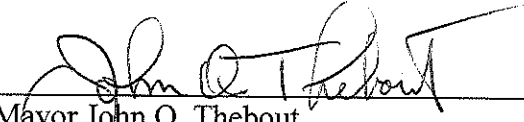
\$37803.14 be transferred from the Sewer fund to the Sewer Capital Improvements fund;

Beginning July 1, 2007 all water unit charges and all capacity fees collected be receipted to the Water Capital Improvements fund;

Beginning July 1, 2007 all sewer unit charges and all capacity fees collected be receipted to the Sewer Capital Improvements fund

BE IT FURTHER ORDAINED, in that these funds are necessary for improvements to the water and sewer systems to provide safe drinking water and sanitation for all the citizens of the Village, that this measure shall be deemed an emergency measure necessary for the public peace, health and safety, and shall go into immediate force and effect upon its passage.

Passed: July 30, 2007


Mayor John Q. Thebout

ATTEST:


Angel Burton, Clerk/Treasurer

✓ Ordinance No. 1114-07Passed August 6, 2007

**ORDINANCE 1114-07
AMENDMENT TO 2007 APPROPRIATION ORDINANCE**

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2007 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1093-06 for 2007 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007 be amended as follows:

GENERAL FUND – increase

A1-2E-230	Cemetery	\$ 2,500
A1-7B-230	Council Contractual	\$ 5,000
A1-7E-230	Land & Buildings Contractual	\$ 12,000
A1-7E-240	Land & Buildings Supplies	\$ 1,000

WATER FUND – increase

E1-5F-240	Water Operating Supplies	\$ 10,000
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SEWER FUND – increase

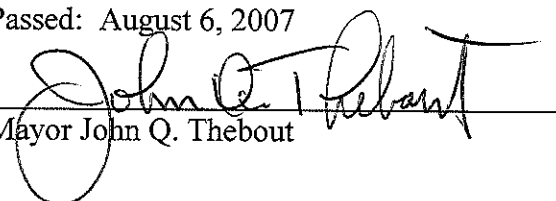
E2-5C-240	Sewer Operating Supplies	\$ 20,000
E2-5X-273	Sewer Bond Installments	\$ 4,600

INCOME TAX – increase

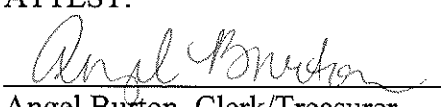
G3-7A-240	Supplies	\$ 500
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This ordinance shall take effect at the earliest period allowed by law.

Passed: August 6, 2007


Mayor John Q. Thebout

ATTEST:


Angel Burton, Clerk/Treasurer

Ordinance No. 1115-07

Passed August 6, 2007

[Handwritten mark]

VILLAGE OF BATAVIA
ORDINANCE NO. 1115-07
AMENDING ORDINANCE NO. 1085-06 AND DECLARING AN EMERGENCY

The council of the Village of Batavia, Ohio met in regular session on Monday, August 6, 2007 with the following members present:

Ray Seibert
Kathy Turner
Robert Handra

Summer Tyler,
Michelle Gardner
Kathy Leone

Mayor John Thebout presided

Councilperson Tyler moved for the adoption of the following ordinance:

WHEREAS, the Village Council passed Ordinance No. 1085-06 authorizing the Village to proceed with the filing of a Petition for Appropriation in order to acquire real property for the relocation, construction, maintenance, and operation of a section of Clough Pike located within the Village of Batavia; and

WHEREAS, the property description relating to the property to be appropriated was set forth in Exhibit A to Ordinance No. 1085-06; and

WHEREAS, it was discovered that the property description set forth in Exhibit A to Ordinance No. 1085-06 contained an error; and

WHEREAS, Village Council desires to correct the error;

NOW THEREFORE, BE IT ORDAINED by the Village of Batavia, Ohio,

1. That the property description set forth in Exhibit A to Ordinance No. 1085-06 is hereby replaced by Exhibit A attached hereto;
2. All other provisions of Ordinance No. 1085-06 shall remain in full force and are unaffected by this Ordinance.
3. This Ordinance is hereby declared to be an emergency measure for the reason that the property description must be corrected in order to proceed with the appropriation necessary to relocate Clough Pike to avoid a dangerous and unguarded rail road crossing which directly affects the health, safety, and welfare of the residents of the Village of Batavia. Therefore, this ordinance shall become effective immediately.

NOW THEREFORE, BE IT FURTHER ORDAINED, that the Batavia Village Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Councilperson Turner seconded this Ordinance and on roll call the vote resulted as follows:

Ray Seibert 'yea'
Kathy Turner 'yea'
Robert Handra 'yea'

Summer Tyler 'yea'
Michelle Gardner 'yea'
Kathy Leone 'yea'

Adopted: August 6, 2007

Attest:

[Signature of John Thebout]
Mayor John Thebout

[Signature of Angelina Burton]
Angelina Burton, Village Clerk

Ordinance No. 1115-07Passed August 6, 2007**SANTORO ENGINEERING COMPANY**

SURVEYING • PLANNING • DESIGN • ENGINEERING • MANAGEMENT

1501 Cincinnati-Batavia Road

Batavia, Ohio 45103

Telephone (513) 732-2561
Fax (513) 732-2938

Exhibit A

September 1, 2004

(Revised July 10, 2007)

Subject: Description of Limited Access Right-of-Way and
Temporary Work Agreement
Fox - PIN 060218.014
Relocated Clough Pike

Real estate situated in the Village of Batavia, Clermont County, Ohio and being part of Military Survey No. 1765, being part of a parcel identified as PIN 060218.014, and being more particularly described as follows.

Commencing at the southeast corner of Lot No. 18 (Hulick Drive) of Beech Tree Acres #2 Subdivision as recorded in Plat Book K, Page 38, Clermont County Recorder's Office, said point being in the west line of Fox;

Thence with said west line of Fox S 72 deg 57 min 58 sec E, 43.76 feet to a point in the proposed west right-of-way line of Relocated Clough Pike, said point being the point of beginning of this described real estate;

Thence from said POINT OF BEGINNING and with west right-of-way line of Relocated Clough Pike 71.25 feet along a circular curve deflecting to the left on a radius of 370.00 feet, being subtended by a chord bearing N 00 deg 36 min 08 sec W, 71.14 feet to a point;

Thence continuing with said right-of-way line N 04 deg 54 min 52 sec W, 145.42 feet to a point;

Thence continuing with said right-of-way line 117.56 feet along a circular curve deflecting to the left with a radius of 970.00 feet, being subtended by a chord bearing N 08 deg 23 min 12 sec W, 117.49 feet to a point in the proposed east right-of-way line of Relocated Clough Pike and north line of Fox;

Thence with a north line of Fox N 54 deg 29 min 24 sec E, 65.14 feet to a point in the east row line of Relocated Clough Pike;

Thence with said proposed right-of-way line 150.97 feet along a circular curve deflecting to the right on a radius of 1,030.00 feet, being subtended by a chord bearing S 09 deg 06 min 49 sec E, 150.84 feet to a point;

Thence continuing with said right-of-way line S 04 deg 54 min 52 sec E, 145.42 feet to a point;

Thence continuing with said right-of-way line 61.21 feet along a circular curve deflecting to the right on a radius of 430.00 feet, being subtended by a chord bearing S 00 deg 50 min 12 sec E, 61.16 feet to a point in the west line of Fox;

Thence with the west line of Fox the following two courses:

S 55 deg 38 min 59 sec W, 41.54 feet and

N 72 deg 57 min 58 sec W, 28.37 feet to the POINT OF BEGINNING, containing 0.488 acres of land more or less, subject to legal highways and all easements of record, and subject to temporary work agreements being a strip of land 60 feet wide on the west side of the above described right-of-way, and a strip of land varying from 60 feet to 140 feet wide on the east side of the above described right-of-way, both work agreements being contiguous to the permanent right-of-way lines. Total work agreement area is 1.160 acres, more or less.

Ordinance No. 1116-07Passed September 4, 2007 ✓

**VILLAGE OF BATAVIA, OHIO
ORDINANCE # 1116-07**

**AN ORDINANCE AMENDING THE VILLAGE OF BATAVIA WATER
MANAGEMENT SEDIMENT CONTROL REGULATIONS, AUTHORIZING
THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT
WITH CLERMONT COUNTY FOR THE COUNTY TO PROVIDE FOR
ADMINISTRATION AND ENFORCEMENT OF WATER MANAGEMENT
AND SEDIMENT CONTROL REGULATIONS AND DECLARING AN
EMERGENCY.**

The Council for the Village of Batavia, Ohio met in regular session on Tuesday,
September 4, 2007 at the Batavia Village Hall with the following members present:

Michelle Gardner
Kathleen B. Leone
Kathy Turner
Ray Seibert
Summer Tyler

Ms. Tyler moved for the adoption of the following ordinance:

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Batavia,
Clermont County, Ohio that,

SECTION I That the attached Water Management and Sediment Control
Regulation adopted by reference as a part of this ordinance and govern the Village of
Batavia as contained therein.

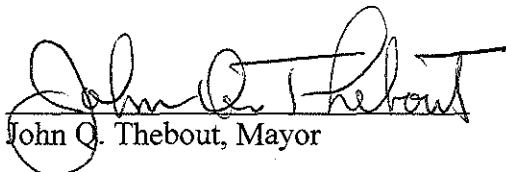
SECTION II The Administrator of the Village of Batavia is hereby authorized to
enter into the attached agreement regarding administration and enforcement of the
Village of Batavia Water Management and Sediment Control Regulations with
Clermont County.

Ms. Turner seconded the motion and the roll was called on its adoption with the following
results:

Michelle Gardner	"yea"
Kathleen B. Leone	"yea"
Kathy Turner	"yea"
Ray Seibert	"yea"
Summer Tyler	"yea"

This ordinance is hereby declared to be an emergency measure for the preservation of public
health, safety and welfare and shall take effect immediately upon passage.

Passed this 4th day of September, 2007.


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk

Ordinance No. 1116-07Passed September 4, 2007

AGREEMENT
BETWEEN THE VILLAGE OF BATAVIA
AND
THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY

This agreement is between the Board of County Commissioners of Clermont County, Ohio (County), 101 East Main Street, Batavia, Ohio 45103, and the Village of Batavia, Ohio, an Ohio statutory village (Village), 389 East Main Street, Batavia, Ohio 45103, as follows:

Whereas; the County desires to insure consistent administration and enforcement of Water Management and Sediment Control regulations throughout the County and the Village requires assistance with continued administration and enforcement of such regulations and procedure for appeals of the interpretation and enforcement of such regulations; and

Whereas; the County, acting through its Chief Building Official has the necessary training and experience to enforce the regulations in a legal and uniform manner;

Now, therefore, in consideration of the mutual covenants and conditions herein contained, the parties agree as follow:

(1) Clermont County hereby agrees to undertake, via the Chief Building Official of Clermont County, the administration and enforcement of the Water Management and Sediment Control Ordinance of the Village of Batavia, duly adopted as Village Ordinance Number 1116-07, on September 4, 2007.

(2) The Village hereby agrees to bear any and all costs and expenses of necessary litigation which may arise from such administration and enforcement.

(3) Clermont County will advise Village on any recommendations for revision or update of the regulations.

(4) Clermont County shall have full authority to establish all permit and inspection fees. The Village of Batavia will adopt the fee schedules recommended by the Clermont County Building Inspection Department. Failure to adopt such recommended fees shall be grounds for termination of this agreement. In the event that the fees or other inspection charges established by the Clermont County Board of County Commissioners is modified by the Board, the Village of Batavia shall have thirty days to implement such charges.

Ordinance No. 1116-07

Passed September 4, 2007

(5) This agreement may be terminated by either party upon thirty days written notice to the other Party.

IN WITNESS WHEREOF, the parties have entered into this Agreement on this 4th day of September, 2007, with the intent to be legally bound thereby and as authorized legislation of respective governing bodies.

ATTEST:

Board of County Commissioners
Clermont County, Ohio

Judith Kocica, Clerk of the Board
of County Commissioners of
Clermont County, Ohio

by Bob Proud, President

APPROVED AS TO FORM:

Assistant Prosecuting Attorney
Clermont County, Ohio

VILLAGE OF BATAVIA:

Robert Stewart, Village Administrator

Angel Burton, Clerk

Counsel for Village

✓ Ordinance No. 1117-07Passed September 4, 2007

VILLAGE OF BATAVIA

ORDINANCE NO. 1117-07**AN ORDINANCE PROVIDING FOR THE SALE OR OTHER DISPOSITION OF VEHICLES OR EQUIPMENT NO LONGER NEEDED FOR VILLAGE USE.**

WHEREAS, the Village of Batavia owns vehicles and equipment which is has become use, worn, obsolete or is no longer needed for village governmental or public purposes, and

WHEREAS, Village desires to sell or otherwise dispose of said property pursuant to Chapter 721 of the Ohio Revised Code, now therefore

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. That the following vehicles and equipment are hereby declared to be no longer needed for village governmental purposes or public use.

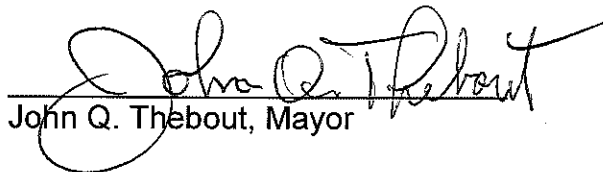
- a. FMC Jet Machine Model R-14
- b. GX140 Honda Trash Pump
- c. 6X160 Honda Trash Pump
- d. YSI 55 D.O Meter
- e. Ford Tractor with Bush Hog Model 1920

Section 2. Village council authorized the disposal or sale of the above described property by sale to another government entity, competitive bidding, by invitation to bid or by pubic auction. Said property may be sold as a lot or individually.

Section 3. Sale of said property shall go to the best and highest bid as determined by the Village administrator.

Section 4. The Village reserves the right to reject any and all bids.

Adopted: September 4, 2007


John Q. Thebout, Mayor


Angelina Burton, Village Clerk

Ordinance No. 1118-07

Passed September 4, 2007

VILLAGE OF BATAVIA

ORDINANCE NO. 1118-07

AN ORDINANCE EXTENDING THE TIME PERIOD WHICH AUXILIARY POLICE OFFICERS WILL BE PAID.

WHEREAS Village council has previously authorized the hourly payment of auxiliary police officers because of a shortage of full-time and part time personnel, and

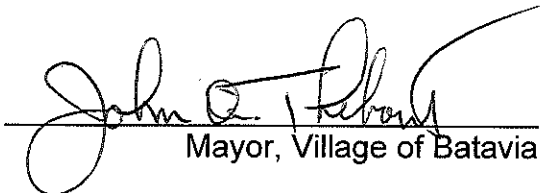
WHEREAS such payments were authorized to July 15, 2007, and

WHEREAS because of additional problems with personnel, it was necessary to extend the time for payment of auxiliary officers through August 11, 2007.

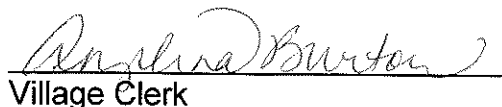
NOW THEREFORE, Be it ordained by the council of the Village of Batavia, Ohio, a majority of its members concurring,

Section 1. That the time specified in Ordinance No 1102-07 is amended to extend the time for payment of auxiliary police officers though August 11, 2007.

Adopted: September 4, 2007


Mayor, Village of Batavia

Attest:


Village Clerk

✓ Ordinance No. 1119-07Passed September 4, 2007

VILLAGE OF BATAVIA

ORDINANCE NO. 1119-07

AN ORDINANCE PRESCRIBING GENERAL RULES FOR THE EMPLOYMENT OF AUXILIARY POLICE OFFICERS AND DECLARING AN EMERGENCY

WHEREAS, Council wishes to establish an auxiliary police unit and general rules for the appointment and termination of auxiliary police officers, now therefore;

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, all of its members concurring:

SECTION 1. All auxiliary officers shall be fully certified by the Ohio Peace Officers Training Council, at the time of their appointment.

SECTION 2. Auxiliary police officers shall be appointed by the Mayor with the approval of a majority of Council. Auxiliary police officers may be terminated by the Mayor.


SECTION 3. All auxiliary officers shall be required to have 24 scheduled hours of training within the Village Police Department prior to being assigned to regular patrol duty. After completion of training, all auxiliary officers shall be required to fulfill a minimum requirement of 24 hours of police duty, per 28 day period.

SECTION 4. This ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: September 4, 2007

Attest:


Mayor, Village of Batavia


Village Clerk

Ordinance No. 1120-07

Passed December 3, 2007

ORDINANCE NO. 1120-07

A RESOLUTION CREATING A TABLE OF ORGANIZATION AND
ESTABLISHING WAGE SCHEDULES FOR EMPLOYEES OF THE VILLAGE
OF BATAVIA

WHEREAS, the Village has established a Water & Sewer Department to operate the water distribution, sanitary sewer collection, and wastewater treatment plant, and the Village has established a Street and Maintenance Department to maintain streets, parks, buildings and other infrastructure and public right-of-way, under the direction of the Village Administrator, and

WHEREAS, the Village has established a Police Department to provide for the peace, health and safety of village residents, under the direction of the Chief of Police, and

WHEREAS, it is necessary to the safe, efficient and responsible operation of said departments to establish a chart of organization and provide for the classification of employees within those departments:

NOW THEREFORE BE IT RESOLVED, by the council of the Village of Batavia, Clermont County, Ohio that:

SECTION ONE: The chart of organization provided in Exhibit A attached hereto is hereby adopted as the official chart of organization for the Village of Batavia.

SECTION TWO: that the chart of classification for Village Employees provided in Exhibit B is hereby adopted as the official chart of classification for employees of the Village.


SECTION THREE: That the Village Administrator is hereby authorized to assign classifications to all employees currently employed in the Water and Sewer Department and in the Street and Maintenance Department. That such classification shall reflect as accurately as possible the current rate of pay for employees. If no classification is found for the exact current pay rate, the administrator will assign the closest matching classification and the employee will continue at the current rate of pay until the next wage review rate increase. In no case shall an employee be reduced in pay rate as a result of reclassification for the purposes of implementation of this ordinance.

SECTION FOUR: That the Chief of Police is hereby authorized to assign classifications to all employees currently employed in the Police Department. That such classification shall reflect as accurately as possible the current rate of pay for employees. If no classification is found for the exact current pay rate, the chief will assign the closest matching classification and the employee will continue at the current rate of pay until the next wage review rate increase. In no case shall an employee be reduced in pay rate as a result of reclassification for the purposes of implementation of this ordinance.

SECTION FIVE: That the pay rates listed in each chart of classification shall be automatically increased annually during the first pay period in January beginning in January of 2009. The increase shall be equal to the annual cost of living index published by the United States Department of Commerce or by 2%, whichever is smaller. Adjustments in the classifications shall be rounded to the nearest tenth. Council may waive the increase by majority vote at the first regular council meeting in January.

SECTION SIX: This Resolution hereby repeals Ordinance No. 1037-04 and all other ordinances and resolutions inconsistent with it.

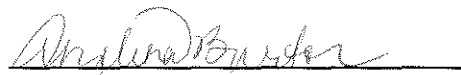
Adopted: December 3, 2007


John Q. Thebout, Mayor

Attest:

Angelina Burton, Clerk/Treasurer

I, Angelina Burton, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the _____ and the _____.


Clerk of Council
Batavia, Ohio

Ordinance No. 1120.07Passed December 3, 2017

EXHIBIT B

Wage Schedule for Water/Wastewater
Department

Grade	General Laborer	Technician	Unlicensed Operator	Licensed Operator	Assistant Superintendent	Superintendent
Grade 01	\$10.00	\$12.00	\$13.00	\$14.00	\$16.00	\$18.00
Grade 02	\$10.20	\$12.20	\$13.20	\$14.20	\$16.20	\$18.20
Grade 03	\$10.40	\$12.40	\$13.40	\$14.40	\$16.40	\$18.40
Grade 04	\$10.60	\$12.60	\$13.60	\$14.60	\$16.60	\$18.60
Grade 05	\$10.80	\$12.80	\$13.80	\$14.80	\$16.80	\$18.80
Grade 06	\$11.00			\$15.00	\$17.00	\$19.00
Grade 07	\$11.20			\$15.20	\$17.20	\$18.20
Grade 08	\$11.40			\$15.40	\$17.40	\$19.40
Grade 09	\$11.60			\$15.60	\$17.60	\$19.60
Grade 10	\$11.80			\$15.80	\$17.80	\$19.80
Grade 11						\$20.00
Grade 12						\$20.20
Grade 13						\$20.40
Grade 14						\$20.60
Grade 15						\$20.80
Grade 16						\$21.00
Grade 17						\$21.20
Grade 18						\$21.40
Grade 19						\$21.60
Grade 20						\$21.80

EXHIBIT B

Wage Schedule for Street Department

Grade	General Laborer	Skilled Laborer	Operator	Superintendent
Grade 01	\$10.00	\$12.00	\$14.00	\$18.00
Grade 02	\$10.20	\$12.20	\$14.20	\$18.20
Grade 03	\$10.40	\$12.40	\$14.40	\$18.40
Grade 04	\$10.60	\$12.60	\$14.60	\$18.60
Grade 05	\$10.80	\$12.80	\$14.80	\$18.80
Grade 06	\$11.00	\$13.00	\$15.00	\$19.00
Grade 07	\$11.20	\$13.20	\$15.20	\$18.20
Grade 08	\$11.40	\$13.40	\$15.40	\$19.40
Grade 09	\$11.60	\$13.60	\$15.60	\$19.60
Grade 10	\$11.80	\$13.80	\$15.80	\$19.80
Grade 11				\$20.00
Grade 12				\$20.20
Grade 13				\$20.40
Grade 14				\$20.60
Grade 15				\$20.80
Grade 16				\$21.00
Grade 17				\$21.20
Grade 18				\$21.40
Grade 19				\$21.60
Grade 20				\$21.80

Ordinance No. 1120-07

Passed December 3, 2007

Ordinance No. 1120-07Passed December 3, 2007**EXHIBIT B****Wage Schedule for Office
Manager****Grade**

Grade 01	\$11.00
Grade 02	\$11.20
Grade 03	\$11.40
Grade 04	\$11.60
Grade 05	\$11.80
Grade 06	\$12.00
Grade 07	\$12.20
Grade 08	\$12.40
Grade 09	\$12.60
Grade 10	\$12.80
Grade 11	\$13.00
Grade 12	\$13.20
Grade 13	\$13.40
Grade 14	\$13.60
Grade 15	\$13.80
Grade 16	\$14.00
Grade 17	\$14.20
Grade 18	\$14.60
Grade 19	\$14.80
Grade 20	\$15.00

Ordinance No. 1120-07

Passed December 3, 2007

Exhibit B

**Batavia Police Department
Wage Schedule
Top Out Rates**

Auxiliary/Part Time Officers

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$11.00	\$11.25	\$11.50	\$11.75	\$12.00	\$12.25	\$12.50	\$12.75	\$13.00	\$13.50

Patrolman

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$14.25	\$14.50	\$14.75	\$15.00	\$15.25	\$15.50	\$15.75	\$16.00	\$16.25	\$16.50

Corporal

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$15.25	\$15.50	\$15.75	\$16.00	\$16.25	\$16.50	\$16.75	\$17.00	\$17.25	\$17.50

Sergeant

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$16.25	\$16.50	\$16.75	\$17.00	\$17.25	\$17.50	\$17.75	\$18.00	\$18.25	\$18.50

Ordinance No. 1121-07Passed October 1, 2007**Ordinance 1121-07****AN ORDINANCE AMENDING SECTION 153.108 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BATAVIA**

WHEREAS the Village of Batavia incurs certain costs in the processing of permits and has established a fee schedule to recover reasonable fees for said costs in section 153.108 of the code of ordinances, and


WHEREAS a clerical error was made in listing the fee for street or sidewalk openings;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, at least a majority of the members concurring, that the schedule of fees be amended to read:

Street or sidewalk opening - \$75

Adopted: October 1, 2007

Attest:


John Q. Thebout, Mayor


Angelina Burton, Clerk-Treasurer

Ordinance No. 1122-07

Passed November 5, 2007

✓

ORDINANCE 1122-07
AMENDMENT TO 2007 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2006 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1093-06 for 2007 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007 be amended as follows:

GENERAL FUND -- increase

A1-1A-211	Police Salary	\$ 10,000
A1-7B-212	Council Benefits	\$ 8,600


CAPITAL IMPROVEMENT -- increase

D1-6A-250	Capital Improvements	\$860,000
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This ordinance shall take effect at the earliest period allowed by law.

Passed: November 5, 2007

ATTEST:



Mayor John Q. Thebout



Angel Burton, Clerk/Treasurer

Ordinance No. 1123-07

Passed November 5, 2007 ✓

VILLAGE OF BATAVIA, OHIO

ORDINANCE NO. 1123-07

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$825,000 OF WEST MAIN STREET GENERAL OBLIGATION BONDS, SERIES 2007 BY THE VILLAGE OF BATAVIA, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, this Village Council has previously issued \$800,000 West Main Street General Obligation Bond Anticipation Notes, Second (2006) Renewal (the "Notes") to finance a portion of the costs of the West Main Street improvements (the "Project") and the Notes are about to mature and should be permanently financed with an issue of bonds; and

WHEREAS, the fiscal officer of the Village has heretofore estimated that the life of the Project is at least five (5) years, and certified that the maximum maturity of the bonds is fifteen (15) years;

NOW, THEREFORE, the Council of the Village of Batavia (hereinafter called the "Village"), County of Clermont, Ohio, hereby ordains:

SECTION 1. That it is necessary to issue bonds of the Village, in the principal amount of not to exceed \$825,000, for the purpose of currently refunding the Notes which were issued for the purpose of financing part of the Project in the Village, and paying costs related to the issuance of the bonds.

SECTION 2. Said bonds shall be of the denomination of \$1,000 or any integral multiple thereof, shall be numbered from 1 upward, shall be dated their date of issuance and shall mature and bear interest at the rates and at a net interest cost as set forth in the contract of purchase between the Village and the Underwriter named herein (the "Bond Purchase Agreement"), (but such net interest cost shall not be in excess of six per centum (6.00%)), payable semiannually on June 1 and December 1 of each year, beginning June 1, 2008 until the principal sum is paid. Said bonds shall mature and be subject to redemption, as set forth in the Bond Purchase Agreement, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the Council.

SECTION 3. That said bonds shall be designated "West Main Street General Obligation Bonds, Series 2007" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The bonds shall be executed by the Mayor and Clerk-Treasurer, provided that the execution of said officials may be by facsimile. The bonds may, but shall not be required to, bear the seal of the Village, or a facsimile thereof. The bonds shall also bear the manual authenticating signature of an authorized signer of The Bank of New York Trust Company, N.A., which bank or trust company has been selected to act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the bonds. The principal amount of each bond shall be payable at the designated office of the Paying Agent and Registrar, and payment of interest thereon shall be made on each interest payment date to the person whose name appears on the record date (November 15 and May 15 for December 1 and June 1 interest, respectively) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The Village and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds for the same principal amount will be issued to the

Ordinance No. 1123-07Passed November 5, 2007

transferee in exchange therefor.

The Village and the Paying Agent and Registrar may deem and treat the registered owner of a bond as the absolute owner thereof for all purposes, and neither the Village nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That the bonds shall be sold to Conners & Co., Inc., Cincinnati, Ohio (the "Underwriter") at the price set forth in the Bond Purchase Agreement. The proceeds from the sale of said bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to the Bond Retirement Fund to be applied to payment of the principal and interest on the bonds in the manner provided by law.

The Village Administrator and the Clerk-Treasurer are hereby authorized and directed to execute and deliver, without further action by the Council being required, the Bond Purchase Agreement with the Underwriter setting forth the final terms of the bonds. The signature of said officers on the Bond Purchase Agreement shall be conclusive evidence that the terms of the bonds are acceptable to the Village.

The Mayor, the Village Administrator and the Clerk-Treasurer, or any of them, are also hereby authorized and directed to execute and deliver, without further action of this Council being required, a Bond Registrar Agreement with the Paying Agent and Registrar and any other agreements or certificates necessary in connection with the issuance of the bonds as required by Peck, Shaffer & Williams LLP, bond counsel to the Village.

SECTION 5. That the bonds shall be the full general obligations of the Village and the full faith, credit and revenue of the Village are hereby pledged for the prompt payment of the same. That during the period while such bonds run there shall be levied upon all of the taxable property in the Village of Batavia, Ohio, in addition to all other taxes, but within applicable limitations, a direct tax annually, in an amount sufficient to pay the principal of and interest on said bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same

Ordinance No. 1123-07

Passed November 5, 2007

officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of said bonds, when and as the same fall due; provided, however, that to the extent that other resources including special assessments are applied to the payment of interest and principal, said tax need not be levied.

SECTION 6. That the Village Administrator is hereby authorized to apply, if he deems it appropriate, for a rating on the bonds from either Standard & Poor's Corporation or Moody's investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

SECTION 7. This Council, for the Village, hereby covenants that it will restrict the use of the proceeds of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103 and 148 of the Internal Revenue Code, the regulations prescribed thereunder and any subsequent amendments or modifications thereto that have a retroactive effective date on or prior to the date of issuance of the obligations authorized hereunder, including any expenditure requirements, investment limitations or rebate requirements. The Clerk-Treasurer any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the Village, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103 and 148 and regulations thereunder.

The bonds are hereby designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Village does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during this calendar year.

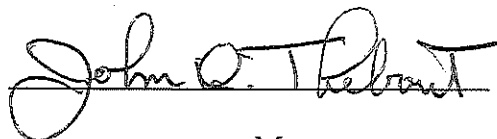
SECTION 8. That the Clerk-Treasurer is hereby directed to forward a certified copy of this ordinance to the County Auditor of the County of Clermont, Ohio.

SECTION 9. The Council of the Village of Batavia, Ohio, hereby finds and determines that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in full compliance with the law.

Ordinance No. 1123-07Passed November 5, 2007

SECTION 10. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village for the reason that the immediate issuance of said bonds is required to provide for the orderly refinancing of the project to which the bonds relate, and shall take effect immediately upon its adoption.

ADOPTED November 5, 2007



Mayor

Attest:


Clerk-Treasurer

Ordinance No. 1124-07

Passed December 3, 2007



ORDINANCE NO. 1124-07

AMENDING SOLID WASTE COLLECTION FEE AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Batavia has accepted a contract for waste collection services from Rumpke of Ohio, Inc., and

WHEREAS, the Village charges user fees to all residential and commercial users to pay the contract for services as billed by Rumpke of Ohio, Inc., and

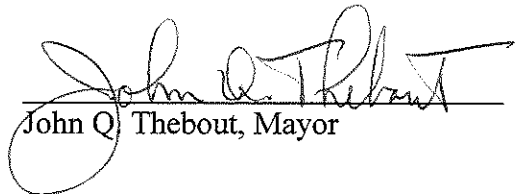
NOW THEREFORE LET IT BE ORDAINED, by the Council of the Village of Batavia that:

SECTION 1. That Section 51.02 (A) (1) of the codified ordinances of the Village of Batavia be amended as follows:

(A) (1) The solid waste collection charge shall be assessed against all residential users and all commercial and institutional **users except those who exceed the limitations designated in 51.03 (D).** This charge shall be \$13.81 per month From January 1, 2008, until December 31, 2008, and \$14.16 per month on and after January 1, 2009.

SECTION 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, welfare and safety of this Village, and for the further reason that the former contract for waste collection services will expire on December 31, 2007 and it is imperative that said collection of waste collection continue: therefor this ordinance shall be in immediate force and effect upon its passage.

ADOPTED December 3, 2007


John Q. Thebout, Mayor

Attest:


Angelina Burton, Clerk of Council

Ordinance No. 1125-07Passed December 3, 2007

1125-07

2008 APPROPRIATION ORDINANCE

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2008.

Section 1. BE IT RESOLVED by the Council of the Village of Batavia, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Batavia, during the fiscal year ending December 31, 2008, the following sums be and they are hereby set aside and appropriated as follows, viz:

Section 2. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

211 Personal Services/Salaries	155,320
212 Personal Services/Benefits	74,500
220 Travel Transportation/School	3,000
230 Contractual Services	19,000
240 Supplies & Materials	21,000
250 Capital Outlay	7,500

Street Lighting

230 Contractual Services	22,000
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

210 Personal Services/Contractual Services	12,000
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Payment to County Health District

230 Contractual Service	7,500
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

230 Contractual Services	1,100
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Program 7 – GENERAL GOVERNMENT

210 Mayor/Admin Salaries	30,500
212 Mayor/Admin Benefits	15,000
240 Mayor/Admin Supplies & Materials	5,000
210 Council/Salaries	7,200
212 Council/Benefits	1,750
230 Council/Contractual Srv (incl solicitor)	20,000
211 Secretary/Salaries	15,000
212 Secretary/Benefits	6,000
210 Clerk/Trs Salaries	9,000
212 Clerk/Trs Benefits	1,500
230 Clerk/Trs Contractual Srv	10,000
240 Clerk/Trs Supplies & Materials	2,000
230 Land & Bldg/Contractual Serv	32,000
240 Land & Bldg/Supplies & Materials	2,000
270 Boards & Commissions/Auditors Fee	1,500
212 Other Genl Gvt/Benefits (workers comp)	11,000

Section 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, R.C., the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP \$492,370

RECORD OF ORDINANCES

251

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1125-07

Passed December 3, 2007

Section 4. That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 – TRANSPORTATION

211 Personal Services/Salaries	\$110,000
212 Personal Services/Benefits	<u>70,000</u>
TOTAL STREET CONST, MAINT & REPAIR	\$180,000

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

240 Supplies & Materials/TOTAL FUND	83,000
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STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

230 Contractual Services	10,000
240 Supplies & Materials	<u>23,000</u>
TOTAL ST HIGHWAY FUND	\$33,000

POLICE

270 Other Uses/TOTAL POLICE FUND	\$25
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FIRE OPERATION FUND

Program 1 – SECURITY OF PERSONS & PROPERTY

240 Supplies & Materials/TOTAL FIRE FUND	\$1,200
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ENFORCEMENT & EDUCATION FUND

270 Other Uses/TOTAL FUND	\$500
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MOTOR VEHICLE LICENSE FUND

Program 6 – TRANSPORTATION

230 Contractual/TOTAL FUND	\$10,000
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BEAUTIFICATION FUND

270 Other Uses/TOTAL FUND	\$500
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GRAND TOTAL SPECIAL REVENUE FUNDS \$308,225

Section 5. That there be appropriated from the following DEBT SERVICE FUNDS:

WATER DEBT (COUNTY SETTLEMENT) FUND:

Principal Payments/TOTAL	\$0
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SEWER DEBT (CLARK/GLEN/ELY) FUND:

Principal Payments/TOTAL	\$25,000
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GRAND TOTAL DEBT SERVICE FUNDS \$25,000

Section 6. That there be appropriated from the following CAPITAL PROJECTS FUNDS:

CAPITAL IMPROVEMENT FUND

250 Capital Outlay	\$100,000
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STREET IMPROVEMENT FUND

250 Capital Outlay (Clough)	\$100,000
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GRAND TOTAL CAPT PROJECTS FUNDS \$200,000

Ordinance No. 1125-07Passed December 3, 2007

Section 7. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND

230 Office/Contractual	\$8,000
240 Office/ Supplies	3,500
230 Supply/Contractual Srv (bulk water purchase)	190,000
230 Filtration/Contractual Srv	15,000
211 Distribution/Personal Srv - Salaries	81,100
212 Distribution/Personal Srv - Benefits	42,000
240 Distribution/Supplies & Materials	40,000
270 OPWC Debt	<u>5,000</u>
TOTAL WATER FUND	\$384,600

SEWER FUND

240 Office/Supplies	3,500
211 Pumping/Personal Srv - Salaries	81,100
212 Pumping/Personal Srv - Benefits	42,000
230 Pumping/Contractual Srv	35,000
240 Pumping/Supplies & Materials	65,000
271 Other Uses/Transfers to Swr R&I per bond	6,600
273 Other Uses/Bond payment	<u>55,000</u>
TOTAL SEWER FUND	\$288,200

UTILITIES DEPOSITS FUND

Deposits Refunded	\$2,500
Deposits Applied to Account	<u>2,500</u>
TOTAL UTILITIES DEPOSITS FUND	\$5,000

SEWER REPLACEMENT & IMPROVEMENT FUND

250 Capital Outlay/TOTAL FUND	\$15,000
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WASTE COLLECTION FUND

230 Contractual Services/TOTAL FUND	\$120,000
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GRAND TOTAL ENTERPRISE FUND \$812,800

Section 8. That there be appropriated from the INTERNAL SERVICE FUNDS:
No money appropriated

Section 9. That there be appropriated from the TRUST & AGENCY FUNDS

INCOME TAX FUND

211 Tax Admin/Salaries	\$13,000
212 Tax Admin/Benefits	3,000
240 Tax Admin/Supplies	2,000
Taxes Refunded	25,000
Transfers	<u>757,000</u>
TOTAL INCOME TAX FUND	\$800,000

Section 10. That there be appropriated from the SPECIAL ASSESSMENT FUNDS
No money appropriated.


TOTAL ALL APPROPRIATIONS \$2,538,395

Ordinance No. 1125-07

Passed December 3, 2007

Section 11. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

Passed: 12/03/2007


John Q. Thebout, Mayor


Angelina Burton, Clerk/Treasurer

✓ Ordinance No. 1126-07Passed December 3, 2007

VILLAGE OF BATAVIA

ORDINANCE NO. 1126-07

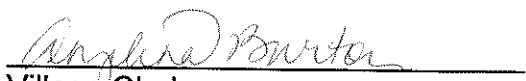
AN ORDINANCE SETTING COMPENSATION FOR THE
CHIEF OF POLICE.

BE IT ORDAINED by the Council of the Village of Batavia, Ohio,

Section 1. The Chief of Police shall be paid at the rate of Twenty Dollars and Seventy Five Cents (\$20.75) per hour commencing on the first full pay period in January, 2008.

Section 2. All other compensation for the Chief of police shall be subject to the provisions of the Village Handbook.

Adopted: 12/03/2007


Mayor
Village Clerk

Ordinance No. 1127-08

Passed January 7, 2008

✓

VILLAGE OF BATAVIA

ORDINANCE NO. 1127-08

**AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF
WELTMAN, WEINBERG & REIS CO., L.P.A FOR LEGAL
SERVICES RELATING TO INCOME TAX COLLECTIONS.**

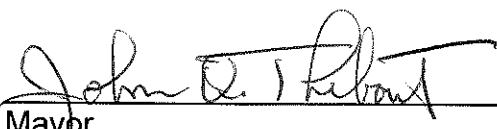
WHEREAS, Village Council has amended the municipal income tax ordinance to permit civil collection of unpaid income taxes, and

WHEREAS the solicitor of the Village has recommended that the Village employ Weltman, Weinberg & Reis Co., L.P.A to represent the Village in matters relating to the collection of income taxes, pursuant to the amended Ordinance,

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio,

Section1. The Village Administrator is authorized to enter into a Collection Litigation Agreement with Weltman, Weinberg & Reis Co., L.P.A, for collection of municipal income taxes.

Adopted: January 7, 2008


Mayor


Village Clerk

Ordinance No. _____

Passed _____, _____

VILLAGE OF BATAVIA

Ordinance No. 1129-08

AN ORDINANCE AUTHORIZING THE LEASE OF THE PROPERTY KNOWN AS 377 EAST MAIN STREET, IN THE VILLAGE OF BATAVIA, OHIO.

WHEREAS, the Village of Batavia owns certain real property located with the Village which was formerly used as a fire station for the Batavia Village Fire Department, and

WHEREAS, formation of the Central Joint EMS/Fire District now provides fire protection and emergency medical services the Village of Batavia, and

WHEREAS, the Central Joint EMS/Fire District equipment and building is located in Batavia Township, outside the Village municipal limits, and

WHEREAS, Council for the Village of Batavia and the Trustees of the Central Joint EMS/Fire District believe it would be in the best interest of the Village to utilize the former Batavia fire station as a satellite fire station for the Central Joint EMS/Fire District, and

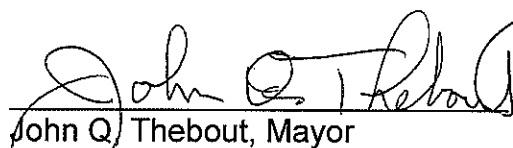
WHEREAS, the Council of Village of Batavia desires to lease said property pursuant to Chapter 721 of the Ohio Revised Code for a nominal annual fee, to the Central Joint EMS/Fire District now therefore.

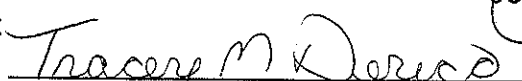
WHEREAS, It is essential to provide uninterrupted fire service to the village this ordinances id declared to be an emergency and necessary for the peace, health and safety of the citizens.

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least two thirds of its members concurring:

Section 1. The lease agreement attached hereto for the property located at 377 East Main Street and formerly used as the Village Fire Station, is approved and the Mayor is authorized to execute the same.

Adopted: April 7, 2008


John Q. Thebout, Mayor

Attest: 
Tracey M. Derico, Village Clerk

Ordinance No. _____

Passed _____

VILLAGE OF BATAVIA

ORDINANCE NO. 1130-08

AN ORDINANCE AMENDING CHAPTER 35.22 OF THE VILLAGE CODIFIED ORDINANCES ALLOCATING FUNDS TO BE PAID FROM THE VILLAGE INCOME TAX.

THEREFORE, BE IT ORDAINED by the council of the Village of Batavia, Ohio at least three-fourths of its members concurring:

Section 1 § 35.22 ALLOCATION OF FUNDS shall be amended as follows:

The funds collected under the provisions of this chapter shall be deposited in the Income Tax Fund and such funds collected from the imposition date of the tax under this chapter shall be disbursed in the following manner:

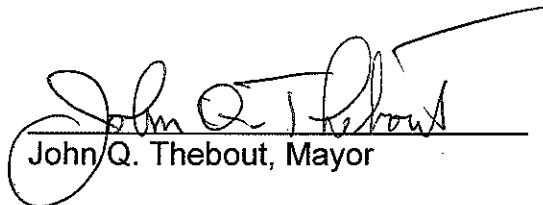
(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.

(B) The balance of any moneys collected shall be allocated as follows:

1. Thirty two percent (32%) to the General Fund for the purpose of general municipal operations
2. Twelve percent (12%) for street maintenance,
3. **Twenty percent (20%) for street improvement**
4. Thirty six percent (36%) for capitol improvement

Section 2. All other allocation formula are hereby repealed.

Adopted: April 7, 2008


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

VILLAGE OF BATAVIA

ORDINANCE 1131-08

AN ORDINANCE AUTHORIZING THE MAYOR, THE VILLAGE ADMINISTRATOR, AND THE CLERK TREASURER TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR STATE OPWC GRANT FUNDS FOR IMPROVEMENTS TO FIFTH STREET

WHEREAS, sections of Fifth Street and supporting infrastructure has deteriorated and replacement of the infrastructure has become a priority of the Village of Batavia; and

WHEREAS the Ohio Revised Code has allowed for the issuance of State Issue I funds for 2009; and

WHEREAS the District Public Works Integrating Committee of Clermont County (DPWIC) is the recipient of State Issue I Funds through the Ohio Public Works Commission; and

WHEREAS available funds of the Village of Batavia are insufficient to complete such repairs and replacement without supplemental grant funds:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

SECTION I. The Council of the Village of Batavia does hereby endorse and support the application for State Issue I Funds from the Ohio Public Works Commission for the Fifth Street Improvement Project Phase 2 within the Village of Batavia.


SECTION II. That the Mayor, the Village Administrator and the Clerk-Treasurer are hereby authorized and directed to file an application with the district Public Works Integrating Committee of Clermont County (DPWIC) for Ohio Public Works Commission funding under State Issue I for 2009; and if awarded to implement said program.

SECTION III. That the Village of Batavia hereby requests the District Public Works Integrating Committee (DPWIC) and the Ohio Public Works Commission (OPWC) to consider and fund the referenced application.

SECTION IV. That this resolution shall go into force and effect within the earliest period allowed by law.

ADOPTED:

DATE: August 4, 2008


John Q. Thebout

ATTEST:


Tracey M. Defico, Clerk-Treasurer

Ordinance No. _____

Passed _____, _____

VILLAGE OF BATAVIA

ORDINANCE NO. 1133-08

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR PAINTING AND BEAUTIFYING THE WEST MAIN STREET UNDERPASS BRIDGE STRUCTURE.

Whereas, Village Counsel seeks to beautifying Main Street within the Village of Batavia, Ohio, and

Whereas, Village Council believes that painting and restoring the West Main Street Railroad bridge will encourage to business on the west end of Main Street as well as improve the quality of life for Village residents, and

Whereas the **Village Association of Batavia** has offered to pay for the painting of the West Main Street, Norfolk & Southern train trestle, and

Whereas the Norfolk Southern Corporation has a program to permit local governments to paint trestles within their municipal boundaries, and

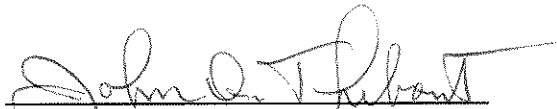
Whereas it is necessary for the Village enter into a contract and license with Norfolk Southern Corporation for the reasons stated above, now therefore

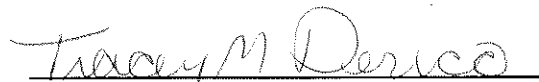
BE IT ORDAINED by the council of the Village of Batavia, Ohio at least three fourths of its members concurring:

Section 1. That the Village Administrator is authorized to enter into an agreement and license with Norfolk Southern Railway Company for painting and beautifying the West Main Street trestle.

Section 2 That the Village Administrator is authorized to enter into an agreement with _____ for the purpose of painting said trestle, said agreement to provide that all funds for the payment of services shall be provided by the Village Association of Batavia.

Adopted: August 4, 2008


John Q. Thebout, Mayor


Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____ Passed _____, _____

ORDINANCE NO. 1134-08

AN ORDINANCE ESTABLISHING REGULATIONS AND RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS OF THE VILLAGE OF BATAVIA'S WATER AND SEWER SYSTEM AND REPEALING CONFLICTING ORDINANCES.,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO:

SECTION 1: The users of RESIDENTIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates.

A. AVAILABILITY. The Residential Rate is available for domestic water & sewer service to individual residences and multiple dwelling units, such as apartments, mobile homes, condominiums, etc., used for strictly residential purposes.

Where service is supplied for commercial, business, industrial, professional or other similar non-residential purposes, in part or in whole, such service shall be considered as Commercial in character and the applicable Commercial Schedule shall apply.

RATE PER SERVICE OR DWELLING UNIT PER MONTH OR PART THEREOF

WATER RATE		
CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
UP TO ONE INCH METER		
Unit Charge	\$1.50	\$ 2.25
Minimum Charge (1st 100 CF.)	\$10.30	\$15.45
Over 100 CF. (per 100 CF.)	\$4.35	\$ 5.60
OVER ONE INCH METER		
Unit Charge	\$1.50	\$ 2.25
Minimum Charge (1st 100 CF.)	\$20.60	\$30.90
Over 100 CF. (per 100 CF.)	\$4.40	\$ 6.60

SEWER RATE		
CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
Unit Charge	\$2.00	\$ 3.00
Minimum Charge (1st 100 CF.)	\$20.30	\$30.45
Over 100 CF. (per 100 CF.)	\$2.85	\$ 4.20

B. MULTIPLE DWELLING UNITS. Where more than one dwelling unit (such as an apartment house, mobile home court, duplex, etc.) is served through one meter, the unit charge will apply to each separate dwelling unit, whether occupied or not.

The Village reserves the right to require that all future individual dwelling units be individually metered and plumbed in accordance with current administrative policy before water service is established.

C. MINIMUM CHARGE PER MONTH. The minimum charge will not be less than the above applicable charge for the first 100 cubic feet of water used during any month or any part thereof, and shall not be prorated.

Minimum usage is per active service to a meter, not to a dwelling unit, and shall not be charged to an account where service to a meter has been discontinued by the Village or at the request of the owner and/or occupant.

D. TERMS OF PAYMENT. The rates set forth herein are net, and apply only in the event that accounts for water service are paid within 15 days from the date of the bill.

Ordinance No. _____

Passed _____, _____

If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

E. BILLING. All billing will be done on an approximately 30 day basis and will be billed to the nearest cubic foot on the meter. All rates shall be applicable for any fractional part of a billing month.

SECTION 2: The users of COMMERCIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates:

A. AVAILABILITY. The Commercial Rate is available to Commercial, Industrial and other classes of service not provided for in the Residential Rate Schedule. The Schedule in Paragraph B below is applicable to all Commercial, Industrial, and non-residential users, including but not limited to business establishments, factories, processing plants, offices, restaurants, clubs, lodges, theaters, rest homes, hospitals, motels, hotels, churches, schools, service stations, commercial car washes, and reception halls. In the event the same meter services both residential and commercial establishments, the Commercial Rate shall apply, with the exception that in such case the residential unit charge shall be applied for each residential unit served.

B. WATER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be the sum of the charges (A) and (B) below.

(A) Commodity Charge	INSIDE CORP.	OUTSIDE CORP.
0.75" service line/meter	\$1.50	\$2.25
1.00" service line/meter	\$ 1.50	\$2 .25
2.00" service line/meter	\$ 2.00	\$3.00
3.00" service line/meter	\$2.50	\$3.75
4.00" service line/meter or greater	\$3.00	\$4.50

(B) CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
UP TO ONE INCH METER		
Minimum Charge (1st 100 CF.)	\$10.30	\$15.45
Over 100 CF. (per 100 CF.)	\$4.35	\$ 5.60

B. SEWER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be:

CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
Unit Charge	\$2.00	\$ 3.00
Minimum Charge (1st 100 CF.)	\$20.30	\$30.45
Over 100 CF. (per 100 CF.)	\$2.85	\$ 4.20

The capacity of service will be determined by the Village and shall normally be equal to the nominal diameter in inches of the water service line tap extending from the Village's main to Consumer's meter, or the size of the meter, whichever is greater.

For government buildings, schools, churches and other non-profit charitable institutions where the service line is 4.00 inches or less, the capacity of service charge shall be \$1.50 inside the Corporation limits and \$2.25 outside the Corporation limits of the Village.

C. MULTIPLE ESTABLISHMENTS. The Village reserves the right to require that all future individual business establishments or activities located on the same premises be individually metered and plumbed before service is established.

D. MINIMUM CHARGE. The minimum charge per month shall not be less than the sum of the above applicable usage rate and the applicable Commodity Charge and shall not be prorated for any part of a month.

Ordinance No. _____

Passed _____, _____

E. BILLING. All billings will be on an approximately 30 day basis and will be billed to the nearest cubic foot of water registered on the meter. All rates shall be applicable for any fractional part of a billing month.

F. TERMS OF PAYMENT. The rates set forth are net, and apply only in the event that accounts for water service are paid in full within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

SECTION 3: The users of SPECIAL WATER SERVICES in the Village of Batavia shall be subject to the following regulations and rates.

A. FIRE PROTECTION SERVICE. For all fire protection service made and requiring a special separate fire service line located on the consumer's premises, the following conditions apply:

1) The consumer shall install at his expense, subject to the Village's inspection and approval, all the necessary complete and separate piping system extending from the consumer's system and connecting to the Village's existing water main.

2) All separate fire service lines shall have installed in same a check meter to determine any flow of water in same and to detect any illegal diversion of water from the fire line. Such meter and its installation shall meet the Village's specifications and the entire installation shall be at the expense of the consumer.

3) No charge shall be made for any measured water flow through said fire line resulting from use of water for fire fighting purposes. Any other usage, accidental or intentional, shall be billed at the appropriate rate in SECTION 2 above, including capacity charges, in addition to the regular capacity charges in the schedule below which shall be billed monthly.

CAPACITY CHARGE FOR FIRE SERVICE LINE

SIZE OF FIRE SERVICE LINE	INSIDE CORP.	OUTSIDE CORP.
1 to 2 inches	\$12.50 per month	\$19.35 per month
4 TO 6 inches	\$25.80 per month	\$38.70 per month
6 to 8 inches	\$38.70 per month	\$58.00 per month

The above Capacity Charges do not apply to wholly tax supported public buildings, such as schools and governmental buildings.

B. BULK WATER SALES. Direct metered sales from the Village mains may be made at a location designated by the Village at such times and hours as fixed by the water department. The charge for such service shall be \$5.25 per 1000 gallons. Such sales shall be governed by the terms and conditions set forth in the Administrative Policy Manual.

C. TEMPORARY SERVICE FOR NON-PROFIT ORGANIZATIONS. Temporary service for tax-free and non-profit public activities, such as fairs, festivals, athletic events, etc., may be established according to the terms and conditions set forth in the Administrative Policy Manual.

D. SERVICE TO VILLAGE OFFICES AND BUILDINGS. Services to all the offices and buildings owned, leased, rented, or otherwise occupied in any official capacity by the Village of Batavia, its boards and commissions, shall be extended without charge. Such service shall, when practicable, be metered and recorded.

SECTION 4: All users of the Village water system shall be subject to DEPOSIT REQUIREMENTS as outlined in the Administrative Policy Manual.

RECORD OF ORDINANCES

265

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

SECTION 5: All users of the Village water system shall be subject to, and comply with, the provisions and conditions provided for in the Administrative Policy Manual (available at the Village's Water Department), the same as if herein written, which may be amended from time to time under the authority granted to the Village Administrator in Code Section 31.04 and ORC 743.

SECTION 6: Partial payments of utility bills shall be applied first to NSF and penalties then to trash, sewer and water.

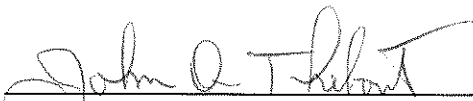
SECTION 7: Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part to be so declared invalid.

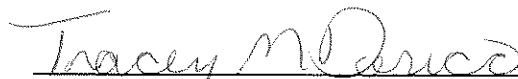
SECTION 8: This ordinance repeals Ordinance No. 947-98; Ordinance No. 979-01; Ordinance 1002-02, Ordinance No. 1062-05 and all other ordinances inconsistent herewith.

SECTION 9: The rates herein shall be effective for meter readings in December 2008 and thereafter.

Date: November 3, 2008

Attest:


John Q. Thebout, Mayor


Tracey Derigo, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1136-08

CREATING A SEPARATE AND TEMPORARY FUND FOR THE FEDERAL
EMERGENCY MANAGEMENT AGENCY GRANT FOR 2008

WHEREAS, the Village of Batavia suffered additional costs for a federally declared snow emergency in February-March of 2008, and

WHEREAS, the Federal Emergency Management Agency has provided a grant to partially reimburse the Village of Batavia for the costs of said emergency through an agreement with the Ohio Department of Public Safety, and

WHEREAS, federal law specifies certain requirements for the use of these funds and further requires that said grant funds be placed in a separate fund for that purpose,

NOW THEREFORE BE IT ORDAINED, by the council of the Village of Batavia, that:

SECTION 1 The Clerk Treasurer is instructed and authorized to create a separate account Number 2051-419 for the deposit and dispersal of said funds to the eligible departments.

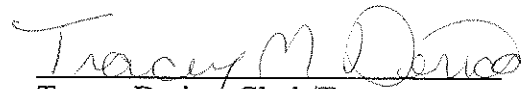
SECTION 2 The sum of \$5,667.00 is hereby appropriated in said fund for the intended purpose.

BE IT FURTHER ORDAINED, in that these funds are necessary for the continuous and effective maintenance of village infrastructure, and that the availability of the grant funds expires in less than 30 days, that this measure shall be deemed an emergency measure necessary for the public peace, health and safety, and shall go into immediate force and effect upon its passage.

Adopted: September 2, 2008

Attest:


John Q. Thebout, Mayor


Tracey Dericq, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

VILLAGE OF BATAVIA

ORDINANCE NO. 1137-08

AN ORDINANCE AMENDING CHAPTER 31 OF THE VILLAGE CODIFIED ORDINANCES REQUIRING MONTHLY REPORTS FROM THE TREASURER

BE IT ORDAINED by the council of the Village of Batavia, Ohio at least three-fourths of its members concurring:

That Chapter 31 of the Codified Ordinances of the Village of Batavia (Executive Authority) be amended as follows

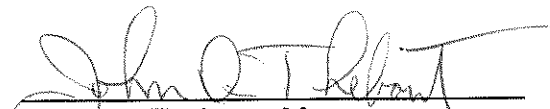
§31.33 Monthly account; Annual Report:

The Treasure shall settle and account with the Legislative Authority monthly, providing the Legislative Authority, no later than the Friday immediately preceding the monthly Council Meeting, the following information and accounts:

- **Written Cash Journal**
- **Cash Summary**
- **Reconciled Bank Statement**

At the first regular meeting of the Legislative Authority in January of each year the Treasurer shall report to it the condition of the finances of the municipality, the amount received by the Treasurer, the sources of the receipts, the disbursements made by him or her, and on what account, during the year proceeding. This account shall exhibit the balance due on each fund which has come into the Treasurer's hands during the year (ORC 733.46)

Adopted: September 2, 2008 Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. 1138-08

Passed August 17th, 2009

VILLAGE OF BATAVIA
ORDINANCE NO. 1138-08

AN ORDINANCE AUTHORIZING THE VILLAGE CLERK TO PAY \$3008.00 TO REIMBURSE THE CHIEF OF POLICE FOR ATTORNEY FEES

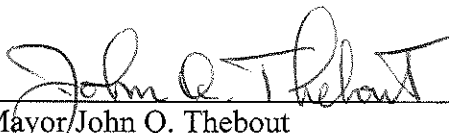
WHEREAS, Village Council has been requested, to reimburse the Chief of Police for attorney fees he incurred relating to the criminal action titled Village of Batavia v. Robert Stewart and

WHEREAS the Village Council has reviewed said fees submitted by the Chief of Police in the bill statement from his attorney

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio,


Section1. The Village Clerk is hereby authorized to reimburse the Chief of Police for his attorney fees in the amount of \$3008.00

Adopted: August 17th, 2009



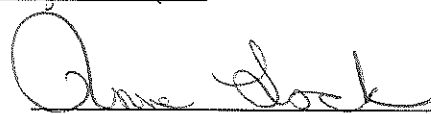
Mayor John Q. Thebout

Attest:



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the Dec 10, 2009



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

VILLAGE OF BATAVIA

ORDINANCE NO. 1139-08

ORDINANCE LEVYING ASSESSMENTS FOR SEWER LATERAL CONNECTION

BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

Section 1. The list of estimated assessments of the cost of connecting certain laterals reported to this Council and now on file in the office of the Clerk of Council, as changed and corrected by this Council, which changes and corrections this Council hereby determines to be proper}, and aggregating \$14,670 are adopted and confirmed.

Section 2. The several amounts of the assessments are hereby assessed and levied on the lots and lands bounding and abutting the improvement.

Section 3. It is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 4. The Clerk of Council is directed to continue on file in his office a list of the assessments {as changed and corrected}, and the description of the lots and lands.

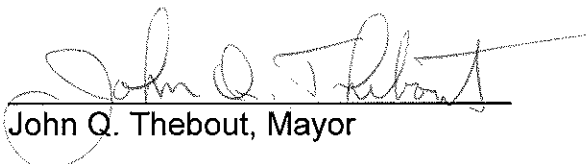
Section 5. The total assessment against each lot and parcel of land shall be payable in cash to the Clerk/Treasurer of the Village of Batavia within thirty days after the passage of this ordinance or, at the option of the property owner assessed, in **ten(10) annual** installments with interest at the same rate as the bonds issued in anticipation of the collection thereof. All assessments and installments which have not been paid at the expiration of the thirty-day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 6. The Clerk of Council is directed to cause notice of the passage of this ordinance to be published as provided by law.

Section 7. The Clerk of this Council is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within twenty days following the passage of this ordinance.

Section 8. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health safety and welfare of the residents of the Village of Batavia.

Adopted: October 6, 2008


John Q. Thebout, Mayor

Attest:


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1143-08

AN ORDINANCE TO MAKE APPROPRIATIONS
FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2009

WHEREAS the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2009,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2009, the following sums be and are hereby set aside and appropriated as follows:

Section 1. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000-110-100.1	Personal Services / Salaries	\$155,320.00
1000-110-290	Other – Employee Fringe Benefits	88,852.00
1000-110-348	Training Services	3,000.00
1000-110-390	Other Contractural Services	22,200.00
1000-110-400	Supplies and Materials	9,500.00
1000-110-400-1111	Police Dept. Fuel	15,500.00
1000-110-500	Capital Outlay	7,500.00

Street Lighting

1000-130-300	Contractural Services	19,000.00
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractural Services	15,000.00
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Payment to County Health District

1000-210-640	Pymt. to another political subdivision	7,000.00
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractural Services	900.00
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Program 7 – GENERAL GOVERNMENT

1000-710-130	Salaries – Administrator's Office	26,500.00
1000-710-160	Salaries – Mayor's Office	4,000.00
1000-710-290	Other – Employee Fringe Benefits	14,886.00
1000-710-410	Office Supplies and Materials	5,000.00
1000-715-111	Salaries – Council	7,200.00
1000-715-141	Salary – Legal Counsel	8,000.00
1000-715-290	Other – Employee Fringe Benefits	4,000.00
1000-715-300	Contractural Services	7,750.00
1000-725-121	Salary – Clerk Treasurer	7,500.00
1000-725-290	Other – Employee Fringe Benefits	1,500.00
1000-725-300	Contractural Services	5,000.00
1000-725-400	Supplies and Materials	1,800.00
1000-730-100	Personal Services	1,000.00
1000-730-290	Other – Employee Fringe Benefits	160.00
1000-730-300	Contractural Services	32,000.00
1000-730-400	Supplies and Materials	1,000.00
1000-740-344	Tax Collection Fees	2,000.00

RECORD OF ORDINANCES

275

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____ Passed _____

1000-745-342	Auditing Services	-0-
1000-745-343	Uniform Accounting Network Fees	3,660.00
1000-755-139	Other – Salaries – Administrator's Office	13,000.00
1000-755-290	Other – Employee Fringe Benefits	3,000.00
1000-755-410	Office Supplies and Materials	2,800.00
1000-760-610	Deposits Refunded	20,000.00
1000-790-225	Workers' Compensation	11,000.00

Section 2. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP.	526,528.00
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Section 3: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

2011-620-100	Personal Services	110,000.00
2011-620-290	Other – Employee Fringe Benefits	<u>70,000.00</u>
TOTAL STREET CONST. MAINT & REPAIR		180,000.00

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

2012-620-400	Supplies and Materials	73,254.00
2012-620-400-2111	Fuel	<u>10,000.00</u>
TOTAL STREET MAINTENANCE & REPAIR FUND II		83,254.00

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

2021-650-300	Contractural Services	10,000.00
2021-650-400	Supplies and Materials	<u>23,000.00</u>
TOTAL STATE HIGHWAY FUND		33,000.00

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractural Services	10,000.00
2101-620-500	Capital Outlay	<u>2,500.00</u>
TOTAL MVL		12,500.00

LAW ENFORCEMENT & EDUCATION I

2271-110-100	Personal Services	200.00
2271-110-290	Other – Employee Fringe Benefits	100.00
2271-110-400	Supplies and Materials	<u>200.00</u>
TOTAL LAW ENFORCEMENT & EDUCATION		500.00

FIRE

Program 1 – SECURITY OF PERSONS & PROPERTY

2901-120-400	Supplies & Materials	1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies & Materials	25.00
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BEAUTIFICATION

2904-490-600	Other	500.00
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GRAND TOTAL SPECIAL REVENUE FUNDS	\$310,979.00
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Ordinance No. _____ Passed _____, _____

Section 4: That there be appropriated from the following DEBT SERVICE FUNDS

Clark - Glen - Ely	Sewer Assessment Debt	
3301-850-790	Other - Debt Service	25,000.00

COUNTY WATER Debt		
3901-850-790	Other - Debt Service	32,000.00

GRAND TOTAL DEBT SERVICE FUNDS	57,000.00
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Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500	Capital Outlay	100,000.00
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STREET Capital Projects

4902-800-100	Personal Services	_____
4902-800-290	Other - Employee Fringe Benefits	_____
4902-800-500	Capital Outlay	100,000.00

GRAND TOTAL CAPITAL PROJECTS	200,000.00
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Section 6: That there be appropriated from the following ENTERPRISE FUNDS

WATER OPERATING

5101-531-300	Contractual Services	8,000.00
5101-531-400	Supplies and Materials	4,000.00
5101-533-340	Professional & Technical Services	16,000.00
5101-533-640	Pymt to Another Political Subdivision	190,000.00
5101-535-100	Personal Services	84,000.00
5101-535-290	Other - Employee Fringe Benefits	53,100.00
5101-535-400	Supplies and Materials	37,500.00
5101-539-400-5111	Fuel	2,500.00
5101-539-610	Deposits Refunded	2,500.00
5101-850-710	Principal (debt)	5,000.00
TOTAL WATER FUND		\$402,600.00

SEWER Operating

5201-541-400	Supplies and Materials	4,000.00
5201-543-100	Personal Services	84,000.00
5201-543-290	Other - Employee Fringe Benefits	53,100.00
5201-543-340	Professional & Technical Services	36,000.00
5201-543-400	Supplies and Materials	62,500.00
5201-549-400-5211	Fuel	2,500.00
5201-850-790	Other - Debt Service	58,000.00
5201-910-910	Transfers - Out	6,600.00
5201-990-990	Other - Other Financing Uses	-0-
TOTAL SEWER FUND		\$306,700.00

REFUSE Enterprise Operating

5601-563-398	Garbage and Trash Removal/TOTAL	132,000.00
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SEWER BOND Improvement

5703-800-500	Capital Outlay/ TOTAL FUND	20,965.00
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UTILITY Deposit

5781-594-610	Deposits Refunded	2,500.00
5781-594-620	Deposits Applied	2,500.00
TOTAL UTILITIES DEPOSITS FUND		5,000.00

RECORD OF ORDINANCES

277

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

GRAND TOTAL ENTERPRISE FUNDS

\$867,265.00

Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS - no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS - no money appropriated

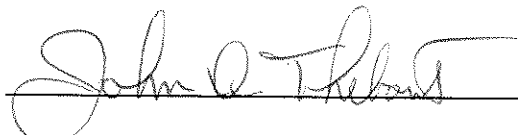
Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS - no money appropriated

Section 10: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefor, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

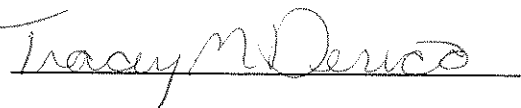
TOTAL ALL APPROPRIATIONS

\$1,964,772.00

Passed:12/22/08



John Q. Thebout, Mayor



Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____

VILLAGE OF BATAVIA

ORDINANCE NO. 1141-08

AN ORDINANCE AMENDING CHAPTER 35.22 OF THE VILLAGE CODIFIED ORDINANCES ALLOCATING FUNDS TO BE PAID FROM THE VILLAGE INCOME TAX.

THEREFORE, BE IT ORDAINED by the council of the Village of Batavia, Ohio at least three-fourths of its members concurring:

Section 1 § 35.22 ALLOCATION OF FUNDS shall be amended as follows:

The funds collected under the provisions of this chapter shall be deposited in the Income Tax Fund and such funds collected from the imposition date of the tax under this chapter shall be disbursed in the following manner:

(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.

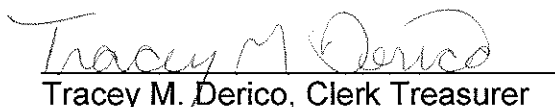
(B) The balance of any moneys collected shall be allocated as follows:

1. Thirty two percent (39%) to the General Fund for the purpose of general municipal operations
2. Twelve percent (12%) for street maintenance,
3. Twenty percent (20%) for street improvement
4. Thirty six percent (29%) for capitol improvement

Section 2. All other allocation formula are hereby repealed.

Adopted: November 3, 2008


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE: NO. 1142-08

AN ORDINANCE AMENDING THE VILLAGE ZONING MAP

WHEREAS, petitions have been filed requesting a change of zoning for parcel # 060203.141A and parcel # 060203.140

WHEREAS, public hearings were held before the Planning Commission on August 19, 2008 and before Village Council on November 3, 2008, and

WHEREAS, the Planning Commission has found that the new use would be consistent with the use of adjacent and abutting properties and has recommended the change be enacted:

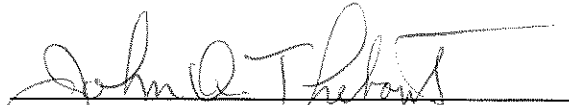
NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio that:

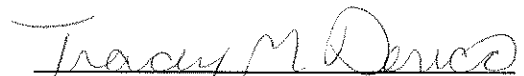
SECTION ONE – The designation of the parcels of land recorded as 060203.141A and parcel # 060203.140 on the Clermont County Auditor's tax roll, be changed from R – Residential to S-1 Service District.

SECTION TWO – That the Village of Batavia zoning map shall be changed to reflect the designation of this land.

Adopted: January 22, 2009

Attest:


John Q. Thebout, Mayor


Tracey Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1143-08

AN ORDINANCE TO MAKE APPROPRIATIONS
FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2009

WHEREAS the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2009,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2009, the following sums be and are hereby set aside and appropriated as follows:

Section 1. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000-110-100.1	Personal Services / Salaries	\$155,320.00
1000-110-290	Other – Employee Fringe Benefits	88,852.00
1000-110-348	Training Services	3,000.00
1000-110-390	Other Contractural Services	22,200.00
1000-110-400	Supplies and Materials	9,500.00
1000-110-400-1111	Police Dept. Fuel	15,500.00
1000-110-500	Capital Outlay	7,500.00

Street Lighting

1000-130-300	Contractural Services	19,000.00
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractural Services	15,000.00
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Payment to County Health District

1000-210-640	Pymt. to another political subdivision	7,000.00
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILILTY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractural Services	900.00
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Program 7 – GENERAL GOVERNMENT

1000-710-130	Salaries – Administrator's Office	26,500.00
1000-710-160	Salaries – Mayor's Office	4,000.00
1000-710-290	Other – Employee Fringe Benefits	14,886.00
1000-710-410	Office Supplies and Materials	5,000.00
1000-715-111	Salaries – Council	7,200.00
1000-715-141	Salary – Legal Counsel	8,000.00
1000-715-290	Other – Employee Fringe Benefits	4,000.00
1000-715-300	Contractural Services	7,750.00
1000-725-121	Salary – Clerk Treasurer	7,500.00
1000-725-290	Other – Employee Fringe Benefits	1,500.00
1000-725-300	Contractural Services	5,000.00
1000-725-400	Supplies and Materials	1,800.00
1000-730-100	Personal Services	1,000.00
1000-730-290	Other – Employee Fringe Benefits	160.00
1000-730-300	Contractural Services	32,000.00
1000-730-400	Supplies and Materials	1,000.00
1000-740-344	Tax Collection Fees	2,000.00

RECORD OF ORDINANCES

275

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____ Passed _____, _____

1000-745-342	Auditing Services	-0-
1000-745-343	Uniform Accounting Network Fees	3,660.00
1000-755-139	Other – Salaries – Administrator's Office	13,000.00
1000-755-290	Other – Employee Fringe Benefits	3,000.00
1000-755-410	Office Supplies and Materials	2,800.00
1000-760-610	Deposits Refunded	20,000.00
1000-790-225	Workers' Compensation	11,000.00

Section 2. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP.	526,528.00
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Section 3: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

2011-620-100	Personal Services	110,000.00
2011-620-290	Other – Employee Fringe Benefits	<u>70,000.00</u>
TOTAL STREET CONST. MAINT & REPAIR		180,000.00

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

2012-620-400	Supplies and Materials	73,254.00
2012-620-400-2111	Fuel	<u>10,000.00</u>
TOTAL STREET MAINTENANCE & REPAIR FUND II		83,254.00

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

2021-650-300	Contractural Services	10,000.00
2021-650-400	Supplies and Materials	<u>23,000.00</u>
TOTAL STATE HIGHWAY FUND		33,000.00

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractural Services	10,000.00
2101-620-500	Capital Outlay	<u>2,500.00</u>
TOTAL MVL		12,500.00

LAW ENFORCEMENT & EDUCATION I

2271-110-100	Personal Services	200.00
2271-110-290	Other – Employee Fringe Benefits	100.00
2271-110-400	Supplies and Materials	<u>200.00</u>
TOTAL LAW ENFORCEMENT & EDUCATION		500.00

FIRE

Program 1 – SECURITY OF PERSONS & PROPERTY

2901-120-400	Supplies & Materials	1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies & Materials	25.00
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BEAUTIFICATION

2904-490-600	Other	500.00
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GRAND TOTAL SPECIAL REVENUE FUNDS	\$310,979.00
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RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

Section 4: That there be appropriated from the following DEBT SERVICE FUNDS

Clark - Glen - Ely	Sewer Assessment Debt	
3301-850-790	Other - Debt Service	25,000.00

COUNTY WATER Debt		
3901-850-790	Other - Debt Service	32,000.00

GRAND TOTAL DEBT SERVICE FUNDS	57,000.00
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Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500	Capital Outlay	100,000.00
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STREET Capital Projects

4902-800-100	Personal Services	_____
4902-800-290	Other - Employee Fringe Benefits	_____
4902-800-500	Capital Outlay	100,000.00

GRAND TOTAL CAPITAL PROJECTS	200,000.00
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Section 6: That there be appropriated from the following ENTERPRISE FUNDS

WATER OPERATING

5101-531-300	Contractual Services	8,000.00
5101-531-400	Supplies and Materials	4,000.00
5101-533-340	Professional & Technical Services	16,000.00
5101-533-640	Pymt to Another Political Subdivision	190,000.00
5101-535-100	Personal Services	84,000.00
5101-535-290	Other - Employee Fringe Benefits	53,100.00
5101-535-400	Supplies and Materials	37,500.00
5101-539-400-5111	Fuel	2,500.00
5101-539-610	Deposits Refunded	2,500.00
5101-850-710	Principal (debt)	<u>5,000.00</u>
TOTAL WATER FUND		\$402,600.00

SEWER Operating

5201-541-400	Supplies and Materials	4,000.00
5201-543-100	Personal Services	84,000.00
5201-543-290	Other - Employee Fringe Benefits	53,100.00
5201-543-340	Professional & Technical Services	36,000.00
5201-543-400	Supplies and Materials	62,500.00
5201-549-400-5211	Fuel	2,500.00
5201-850-790	Other - Debt Service	58,000.00
5201-910-910	Transfers - Out	6,600.00
5201-990-990	Other - Other Financing Uses	<u>-0-</u>
TOTAL SEWER FUND		\$306,700.00

REFUSE Enterprise Operating

5601-563-398	Garbage and Trash Removal/TOTAL	132,000.00
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SEWER BOND Improvement

5703-800-500	Capital Outlay / TOTAL FUND	20,965.00
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UTILITY Deposit

5781-594-610	Deposits Refunded	2,500.00
5781-594-620	Deposits Applied	<u>2,500.00</u>
TOTAL UTILITIES DEPOSITS FUND		5,000.00

Ordinance No. _____

Passed _____, _____

GRAND TOTAL ENTERPRISE FUNDS

\$867,265.00

Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS - no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS - no money appropriated

Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS - no money appropriated

Section 10: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefor, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

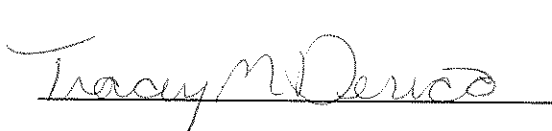
TOTAL ALL APPROPRIATIONS

\$1,964,772.00

Passed: 12/22/08



John Q. Thebout, Mayor



Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1145-08

AMENDMENT TO 2008 APPROPRIATION ORDINANCE

WHEREAS, THE Council has reviewed the requests for expenditures during the calendar year 2008 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that Ordinance 1125-07 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2007 be amended as follows:

GENERAL FUND – increase
1000-990-990 \$2,648.02

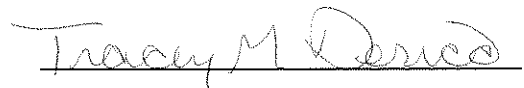
STREET CAPITAL PROJECTS – increase
4902-800-500 \$22,540.00

This ordinance shall take effect at the earliest period allowed by law.

Passed: December 22, 2008



Mayor John Q. Thebout



Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1146-08

AN ORDINANCE AMENDING ORDINANCE NO. 1001-02
WHICH ESTABLISHED THE DATE AND TIME FOR
COUNCIL MEETINGS WITHIN THE
VILLAGE OF BATAVIA, OHIO

WHEREAS, Ordinance No. 1001-02 established the date and time for Council meetings within the Village of Batavia, Ohio, to be the first Monday of each month at 7:00 p.m. local time; and,

WHEREAS, the business of the Village now requires that Council meet two times per month; and,

WHEREAS, the Council wishes to change the prior ordinance to provide for an additional meeting to take place on the third Monday of each month at 7:00 p.m. local time;

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

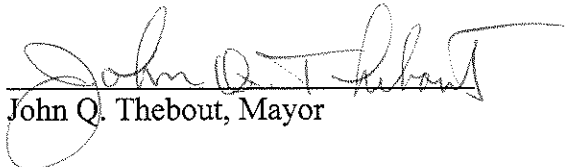
SECTION 1. Village Council shall met the first and third Monday of each month at 7 p.m. local time, effective January 5, 2009.

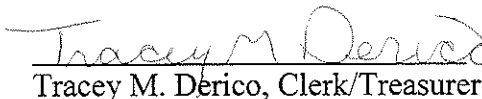
SECTION 2. This ordinance is adopted pursuant to the provisions of Ohio Revised Code Section 731.46.

SECTION 3. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reason set forth in the preamble and incorporated within this section.

ADOPTED: December 1, 2008

ATTEST:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1147-08

AN ORDINANCE EMPLOYING ELIZABETH MASON AS SOLICITOR
OF THE VILLAGE OF BATAVIA AND DECLARING AN EMERGENCY

WHEREAS, the Village currently has no legal representation due to the retirement of the previous solicitor; and,

WHEREAS, the Village requires legal opinions and reviews with regard to numerous matters now before and likely to come before Council; and,

WHEREAS, the Village wishes to employ Elizabeth Mason as its solicitor, to immediately certain matters now before Council, now therefore,

BE IT ORDAINED, by the Council of the Village of Batavia, Clermont County, Ohio, at least three-fourths of its members concurring:

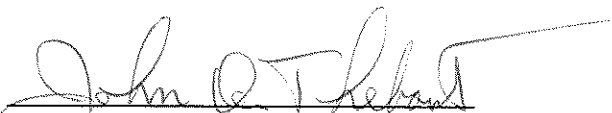
SECTION 1. That Elizabeth Mason shall be employed as the solicitor of the Village of Batavia for a term commencing December 1, 2008.

SECTION 2. That the solicitor shall be employed on the terms and conditions set forth by Elizabeth Mason in a letter dated November 21, 2008, and provided to Council.

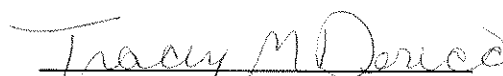
SECTION 3. That the solicitor shall be paid the sum of \$100.00 per hour for services provided to the Village, except that the solicitor shall attend meetings of Council for no charge. She shall participate in the State of Ohio Public Employees Retirement System (PERS). The Village Clerk shall withhold funds for the payment of PERS and taxes.

SECTION 4. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reason set forth in the preamble and incorporated within this section.

ADOPTED: December 1, 2008


John Q. Thebout, Mayor

ATTEST:


Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1148-08

AN ORDINANCE AMENDING ORDINANCE NO. 746-86
WHICH ESTABLISHED THE POSITION OF VILLAGE ADMINISTRATOR FOR
THE VILLAGE OF BATAVIA, OHIO

WHEREAS, Ordinance No. 746-86 established the position of Village Administrator for the Village of Batavia and further set forth the duties of the Administrator; and,

WHEREAS, the Administrator position has been funded as a full-time position; and,

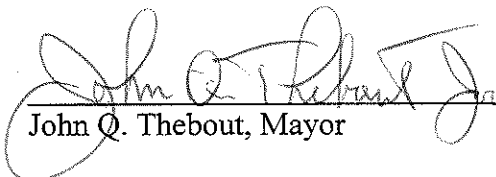
WHEREAS, for reasons of economy the Village Council now wishes to reduce the hours, duties, and salary of the Village Administrator position from full-time to part-time,

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

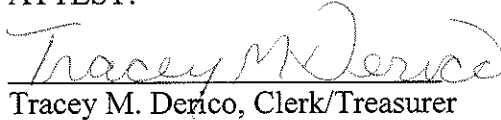
SECTION 1. The hours and salary of the Village Administrator are hereby reduced from full-time at the current rate of pay, to part-time at a rate not to exceed \$15,000 per year.

SECTION 2. That the Mayor and Village Council shall immediately make efforts to fill the part-time position of Village Administrator by advertising the position and taking applications.

ADOPTED: January 22, 2009


John Q. Thebout, Mayor

ATTEST:


Tracey M. Derico, Clerk/Treasurer

RECORD OF ORDINANCES

283

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

ORDINANCE 1149-09

AN ORDINANCE AMENDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF BATAVIA, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2009 and found it necessary to increase appropriations for certain expenditures,

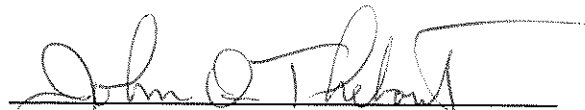
THEREFORE, be it ordained that ordinance 1143-08 for 2009 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2009, be amended as follows:

	2009 Appropriation	Increase	Total
General			
Audit			
1000 745 340	\$ 00.00	\$5,000.00	\$5,000.00
Capital Improvement			
Capital Outlay/			
Construction			
4901-800-500	\$100,000.00	\$200,000.00	\$300,000.00

BE IT FURTHER ORDAINED, that this measure shall be deemed an emergency measure and shall go into immediate force and effect upon its passage. This ordinance shall take effect at the earliest period allowed by law.

Adopted: January 22, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____

VILLAGE OF BATAVIA

ORDINANCE NO. 1150-09

AN ORDINANCE AMENDING CHAPTER 35.22 OF THE VILLAGE CODIFIED ORDINANCES ALLOCATING FUNDS TO BE PAID FROM THE VILLAGE INCOME TAX AND DECLARING AN EMERGENCY

THEREFORE, BE IT ORDAINED by the council of the Village of Batavia, Ohio at least three-fourths of its members concurring:

Section 1 § 35.22 ALLOCATION OF FUNDS shall be amended as follows:

The funds collected under the provisions of this chapter shall be deposited in the Income Tax Line and such funds collected from the imposition date of the tax under this chapter shall be disbursed in the following manner:

(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.


(B) The balance of any moneys collected shall be allocated as follows:

1. Thirty nine percent (39%) to the General Fund for the purpose of general municipal operations 1000-130-0000
2. Three percent (3%) for Street I, salary/benefit 2011-130-0000
3. Twelve percent (12%) for street maintenance 2012-130-0000
4. Twenty nine percent (29%) for capital improvement 4901-130-0000
5. Seventeen percent (17%) for street improvement 4902-130-0000

Section 2. All other allocation formula are hereby repealed.

Adopted: February 18, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE NO. 1151-09

AN ORDINANCE THAT THE VILLAGE OF BATAVIA WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE SOLICITOR OF THE VILLAGE OF BATAVIA PURSUANT TO IRC SECTION 414(h)(2) AND DECLARING AN EMERGENCY

WHEREAS, pursuant to federal and Ohio laws, the VILLAGE OF BATAVIA may offset future salary increases and "pick up" (assume and pay) the contributions statutorily required to be paid by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

WHEREAS, the VILLAGE OF BATAVIA has previously agreed to pick up such contributions and now must reconcile its agreement with the provisions of applicable statute;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE OF BATAVIA, OHIO, THAT:

SECTION 1: Effective 02/18/2008 the full amount of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the VILLAGE OF BATAVIA for each person within any of the classes established in Section 2 herein. The pick up shall be an offset against future salary increases. This "pick up" by the VILLAGE OF BATAVIA shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it "picked up" by the VILLAGE OF BATAVIA or of being excluded from the "pick up". The VILLAGE OF BATAVIA shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

SECTION 2: The "pick up" by VILLAGE OF BATAVIA provided by this ordinance shall apply to the Solicitor of the VILLAGE OF BATAVIA.

SECTION 3: Under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employees' statutorily required contribution to OPERS.

SECTION 4: The treasurer and/or the clerk are hereby authorized and directed to implement the provisions of this ordinance to institute the "pick up" of the statutorily required contributions to OPERS for those persons reflected in Section 2 herein so as to enable them to have their employee contributions paid by their employer.

SECTION 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reason set forth in the preamble and incorporated within this section.

Adopted, February 18, 2009

Mayor

Attest: _____

Tracey M. Derico, Clerk Treasurer

Ordinance No. 1153-09

Passed _____, _____

ORDINANCE 1153-09

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CLERMONT COUNTY COMMISSIONERS FOR THE DELIVERY OF SAFE DRINKING WATER TO THE VILLAGE OF BATAVIA

WHEREAS, the Village of Batavia no longer has a water treatment plant licensed by the Ohio Environmental Protection Agency, and

WHEREAS, the citizens of the Village have a need for a safe supply of drinking water and the Council of the Village of Batavia has a duty to supply it, and

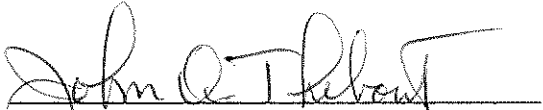
WHEREAS, the Village has entered into an agreement with Clermont County for the delivery of safe drinking water through the Clermont County Water and Sewer District, and

WHEREAS, the agreement expires at the end of March 2009:

THEREFORE, BE IT RESOLVED by the Council of the Village of Batavia that the Mayor is hereby authorized to enter into a new agreement with the Clermont County Commissioners for the delivery of safe drinking water to the Village.

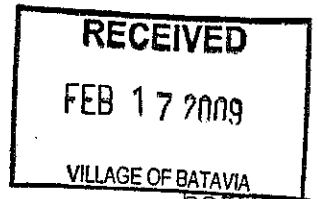
Approved: March 24, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

1153-09 AGREEMENT



THIS AGREEMENT, made this _____ day of _____, between

the BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO (hereinafter "County") and the VILLAGE OF BATAVIA (hereinafter "Village"), authorizes a connection into the County's water system for the purpose of securing bulk water delivery to the Village.

WHEREAS, County has constructed a series of water transmission mains throughout the territory of the Clermont County Sewer District in order to provide adequate water supply during periods of great water demand; and

WHEREAS, County has an existing 24 inch water main on S.R. 222 through the Village; and

WHEREAS, County and Village have constructed a cross connection water main including a metering vault to tie to the County main on S.R. 222 also known as South Riverside Drive; and

WHEREAS, Village and County may wish to construct other cross connections between the systems in the future; and

WHEREAS, County will provide and maintain the meters to measure flow between the two systems; and

WHEREAS, Village desires to continue to receive bulk water supply from the County for those persons served by the Village Waterworks; and

WHEREAS, Village has agreed to pay system capacity fees to the County as stipulated in the Forbearance Agreement executed November 12, 2001; and

WHEREAS, County has determined that the public improvement consisting of bulk water supply for the Village will serve one or more

of the purposes set forth in Ohio Revised Code Section 307.77 in such a manner and by such method that it will be for the general public benefit of the County and Village; and

WHEREAS, County desires authority to maintain, reconstruct, operate, repair and otherwise change the cross connection mains and metering vaults in perpetuity.

NOW, THEREFORE, in consideration of the mutual benefits set forth herein, County and Village agree as follows:

1. County is authorizing connection of the Village water main to the County main for the express purposes of securing bulk water supply for the Village Waterworks.
2. Village shall maintain the extension of its water main to the connection point with County's water system at the metering vault. County shall maintain the connecting main and appurtenances within the road right-of-way and the incoming water main supplying the metering vault up to and including the water meter installed to register the flow of water to the Village.
3. County shall notify the Village Waterworks superintendent (or designee) a minimum of 48 hours in advance of any anticipated construction, maintenance or reconstruction of the cross connection. Emergency repairs are excluded from 48 hour notification. If emergency repair is necessary, the County shall give the Village as much advanced notification as possible.
4. County shall furnish water to the Village for delivery to the citizens served by the Village Waterworks System.
5. Village shall notify the County Director of Utilities (or designee) within 24 hours of the abnormal use of water by Village during periods of an emergency or disaster.
6. The installation and maintenance of any valving, pressure reducers, regulators, or other appurtenances required by the Village to adapt to the County cross connections are the sole responsibility of the Village.
7. Village shall abide by the rules and regulations of the Clermont County Sewer District concerning these connections including payment for water used.
8. Payment for water used by the Village will be at the Public Water Supply rate charged by the County in accordance with the fee schedule in effect at the time of usage. Currently that rate would be \$2.33 per thousand gallons. Should the rate structure for the County be revised, 90 days written notice shall be provided to the Village of pending changes. Bills for water usage are to be issued bimonthly during periods of water usage. Payment will be due 60

days from the billing date.

9. County acknowledges that Village may desire to purchase additional capacity for water beyond that in the forbearance agreement (225,000 GPD) for resale from the County Waterworks System. Any system capacity charge imposed at that time shall be based upon the volume requested and the Village shall be treated as a public water supplier for the purpose of imposing the system capacity charges. Any volume of water provided to the Village without payment of system capacity fees is not guaranteed and is subordinate to the needs of the County.
10. This Agreement shall continue for a period of twenty (20) years and shall be renewed upon written agreement of both the Village and the County for additional periods of twenty (20) year increments upon the same terms and conditions outlined herein. This Agreement may not be terminated without the written consent of both parties. Any termination of this Agreement shall not affect the perpetual right of County to maintain, reconstruct or otherwise change the water main and metering vault within the area of the public right-of-way and on property or easements owned by the Village.
11. This Agreement shall constitute the entire understanding of the County and Village and shall be binding on its successors and assigns. This Agreement supercedes any prior agreement between the entities relating to cross connections. This Agreement may not be assigned without the prior written consent of both County and Village.
12. This Agreement may be amended only by a writing signed by both County and Village.

IN WITNESS WHEREOF, County executes this Agreement as duly authorized by Resolution No. _____ and Village executes this Agreement as duly authorized by Ordinance No. _____ on the dates as indicated.

BOARD OF COUNTY COMMISSIONERS
OF CLERMONT COUNTY, OHIO

Edwin H. Humphrey, President

Robert L. Proud, Vice President

R. Scott Croswell III, Member

ATTEST:

CLERK, BOARD OF COUNTY
COMMISSIONERS OF CLERMONT
COUNTY, OHIO

Date: _____

Judith Kocica

Village of Batavia

WITNESSES:

Mayor

Date: _____

This agreement approved as to
form by the Office of the
Clermont County Prosecuting
Attorney

Approved as to form

Solicitor

By: _____

Date: _____

Allan Edwards
Assistant Prosecutor

Prepared: January 29, 2009

Ordinance No. 1155-09

Passed _____, _____

ORDINANCE 1155-09

AN ORDINANCE DISPOSING OF FIREARMS
FORFEITED TO THE POLICE DEPARTMENT
OF THE VILLAGE OF BATAVIA, OHIO,

WHEREAS, the Clermont County Court of Common Pleas has ordered that firearms listed on the document attached hereto as Exhibit A, and incorporated herein, are the property of the Village of Batavia; and,

WHEREAS, the Police Chief has determined that the firearms are of no value to the Police Department for law enforcement purposes; and,

WHEREAS, the Police Chief has determined the fair market value of the firearms in question to be \$1,690.00, and,

WHEREAS, the Police Department is in immediate need of two new shotguns, the retail value of each being \$340.00; and,

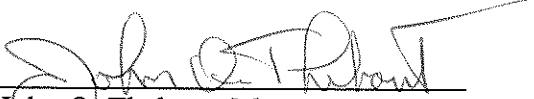
WHEREAS, One Shot, Newtown, Ohio, a federally licensed firearms dealer, has offered, in exchange for the firearms in question, to provide the Village with two new shotguns, each with a retail value of \$350.00, and to provide, as well, \$1,010.00 in cash, the total representing the fair market value of the firearms;

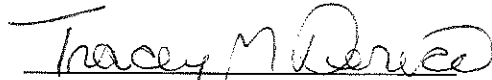
NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

SECTION 1. The Village Council agrees to accept two shotguns valued at \$350.00 each and \$1,010.00 in cash from One Shot in exchange for the firearms listed on Exhibit A.

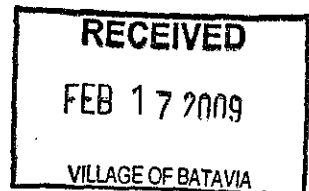
SECTION 2. The cash received from One Shot will be deposited into the General Fund to be used for the purchase of ammunition and other items necessary for the operation of the Police Department.

ADOPTED: March 16, 2009


John Q. Thebout, Mayor

ATTEST:

Tracey M. Derico, Clerk/Treasurer

AGREEMENT



THIS AGREEMENT, made this _____ day of _____, between the BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO (hereinafter "County") and the VILLAGE OF BATAVIA (hereinafter "Village"), authorizes a connection into the County's water system for the purpose of securing bulk water delivery to the Village.

WHEREAS, County has constructed a series of water transmission mains throughout the territory of the Clermont County Sewer District in order to provide adequate water supply during periods of great water demand; and

WHEREAS, County has an existing 24 inch water main on S.R. 222 through the Village; and

WHEREAS, County and Village have constructed a cross connection water main including a metering vault to tie to the County main on S.R. 222 also known as South Riverside Drive; and

WHEREAS, Village and County may wish to construct other cross connections between the systems in the future; and

WHEREAS, County will provide and maintain the meters to measure flow between the two systems; and

WHEREAS, Village desires to continue to receive bulk water supply from the County for those persons served by the Village Waterworks; and

WHEREAS, Village has agreed to pay system capacity fees to the County as stipulated in the Forbearance Agreement executed November 12, 2001; and

WHEREAS, County has determined that the public improvement consisting of bulk water supply for the Village will serve one or more

of the purposes set forth in Ohio Revised Code Section 307.77 in such a manner and by such method that it will be for the general public benefit of the County and Village; and

WHEREAS, County desires authority to maintain, reconstruct, operate, repair and otherwise change the cross connection mains and metering vaults in perpetuity.

NOW, THEREFORE, in consideration of the mutual benefits set forth herein, County and Village agree as follows:

1. County is authorizing connection of the Village water main to the County main for the express purposes of securing bulk water supply for the Village Waterworks.
2. Village shall maintain the extension of its water main to the connection point with County's water system at the metering vault. County shall maintain the connecting main and appurtenances within the road right-of-way and the incoming water main supplying the metering vault up to and including the water meter installed to register the flow of water to the Village.
3. County shall notify the Village Waterworks superintendent (or designee) a minimum of 48 hours in advance of any anticipated construction, maintenance or reconstruction of the cross connection. Emergency repairs are excluded from 48 hour notification. If emergency repair is necessary, the County shall give the Village as much advanced notification as possible.
4. County shall furnish water to the Village for delivery to the citizens served by the Village Waterworks System.
5. Village shall notify the County Director of Utilities (or designee) within 24 hours of the abnormal use of water by Village during periods of an emergency or disaster.
6. The installation and maintenance of any valving, pressure reducers, regulators, or other appurtenances required by the Village to adapt to the County cross connections are the sole responsibility of the Village.
7. Village shall abide by the rules and regulations of the Clermont County Sewer District concerning these connections including payment for water used.
8. Payment for water used by the Village will be at the Public Water Supply rate charged by the County in accordance with the fee schedule in effect at the time of usage. Currently that rate would be \$2.33 per thousand gallons. Should the rate structure for the County be revised, 90 days written notice shall be provided to the Village of pending changes. Bills for water usage are to be issued bimonthly during periods of water usage. Payment will be due 60

days from the billing date.

9. County acknowledges that Village may desire to purchase additional capacity for water beyond that in the forbearance agreement (225,000 GPD) for resale from the County Waterworks System. Any system capacity charge imposed at that time shall be based upon the volume requested and the Village shall be treated as a public water supplier for the purpose of imposing the system capacity charges. Any volume of water provided to the Village without payment of system capacity fees is not guaranteed and is subordinate to the needs of the County.
10. This Agreement shall continue for a period of twenty (20) years and shall be renewed upon written agreement of both the Village and the County for additional periods of twenty (20) year increments upon the same terms and conditions outlined herein. This Agreement may not be terminated without the written consent of both parties. Any termination of this Agreement shall not affect the perpetual right of County to maintain, reconstruct or otherwise change the water main and metering vault within the area of the public right-of-way and on property or easements owned by the Village.
11. This Agreement shall constitute the entire understanding of the County and Village and shall be binding on its successors and assigns. This Agreement supercedes any prior agreement between the entities relating to cross connections. This Agreement may not be assigned without the prior written consent of both County and Village.
12. This Agreement may be amended only by a writing signed by both County and Village.

IN WITNESS WHEREOF, County executes this Agreement as duly authorized by Resolution No. _____ and Village executes this Agreement as duly authorized by Ordinance No. _____ on the dates as indicated.

BOARD OF COUNTY COMMISSIONERS
OF CLERMONT COUNTY, OHIO

Edwin H. Humphrey, President

Robert L. Proud, Vice President

R. Scott Croswell III, Member

ATTEST:

CLERK, BOARD OF COUNTY
COMMISSIONERS OF CLERMONT
COUNTY, OHIO

Date: _____

Judith Kocica

Village of Batavia

WITNESSES:

Mayor

Date: _____

This agreement approved as to
form by the Office of the
Clermont County Prosecuting
Attorney

Approved as to form

Solicitor

By: _____

Date: _____

Allan Edwards
Assistant Prosecutor

Prepared: January 29, 2009

Ordinance No. 1156-09

Passed _____, _____

ORDINANCE 1156-09

AN ORDINANCE REVOKING ORDINANCE NO. 1152-09
AND DECLARING AN EMERGENCY

WHEREAS, on February 18, 2009, the Village Council of the Village of Batavia, Ohio, adopted Ordinance No. 1152-09 and gave the ordinance its first reading; and,

WHEREAS, by Ordinance No. 1152-09 the Village Council accepted a proposal from Lovins Insurance and Benovation, a third-party administrator of insurance benefits, for the provision of a health insurance plan for Village employees to become effective March 1, 2009; and,

WHEREAS, the second reading of Ordinance No. 1152-09 took place on February 23 at which time the Lovins representative was requested to provide information regarding the bond of the third-party administrator, references and a plan description before the third reading scheduled for February 24, 2009; and,

WHEREAS, because on February 24, 2009, Council had not been provided with requested information regarding the plan description, references, or the bond of the third-party administrator, the ordinance was tabled; and

WHEREAS, on February 24 Council extended the deadline for implementation of the health insurance plan from March 1 to April 1 and requested that the Lovins Insurance representative provide the above-described documents to the Village Council and the Village Solicitor by Friday, February 27, 2009; and,

WHEREAS, as of the close of business on Friday, February 27, 2009, none of the documents in question were provided to either members of Council or the Village Solicitor; and,

WHEREAS, Council now wishes to reject the proposal offered by Lovins Insurance and Benovation.


NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

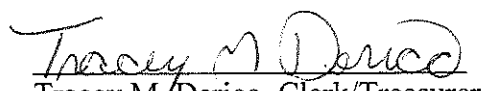
SECTION 1. The Village Council hereby revokes Ordinance 1152-09 and rejects the proposal for health insurance provided by Lovins Insurance and Benovation.

SECTION 2. The Village Council hereby declares this Ordinance to be an emergency measure necessary to preserve health, safety and welfare for the reason that the Council must now seek another health insurance plan provider in order to implement a plan by April 1, 2009.

ADOPTED: March 16, 2009

ATTEST:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk/Treasurer

Ordinance No. 1157-09

Passed _____, _____

ORDINANCE 1157-09

AN ORDINANCE TO AMEND ORDINANCE 1143-08
TO MAKE APPROPRIATIONS FOR THE
FISCAL YEAR ENDING DECEMBER 31, 2009

WHEREAS, the Village Council previously adopted Ordinance 1143-08 to make appropriations for the fiscal year ending December 31, 2009; and,

WHEREAS, in Ordinance 1143-08 under Program 7, General Government, line 1000-910-910 there exists an error; and,

WHEREAS, line 1000-910-910 should read "-0-," not "425,000;" and,

WHEREAS, the Village Council wishes to correct this error as well as any further computational errors resulting from the use of "425,000" instead of "-0-" in Ordinance 1143-08.

NOW THEREFORE BE IT ORDAINED by the Village Council:

Section 1. The Village Council hereby directs the Clerk-Treasurer to make the above-described amendments to Ordinance 1143-08.

Section 2. The Village Council hereby directs the Clerk-Treasurer, having made the amendments, to present this Ordinance to the Clermont County Auditor for certification.

Section 3. That to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2009, the following sums be and are hereby set aside and appropriated by the Village Council as follows:

Section 1. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000-110-100.1	Personal Services / Salaries	\$155,320.00
1000-110-290	Other – Employee Fringe Benefits	88,852.00
1000-110-348	Training Services	3,000.00
1000-110-390	Other Contractual Services	22,200.00
1000-110-400	Supplies and Materials	9,500.00
1000-110-400-1111	Police Dept. Fuel	15,500.00
1000-110-500	Capital Outlay	7,500.00

Street Lighting

1000-130-300	Contractual Services	19,000.00
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	15,000.00
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Payment to County Health District

1000-210-640	Pymt. to another political subdivision	7,000.00
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractual Services	900.00
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Program 7 – GENERAL GOVERNMENT

1000-710-130	Salaries – Administrator's Office	26,500.00
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RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1157-09

Passed _____, _____

1000-710-160	Salaries – Mayor’s Office	4,000.00
1000-710-290	Other – Employee Fringe Benefits	14,886.00
1000-710-410	Office Supplies and Materials	5,000.00
1000-715-111	Salaries – Council	7,200.00
1000-715-141	Salary – Legal Counsel	8,000.00
1000-715-290	Other – Employee Fringe Benefits	4,000.00
1000-715-300	Contractual Services	7,750.00
1000-725-121	Salary – Clerk Treasurer	7,500.00
1000-725-290	Other – Employee Fringe Benefits	1,500.00
1000-725-300	Contractual Services	5,000.00
1000-725-400	Supplies and Materials	1,800.00
1000-730-100	Personal Services	1,000.00
1000-730-290	Other – Employee Fringe Benefits	160.00
1000-730-300	Contractual Services	32,000.00
1000-730-400	Supplies and Materials	1,000.00
1000-740-344	Tax Collection Fees	2,000.00
1000-745-342	Auditing Services	5,000.00
1000-745-343	Uniform Accounting Network Fees	3,660.00
1000-755-139	Other – Salaries – Administrator’s Office	13,000.00
1000-755-290	Other – Employee Fringe Benefits	3,000.00
1000-755-410	Office Supplies and Materials	2,800.00
1000-760-610	Deposits Refunded	20,000.00
1000-790-225	Workers’ Compensation	11,000.00

Section 2. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP.**531,528.00**

Section 3: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

2011-620-100	Personal Services	110,000.00
2011-620-290	Other – Employee Fringe Benefits	<u>70,000.00</u>
TOTAL STREET CONST. MAINT & REPAIR		180,000.00

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

2012-620-400	Supplies and Materials	73,254.00
2012-620-400-2111	Fuel	<u>10,000.00</u>
TOTAL STREET MAINTENANCE & REPAIR FUND II		83,254.00

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

2021-650-300	Contractual Services	10,000.00
2021-650-400	Supplies and Materials	<u>23,000.00</u>
TOTAL STATE HIGHWAY FUND		33,000.00

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractual Services	10,000.00
2101-620-500	Capital Outlay	<u>2,500.00</u>
TOTAL MVL		12,500.00

LAW ENFORCEMENT & EDUCATIONI

2271-110-100	Personal Services	200.00
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RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1157-09

Passed _____, _____

2271-110-290	Other – Employee Fringe Benefits	100.00
2271-110-400	Supplies and Materials	<u>200.00</u>
TOTAL LAW ENFORCEMENT & EDUCATION		500.00

FIRE

Program 1 – SECURITY OF PERSONS & PROPERTY

2901-120-400	Supplies & Materials	1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies & Materials	25.00
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BEAUTIFICATION

2904-490-600	Other	500.00
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GRAND TOTAL SPECIAL REVENUE FUNDS	\$310,979.00
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Section 4: That there be appropriated from the following DEBT SERVICE FUNDS

Clark – Glen – Ely	Sewer Assessment Debt	
3301-850-790	Other – Debt Service	25,000.00

COUNTY WATER Debt

3901-850-790	Other – Debt Service	32,000.00
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GRAND TOTAL DEBT SERVICE FUNDS	57,000.00
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Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS
CAPITAL PROJECTS

4901-800-500	Capital Outlay	300,000.00
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STREET Capital Projects

4902-710-132	Administrative Salary	2464.32
4902-800-100	Personal Services	500.00
4902-800-290	Other – Employee Fringe Benefits	400.00
4902-800-500	Capital Outlay	96,635.68

GRAND TOTAL CAPITAL PROJECTS	400,000.00
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Section 6: That there be appropriated from the following ENTERPRISE FUNDS
WATER OPERATING

5101-531-300	Contractual Services	8,000.00
5101-531-400	Supplies and Materials	4,000.00
5101-533-340	Professional & Technical Services	16,000.00
5101-533-640	Pymt to Another Political Subdivision	190,000.00
5101-535-100	Personal Services	84,000.00
5101-535-290	Other – Employee Fringe Benefits	53,100.00
5101-535-400	Supplies and Materials	37,500.00
5101-539-400-5111	Fuel	2,500.00
5101-539-610	Deposits Refunded	2,500.00
5101-850-710	Principal (debt)	<u>5,000.00</u>
TOTAL WATER FUND		\$402,600.00

SEWER Operating

5201-541-400	Supplies and Materials	4,000.00
5201-543-100	Personal Services	84,000.00
5201-543-290	Other – Employee Fringe Benefits	53,100.00
5201-543-340	Professional & Technical Services	36,000.00

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1157-09

Passed _____, _____

5201-543-400	Supplies and Materials	62,500.00
5201-549-400-5211	Fuel	2,500.00
5201-850-790	Other - Debt Service	58,000.00
5201-910-910	Transfers - Out	6,600.00
5201-990-990	Other - Other Financing Uses	-0-
TOTAL SEWER FUND		\$306,700.00

REFUSE Enterprise Operating		
5601-563-398	Garbage and Trash Removal/TOTAL	132,000.00

SEWER BOND Improvement		
5703-800-500	Capital Outlay / TOTAL FUND	20,965.00

UTILITY Deposit		
5781-594-610	Deposits Refunded	2,500.00
5781-594-620	Deposits Applied	2,500.00
TOTAL UTILITIES DEPOSITS FUND		5,000.00

GRAND TOTAL ENTERPRISE FUNDS	\$867,265.00
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Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS - no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS - no money appropriated

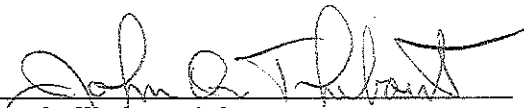
Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS - no money appropriated

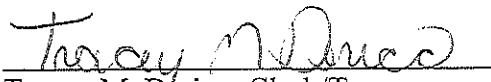
Section 10: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

TOTAL ALL APPROPRIATIONS	\$2,166,772.00
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ADOPTED: March 16, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk/Treasurer

AN ORDINANCE AMENDING CHAPTER 35.22 OF THE VILLAGE
Ordinance No. 1158-09 CODIFIED ORDINANCES ALLOCATING FUNDS TO BE PAID
FROM THE VILLAGE INCOME TAX AND
DECLARING AN EMERGENCY

WHEREAS, the Village Council previously amended Chapter 35.22 of the Village Codified Ordinances on February 18, 2009; and,

WHEREAS, in order to provide for current expenses of the Village and remain within its appropriation.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least three-fourths of its members concurring:

Section 1: Section 35.22 ALLOCATION OF FUNDS shall be amended as follows:

The funds collected under the provision of this chapter shall be deposited in the Income Tax Line and such funds collected from the imposition date of the tax under this chapter shall be disbursed in the following manner:


- (A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.
- (B) The balance of any moneys collected shall be allocated as follows:
 - 1. Thirty nine percent (39%) to the General Fund for the purpose of general municipal operations, 1000-130-0000.
 - 2. Six percent (6%) for Street I, salary/benefit, 2011-130-0000.
 - 3. Twelve percent (12%) for Street Maintenance, 2012-130-0000.
 - 4. Twenty six percent (26%) for Capital Improvement, 4901-130-0000.
 - 5. Seventeen percent (17%) for Street Improvement, 4902-130-0000.

Section 2. All other allocation formulae are hereby repealed.

Section 3. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the Village for the reason set forth in the preamble and incorporated within this Section.

Adopted March 30, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1159-09

AN ORDINANCE EMPLOYING LAURA ABRAMS AS SOLICITOR
OF THE VILLAGE OF BATAVIA FOR PURPOSES OF REVIEW AND APPROVAL OF
A CONTRACT WITH THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT
COUNTY, OHIO

WHEREAS, the Village Council currently employs Elizabeth Mason as it Solicitor; and,

WHEREAS, Elizabeth Mason is primarily employed by the Clermont County Prosecutor as an assistant prosecutor in the civil division pursuant to which employment she is required to represent the Board of County Commissioners of Clermont County, Ohio; and,

WHEREAS, because of this representation and concomitant conflict of interest, Elizabeth Mason is unable, from time to time, to provide legal representation to the Village of Batavia; and,

WHEREAS, it is necessary to engage council to represent the Village Council in those cases where a conflict of interest makes it impossible for Elizabeth Mason to represent the Village Council; and,

WHEREAS, the Village Council wishes to enter into a contract with the Board of County Commissioners of Clermont County, Ohio, for the provision of bulk water delivery; and,

WHEREAS, because such contract must be reviewed by legal counsel on behalf of the Village Council, Council wishes to employ Laura Abrams, Esq., to act on its behalf in all respects with regard to this contract.

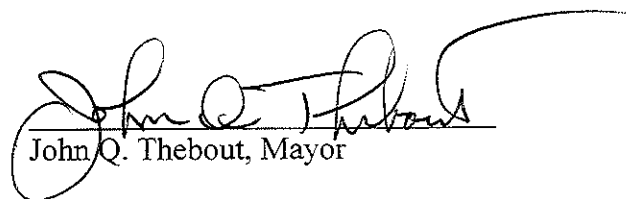
NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia:

SECTION 1. That Laura Abrams will be employed by the Village Council as its Solicitor for all purposes pertaining to the above-described contract with Board of County Commissioners of Clermont County, Ohio.


SECTION 2. That Laura Abrams will be paid the sum of \$100.00 per hour for her services.

SECTION 3. That upon adoption of this Resolution, the Mayor will provide a copy of the contract to Ms. Abrams.

ADOPTED: March 24, 2009


John Q. Thebout, Mayor

ATTEST:


Tracey Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____

1160-00
ORDINANCE ~~1159-09~~

AN ORDINANCE TO AMEND ORDINANCE 1143-08
TO MAKE APPROPRIATIONS FOR THE
FISCAL YEAR ENDING DECEMBER 31, 2009

WHEREAS, the Village Council previously adopted Ordinance 1157-09 to make appropriations for the fiscal year ending December 31, 2009; and,

WHEREAS, in Ordinance 1157-09 under Section [sic "Program"] 6, Enterprise Funds, there exists no line 5702-549-500, Sewer Unit Improvement; and,

WHEREAS, the Village Council wishes to add such line to Section 6, Enterprise Funds, of the annual appropriation; and,

WHEREAS, in Ordinance 1157-09 under Section [sic "Program"] 6, Enterprise Funds, in line 5703-800-500, Capital Outlay, the Village Council has appropriated \$20,965.00, and,

WHEREAS, the Village Council now wishes to decrease this appropriation to \$14,222.00, and,

WHEREAS, the Clerk/Treasurer is required to present this Amended Appropriation to the County Auditor no later than March 31, 2009.

NOW THEREFORE BE IT ORDAINED by the Village Council:

Section 1. The Village Council hereby directs the Clerk-Treasurer to make the above-described amendments to Ordinance 1157-09.

Section 2. The Village Council hereby directs the Clerk-Treasurer, having made the amendments, to present this Ordinance to the Clermont County Auditor for certification.

Section 3. That to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2009, the following sums be and are hereby set aside and appropriated by the Village Council as follows:

That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000 110 100	Personal Services / Salaries	\$155,320.00
1000-110-290	Other – Employee Fringe Benefits	88,852.00
1000-110-348	Training Services	3,000.00
1000-110-390	Other Contractual Services	22,200.00
1000-110-400	Supplies and Materials	9,500.00
1000-110-400-1111	Police Dept. Fuel	15,500.00
1000-110-500	Capital Outlay	7,500.00

Street Lighting

1000-130-300	Contractual Services	19,000.00
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	15,000.00
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Payment to County Health District

1000-210-640	Pymt. to another political subdivision	7,000.00
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

Program 5 – BASIC UTILITY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractural Services	900.00
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Program 7 – GENERAL GOVERNMENT

1000-710-130	Salaries – Administrator's Office	26,500.00
1000-710-160	Salaries – Mayor's Office	4,000.00
1000-710-290	Other – Employee Fringe Benefits	14,886.00
1000-710-410	Office Supplies and Materials	5,000.00
1000-715-111	Salaries – Council	7,200.00
1000-715-141	Salary – Legal Counsel	8,000.00
1000-715-290	Other – Employee Fringe Benefits	4,000.00
1000-715-300	Contractural Services	7,750.00
1000-725-121	Salary – Clerk Treasurer	7,500.00
1000-725-290	Other – Employee Fringe Benefits	1,500.00
1000-725-300	Contractural Services	5,000.00
1000-725-400	Supplies and Materials	1,800.00
1000-730-100	Personal Services	1,000.00
1000-730-290	Other – Employee Fringe Benefits	160.00
1000-730-300	Contractural Services	32,000.00
1000-730-400	Supplies and Materials	1,000.00
1000-740-344	Tax Collection Fees	2,000.00
1000-745-342	Auditing Services	5,000.00
1000-745-343	Uniform Accounting Network Fees	3,660.00
1000-755-139	Other – Salaries – Administrator's Office	13,000.00
1000-755-290	Other – Employee Fringe Benefits	3,000.00
1000-755-410	Office Supplies and Materials	2,800.00
1000-760-610	Deposits Refunded	20,000.00
1000-790-225	Workers' Compensation	11,000.00

Section 4. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP.**531,528.00**

Section 5: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

2011-620-100	Personal Services	110,000.00
2011-620-290	Other – Employee Fringe Benefits	<u>70,000.00</u>
TOTAL STREET CONST. MAINT & REPAIR		180,000.00

STREET MAINTENANCE & REPAIR FUND II

Program 6 – TRANSPORTATION

2012-620-400	Supplies and Materials	73,254.00
2012-620-400-2111	Fuel	<u>10,000.00</u>
TOTAL STREET MAINTENANCE & REPAIR FUND II		83,254.00

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 – TRANSPORTATION

2021-650-300	Contractural Services	10,000.00
2021-650-400	Supplies and Materials	<u>23,000.00</u>
TOTAL STATE HIGHWAY FUND		33,000.00

RECORD OF ORDINANCES

3

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractural Services	10,000.00
2101-620-500	Capital Outlay	<u>2,500.00</u>
TOTAL MVL		12,500.00

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	200.00
2271-110-290	Other – Employee Fringe Benefits	100.00
2271-110-400	Supplies and Materials	<u>200.00</u>
TOTAL LAW ENFORCEMENT & EDUCATION		500.00

FIRE

Program 1 – SECURITY OF PERSONS & PROPERTY

2901-120-400	Supplies & Materials	1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies & Materials	25.00
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BEAUTIFICATION

2904-490-600	Other	500.00
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GRAND TOTAL SPECIAL REVENUE FUNDS \$310,979.00

Section 6: That there be appropriated from the following DEBT SERVICE FUNDS

Clark – Glen – Ely	Sewer Assessment Debt	
3301-850-790	Other – Debt Service	25,000.00

COUNTY WATER Debt

3901-850-790	Other – Debt Service	32,000.00
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GRAND TOTAL DEBT SERVICE FUNDS 57,000.00

Section 7: That there be appropriated from the following CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500	Capital Outlay	300,000.00
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STREET Capital Projects

4902-710-132	Administrative Salary	2464.32
4902-800-100	Personal Services	500.00
4902-800-290	Other – Employee Fringe Benefits	400.00
4902-800-500	Capital Outlay	96,635.68

GRAND TOTAL CAPITAL PROJECTS 400,000.00

Section 8: That there be appropriated from the following ENTERPRISE FUNDS

WATER OPERATING

5101-531-300	Contractural Services	8,000.00
5101-531-400	Supplies and Materials	4,000.00
5101-533-340	Professional & Technical Services	16,000.00
5101-533-640	Pymt to Another Political Subdivision	190,000.00
5101-535-100	Personal Services	84,000.00
5101-535-290	Other – Employee Fringe Benefits	53,100.00
5101-535-400	Supplies and Materials	37,500.00
5101-539-400-5111	Fuel	2,500.00
5101-539-610	Deposits Refunded	2,500.00
5101-850-710	Principal (debt)	<u>5,000.00</u>
TOTAL WATER FUND		\$402,600.00

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

SEWER Operating

5201-541-400	Supplies and Materials	4,000.00
5201-543-100	Personal Services	84,000.00
5201-543-290	Other – Employee Fringe Benefits	53,100.00
5201-543-340	Professional & Technical Services	36,000.00
5201-543-400	Supplies and Materials	62,500.00
5201-549-400-5211	Fuel	2,500.00
5201-850-790	Other – Debt Service	58,000.00
5201-910-910	Transfers – Out	6,600.00
5201-990-990	Other – Other Financing Uses	-0-
TOTAL SEWER FUND		\$306,700.00

REFUSE Enterprise Operating

5601-563-398	Garbage and Trash Removal/TOTAL	132,000.00
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SEWER UNIT Improvement

5702-549-500	Sewer Unit Improvement	26,000.00
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SEWER BOND Improvement

5703-800-500	Capital Outlay/ TOTAL FUND	14,222.00
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UTILITY Deposit

5781-594-610	Deposits Refunded	2,500.00
5781-594-620	Deposits Applied	2,500.00
TOTAL UTILITIES DEPOSITS FUND		5,000.00

GRAND TOTAL ENTERPRISE FUNDS

\$886,522.00

Section 9: That there be appropriated from the following INTERNAL SERVICE FUNDS - no money appropriated

Section 10: That there be appropriated from the TRUST & AGENCY FUNDS - no money appropriated

Section 11: That there be appropriated from the SPECIAL ASSESSMENT FUNDS - no money appropriated

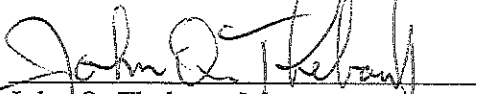
Section 12: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

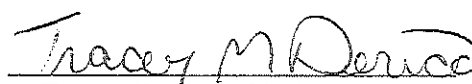
TOTAL ALL APPROPRIATIONS**\$2,186,029.00**

Section 13. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the Village for the reason set forth in the preamble and incorporated within this Section.

ADOPTED: March 30, 2009

Attest:


John Q. Thebout, Mayor


Tracey Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1161-09

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A CONTRACT WITH THE CLERMONT COUNTY COMMISSIONERS
FOR THE DELIVERY OF SAFE DRINKING WATER TO THE
VILLAGE OF BATAVIA**

WHEREAS, on March 24, 2009, the Council of the Village of Batavia enacted Ordinance No. 1159-09 authorizing the Mayor to enter into a contract with the Clermont County Commissioners for the delivery of safe drinking water to the Village of Batavia; and

WHEREAS, the Mayor and the Clermont County Commissioners have agreed as to the terms of the contract; and

WHEREAS, the Village desires to formalize its actions with respect to the authorization of the contract with the Clermont County Commissioners as to the delivery of safe drinking water through the Clermont County Water and Sewer District.

THEREFORE, BE IT RESOLVED by the Council of the Village of Batavia that the Mayor is hereby authorized to enter into the following contract:

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, _____, between the **BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO** (hereinafter "County") and the **VILLAGE OF BATAVIA** (hereinafter "Village"), authorizes a connection into the County's water system for the purpose of securing bulk water delivery to the Village.

WHEREAS, County has constructed a series of water transmission mains throughout the territory of the Clermont County Sewer District in order to provide adequate water supply during periods of great water demand; and

WHEREAS, County has an existing 24 inch water main on S.R. 222 through the Village; and

WHEREAS, County and Village have constructed a cross connection water main including a metering vault to tie to the County main on S.R. 222 also known as South Riverside Drive; and

WHEREAS, Village and County may wish to construct other cross connections between the systems in the future; and

WHEREAS, County will provide and maintain the meters to measure flow between the two systems; and

WHEREAS, Village desires to continue to receive bulk water supply from the County for those persons served by the Village Waterworks; and

WHEREAS, Village has agreed to pay system capacity fees to the County as stipulated in the Forbearance Agreement executed November 12, 2001; and

WHEREAS, County has determined that the public improvement consisting of bulk water supply for the Village will serve one or more of the purposes set forth in Ohio Revised Code Section 307.77 in such a manner and by such method that it will be for the general public benefit of the County and Village; and

Ordinance No. _____

Passed _____, _____

WHEREAS, County desires authority to maintain, reconstruct, operate, repair and otherwise change the cross connection mains and metering vaults in perpetuity.

NOW, THEREFORE, in consideration of the mutual benefits set forth herein, County and Village agree as follows:

1. County is authorizing connection of the Village water main to the County main for the express purposes of securing bulk water supply for the Village Waterworks.
2. Village shall maintain the extension of its water main to the connection point with County's water system at the metering vault. County shall maintain the connecting main and appurtenances within the road right-of-way and the incoming water main supplying the metering vault up to and including the water meter installed to register the flow of water to the Village.
3. County shall notify the Village Waterworks Superintendent(or designee) a minimum of 48 hours in advance of any anticipated construction, maintenance or reconstruction of the cross connection. Emergency repairs are excluded from 48 hour notification. If emergency repair is necessary, the County shall give the Village as much advanced notification as possible.
4. County shall furnish water to the Village for delivery to the citizens served by the Village Waterworks System. County shall notify the Village Waterworks Superintendent (or designee) within 24 hours of any event which is likely to interfere with, delay, or significantly reduce the volume of water supplied to the Village.
5. Water supplied by the County to the Village shall comply with all applicable drinking water standards for public water suppliers at the point of connection between the two systems.
6. In the event the County determines that a noncompliance issue exists with the water supplied to the Village under this agreement notification will be provided to the Village Waterworks Superintendent as soon as practically feasible. The County will take the necessary steps to restore compliance and will meet with a representative of the Village to discuss impacts to the Village system. Should the Village determine that a noncompliance issue exists within their distribution system, notification shall be provided to the County Director of Utilities as soon as practically feasible.
7. Village shall notify the County Director of Utilities (or designee) within 24 hours of any event which is likely to significantly increase the volume of water supplied to the Village.
8. The installation and maintenance of any valving, pressure reducers, regulators, or other appurtenances required by the Village to adapt to the County cross connections are the sole responsibility of the Village.
9. Village shall abide by the rules and regulations of the Clermont County Sewer District concerning these connections including payment for water used.

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

10. Payment for water used by the Village will be at the Public Water Supply rate charged by the County in accordance with the fee schedule in effect at the time of usage. Currently that rate would be \$2.33 per thousand gallons. Should the rate structure for the County be revised, 90 days written notice shall be provided to the Village of pending changes. Bills for water usage are to be issued bimonthly during periods of water usage. Payment will be due 60 days from the billing date.
11. County acknowledges that Village may desire to purchase additional capacity for water beyond that in the forbearance agreement (225,000 GPD) for resale from the County Waterworks System. The County shall not unreasonably deny the Village=s request to purchase additional capacity. Any system capacity charge imposed at that time shall be based upon the volume requested and the Village shall be treated as a Public Water Supplier for the purpose of imposing the system capacity charges. Any volume of water provided to the Village without payment of system capacity fees is not guaranteed and is subordinate to the needs of the County.
12. This Agreement shall continue for a period of ten (10) years and shall be renewed upon written agreement of both the Village and the County for additional periods of ten (10) year increments upon the same terms and conditions outlined herein. This Agreement may not be terminated without the written consent of both parties. Any termination of this Agreement shall not affect the perpetual right of County to maintain, reconstruct or otherwise change the water main and metering vault within the area of the public right-of-way and on property or easements owned by the Village.
13. This Agreement shall constitute the entire understanding of the County and Village and shall be binding on their successors and assigns. This Agreement supercedes any prior agreement, including but not limited to the March 21, 1989 Agreement, between the entities relating to cross connections. Notwithstanding the foregoing, this Agreement does not supercede the Agreement to Forebear Collection of Judgment Under Specific Terms and Conditions entered between the entities on November 12, 2001. This Agreement may not be assigned without the prior written consent of both County and Village.
14. This Agreement may be amended only by a writing signed by both County and Village.

IN WITNESS WHEREOF, County executes this Agreement as duly authorized by Resolution No. _____ and Village executes this Agreement as duly authorized by Ordinance No. _____ on the dates as indicated.

BOARD OF COUNTY
COMMISSIONERS OF
CLERMONT COUNTY, OHIO

Edwin H. Humphrey, President

Robert L. Proud, Vice
President

R. Scott Croswell III, Member

ATTEST:

CLERK, BOARD OF COUNTY
COMMISSIONERS OF CLERMONT
COUNTY, OHIO

Date: _____

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

Judith Kocica

WITNESSES:

Village of Batavia

John Q. Thebout
Mayor_____
Tracey Derico
Clerk/Treasurer

Date: _____

This agreement approved as to
form by the Office of the
Clermont County Prosecuting
Attorney

Approved as to form:

By: _____
Allan Edwards
Assistant Prosecutor_____
Special Council, Laura A. Abrams

Prepared: January 29, 2009

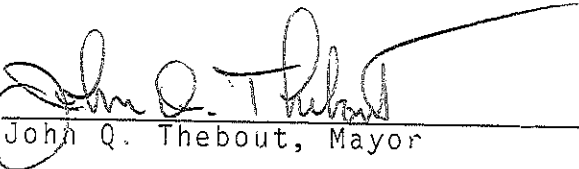
CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that _____ the amount required to meet the contract, obligation, or expenditure for the attached for the first year of the Agreement, has been lawfully appropriated for the purpose, and is in the treasury or in process of collection to the credit of fund number _____ free from any outstanding obligation or encumbrance.

Tracey Derico
Clerk/Treasurer
Village of Batavia

BE IT FURTHER RESOLVED that Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Approved: April 6, 2009


John Q. Thebout, Mayor

Attest:


4 Tracey M. Derico, Clk Treas.

Ordinance No. _____

Passed _____, _____

ORDINANCE 1162-09

AN ORDINANCE TO REPEAL ORDINANCE 1094-06
ADOPTING THE 2006 VERSION OF
THE OHIO BASIC CODE

WHEREAS, the Village Council previously adopted Ordinance 1094-09 to adopt the Ohio Basic Code, 2006 edition, published by the American Legal Publishing Company and to repeal the Ohio Basic Code, 2000 edition, published by the American Legal Publishing Company; and,

WHEREAS, certain ordinances pertaining to criminal matters as set forth in the 2006 Basic Code are in conflict with Ohio Basic Code, 2000 edition; and,

WHEREAS, the Clermont County Municipal Court hears only those charges brought pursuant to the Ohio Basic Code, 2000 edition; and,

WHEREAS, certain ordinances set forth in the 2000 Basic Code do not appear in the 2006 Basic Code; and,

WHEREAS, in order to retain those ordinances excluded from the 2006 Basic Code and to be in compliance with the requirements of the Clermont County Municipal Court,

NOW THEREFORE BE IT ORDAINED by the Village Council:


Section 1. The Village Council hereby repeals Ordinance No. 1094-06 pursuant to which it adopted the Ohio Basic Code, 2006 edition, published by the American Legal Publishing Company.


Section 2. The Village Council hereby determines to reinstate the Ohio Basic Code, 2000 edition, published by the American Legal Publishing Company, in effect immediately prior to the adoption of Ordinance No. 1094-06.

Section 3. The Village Council shall cause a summary of said reinstated Codified Ordinances to be published according to law.

ADOPTED: May 18, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1163-09

AN ORDINANCE TO CHANGE THE ZONING
DESIGNATION OF PARCEL NO. 060218.004 AND
PARCEL NO. 060218.003
IN THE VILLAGE OF BATAVIA, OHIO,
FROM R TO S

WHEREAS, on April 20, 2009, the Village Council of the Village of Batavia, Ohio, held a public hearing for the purpose of hearing the petition of Karen Ginn, 2897 Mt. Pisgah Road, New Richmond, Ohio, for a change in the zoning designation of Parcel No. 060218.004 and Parcel No. 060218.003 located on Foundry Avenue in the Village of Batavia, Ohio; and,

WHEREAS, the Petition requested that each parcel receive a change in designation from R to S; and,

WHEREAS, no objections to the Petition being heard or asserted at the public meeting,

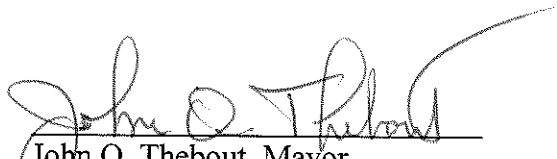
NOW THEREFORE BE IT ORDAINED by the Village Council:

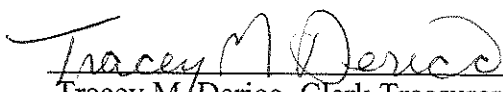
Section 1. The Village Council hereby grants the Petition and changes the zoning designation of Parcel No. 060218.004 and Parcel No. 060218.003 located on Foundry Avenue in the Village of Batavia, Ohio from R to S.

Section 2. The change in zoning designation shall become effective 30 days after the adoption of this Ordinance.

ADOPTED: May 18, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1164-09

AN ORDINANCE TO CHANGE THE ZONING
DESIGNATION OF PARCEL NO. 060222.003
IN THE VILLAGE OF BATAVIA, OHIO,
FROM B2 TO INDUSTRIAL

WHEREAS, on April 20, 2009, the Village Council of the Village of Batavia, Ohio, held a public hearing for the purpose of hearing the Petition of Granite Investment, LLC, by Sumner Sacks, Receiver, for a change in zoning designation of Parcel No. 060222.003, 500 Kent Road, in the Village of Batavia, Ohio; and,

WHEREAS, the Petition requested a change in designation from B2 to I; and,

WHEREAS, no objections to the Petition being heard or asserted at the public meeting,

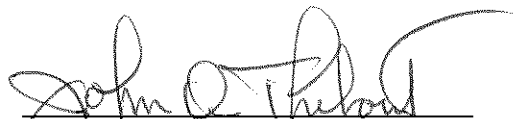
NOW THEREFORE BE IT ORDAINED by the Village Council:

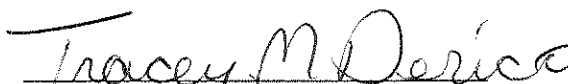
Section 1. The Village Council hereby grants the Petition and changes the zoning designation of Parcel No. 060222.003, 500 Kent Road, in the Village of Batavia, Ohio from B2 to I.

Section 2. The change in zoning designation shall become effective 30 days after the adoption of this Ordinance.

ADOPTED: May 18, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1165-09

AN ORDINANCE TO APPROPRIATE FUNDS
FROM THE GENERAL FUND TO
THE POLICE DEPARTMENT SUPPLIES FUND

WHEREAS, pursuant to Ordinance No. 1148-09 the Village Council authorized the Chief of Police to dispose of certain firearms in the custody and control of the Village Police Department and of no further use to the Police Department; and,

WHEREAS, the Chief of Police received \$1,010 from the sale of the firearms to a registered firearms dealer and thereafter receipted \$1,010 to Fund Number 1000-999-000 of the General Fund; and,

WHEREAS, the Village Council now wishes to appropriate \$1,010 to Police Department Fund Number 1000-110-400.


NOW THEREFORE BE IT ORDAINED by the Village Council:


Section 1. The Village Council hereby authorized the appropriation of \$1,010 from Fund Number 1000-999-000 to Fund Number 1000-110-400.

Section 2. The Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from the foregoing appropriations upon receiving proper certification and vouchers therefor, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

ADOPTED: May 18, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1166-09

AN ORDINANCE TO ESTABLISH
A DRUG LAW ENFORCEMENT FUND WITHIN THE
GENERAL APPROPRIATION OF THE VILLAGE OF BATAVIA

WHEREAS, pursuant to Ohio Revised Code section 2925.03 a local law enforcement agency may receive fine money in those cases where the law enforcement agency was primarily responsible for the arrest and prosecution of an offender; and,

WHEREAS, such fine money may be used for or in drug law enforcement-related activities including but not limited to purchase of equipment, training and other operational expenses; and

WHEREAS, in order to properly expend such funds, the local legislative authority must establish a Drug Law Enforcement Fund with its appropriation; and,

WHEREAS, the Village of Batavia Police Department receives such fine money from the Clerk of the Clermont County Municipal Court; and,

WHEREAS, the Village Council wishes to use such funds for drug law enforcement-related activities; and,

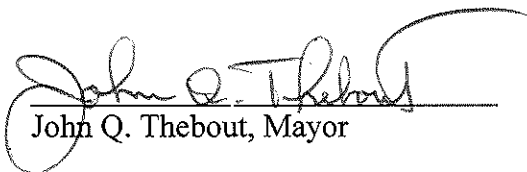
WHEREAS, the Village Council wishes to establish a Drug Law Enforcement Fund within the General Appropriation of the Village previously adopted and certified.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

SECTION 1. The Village Council hereby establishes a Drug Law Enforcement Fund to receive all fine moneys provided to the Village of Batavia Police Department by the Clerk of the Clermont County Municipal Court.

SECTION 2. The Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from the foregoing Fund upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures.

ADOPTED: June 1, 2009


John Q. Thebout, Mayor

ATTEST:


Tracey M. Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1167-09

CROSS-CONNECTION & BACKFLOW CONTROL TO PROVIDE AN EFFECTIVE
MEANS FOR PROTECTING THE PUBLIC WATER SYSTEM FROM
CONTAMINATION DUE TO BACKFLOW OF CONTANIMANTS THROUGH THE
WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM &
REPEALING ORDINANCE 1008-03 AND DECLARING AN EMERGENCY

WHEREAS, Section 6109.13 of the Ohio Revised Code requires protection of the public water system from contamination through any connection whereby water from a private, auxiliary or emergency water system may enter the public water system; and

WHEREAS, Section 3745-95 of the Ohio Administrative Code requires protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Ohio Environmental Protection Agency requires the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and

WHEREAS, in order to accomplish these goals it is necessary to introduce restrictions that go beyond usual plumbing code requirements; now therefore,

BE IT ORDAINED by the Council of the Village of Batavia, State of Ohio:

Section 1. That if, in the finding of the Village Administrator or Water Superintendent, an approved backflow prevention device is necessary for the safety of the public water system, the Village Administrator or Water Superintendent will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Village Administrator or Water Superintendent and shall have inspections and tests made of such approved devices as required by the Village Administrator or Water Superintendent.

Section 2. That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Administrator or Water Superintendent of the Village of Batavia and by the Ohio Environmental Protection Agency.

Section 3. That it shall be the duty of the Village Administrator or Water Superintendent to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to be public supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Village Administrator or Water Superintendent shall deem necessary.

Section 4. That the Village Administrator or Water Superintendent of the Village of Batavia or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Batavia for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Village Administrator or Water Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall within the discretion of the Village Administrator or Water

Ordinance No. _____

Passed _____, _____


Superintendent be deemed evidence of the presence of improper connections as provided in this ordinance.

Section 5. That the Village Administrator or Water Superintendent of the Village of Batavia is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this ordinance.

Section 6. Ordinance 1008-03 is hereby repealed in its entirety.

Section 7. The Village Council hereby declares this Ordinance to be an emergency measure necessary to preserve health, safety and welfare for the reasons set forth in the preamble.

Adopted: May 18, 2009


John Q. Thebout, Mayor


Tracey M. Derico
Clerk Treasurer

Ordinance No. _____

Passed _____

ORDINANCE 1168-09

AN ORDINANCE TO CHANGE THE ZONING
DESIGNATION OF PARCEL NO. 060219.020
ON COLLEGE DRIVE
IN THE VILLAGE OF BATAVIA, OHIO,
FROM B2 TO R

WHEREAS, on May 18, 2009, the Village Council of the Village of Batavia, Ohio, held a public hearing for the purpose of hearing the petition of George Brown, Clermont County Senior Services on behalf of the Owner, for a change in the zoning designation of Parcel No. 060219.020 located on College Drive in the Village of Batavia, Ohio; and,

WHEREAS, the Petition requesting a designation change has been filed for the purpose of obtaining funds from the Department of Housing and Urban Development to build a facility for housing of the elderly, and should such funds not be timely forthcoming such designation change will not be required; and,

WHEREAS, the Petition requested that the parcel receive a change in designation from B2 to R; and,

WHEREAS, no objections to the Petition being heard or asserted at the public meeting,

NOW THEREFORE BE IT ORDAINED by the Village Council:


Section 1. The Village Council hereby grants the Petition and changes the zoning designation of Parcel No. Parcel No. 060219.020 located on College Drive in the Village of Batavia, Ohio from B2 to R.

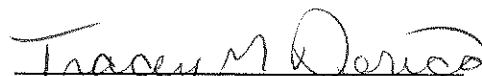
Section 2. Should the purpose of the designation change not be fulfilled, such designation change shall be revoked effective December 31, 2011.

Section 2. The change in zoning designation shall become effective 30 days after the adoption of this Ordinance.

ADOPTED: June 15, 2009

Attest:


John Q. Thebout, Mayor


Tracey Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE NO. 1169-09

AN ORDINANCE APPOINTING REBECCA GROPE
AS ADMINISTRATOR FOR
THE VILLAGE OF BATAVIA, OHIO,
REPEALING ORDINANCE NO. 1148-09
AND DECLARING AN EMERGENCY

WHEREAS, pursuant to 746-86 the Village Council of Batavia, Ohio, established the position of Village Administrator; and,

WHEREAS, the position of Village Administrator is currently vacant; and,

WHEREAS, pursuant to Ohio Revised Code section 735.271, the mayor of a village, with the concurrence of a majority of the village council, may appoint a person to serve as village administrator; and,

WHEREAS, the Village Council previously adopted Ordinance No. 1148-09 setting the annual salary of a part-time Village Administrator at \$15,000, and now wishes to repeal said Ordinance; and,

WHEREAS, the Mayor of the Village of Batavia, wishes, with the concurrence of the Council of the Village of Batavia, to appoint Rebecca Grope to the position of part-time Village Administrator upon the terms and conditions set forth below with such appointment to become effective June 8, 2009; and,

WHEREAS, Rebecca Grope, wishes to accept such appointment on the terms and conditions set forth below.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

SECTION 1. The Village Council hereby concurs with the Mayor that Rebecca Grope shall be appointed part-time Village Administrator.

SECTION 2. There shall be no requirement that the Village Administrator be a resident of the Village of Batavia.

SECTION 3. The Village Administrator shall perform those duties set forth in Ordinance 747-86 and such additional and related duties as may be required by the Mayor.

SECTION 4. Ordinance No. 1148-09 setting the salary of a part-time Village Administrator at \$15,000, is hereby repealed.

SECTION 5. The Village Administrator shall be required to provide twenty-four hours of service per week with the schedule of such hours to be publicly posted in the Village Administration Building and shall be paid at a rate of \$20,000 per year beginning June 8, 2009.

SECTION 6. The Village Administrator shall participate in the Public Employees Retirement System as provided by law but shall receive no other benefits from the Village.

SECTION 7. The Village Administrator shall be permitted to take two weeks of unpaid leave per anniversary year, with such leave to be scheduled with the Mayor's agreement in writing.

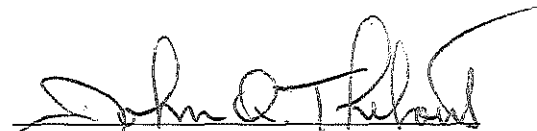
SECTION 8. The Village Administrator shall serve on the terms and conditions set forth in Ohio Revised Code section 735.271.

Ordinance No. _____

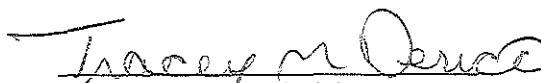
Passed _____, _____

SECTION 9. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reason that the Village of Batavia has been without an Administrator for three months.

ADOPTED: June 1, 2009


John Q. Thebout, Mayor

ATTEST:


Tracey Derico, Clerk/Treasurer

Ordinance No. 1170-09

Passed August 17th, 2009

ORDINANCE 1170-09

AN ORDINANCE TO APPROPRIATE FUNDS
FOR THE FINAL PAYMENT
ON THE COUNTY WATER DEBT

WHEREAS, the Village Council, in order to make the final payment on the County Water Debt, now wishes to amend the current appropriation ordinance and appropriate \$55,626.00 from the Water Debt fund into Appropriation Fund number 3901-850-790.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, two-thirds of its members concurring, that:

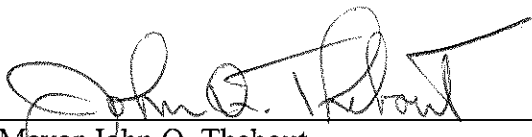
SECTION 1. The Village Council hereby directs the Fiscal Officer, to make the above described amendments to current appropriation Ordinance.

SECTION 2. The Village Council hereby directs the Fiscal Officer, having made the amendments, to present this Ordinance to the Clermont County Auditor for certification.

SECTION 3. The Fiscal Officer is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers, therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Adopted August 17th, 2009

ATTEST:


Mayor John Q. Thebout


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 27th and 9-3-09


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1171-09

AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A CONTRACT WITH QUEEN CITY SUPPLY SYSTEMS
AND DECLARING AN EMERGENCY

WHEREAS, Revised Code section 735.051 permits the Village Council, by a two-thirds vote, to enter into a contract for work to be done or for the purchase of supplies or materials without formal bidding and advertising in those cases where there exists a real and present emergency arising in connection with the operation and maintenance of a Village-owned utility; and,

WHEREAS, the Director of the Village Sewer Utility has informed the Village Council of the urgent necessity to purchase two trickling filter pipe boom systems for the Village Sewer Plant; and,

WHEREAS, the Village Council has obtained a proposal to design, manufacture and install such trickling filter pipe boom systems from Queen City Supply Company, 1859 Section Road, Cincinnati, Ohio 45237; and,

WHEREAS, the Village Council wishes to enter into a Contract with Queen City Supply Company.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio, two-thirds of its members concurring, that:

SECTION I: The Council of the Village hereby determines that an emergency exists with regard to the operation and maintenance of the Village Sewer Utility.

SECTION II: The Council hereby determines that public advertising and bidding for a contract for work to be done and the purchase of supplies and materials is not necessary.

SECTION III: The Council hereby directs the Mayor to enter into the following Contract with Queen City Supply Company:

**CONTRACT FOR DESIGN, CONSTRUCTION AND
INSTALLATION OF TRICKLING FILTER PIPE BOOM SYSTEMS**

WHEREAS, the Village Council of the Village of Batavia, Ohio, (hereinafter "the Village") has determined that it is necessary and urgent to obtain two trickling filter pipe boom systems for the Village Sewer Plant; and,

WHEREAS, Queen City Supply Company (hereinafter "QCSC"), 1859 Section Road, Cincinnati, Ohio 45237, is able to design, construct and install such systems and has provided a proposal, attached hereto and incorporated herein, as Exhibit A.

NOW THEREFORE, the Village adopts the proposal set forth in Exhibit A, and the Village and QCSC agree to the following terms:

1. QCSC will design, construct and install two trickling filter pipe boom systems as described in Exhibit A at the Village Sewer Plant.
2. The Village will pay a total amount not to exceed \$49,850.00 pursuant to the terms of this Contract.

Ordinance No. _____

Passed _____, _____

3. Upon execution of this Contract the Village will pay QCSC \$23,725.00, representing the cost of one unit, with the first system to be completely installed no later than sixty days after such payment.

4. Upon receiving written approval from the Village of the first system, QCSC will install the second system no later than forty-five days after receiving such approval.

5. The Village shall pay the balance of the contract price upon satisfactory installation of the second system.

6. QCSC will provide the Village with proof of insurance of contract performance and a one-year warranty of the work, such proof of insurance attached hereto and incorporated herein as Exhibit B.

7. This Contract shall constitute the entire agreement and understanding of the Village and QCSC and shall be binding on their successors and assigns. This Contract supersedes any prior agreement and may not be assigned by QCSC without prior, written consent of the Village.

8. This Contract may only be amended by a writing signed by both the Village and QCSC.

IN WITNESS WHEREOF, QCSC executes this Contract by its duly authorized representative and the Village executes this Contract as duly authorized by Ordinance No. 1171-09 on the dates indicated.

[Printed name]
Authorized Representative of
Queen City Supply Company

State of Ohio

ss:

County of Clermont

Before me, a notary public in and for the State of Ohio, personally appeared the above-mentioned _____, as Authorized Representative of Queen City Supply Company, on this _____ day of _____, 2009, and affixed his signature hereto.

Witness my official signature and seal on the day last above mentioned.

Notary Public

Village of Batavia

WITNESSES:

John Q. Thebout, Mayor

Tracey Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that \$49,850.00, the amount required to meet the contract obligation has been lawfully appropriated for the purpose and is in the treasury or in process of collection to the credit of fund number _____ free from any outstanding obligation or encumbrance.

Tracey Derico, Clerk/Treasurer, Village of Batavia, Ohio


SECTION IV: The Council hereby directs the Treasurer, upon execution of the Contract by the Mayor, to make the initial contract payment in the amount of \$23,725.00 to Queen City Supply Company.

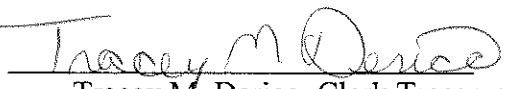
SECTION V: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reason set forth in the preamble and incorporated within this section.

Copy on file.

Adopted: June 15th, 2009

Attest:


John Q. Thebout, Mayor


Tracey M. Derico, Clerk Treasurer

Ordinance No. _____

Passed _____, _____

Ordinance No. 1172-09

AN ORDINANCE AUTHORIZING THE LEASE
OF THE PROPERTY KNOWN AS
377 EAST MAIN STREET, IN THE VILLAGE OF BATAVIA, OHIO

WHEREAS, the Village of Batavia owns certain real property located within the Village at 377 East Main Street which is currently in use as a fire station by the Central Joint Fire District; and,

WHEREAS, the Central Joint Fire District currently occupies the premises as a hold-over tenant; and,

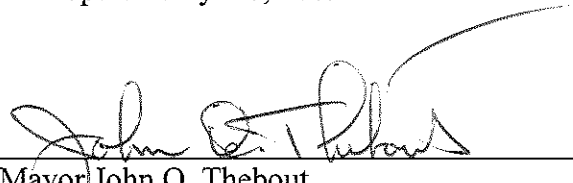
WHEREAS, the Village and the Trustees of the Central Joint Fire District wish to enter into a new lease agreement.

NOW THEREFORE BE IT ORDAINED:

Section I: The Lease agreement attached hereto for the property located at 377 East Main Street, Batavia, Ohio, is approved and the Mayor is authorized to execute same.

Adopted: July 20, 2009

ATTEST:



Mayor John Q. Thebout



Tracey Derico, Clerk/Treasurer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1173-09

AN ORDINANCE AUTHORIZING
THE EXPENDITURE OF FUNDS FOR STREET PAVING
AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has previously appropriated funds for street improvements; and,

WHEREAS, the Village Council has previously let bids for a paving project; and,

WHEREAS, the Village Council wishes to award a contract to the successful bidder; and,

WHEREAS, the Village Council wishes to award the contract as quickly as possible to avoid traffic issues which may conflict with the paving of Village streets when schools reopen; and,

WHEREAS, the Village Council must authorize the expenditure of \$300,000.00 to fund the contract.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring:


Section 1. That the Village Council hereby authorizes the expenditure of \$150,000.00 from the Capital Projects Fund Number 4901 and \$150,000.00 from the Street Capital Projects Fund Number 4902..

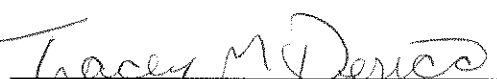
Section 2. That upon passage of this Ordinance, the Village Council will take necessary steps to award the contract to the successful bidder.

Section 2. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: July 9, 2009

ATTEST:


Mayor John Q. Thebout


Tracey Derico, Clerk/Treasurer

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No.	Passed
	<p>Tabul 174-69 8/11/69 Vacated 10-5-69</p>

Ordinance No. _____

Passed _____, _____

ORDINANCE 1175-09

AN ORDINANCE TO LEVY ASSESSMENTS
FOR SIDEWALK CONSTRUCTION
ON NORTH FIFTH STREET
AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has previously by ordinance declared the necessity for the repair and reconstruction of North Fifth Street in the Village of Ohio, including reconstruction of sidewalks, and has adopted the estimated assessments for the improvement of sidewalks with respect to such project and has filed such estimates with the Clerk of Council; and,

WHEREAS, such sidewalk improvements have been completed.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. The list of estimated assessments of the cost of reconstruction of certain portions of the sidewalks on North Fifth Street reported to the Council and now on file in the office of the Clerk of Council and aggregating \$10,692.00 is adopted and confirmed.

Section 2. The several amounts of the assessments are hereby assessed and levied on the lots and lands bounding and abutting the improvement.

Section 3. It is determined that the assessments do not exceed the special benefits resulting from the improvement and do not exceed the statutory limitation.

Section 4. The Clerk of Council is directed to continue to maintain on file in her office a list of the assessments and the description of the lots and lands.

Section 5. The total assessment against each lot and parcel of land shall be payable in cash to the Clerk/Treasurer of the Village of Batavia, Ohio, within thirty days after the passage of this Ordinance. All assessments which have not been paid at the expiration of the thirty-day period shall be certified by the Clerk of Council to the County Auditor, to be placed by her on the tax duplicate and collected and collected in twenty semi-annual installments as other taxes are collected.

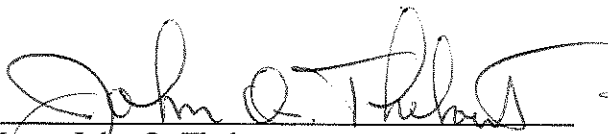
Section 6. The Clerk of Council is directed to cause notice of the passage of this Ordinance to be published as provided by law.

Section 7. The Clerk of Council is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within twenty days following the passage of this Ordinance.

Section 8. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: July 9th, 2009

ATTEST:


Mayor John Q. Thebout


Tracey Derico, Clerk/Treasurer

Ordinance No. 1176-09

Passed August 18th, 2009

ORDINANCE 1176-09

AN ORDINANCE ALLOCATING THE PAYMENT OF INCOME TAX REFUNDS FROM THE VILLAGE INCOME TAX

WHEREAS, the Village Council has previously adopted Ordinance No. 1158-09 allocating funds to be paid from the Village income tax pursuant to Village Codified Ordinance 35.22; and,

WHEREAS, in calendar year 2008 the certain Village residents paid more in income tax than they owed; and,

WHEREAS, certain of those residents are due refunds from overpayment of their 2008 income tax; and,

WHEREAS, the Village Council now wishes to provide for immediate refunds to those residents in the total amount of \$24,000.00.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring:

Section 1. Section 35.22 of the Village Codified Ordinances (percentage allocation of income tax) shall not be amended but such funds collected from the passage date of this Ordinance shall be disbursed in the following manner:

(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.


(B) Such part thereof as is necessary to refund income tax refunds for taxes overpaid in 2008 and due to Village residents in the total amount of \$24,000.00 shall be disbursed as collected and shall be paid before the balance of the funds to be collected are allocated under Section 1(C).

(C) The balance of any moneys to be allocated as previously provided in Ordinance 1158-09.

Section 2. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: August 18th, 2009

ATTEST:

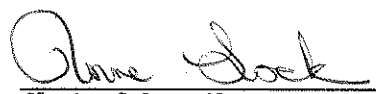


Mayor John Q. Thebout



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 27th and the 9.3.09



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1178-09

AN ORDINANCE ALLOCATING
THE PAYMENT OF INCOME TAX REFUNDS FROM
THE VILLAGE INCOME TAX
AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has previously adopted Ordinance No. 1158-09 allocating funds to be paid from the Village income tax pursuant to Village Codified Ordinance 35.22; and,

WHEREAS, the Village Council now wishes to amend the allocation formula to provide sufficient money to the General Fund to enable the Village to meet its current obligations.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. Section 35.22 of the Village Codified Ordinances (percentage allocation of income tax) shall be amended as follows:

(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.

(B) The balance of any moneys collected shall be allocated as follows:

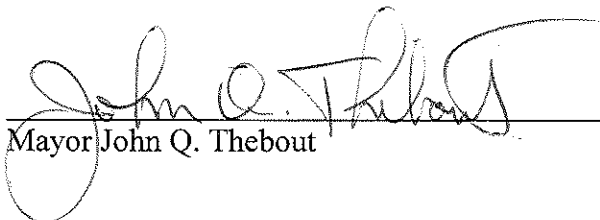
1. Fifty percent to the General Fund for the purpose of general municipal operations, 1000-130-0000.
2. Six percent for Street I, salary/benefit, 2011-130-0000.
3. Twelve percent for Street Maintenance, 2012-130-0000.
4. Twenty percent for Capital Improvement, 4901-130-0000.
5. Twelve percent for Street Improvement, 4902-130-0000.

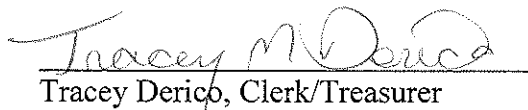
Section 2. All other allocation formulae are hereby repealed.

Section 3. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: July 20th, 2009

ATTEST:


Mayor John Q. Thebout


Tracey Derico, Clerk/Treasurer

Ordinance No. 1178-09

Passed August 3rd, 2009

ORDINANCE NO. 1178-09

**AN ORDINANCE TO AMEND ORDINANCE 1160-09
TO MAKE APPROPRIATIONS
FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2009,
AND DECLARING AN EMERGENCY**

WHEREAS, the Village Council of the Village of Batavia, Ohio, previously adopted Ordinance 1150-09 for the purpose of amending Ordinances 1143-09 and 1157-09 which made appropriations for the Village for the fiscal year ending December 31, 2009; and,

WHEREAS, because of declining revenues, the Village Council is required to make an additional amendment to its appropriations to reflect decreases in amounts available for expenditure.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio, a majority of its members concurring:

Section 1. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000-110-100.1	Personal Services / Salaries	\$143,320.00
1000-110-290	Other – Employee Fringe Benefits	88,852.00
1000-110-348	Training Services	1,000.00
1000-110-390	Other Contractual Services	22,200.00
1000-110-400	Supplies and Materials	8,500.00
1000-110-400-1111	Police Dept. Fuel	10,500.00
1000-110-500	Capital Outlay	7,500.00

Street Lighting

1000-130-300	Contractual Services	19,000.00
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Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	15,000.00
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Payment to County Health District

1000-210-640	Pymt. to another political subdivision	7,000.00
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILILTY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractual Services	900.00
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Program 7 – GENERAL GOVERNMENT

1000-710-130	Salaries – Administrator's Office	22,500.00
1000-710-160	Salaries – Mayor's Office	4,000.00
1000-710-290	Other – Employee Fringe Benefits	14,886.00

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1178-09Passed August 3rd, 2009

1000-710-410	Office Supplies and Materials	3,000.00
1000-715-111	Salaries -- Council	7,200.00
1000-715-141	Salary -- Legal Counsel	8,000.00
1000-715-290	Other -- Employee Fringe Benefits	4,000.00
1000-715-300	Contractual Services	7,750.00
1000-725-121	Salary -- Clerk Treasurer	7,500.00
1000-725-290	Other -- Employee Fringe Benefits	1,500.00
1000-725-300	Contractual Services	2,000.00
1000-725-400	Supplies and Materials	1,300.00
1000-730-100	Personal Services	600.00
1000-730-290	Other -- Employee Fringe Benefits	160.00
1000-730-300	Contractual Services	32,000.00
1000-730-400	Supplies and Materials	1,000.00
1000-740-344	Tax Collection Fees	2,000.00
1000-745-342	Auditing Services	2,413.00
1000-745-343	Uniform Accounting Network Fees	3,660.00
1000-755-139	Other -- Salaries -- Administrator's Office	13,000.00
1000-755-290	Other -- Employee Fringe Benefits	3,000.00
1000-755-410	Office Supplies and Materials	2,800.00
1000-760-610	Deposits Refunded	20,000.00
1000-790-225	Workers' Compensation	11,000.00

Section 2. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP. 499,041.00

Section 3: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

2011-620-100	Personal Services	110,000.00
2011-620-290	Other -- Employee Fringe Benefits	<u>70,000.00</u>
TOTAL STREET CONST. MAINT & REPAIR		180,000.00

STREET MAINTENANCE & REPAIR FUND II

Program 6 -- TRANSPORTATION

2012-620-400	Supplies and Materials	73,254.00
2012-620-400-2111	Fuel	<u>10,000.00</u>
TOTAL STREET MAINTENANCE & REPAIR FUND II		83,254.00

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 -- TRANSPORTATION

2021-650-300	Contractual Services	10,000.00
2021-650-400	Supplies and Materials	<u>23,000.00</u>
TOTAL STATE HIGHWAY FUND		33,000.00

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractual Services	10,000.00
2101-620-500	Capital Outlay	<u>2,500.00</u>
TOTAL MVL		12,500.00

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	200.00
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RECORD OF ORDINANCES

31

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1178-09 Passed August 3rd, 2009

2271-110-290	Other – Employee Fringe Benefits	100.00
2271-110-400	Supplies and Materials	<u>200.00</u>
TOTAL LAW ENFORCEMENT & EDUCATION		500.00

FIRE

Program 1 – SECURITY OF PERSONS & PROPERTY

2901-120-400	Supplies & Materials	1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies & Materials	25.00
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BEAUTIFICATION

2904-490-600	Other	500.00
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GRAND TOTAL SPECIAL REVENUE FUNDS	\$310,979.00
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Section 4: That there be appropriated from the following DEBT SERVICE FUNDS

Clark – Glen – Ely	Sewer Assessment Debt	
3301-850-790	Other – Debt Service	25,000.00

COUNTY WATER Debt

3901-850-790	Other – Debt Service	32,000.00
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GRAND TOTAL DEBT SERVICE FUNDS	57,000.00
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Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS
CAPITAL PROJECTS

4901-800-500	Capital Outlay	450,000.00
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STREET Capital Projects

4902-710-132	Administrative Salary	2464.32
4902-800-100	Personal Services	500.00
4902-800-290	Other – Employee Fringe Benefits	400.00
4902-800-500	Capital Outlay	246,635.68

GRAND TOTAL CAPITAL PROJECTS	700,000.00
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Section 6: That there be appropriated from the following ENTERPRISE FUNDS
WATER OPERATING

5101-531-300	Contractual Services	8,000.00
5101-531-400	Supplies and Materials	4,000.00
5101-533-340	Professional & Technical Services	16,000.00
5101-533-640	Pymt to Another Political Subdivision	190,000.00
5101-535-100	Personal Services	84,000.00
5101-535-290	Other – Employee Fringe Benefits	53,100.00
5101-535-400	Supplies and Materials	37,500.00
5101-539-400-5111	Fuel	2,500.00
5101-539-610	Deposits Refunded	2,500.00
5101-850-710	Principal (debt)	<u>5,000.00</u>
TOTAL WATER FUND		\$402,600.00

SEWER Operating

5201-541-400	Supplies and Materials	4,000.00
5201-543-100	Personal Services	84,000.00
5201-543-290	Other – Employee Fringe Benefits	53,100.00

Ordinance No. 1178-09Passed August 3rd,, 2009

5201-543-340	Professional & Technical Services	36,000.00
5201-543-400	Supplies and Materials	62,500.00
5201-549-400-5211	Fuel	2,500.00
5201-850-790	Other - Debt Service	58,000.00
5201-910-910	Transfers - Out	6,600.00
5201-990-990	Other - Other Financing Uses	-0-
TOTAL SEWER FUND		\$306,700.00

REFUSE Enterprise Operating		
5601-563-398	Garbage and Trash Removal/TOTAL	132,000.00

SEWER BOND Improvement		
5703-800-500	Capital Outlay / TOTAL FUND	14,222.00

UTILITY Deposit		
5781-594-610	Deposits Refunded	2,500.00
5781-594-620	Deposits Applied	2,500.00
TOTAL UTILITIES DEPOSITS FUND		5,000.00

GRAND TOTAL ENTERPRISE FUNDS	\$886,522.00
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Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS - no money appropriated

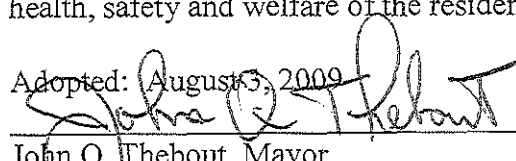
Section 8: That there be appropriated from the TRUST & AGENCY FUNDS - no money appropriated

Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS - no money appropriated


Section 10: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

TOTAL ALL APPROPRIATIONS	\$2,453,542.00
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Section 11. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

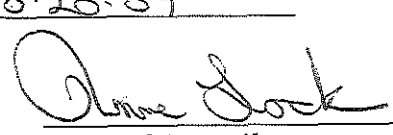
Adopted: August 3, 2009


John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks on the 8-13 and the 8-20-09



Clerk of Council
Batavia, Ohio

Ordinance No. 1179-09

Passed August 3rd, 2009

ORDINANCE NO. 1179-09

**AN ORDINANCE CREATING THE
POSITION OF FISCAL OFFICER FOR
THE VILLAGE OF BATAVIA, OHIO,
AND DECLARING AN EMERGENCY**

WHEREAS, upon the resignation of the former Clerk-Treasurer of the Village of Batavia, Ohio, which became effective July 31, 2009, the position of Clerk-Treasurer is now vacant; and,

WHEREAS, pursuant to the provisions of Ohio Revised Code section 733.262, the legislative authority of the Village of Batavia may create the position of fiscal officer when a vacancy exists in the office of Clerk-Treasurer; and,

WHEREAS, the position of Fiscal Officer combines the duties of Village Clerk and Village Treasurer as defined by statute; and,

WHEREAS, the Village Council wishes to create the position of Fiscal Officer for the Village of Batavia, Ohio, with the Fiscal Officer position to be filled as soon as possible.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio, a majority of its members concurring, that:

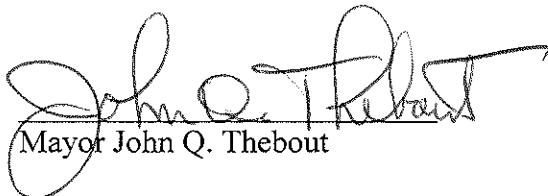
Section 1: The position of Fiscal Officer is hereby created to perform the duties formerly performed by Village Clerk-Treasurer.

Section 2. The position of Fiscal Officer will be filled as soon as possible with the Fiscal Officer to begin his or her duties upon appointment by the Mayor and approval by Village Council.

Section 3. The Fiscal Officer is not required to be a resident of the Village of Batavia but may reside outside the Village.

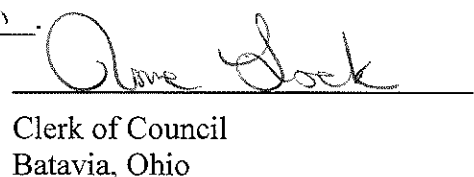
Section 4. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia.

Adopted: August 3, 2009


Mayor John Q. Thebout


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 13th & 20th.


Clerk of Council
Batavia, Ohio

Ordinance No. 1180-09Passed August 3rd, 2009**ORDINANCE NO. 1180-09****AN ORDINANCE APPOINTING
ANNE LOCK TO THE POSITION OF FISCAL OFFICER
FOR
THE VILLAGE OF BATAVIA, OHIO,
AND DECLARING AN EMERGENCY**

WHEREAS, the legislative authority of the Village of Batavia has, pursuant to the provisions of Ohio Revised Code section 733.262, created the position of Fiscal Officer for the Village; and,

WHEREAS, the Mayor has appointed Anne Lock to the position of Fiscal Officer; and,

WHEREAS, in addition to performing the duties of Fiscal Officer, Ms. Lock will also hold the position of Utilities Clerk; and,

WHEREAS, Ms. Lock is qualified and able to begin performing the duties of Fiscal Officer immediately.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio, a majority of its members concurring, that:

Section 1: The Village Council approves the Mayor's appointment of Anne Lock to the position of Village Fiscal Officer.

Section 2. The Village council further agrees that Anne Lock will also hold the position of Utilities Clerk.

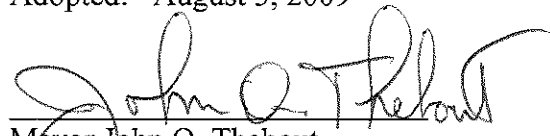
Section 3. Anne Lock will be paid an annual salary of \$38,500.00 to perform the combined duties of Fiscal Officer and Utilities Clerk on a full-time basis.


Section 4. Anne Lock, as Fiscal Officer, is not required to be a resident of the Village of Batavia.

Section 4. Anne Lock will begin performing her duties as Fiscal Officer immediately upon adoption of this Ordinance.

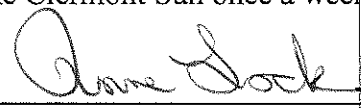
Section 4. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia.

Adopted: August 3, 2009


Mayor John Q. Thebout


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 8-13 & 8-20.


Clerk of Council
Batavia, Ohio

Ordinance No. 1181-09

Passed August 17th, 2009

ORDINANCE created
Passed 10/15/09

ORDINANCE 1181-09

AN ORDINANCE DECLARING IT NECESSARY
TO LEVY AN ADDITIONAL TAX IN EXCESS
OF THE TEN-MILL LIMITATION FOR POLICE
EQUIPMENT AND SERVICES
AND REQUESTING THE COUNTY AUDITOR TO
CERTIFY MATTERS IN CONNECTION THEREWITH

WHEREAS, the Village Council of the Village of Batavia, Ohio, anticipates levying a tax of 2.5 mills in excess of the ten mill limitation for the purpose of the continued provision of police protection to the Village; and,

WHEREAS, pursuant to section 5705.03 of the Ohio Revised Code, the Village Council is required to certify to the Clermont County Auditor an ordinance requesting the County Auditor to certify certain matters in connection with such tax levy.


NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio, two thirds of its members concurring, that:

SECTION 1. Pursuant to the provisions of section 5705.19 of the Ohio Revised Code an additional tax levy in the amount of one-quarter (0.25) mill for each one dollar (\$1.00) of taxable income, which amounts to 2.5 cents (\$.025) per one hundred (\$100.00) of taxable income for a [period of five years] [continuing period], be placed on the 2009 tax duplicate for collection in 2010 and for [five years] [a continuing period] thereafter, be submitted to the electorate of the Village of Batavia, Ohio, at the general election to be held on November 3, 2009, for the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code pursuant to the provisions of section 5705.19(J) of the Ohio Revised Code.

SECTION 2. The Village Fiscal Officer is hereby directed to provide a copy of this Ordinance to the Clermont County Auditor to obtain her certification of the dollar amount of revenue that would be generated by 2.5 mills in excess of the ten mill limitation.

SECTION 3. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

ADOPTED: August 17, 2009


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the _____.

Clerk of Council
Batavia, Ohio

Ordinance No. 1182-09 Passed September 21st, 2009

ORDINANCE 1182-09

AN ORDINANCE TO AMEND ORDINANCE NO. 1034-04 TO CHANGE CERTAIN SIGN PERMIT FEES

WHEREAS, the Village Council has previously adopted Ordinance No. 1034-04 to provide a fee schedule pertaining to permits for public signs; and,

WHEREAS, the Village Council has determined that certain of such fees are subject to increase and one such fee is subject to elimination.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio, two-thirds of its members concurring, that:

SECTION 1. On the effective date of this Ordinance, Ordinance No. 1034-04 is amended as follows:

Official Fee Schedule Sign Permits

Permanent Signs	\$ 1.00 per square foot	Minimum \$20.00
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Temporary Signs

Special Event Off Site	\$10.00 Each	
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Banners	\$ 2.00 per square foot	Minimum \$30.00
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Commercial & Industrial "For Rent/Lease/Sale"	\$ 2.00 per square foot	Minimum \$30.00
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Seasonal Business	\$ 2.00 per square foot	Minimum \$30.00
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Application for Sign Variance	\$70.00	
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Application for Appeal	\$70.00	
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SECTION 2. Fees for Garage/Yard Sale signs are hereby eliminated.

ADOPTED: September 21st, 2009

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby
certify that the foregoing ordinance was published in the Clermont Sun once a week for two
consecutive weeks beginning on the 09/15

John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

Clerk of Council
Batavia, Ohio

Ordinance No. 1183-09

Passed August 19th, 2009

ORDINANCE 1183-09

**AN ORDINANCE DECLARING IT NECESSARY
TO INCREASE THE VILLAGE INCOME TAX
BY ONE-QUARTER PERCENT
AND DECLARING AN EMERGENCY**

WHEREAS, the Village Council of the Village of Batavia, Ohio, is in need of additional revenue to enable it to continue to provide public safety services; and,

WHEREAS, pursuant to section 718.01(C) of the Ohio Revised Code the Village Council is authorized to pass an ordinance to levy a tax on income in excess of one percent with approval of the voters of the Village of Batavia; and,

WHEREAS, the Village of Batavia currently taxes income at the rate of one percent (1%); and,

WHEREAS, the Village Council wishes to levy an additional one-quarter percent (.25%) tax on income.

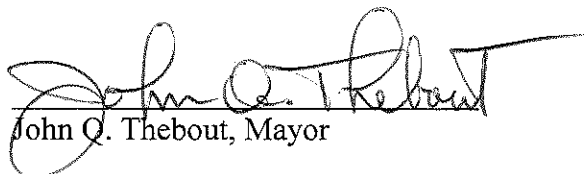
NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio, two thirds of its members concurring, that:

SECTION 1. The Village Council of the Village of Batavia, Ohio, hereby levies an additional one-quarter (.25%) tax on income for the purpose of continuation of public safety services subject to the approval of the voters of the Village of Batavia.

SECTION 2. The Village Fiscal Officer is hereby directed to provide a certified copy of this Ordinance and a copy of Resolution 180-09 directing the Clermont County Board of Elections to place this issue on the ballot for the November 3, 2009, general election to the Board of Elections not less than seventy-five days before the day of the November 3, 2009, election.

SECTION 3. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

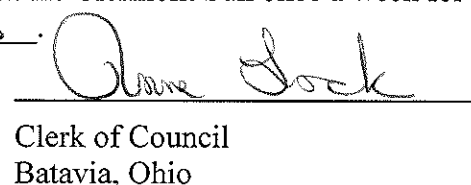
ADOPTED: August 19, 2009


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 8-27 & 9-3.


Clerk of Council
Batavia, Ohio

Ordinance No. 1184-09 Passed September 9th, 2009

ORDINANCE 1184-09

AN ORDINANCE TO AMEND ORDINANCE 1139-08
TO LEVY ASSESSMENTS
FOR SEWER LATERAL CONNECTIONS

WHEREAS, the Village Council has previously enacted Ordinance No. 1139-08 to levy assessments for sewer lateral connections; and,

WHEREAS, because no bonds were issued for the sewer project, Ordinance No. 1139-08 incorrectly levied interest on bonds issued for the project; and,

WHEREAS, the Village Council wishes, by this Ordinance, to correct this error.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. The list of estimated assessments of the cost of connecting certain laterals reported to the Council and now on file in the office of the Clerk of Council and aggregating \$14,670.00 is re-adopted and re-confirmed.

Section 2. The several amounts of the assessments are hereby assessed and levied on the lots and lands bounding and abutting the improvement.

Section 3. It is determined that the assessments do not exceed the special benefits resulting from the improvement and do not exceed any statutory limitation.

Section 4. The Village Fiscal Officer is directed to continue to maintain on file in her office a list of the assessments and the description of the lots and lands.


Section 5. The total assessment against each lot and parcel of land shall be payable in cash to the Fiscal Officer of the Village of Batavia, Ohio, within thirty days after the passage of this Ordinance. All assessments which have not been paid at the expiration of the thirty-day period shall be certified by the Fiscal Officer to the County Auditor, to be placed by her on the tax duplicate and collected and collected in ten annual installments as other taxes are collected.

Section 6. The Fiscal Officer is directed to cause notice of the passage of this Ordinance to be published as provided by law.

Section 7. The Fiscal Officer is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within twenty days following the passage of this Ordinance.

Section 8. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: September 9, 2009


John Q. Thebout, Mayor

ATTEST:

RECORD OF ORDINANCES

39

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1184-09

Passed September 9th, 2009

Anne Lock
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 9-17 & 9-24.

Anne Lock
Clerk of Council
Batavia, Ohio

Ordinance No. 1185-09Passed September 9th, 2009

ORDINANCE 1185-09

AN ORDINANCE RENUMBERING ORDINANCE NO. 1176-09
PERTAINING TO THE ALLOCATION OF INCOME TAX REVENUE
AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has previously adopted Ordinance No. 1176-09 allocating funds to be paid from the Village income tax; and,

WHEREAS, the number for Ordinance No. 1176-09 was previously assigned to another Ordinance and inadvertently reassigned; and,

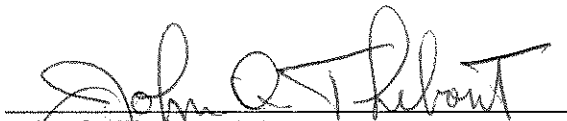
WHEREAS, the Village Council now wishes to renumber the ordinance numbered 1176-09 pertaining to the allocation of income tax revenue; and,

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. Former Ordinance No. 1176-09 pertaining to the allocation of income tax revenues is hereby renumbered as Ordinance 1185-09.

Section 2. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.


Adopted: September 9, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 9-17 & 9-24.


Clerk of Council
Batavia, Ohio

Ordinance No. 1186-09

Passed September 9th, 2009

ORDINANCE NO. 1186-09

AN ORDINANCE AMENDING ORDINANCE NO. 1185-09 TO REDUCE THE ALLOCATATION OF INCOME TAX REVENUE TO PAY INCOME TAX REFUNDS FROM \$24,000 TO \$10,000 AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 1185-09 (former Ordinance No. 1176-09) pertaining to the allocation of income tax revenue determined to use the next \$24,000.00 of income tax revenue collected for the purpose of paying income tax refunds; and,

WHEREAS, the Village Council subsequently, by motion passed August 19, 2009, determined to reduce the allocation of income tax revenue collected from \$24,000.00 to \$10,000.00; and,

WHEREAS, such allocation to fund number 1000-760-610 for the purpose of paying income tax refunds increases that appropriation by \$10,000.00; and,

WHEREAS, an increase in the appropriation in fund number 100-760-610 by \$10,000.00 requires fund number 2011-130-0000 (Street) to be decreased by \$600.00, and fund number 2012-130-0000 (Street II) to be decreased by \$1,200.00, and fund number 4901-130-0000 (Capital) to be decreased by \$2,000.00, and fund number 4902-130-0000 (Street Improvements) to be decreased by \$1,200.00.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. The next \$10,000.00 of income tax revenue collected is hereby allocated to fund number 1000-760-610 for the purpose of paying income tax refunds, thereby increasing that appropriation by \$10,000.00.

Section 2. Fund number 2011-130-0000 (Street) is hereby decreased by \$600.00;

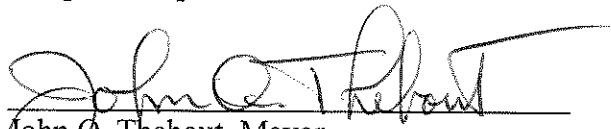
Fund number 2012-130-0000 (Street II) is hereby decreased by \$1,200.00;

Fund number 4901-130-0000 (Capital) is hereby decreased by \$2,000.00;

Fund number 4902-130-0000 (Street Improvements) is hereby decreased by \$1,200.00.

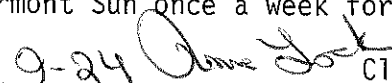
Section 3. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: September 9, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 9-17 & 9-24  Clerk of Council, Batavia, Ohio

Ordinance No. 1187-09Passed September 9th, 2009

ORDINANCE NO. 1187-09

AN ORDINANCE TO AMEND
THE INCOME TAX ALLOCATION FORMULA
AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has previously adopted Ordinance No. 1177-09 to amend Village Codified Ordinance 35.22 pertaining to the allocation of funds to be paid from the Village income tax; and,

WHEREAS, the Village Council now wishes to amend the allocation formula set forth in Ordinance No. 1177-09 to provide sufficient money to the General Fund to enable the Village to meet its current obligations.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. Ordinance No. 1177-09 amending Section 35.22 of the Village Codified Ordinances (percentage allocation of income tax) shall be amended as follows:

(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.

(B) The balance of any moneys collected shall be allocated as follows:

1. Fifty percent to the General Fund for the purpose of general municipal operations, 1000-130-0000.
2. Twelve percent for Street I, salary/benefit, 2011-130-0000.
3. Six percent for Street Maintenance, 2012-130-0000.
4. Twenty percent for Capital Improvement, 4901-130-0000.
5. Twelve percent for Street Improvement, 4902-130-0000.

Section 2. All other allocation formulae are hereby repealed.

Section 3. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: September 9, 2009



John Q. Thebout, Mayor

ATTEST:



I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 9-17-09 to 9-24-09.

Anne Lock, Fiscal Officer



Clerk of Council
Batavia, Ohio

Ordinance No. 1188-09

Passed October 5th, 2009, _____

ORDINANCE 1188-09

AN ORDINANCE TO VACATE
PROPOSED ORDINANCES 1174-09 AND 1181-09

WHEREAS, the Village Council previously caused Ordinance Nos. 1174-09 and 1181-09 to be prepared for consideration; and,

WHEREAS, these proposed Ordinances, not having been acted on by the Village Council, are of no force or effect and should be so noted in the Records of the Ordinances of the Village of Batavia as vacated.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, two-third of its members concurring, that:

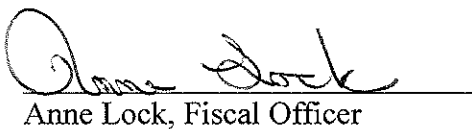
Section 1. Proposed Ordinance No. 1174-09 and proposed Ordinance No 1181-09 are hereby vacated.

Section 2. The Fiscal Officer is directed to make any necessary notations to the Record of Ordinances to reflect the vacation of these proposed Ordinances.


ADOPTED: October 5th, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 10-8-09.


Clerk of Council
Batavia, Ohio

ORDINANCE NO. 1189-09

Ordinance No. 1189-09 **AN ORDINANCE TO SET A WAGE SCALE** Adopted October 5th, 2009
FOR CERTAIN EMPLOYEES OF THE VILLAGE OF BATAVIA,
AND TO AMEND ORDINANCE NO. 1120-07 IN PART

WHEREAS, the Village Council has previously adopted Ordinance No. 1120-07 to create a table of organization and establish a wage scale for employees of the Village of Batavia; and,

WHEREAS, the Village Council now wishes to amend Ordinance No. 1120-07 by setting a new wage scale for employees of the Sewer and Water Department.


NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. Ordinance No. 1120-07 shall be amended as follows to adopt Exhibit A, attached hereto and incorporated herein by reference, setting forth a new wage scale for employees of the Village of Batavia Sewer and Water Department.

Section 2. The automatic wage increase provisions set forth in Ordinance No. 1120-07 are hereby repealed.

Section 3. All other provisions of Ordinance No. 1120-07 shall remain in full force and effect.

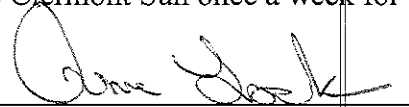
Adopted: October 5th, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 10-8 & 10-15-09


Clerk of Council
Batavia, Ohio

Ordinance No. 1189-09

Passed October 5th, 2009

Wage Schedule for Water/Wastewater Department - Proposed

	General Labor	Technician	Operator	Assistant Superintendent	Superintendent
Grade 1	\$10.00	\$12.00	\$13.00	\$16.00	\$18.00
Grade 2	\$10.20	\$12.20	\$13.20	\$16.20	\$18.20
Grade 3	\$10.40	\$12.40	\$13.40	\$16.40	\$18.40
Grade 4	\$10.60	\$12.60	\$13.60	\$16.60	\$18.60
Grade 5	\$10.80	\$12.80	\$13.80	\$16.80	\$18.80
Grade 6	\$11.00	\$13.00	\$14.00	\$17.00	\$19.00
Grade 7	\$11.20	\$13.20	\$14.20	\$17.20	\$19.20
Grade 8	\$11.40	\$13.60	\$14.40	\$17.40	\$19.40
Grade 9	\$11.60	\$13.80	\$14.60	\$17.60	\$19.60
Grade 10	\$11.80		\$14.80	\$17.80	\$19.80
Grade 11			\$15.00	\$18.00	\$20.00
Grade 12			\$15.20	\$18.20	\$20.20
Grade 13			\$15.40	\$18.40	\$20.40
Grade 14			\$15.60	\$18.60	\$20.60
Grade 15			\$15.80	\$18.80	\$20.80
Grade 16			\$16.00		\$21.00
Grade 17			\$16.20		\$21.20
Grade 18			\$16.40		\$21.40
Grade 19			\$16.60		\$21.60
Grade 20			\$16.80		\$21.80

Ordinance No. 1190-09

Passed October 5th, 2009

ORDINANCE NO. 1190-09

AN ORDINANCE TO AMEND THE 2009
APPROPRIATION
AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 1186-09 pertaining to the allocation of income tax revenue determined to use the next \$10,000.00 of income tax revenue collected for the purpose of paying income tax refunds; and,

WHEREAS, the Village Council subsequently that it is necessary to allocate an additional \$10,000 of income tax revenue collected for the payment of income tax refunds; and,

WHEREAS, such allocation to fund number 1000-760-610 for the purpose of paying income tax refunds increases that appropriation by \$10,000.00 in addition to that previously appropriated by Ordinance No. 1186-09; and,

WHEREAS, such additional increase in the appropriation in fund number 100-760-610 by \$10,000.00 requires fund number 2011-130-0000 (Street) to be decreased by \$600.00, and fund number 2012-130-0000 (Street II) to be decreased by \$1,200.00, and fund number 4901-130-0000 (Capital) to be decreased by \$2,000.00, and fund number 4902-130-0000 (Street Improvements) to be decreased by \$1,200.00; and,

WHEREAS, the Federal Emergency Management Agency has previously awarded the amount of \$5,667 to the Village of Batavia; and,

WHEREAS, the amount of \$5,667 is now held in Revenue Account number 2051-419-000 and the Village Council wishes to appropriate this amount to Appropriation Account number 2905-990-990.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. The next \$10,000.00 of income tax revenue collected is hereby allocated to fund number 1000-760-610 for the purpose of paying income tax refunds, thereby increasing that appropriation by \$10,000.00.

Section 2. Fund number 2011-130-0000 (Street) is hereby decreased by \$600.00;

Fund number 2012-130-0000 (Street II) is hereby decreased by \$1,200.00;

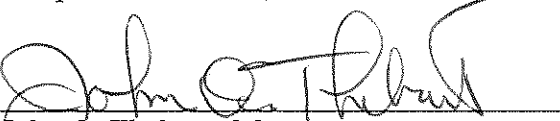
Fund number 4901-130-0000 (Capital) is hereby decreased by \$2,000.00;

Fund number 4902-130-0000 (Street Improvements) is hereby decreased by \$1,200.00.

Section 3. The amount of \$5,667 is hereby appropriated from Revenue Fund number 2051-419-0000 to Appropriation Fund number 2905-990-990.


Section 4. This Ordinance is hereby declared to be an emergency measure for the reason that it directly affects the health, safety and welfare of the residents of the Village of Batavia.

Adopted: October 5, 2009


John Q. Thebout, Mayor

Ordinance No. 1190-09Passed October 5th, 2009,

ATTEST:



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the Oct 8 @ 15th.

Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

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1191-09

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

ORDINANCE NO. 1191-09

Form 6220

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE VILLAGE OF
Ordinance No. **BATAVIA FOR THE FISCAL YEAR ENDING DECEMBER 31ST, 2010**
Passed

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2010.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2010, the following sums be and are hereby set aside and appropriated as follows:

Section 1. That there be appropriated from the GENERAL FUND:

Program 1 – SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000-110-100.1	Personal Services / Salaries	\$129,800.00
1000-110-290	Other – Employee Fringe Benefits	98,715.00
1000-110-348	Training Services	1,500.00
1000-110-390	Other Contractual Services	21,610.00
1000-110-400	Supplies and Materials	7,000.00
1000-110-400-1111	Police Dept. Fuel	12,000.00
1000-110-500	Capital Outlay	0.00
Street Lighting		
1000-130-300	Contractual Services	21,400.00

Program 2 – PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	15,000.00
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Payment to County Health District

1000-210-640	Pymt. to another political subdivision	6,483.99
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Program 3 – LEISURE TIME ACTIVITIES – no money appropriated

Program 4 – COMMUNITY ENVIRONMENT – no money appropriated

Program 5 – BASIC UTILILTY SERVICES – no money appropriated

Program 6 – TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractual Services	900.00
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Program 7 – GENERAL GOVERNMENT

1000-710-130.1	Salaries-Village Admin Officer Clerk	15,000.00
1000-710-160	Salaries – Mayor's Office	4,000.00
1000-710-290	Other – Employee Fringe Benefits	6,000.00
1000-710-410	Office Supplies and Materials	4,000.00
1000-715-111	Salaries – Council	7,200.00
1000-715-141	Salary – Legal Counsel	8,000.00
1000-715-290	Other – Employee Fringe Benefits	4,000.00
1000-715-300	Contractual Services	7,750.00
1000-725-121	Salary – Clerk Treasurer	6,500.00
1000-725-290	Other – Employee Fringe Benefits	1,500.00
1000-725-300	Contractual Services	5,000.00
1000-725-400	Supplies and Materials	1,300.00
1000-730-100	Personal Services	0.00
1000-730-290	Other – Employee Fringe Benefits	000.00
1000-730-300	Contractual Services	32,000.00
1000-730-400	Supplies and Materials	1,000.00
1000-740-344	Tax Collection Fees	2,000.00

RECORD OF ORDINANCES

BARRETT BROTHERS PUBLISHERS SPRINGFIELD, OHIO

Form 6220

1191-09

1000-745-342	Auditing Services	11,000.00
1000-745-343	Uniform Accounting Network Fees	3,660.00
1000-755-139	Other - Salaries - Administrator's Office	13,000.00
Ordinance No. 1000-755-290	Other - Employee Fringe Benefits	3,000.00
1000-755-410	Office Supplies and Materials	2,800.00
1000-760-610	Deposits Refunded	25,000.00
1000-790-225	Workers' Compensation	00,000.00

Section 2. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP. 478,118.99

Section 3: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6 - TRANSPORTATION

2011-620-100	Personal Services	\$83,832.00
2011-620-290	Other - Employee Fringe Benefits	<u>59,144.84</u>

TOTAL STREET CONST. MAINT & REPAIR 142,976.84

STREET MAINTENANCE & REPAIR FUND II

Program 6 - TRANSPORTATION

2012-620-400	Supplies and Materials	65,000.00
2012-620-400-2111	Fuel	<u>10,000.00</u>

TOTAL STREET MAINTENANCE & REPAIR FUND II 75,000.00

STATE HIGHWAY & IMPROVEMENT FUND

Program 6 - TRANSPORTATION

2021-650-300	Contractual Services	5,000.00
2021-650-400	Supplies and Materials	<u>00</u>

TOTAL STATE HIGHWAY FUND 5,000.00

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractual Services	10,000.00
2101-620-500	Capital Outlay	<u>00.00</u>

TOTAL MVL 10,000.00

LAW ENFORCEMENT & EDUCATION I

2271-110-100	Personal Services	200.00
2271-110-290	Other - Employee Fringe Benefits	100.00
2271-110-400	Supplies and Materials	200.00

TOTAL LAW ENFORCEMENT & EDUCATION 500.00

FIRE

Program 1 - SECURITY OF PERSONS & PROPERTY

2901-120-400	Supplies & Materials	1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies & Materials	25.00
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BEAUTIFICATION

2904-490-600	Other	500.00
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GRAND TOTAL SPECIAL REVENUE FUNDS \$235,201.84

~~Section 4: That there be appropriated from the following DEBT SERVICE FUNDS~~

Clark - Glen - Ely Sewer Assessment Debt
~~Ordinance No. 3301-850-790~~ Other - Debt Service *Passed* 25,000.00

COUNTY WATER Debt
 3901-850-790 Other - Debt Service 000.00

GRAND TOTAL DEBT SERVICE FUNDS 25,000.00

Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS
CAPITAL PROJECTS

4901-800-500 Capital Outlay 100,000.00

STREET Capital Projects
 4902-710-132 Administrative Salary 0.00
 4902-800-100 Personal Services 0.00
 4902-800-290 Other - Employee Fringe Benefits 0.00
 4902-800-500 Capital Outlay 100,000.00

GRAND TOTAL CAPITAL PROJECTS 200,000.00

Section 6: That there be appropriated from the following ENTERPRISE FUNDS
WATER OPERATING

5101-531-300 Contractual Services 6,500.00
 5101-531-400 Supplies and Materials 3,200.00
 5101-533-340 Professional & Technical Services 17,000.00
 5101-533-640 Pymt to Another Political Subdivision 150,000.00
 5101-535-100 Personal Services 78,000.00
 5101-535-290 Other - Employee Fringe Benefits 52,500.00
 5101-535-400 Supplies and Materials 19,500.00
 5101-539-400-5111 Fuel 2,500.00
 5101-539-610 Deposits Refunded 00.00
 5101-850-710 Principal (debt) 5,000.00

TOTAL WATER FUND 334,200.00

SEWER Operating
 5201-541-400 Supplies and Materials 3,500.00
 5201-543-100 Personal Services 78,000.00
 5201-543-290 Other - Employee Fringe Benefits 52,500.00
 5201-543-340 Professional & Technical Services 36,000.00
 5201-543-400 Supplies and Materials 41,900.00
 5201-549-400-5211 Fuel 2,500.00
 5201-850-790 Other - Debt Service 58,000.00
 5201-910-910 Transfers - Out 6,600.00
 5201-990-990 Other - Other Financing Uses -0-

TOTAL SEWER FUND 279,000.00

REFUSE Enterprise Operating
 5601-563-398 Garbage and Trash Removal/TOTAL **94,000.00**

SEWER BOND Improvement
 5703-800-500 Capital Outlay / **14,222.00**

UTILITY Deposit
 5781-594-610 Deposits Refunded 2,500.00
 5781-594-620 Deposits Applied 2,500.00

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

TOTAL UTILITIES DEPOSITS FUND

5,000.00

Form 6220

1191-09

Ordinance No. _____	GRAND TOTAL ENTERPRISE FUNDS Passed _____	726,422.00
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Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS - no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS - no money appropriated

Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS - no money appropriated

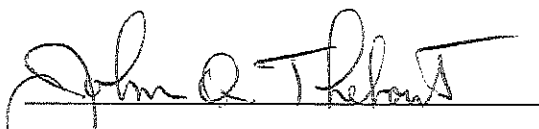
Section 10: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

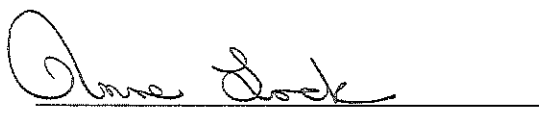
TOTAL ALL APPROPRIATIONS **\$1,664,742.83**

Section 11. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

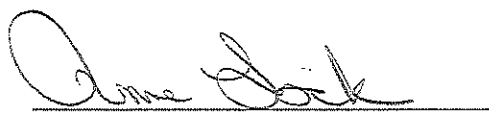
Adopted: December 21st, 2009

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Dec 31st.


Clerk of Council
Batavia, Ohio

Ordinance No. 1192-09

Passed December 21st, 2009

ORDINANCE 1192-09

AN ORDINANCE TO AMEND THE INCOME TAX ALLOCATION FORMULA

WHEREAS, the Village Council has previously adopted Ordinance No. 1187-09 to amend the Village Codified Ordinance 35.22 pertaining to the allocation of funds to be paid from the Village income tax, and,

WHEREAS, the Village Council now wishes to amend the allocation formula set forth in Ordinance No. 1187-09 to provide sufficient money to the Street Salary line to enable the Village to meet its obligations.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. Ordinance No. 1187-09 amending section 35.22 of the Village Codified Ordinances (percentage allocation of income tax) shall be amended as follows:

(A) Such part thereof as is necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.

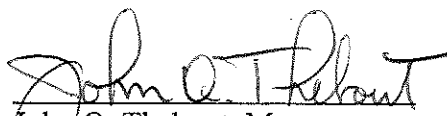
(B) The balance of any moneys collected shall be allocated as follows:

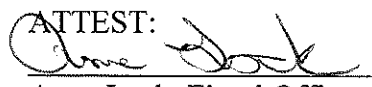
1. Fifty percent to the General Fund for the purpose of general municipal operations, 1000-130-0000.
2. Eight percent for Street I, salary/benefit, 2011-130-0000.
3. Twelve percent for Street Maintenance, 2012-130-0000.
4. Nineteen percent for Capital Improvement, 4901-130-0000.
5. Eleven percent for Street Improvement, 4902-130-0000.

Section 2. All other allocation formulae are hereby repealed.

Sections 3. This Ordinance shall take effect and be in force from and after the earliest time allowed by law.

Adopted: December 21st, 2009


John Q. Thebout, Mayor

ATTEST: 
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the

Dec 31, 2009


Clerk of Council
Batavia, Ohio

Ordinance No. 1193-09

Passed December 7th, 2009

ORDINANCE 1193-09

**AN ORDINANCE APPROVING AN EXTENSION OF
THE CONTRACT BETWEEN THE VILLAGE OF BATAVIA, OHIO,
AND RUMPKE AND AUTHORIZING THE MAYOR TO
EXECUTE THE EXTENSION ON BEHALF OF THE VILLAGE**

WHEREAS, the Village of Batavia, Ohio, currently contracts with Rumpke for waste removal services for the Village; and,

WHEREAS, the current contract will expire on December 31, 2009; and,

WHEREAS, the current contract has a provision permitting the Village and Rumpke to extend the contract upon mutual agreement of the parties to any new terms and conditions; and,

WHEREAS, Rumpke has offered to continue waste removal services for a period of three years upon the terms and conditions set forth in Exhibit A, attached hereto, specifically, for calendar year 2010 on the same terms and conditions and at the same rate as provided in the original contract, and for calendar years 2011 with a six percent increase and 2012 with no increase; and,

WHEREAS, the Village Council wishes to formally approve this contract extension agreement and authorize the Mayor to execute the contract extension agreement on behalf of the Village.


NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

SECTION I: Pursuant to Ohio Revised Code section 731.14 the Council of the Village of Batavia, Ohio, hereby approves the contract extension agreement with Rumpke on the terms and conditions set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION II: Pursuant to Ohio Revised Code section 731.14, the Village Council hereby authorizes the Mayor to execute the contract extension agreement on behalf of the Village of Batavia.

SECTION III: That this Ordinance shall go into force and effect within the earliest period allowed by law.

Adopted: December 7th, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

CERTIFICATE OF AVAILABILITY OF FUNDS



RECEIVED
DEC - 3 2009
VILLAGE OF BATAVIA

CONTRACT AMENDMENT

WHEREAS, the Village of Batavia, Ohio ("Village") and Rumpke of Ohio, Inc. ("Rumpke") entered into a contract dated February 1, 2005; and,

WHEREAS, the parties have elected to continue said contract through December 31, 2012 in accordance with the terms and conditions provided therein; and

WHEREAS, it is the intent of both parties to clarify the costs associated with the rolloff dumpster used at the Batavia Waste Water Treatment Plant for sludge removal;

NOW, THEREFORE, the parties agree as follows:

During the period January 1, 2010 through December 31, 2010, Rumpke shall continue to provide a 30yd rolloff dumpster for use at the Batavia Waste Water Treatment Plant at the rate of \$303.50 per load for hauling and disposal, plus \$33.42 per ton if the weight exceeds 10 tons per load. Thereafter, the hauling and disposal rate shall be increased 6% to \$321.71 per load through December 31, 2012. The fee for loads weighing in excess of 10 tons shall be adjusted by the same 6% to \$35.42 per ton effective January 1, 2011 and expiring December 31, 2012.

All other terms and conditions of the original contract shall remain unchanged.

VILLAGE OF BATAVIA, OHIO

RUMPKE OF OHIO, INC.

John Q. Thibault
Authorized Officer Mayor

Brett Gaspard
Brett Gaspard
Copy of contract attached, original in file

Nevea P. Shopp
Witness

Anthony K. J. J. J.
Witness

12/7/09
Date

11-25-09
Date

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the

Secretary
Anne Lock, Fiscal Officer Village of Batavia

I, certify that \$94,000.00 the amount required to meet the contract, obligation, or expenditure for the attached for the first year of the Agreement, has been lawfully appropriated for the purpose, and is in the treasury or in process of collection to the credit of fund number 5601-563-398 free from any outstanding obligation or encumbrance.

Ordinance No. _____ Passed _____

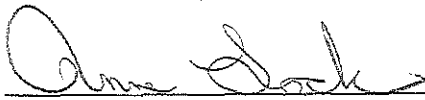
Ordinance No. 1193-09Passed December 7th, 2009,

I, certify that \$94,000.00 the amount required to meet the contract, obligation, or expenditure for the attached for the first year of the Agreement, has been lawfully appropriated for the purpose, and is in the treasury or in process of collection to the credit of fund number 5601-563-398 free from any outstanding obligation or encumbrance.



Anne Lock, Fiscal Officer Village of Batavia

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the Dec 10, 2009.

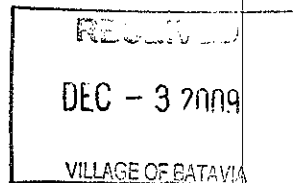
Clerk of Council
Batavia, Ohio

Copy of contract attached, original in file

Ordinance No. 1193-09

Passed December 7th, 2009

RUMPKE



CONTRACT AMENDMENT

WHEREAS, the Village of Batavia, Ohio ("Village") and Rumpke of Ohio, Inc. ("Rumpke") entered into a contract dated February 1, 2005; and,

WHEREAS, the parties have elected to continue said contract through December 31, 2012 in accordance with the terms and conditions provided therein; and

WHEREAS, it is the intent of both parties to clarify the costs associated with the rolloff dumpster used at the Batavia Waste Water Treatment Plant for sludge removal;

NOW, THEREFORE, the parties agree as follows:

During the period January 1, 2010 through December 31, 2010, Rumpke shall continue to provide a 30yd rolloff dumpster for use at the Batavia Waste Water Treatment Plant at the rate of \$303.50 per load for hauling and disposal, plus \$33.42 per ton if the weight exceeds 10 tons per load. Thereafter, the hauling and disposal rate shall be increased 6% to \$321.71 per load through December 31, 2012. The fee for loads weighing in excess of 10 tons shall be adjusted by the same 6% to \$35.42 per ton effective January 1, 2011 and expiring December 31, 2012.

All other terms and conditions of the original contract shall remain unchanged.

VILLAGE OF BATAVIA, OHIO

John Q. Theobald
Authorized Officer **MAYOR**

Heather P. Schaefer
Witness **ADMINISTRATOR**

12/7/09
Date

Elizabeth H. H. H. H.
Secretary

Village of Batavia Ohio

RUMPKE OF OHIO, INC.

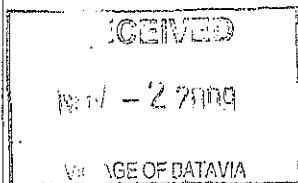
Brett Gaspard
Brett Gaspard

Angela R. Johnson
Witness

11-25-09
Date

Ordinance No. 1193-09Passed December 7th, 2009

Revised

**ADDENDUM**

This document serves to add the following to the contract dated February 1, 2005 between the Village of Batavia, Ohio (the "Village") and Rumpke of Ohio, Inc. (the "Contractor").

It is hereby agreed as follows:

Effective January 1, 2010 and continuing through December 31, 2012 Rumpke shall continue to provide one (1) time per week solid waste collection for all residential units and commercial hand service units (with a 6 can limit) as follows:

✓	January 1, 2010 to December 31, 2010:	\$ 9.72 Per Unit Per Month
	January 1, 2011 to December 31, 2011:	\$10.30 Per Unit Per Month
	January 1, 2012 to December 31, 2012:	\$10.30 Per Unit Per Month

Above quoted rates include all current applicable surcharges and/or generation fees.

Multi-family units utilizing dumpsters will be provided the necessary containers and service billed directly to the Village according to the attached Container Price Schedule.

Curbside recycling collection will be provided on a voluntary basis one (1) time per week as follows:

✓	January 1, 2010 to December 31, 2010:	\$2.82 Per Unit Per Month
	January 1, 2011 to December 31, 2011:	\$2.99 Per Unit Per Month
	January 1, 2012 to December 31, 2012:	\$2.99 Per Unit Per Month

Temporary roll-off containers for the Village's use for weekend cleanups, special events and various other uses will be provided as follows:

✓	January 1, 2010 to December 31, 2010:	\$341.60 Per Load + \$3.00 Per Day Lease
	January 1, 2011 to December 31, 2011:	\$362.10 Per Load + \$3.00 Per Day Lease
	January 1, 2012 to December 31, 2012:	\$362.10 Per Load + \$3.00 Per Day Lease

In addition, each roll-off load will be charged an additional \$1.25 per ton covering the State of Ohio surcharge increase effective as of August 1, 2009.

Revised 10/27/09

Ordinance No. 1193-09

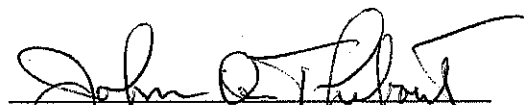
Passed December 7th, 2009

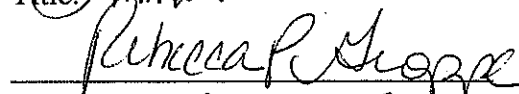
All other terms and conditions of the original contract dated February 1, 2005 shall remain unchanged.

The Contractor agrees to comply with all Federal, State and local laws and regulations in the collection, removal, and disposal of all such waste material. In the event that the Contractor incurs increased costs (such as, but not limited to, tipping fees, disposal fees, additional fuel costs, or new or increased surcharges, fees or taxes as a result of imposition of new governmental regulations not in effect at the time of acceptance of said contract and which regulate the type of material collected, the location for disposition of such material, or the payment of fees for disposing of such materials) then the Village shall, after negotiation with Rumpke and approval by the Village Council, adjust the unit cost by an amount commensurate with the increased per unit operating cost incurred by Rumpke.

The term of this contract extension shall be for three (3) years effective January 1, 2010 and continuing through December 31, 2012. Any additional option years would be upon mutual agreement of both parties.


VILLAGE OF BATAVIA, OHIO

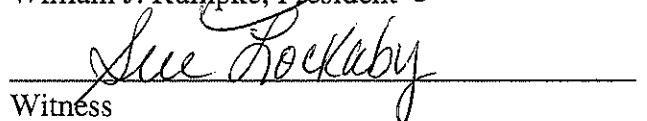

Title: Mayor


Witness Administrator

12/7/09
Date

RUMPKE OF OHIO, INC.


William J. Rumpke, President


Witness

10/28/09
Date

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1193-09Passed December 7th, 2009

RECEIVED

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VILLAGE OF BATAVIA

**VILLAGE OF BATAVIA
CONTAINER PRICE LIST FOR MULTI-FAMILY UNITS****Effective January 1, 2010 through December 31, 2012**

SIZE	1X WEEK	2X WEEK	3X WEEK
2 YD	69.87	124.67	179.46
3 YD	79.87	140.04	208.31
4 YD	96.85	169.33	251.10
6 YD	126.12	225.60	321.58
8 YD	150.78	261.01	380.46

Above quoted rates billed directly to Village of Batavia.**Reflects State of Ohio surcharge increase of \$1.50 per ton effective 7-1-05 and \$1.25 per ton increase effective 8-1-09.*

Ordinance No. 1194-09

Passed December 7th, 2009, _____

ORDINANCE 1194-09

AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE OF BATAVIA, OHIO, AND AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE AND DECARING AN EMERGENCY

WHEREAS, the Ohio General Assembly enacted Revised Code sections 1332.21 through 1332.24, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service ("the Video Law"); and,

WHEREAS, the Village of Batavia, Ohio, has a cable television franchise agreement with Time Warner Cable, a Division of Time Warner Entertainment Company L.P. and pursuant to which Franchisee is paying franchise fees in the amount of 3% of the gross revenue it receives from cable subscribers in the Village; and,

WHEREAS, under the Video Law a video service provider that is providing video service to subscribers in the Village pursuant to a state-issued video service authorization must pay the Village a video service provider fee ("VSP fee") based on a percentage of the provider's gross revenues received from providing video service in the Village in an amount not to exceed 5% of such gross revenues; and,

WHEREAS, the Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the Village (the "VSP Fee Percentage") or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee Percentage shall be 0% of gross revenues unless the Village determines by Ordinance that the VSP will be a percentage of gross revenues not to exceed 5% of gross revenues; and,

WHEREAS, the Video Law further requires the Village to provide a video service provider with written notice of the VSP Fee Percentage within ten days of receiving notice from the video service provider, pursuant to Revised Code section 1332.27(A), that it will begin offering service in the Village; and,

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage, it is necessary for Council to (1) establish the VSP Fee Percentage; and 2) authorize the mayor to provide the appropriate notice of the VSP Fee Percentage to a video service provider within then days of the Village receiving notice that a video service provider will begin providing service in the Village.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, Ohio, a majority of its members concurring that:

SECTION I: The Village Council hereby establishes the VSP Fee that is calculated by applying a VSP Fee Percentage of 3% to the video service provider's gross revenues as defined by Revised Code section 1332.32(B) of the Video Law. All video service providers and cable television operators in the Village shall apply the VSP Fee Percentage against gross revenues as defined by the Video Law.

SECTION II: The VSP Fee shall be paid by each video service provider providing service in the Village on a quarterly basis but not sooner than forty-five days nor later than sixty days after the end of each calendar quarter as provided in Revised Code section 1332.32(A).

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

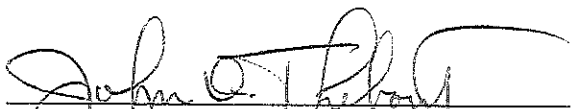
Form 6220

Ordinance No. 1194-09Passed December 7th, 2009

SECTION III: The Mayor is hereby authorized and directed to provide any video service provider with notice of the VSP Fee Percentage as determined by this Council above, which notice shall be given by certified mail upon receipt of notice from such video service provider that it will begin providing video service in the Village pursuant to a state-issued video service authorization.

SECTION IV: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Batavia, and this Ordinance shall, therefore, become immediately effective upon receiving the affirmative vote of two-thirds of all members of Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.


Adopted: December 7th, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the Dec 10, 2009.


Clerk of Council, Batavia, Ohio

Ordinance No. 1195-09

Passed December 1st, 2009

ORDINANCE 1195-09

AN ORDINANCE TO AMEND ORDINANCE 1178-09 TO MAKE APPROPRIATIONS FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council of the Village of Batavia, Ohio, previously adopted Ordinance 1178-09 for the purpose of amending appropriations for the fiscal year ending December 31, 2009.

WHEREAS, The Beautification Fund has increased revenue due to an increase in donations.

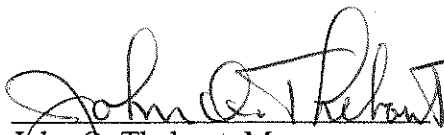
NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio, a majority of its members concurring:

Section 1: That the appropriation in the following Special Revenue Fund is increased

Beautification 2904-490-600 be increased from \$500.00 to \$1434.72

Section 2: This ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reasons set forth in the preamble and incorporated within this section.


Adopted December 1st, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the Dec 1st, 2009.


Clerk of Council, Batavia, Ohio

Ordinance No. 1196-09Passed December 7th, 2009,

ORDINANCE 1196-09

**AN ORDINANCE APPROVING A GROUP RATING
AGREEMENT BETWEEN
THE VILLAGE OF BATAVIA, OHIO, AND
COMP MANAGEMENT, INC.,
AND AUTHORIZING THE MAYOR TO
EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE**

WHEREAS, the Village of Batavia, Ohio, currently contracts with Comp Management, Inc., A Sedgwick CMS Company, P.O. Box 884, Dublin, Ohio 43017-0884 (hereinafter "Comp Management") to provide services as a third-party workers compensation administrator; and,

WHEREAS, the Village Council wishes to enter into a Group Rating Agreement with Comp Management, such Agreement attached hereto and incorporated herein by reference; and,

WHEREAS, the Village Council wishes to formally approve this agreement and authorize the Mayor to execute the contract extension agreement on behalf of the Village.

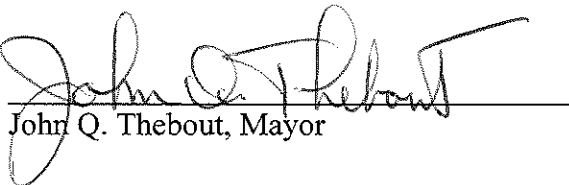
NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

SECTION I: Pursuant to Ohio Revised Code section 731.14 the Council of the Village of Batavia, Ohio, hereby approves the Group Rating Agreement with Comp Management on the terms and conditions set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION II: Pursuant to Ohio Revised Code section 731.14, the Village Council hereby authorizes the Mayor to execute the contract extension agreement on behalf of the Village of Batavia.

SECTION III: That this Ordinance shall go into force and effect within the earliest period allowed by law.

Adopted: December 7th, 2009


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the Dec 10, 2009.


Clerk of Council
Batavia, Ohio

Ordinance No. 1197-10

Passed February 1st, 2010, _____

VILLAGE OF BATAVIA

ORDINANCE 1197-10

AN ORDINANCE ESTABLISHING THE DATE AND TIME FOR COUNCIL MEETINGS WITHIN THE VILLAGE OF BATAVIA, OHIO

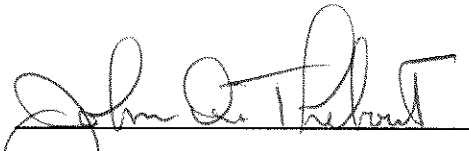
BE IT ORDAINED, by the Council of the Village of Batavia, Ohio

Section 1. Village Council shall meet on the first Monday of each month at 7:00pm local time, effective February 1st, 2010

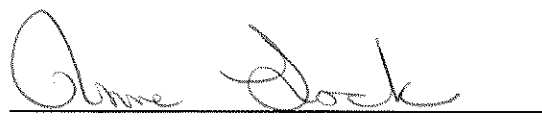
Section 2. This Ordinance is adopted pursuant to Ohio Revised Code Section 731.46.

Adopted: February 1st, 2010

ATTEST:

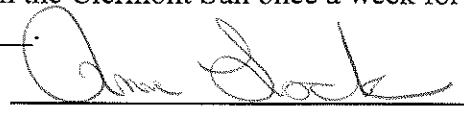


John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on the 2-11-10.



Clerk of Council
Batavia, Ohio

Ordinance No. Ord 1198-10

Passed June 7th, 2010

Ordinance 1198-10

AN ORDINANCE TO AMEND ORDINANCE 1191-09 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR
ENDING DECEMBER 31ST, 2010 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31st, 2010, in Ordinance Number 1191-09, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1191-09, to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31st, 2010, should be increased or established..

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2010, the following appropriations be are hereby increased or established as follows:

Section 1: That the following ENTERPRISE FUNDS, as previously established in Section 6 of Ordinance Number 1191-09, be and hereby are increased, as follows:

INCREASE

SEWER OPERATING

5201-910-910 Transfers-Out \$18633.68

Fund 5201-910-910 be and shall hereby be increased by \$18,633.68, bringing the total amount appropriated for the fiscal year ending December 31, 2001 to \$32,500.00.

REFUSE ENTERPRISE OPERATING

5601-563-398 Garbage and Trash removal \$8000.00

Fund 5601-563-398 be and shall hereby be increased by \$8000.00 bringing the total amount appropriated for the fiscal year ending December 31, 2010, to \$102,000.00.

Section 2: That the following fund, which will be part of ENTERPRISE FUNDS, as previously established in Section 6of Ordinance Number 1191-09, be and hereby is established, as follows:

ESTABLISH:

Water Operating

5101-910-910 Water Capital Improvements Transfer out \$47332.90

Fund 5101-910-910 be and shall hereby be established in the amount of \$47332.90 bringing the total amount appropriated for the fiscal year ending December 31, 2010 to \$47,332.90.

That the GRAND TOTAL ENTERPRISE FUNDS BE AND HEREBY ARE INCREASED, COLLECTIVELY, BY \$73,966.58, bring the total amount appropriated for the fiscal year ending December 31, 2010, to \$800,388.58.

That the TOTAL ALL APPROPRIATIONS be and hereby are increased, collectively, by \$73,966.58, bringing the total amount appropriated for the fiscal year ending December 31, 2010, to \$1,738,709.41

Section3: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers

RECORD OF ORDINANCES

67

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _ 1198-10


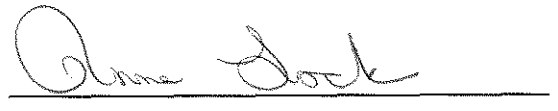
Passed _ June 7th , 2010 , _____

therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.


Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: June 7, 2010

ATTEST:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 17th 2010.



Clerk of Council

Batavia, Ohio

Ordinance No. 1199-10Passed July 19th, 2010

Ordinance 1199-10

AN ORDINANCE TO AMEND ORDINANCE 1191-09 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR
ENDING DECEMBER 31ST, 2010 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31st, 2010, in Ordinance Number 1191-09, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1191-09, to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31st, 2010, should be increased or established.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2010, the following appropriations be are hereby increased or established as follows:

Section 1: That the following General Funds, as previously established in Section 1 of Ordinance Number 1191-09 be and hereby are increased as follows:

INCREASE

Salary Legal Counsel

1000-715-141 increase by \$10,000 for a total appropriation of \$18,000.00.

ESTABLISH:

Sewer Capital

5702-549-500 Sewer Capital Improvement (Unit Fee's) \$9,000.00

Fund 5702-549-500 be and shall hereby be established in the amount of \$9,000.00 bringing the total amount appropriated for the fiscal year ending December 31, 2010 to \$288,000.00.

That the Grand Total Enterprise Funds Be And Hereby Are Increased, Collectively, by \$9,000.00, bringing the total amount appropriated for the fiscal year ending December 31, 2010, to \$288,000.00.

Section 3: And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn or paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances ; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: July 19, 2010

RECORD OF ORDINANCES

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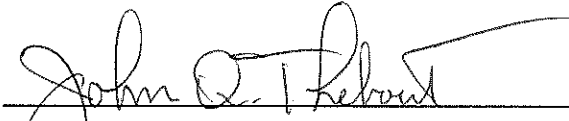
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220


Ordinance No. 1199-10

Passed July 19th, 2010, _____

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 29th, 2010.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1200-10Passed August 19th, 2010

ORDINANCE 1200-10

AN ORDINANCE APPOINTING MATTHEW TACKETT AS ADMINISTRATOR FOR THE VILLAGE OF BATAVIA, OHIO, REPEALING ORDINANCE NO. 1169-09 AND DECLARING AN EMERGENCY

WHEREAS, pursuant to 746-86 the Village Council of Batavia, Ohio, established the position of Village Administrator; and,

WHEREAS, the position of Village Administrator is currently vacant; and,

WHEREAS, pursuant to Ohio Revised Code section 735.271, the mayor of a village, with the concurrence of a majority of the village council, may appoint a person to serve as village administrator; and,

WHEREAS, the Village Council previously adopted Ordinance No. 1169-09 setting the annual salary of a part-time Village Administrator at \$20,000, and now wishes to repeal said Ordinance; and,

WHEREAS, the Mayor of the Village of Batavia, wishes, with the concurrence of the Council of the Village of Batavia, to appoint Matthew Tackett to the position of part-time Village Administrator upon the terms and conditions set forth below with such appointment to become effective August 30th, 2010; and,

WHEREAS, Matthew Tackett, wishes to accept such appointment on the terms and conditions set forth below.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

SECTION 1. The Village Council hereby concurs with the Mayor that Matthew Tackett shall be appointed part-time Village Administrator.

SECTION 2. There shall be no requirement that the Village Administrator be a resident of the Village of Batavia.

SECTION 3. The Village Administrator shall perform those duties set forth in Ordinance 747-86 and such additional and related duties as may be required by the Mayor.

SECTION 4. Ordinance No 1169-09 setting the salary of a part-time Village Administrator at \$20,000, is hereby repealed.

SECTION 5. The Village Administrator shall be required to attend all council meetings, special meetings, attend the zoning meeting once a month and in addition to provide twenty-four hours of service per week with the schedule of such hours to be publicly posted in the Village Administration Building and shall be paid at a rate of \$18,000 per year beginning August 30th, 2010.

SECTION 6. The Village Administrator shall participate in the Public Employees Retirement System as provided by law but shall receive no other benefits from the Village.

SECTION 7. The Village Administrator shall be permitted to take two weeks of unpaid leave per anniversary year, with such leave to be scheduled with the Mayor's agreement in writing.

SECTION 8. The Village Administrator shall serve on the terms and conditions set forth in Ohio Revised Code section 735.271.

SECTION 9. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare for the reason that the Village of Batavia has been without an Administrator for six months.

ADOPTED: August 19, 2010

RECORD OF ORDINANCES

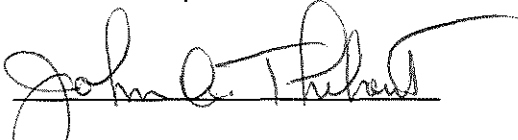
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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

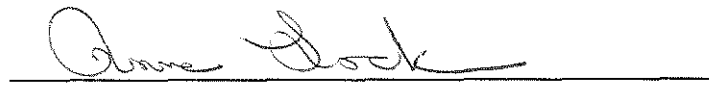
Ordinance No. 1200-10

Passed August 19th, 2010, _____


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 26, 2010.


Clerk of Council,
Batavia, Ohio

Ordinance No. 1201-10Passed August 19th, 2010, _____

ORDINANCE 1201-10

AN ORDINANCE TO AMEND ORDINANCE 1191-09 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31ST, 2010 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31ST, 2010, in Ordinance 1191-09, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1191-09, to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31ST, 2010, should be increased or established.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31ST, 2010, the following appropriations be are hereby increased or established as follows:

Section 1: That the following General Funds, as previously established in Section 1 of Ordinance Number 1191-09 and hereby are increased as follows:

INCREASE

Contractual Services

1000-730-300 increase by \$15,000 for a total appropriation of \$ \$47000.00

Beautification

2904-490-600 increase by \$500 for a total appropriation of \$1,000

GRAND TOTAL GENERAL FUND APPROPRIATION WILL BE \$503,118.99

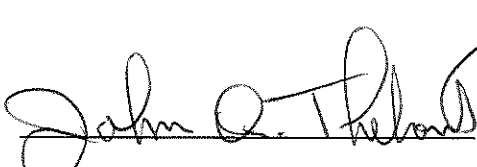
GRAND TOTAL SPECIAL REVENUE FUNDS \$235,701.84.

Section2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers, authorized by law to approve the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn or paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

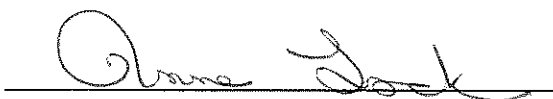
Section 3. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: August 19, 2010

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1201-10

Passed August 19th, 2010

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 26, 2010.

Anne Lock

Clerk of Council,

Batavia, Ohio

Ordinance No. 1202-10Passed September 7th, 2010

ORDINANCE 1202-10

AN ORDINANCE APPOINTING DENNIS NICHOLS AS ADMINISTRATOR FOR THE VILLAGE OF BATAVIA, OHIO, REPEALING ORDINANCE NO. 1200-10 AND DECLARING AN EMERGENCY

WHEREAS, pursuant to 746-86 the Village Council of Batavia, Ohio, established the position of Village Administrator; and,

WHEREAS, the position of Village Administrator is currently vacant; and

WHEREAS, pursuant to Ohio Revised Code Section 735.271, the mayor of a village, with the concurrence of a majority of the village council, may appoint a person to serve as village administrator; and,

WHEREAS, the Mayor of the Village of Batavia, wishes, with the concurrence of the Council of the Village of Batavia, to appoint Dennis Nichols to the position of part-time Village Administrator upon the terms and conditions set forth below with such appointment to become effective September 8th, 2010; and,

WHEREAS, Dennis Nichols, wishes to accept such appointment on the terms and conditions set forth below.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

SECTION 1. The Village Council hereby concurs with the Mayor that Dennis Nichols shall be appointed part-time Village Administrator.

SECTION 2. There shall be no requirement that the Village Administrator be a resident of the Village of Batavia.

SECTION 3. The Village Administrator shall perform those duties set forth in Ordinance 747-86 and such additional and related duties as may be required by the Mayor.

SECTION 4. Ordinance No 1200-10 is hereby repealed.

SECTION 5. The Village Administrator shall be required to attend all council meetings, special meetings, attend the zoning meeting once a month and in addition to provide twenty-four hours of service per week with the schedule of such hours to be publicly posted in the Village Administration Building and be paid at a rate of \$18,000 per year beginning on September 8th, 2010.

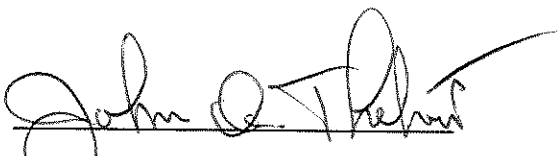
SECTION 6. The Village Administrator shall participate in the Public Employees Retirement System as provided by law but shall receive no other benefits from the Village.

SECTION 7. The Village Administrator shall be permitted to take two weeks of unpaid leave per anniversary year, with such leave to be scheduled with the Mayor's agreement in writing.

SECTION 8. The Village Administrator shall serve on the terms and conditions set forth in the Ohio Revised Code section 735.271.

SECTION 9. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, and welfare for the reason that the Village of Batavia has been without an Administrator for seven months.

ADOPTED: September 7, 2010


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1202-10

Passed September 7th, 2010

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Sept 16, 2010.

Anna Lock

Clerk of Council,

Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1203-10Passed December 6th, 2010, _____**ORDINANCE 1203-10**

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR
ENDING DECEMBER 31ST, 2011

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2011.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2011, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That there be appropriated from the GENERAL FUND:

Program 1-SECURITY OF PERSONS & PROPRETY

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$121,400.00
1000-110-290	Other-Employee-Fringe Benefits	\$ 92,500.00
1000-110-348	Training Services	\$ 1,500.00
1000-110-390	Other Contractual Services	\$ 26,650.00
1000-110-400	Supplies and Materials	\$ 8,000.00
1000-110-400-1111	Police Dept Fuel	\$ 12,000.00
1000-110-500	Capital Outlay (Cruiser)	\$ 8,500.00

Street Lighting

1000-130-300	Contractual Services	\$ 24,000.00
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Program 2-PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	\$ 15,000.00
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Payment to County Health District

1000-210-640	Pymt to another political subdivision	\$ 6516.78
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Program 3-LEISURE TIME ACTIVITES --no money appropriated

Program 4-COMMUNITY ENVIRONMENT-no money appropriated

Program 5-BASIC UTILITY SERVICES-no money appropriated

Program 6-TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractual Services	\$ 1,000.00
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RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1203-10

Passed December 6th, 2010, _____

Program 7-GENERAL GOVERNMENT

1000-710-130	Salaries-Village Admin & Office Clerk	\$ 15,000.00
1000-710-160	Salaries-Mayor's Office	\$ 4,000.00
1000-710-290	Benefits, Mayor, VA & Clerk	\$ 6,000.00
1000-710-410	Office Supplies & Materials	\$ 4,500.00
1000-715-111	Salaries-Council	\$ 7,200.00
1000-715-141	Salaries-Legal Counsel	\$12,000.00
1000-715-290	Other-Employees Fringe Benefits	\$ 4,000.00
1000-715-300	Contractual Services	\$ 8,000.00
1000-725-121	Salary-Fiscal Officer	\$ 6,500.00
1000-725-290	Other-Employee Fringe Benefits	\$ 1,500.00
1000-725-300	Contractual Services	\$ 5,000.00
1000-725-400	Supplies & Materials	\$ 1,500.00
1000-730-300	Contractual Services	\$ 35,000.00
1000-730-400	Supplies & Materials	\$ 1,000.00
1000-740-344	Tax Collection Fees	\$ 2,000.00
1000-745-342	Audit Fees	\$.00
1000-745-343	Uniform Accounting Network Fees	\$ 3660.00
1000-755-139	Other-Salaries-Administrator's Office	\$ 13,000.00
1000-755-290	Other-Employee Fringe Benefits	\$ 3,000.00
1000-755-410	Office Supplies and Materials	\$ 2,800.00
1000-760-610	Income Tax Refunds	\$ 25,000.00
1000-790-225	Worker's Compensation	\$.00

Section 2. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for , to be expended in accordance with the provision of Section 5705.40, Revised Code, the sum of zero dollars.

GRAND TOTAL GENERAL FUND APPROP.

477,726.78

Section 3: That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

Program 6-TRANSPORTATION

2011-620-100	Personal Services	\$ 84,808.00
2011-620-290	Other-Employee Fringe Benefits	\$ 57,593.24

TOTAL STREET CONST. MAINT & REPAIR

142,401.24

Ordinance No. 1203-10Passed December 6th, 2010, _____

STREET MAINTENANCE & REPAIR FUND 11

Program 6-TRANSPORTATION

2012-620-400 Supplies and Materials \$ 65,000.00

2012-620-400-2111 Fuel \$ 10,000.00

TOTAL STREET MAINTENANCE & REPAIR FUND II **75,000.00**

STATE HIGHWAY & IMPROVEMENT FUND

Program 6-TRANSPORTATION

2021-650-300 Contractual Services \$ 5,000.00

2021-650-400 Supplies and Materials \$ 8,000.00

TOTAL STATE HIGHWAY FUND **13,000.00**

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300 Contractual Services \$ 10,000.00

2101-620-500 Capital Outlay \$ 0.00

TOTAL MVL **10,000.00**

LAW ENFORCEMENT & EDUCATION

2271-110-100 Personal Services \$ 200.00

2271-110-290 Other-Employee Fringe Benefits \$ 100.00

2271-110-400 Supplies and Materials \$ 200.00

TOTAL LAW ENFORCEMENT AND EDUCATION **500.00**

FIRE

Program 1-Security of Persons & Property

2901-120-400 Supplies and Materials \$ 1,200.00

POLICE SPECIAL REVENUE

2903-110-400 Supplies and Materials \$ 25.00

BEAUTIFICATION

2904-490-600 Other \$ 500.00

GRAND TOTAL SPECIAL REVENUE FUNDS 242,626.24**Section 4:** That there be appropriated from the following DEBT SERVICE FUNDS

Clark-Glen-Ely Sewer Assessment Debt

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1203-10

Passed December 6th, 2010, _____

3301-850-790	Other Debt Service	\$ 25,000.00
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GRAND TOTAL DEBT SERVICE FUNDS		25,000.00
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Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500	Capital Outlay	\$100,000.00
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STREET CAPITAL PROJECTS

4902-800-500	Capital Outlay	\$100,000.00
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GRAND TOTAL CAPITAL PROJECTS		200,000.00
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Section 6: That there be appropriated from the following ENTERPRISE FUNDS

WATER OPERATING

5101-531-300	Contractual Services	\$ 6,500.00
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5101-531-400	Supplies and Materials	\$ 3,200.00
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5101-533-340	Professional & Technical Services	\$17,000.00
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5101-533-640	Pynt to another Political Subdivision	\$150,000.00
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5101-535-100	Personal Services	\$ 78,000.00
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5101-535-290	Other-Employee Fringe Benefits	\$52,500.00
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5101-535-400	Supplies and Materials	\$19,500.00
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5101-535-400-5111	Fuel	\$ 2,500.00
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5101-850-710	Principal (debt) OPWC waterline	\$ 5,000.00
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TOTAL WATER FUND		334,200.00
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SEWER OPERATING

5201-541-400	Supplies and Materials	\$ 3,500.00
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5201-543-100	Personal Services	\$78,000.00
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5201-543-290	Other-Employee Fringe Benefits	\$52,500.00
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5201-543-340	Professional & Technical Services	\$36,000.00
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5201-543-400	Supplies and Materials	\$41,900.00
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5201-549-400-5211	Fuel	\$ 2,500.00
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5201-850-790	Other-Debt Service	\$58,000.00
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5201-910-910	Transfers out	\$ 0.00
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5201-990-990	Other-Other Financing Uses	\$ 0.00
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TOTAL SEWER FUND		272,400.00
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REFUSE ENTERPRISE OPERATING

Ordinance No. 1203-10Passed December 6th, 2010, _____

5601-563-398	Garbage and Trash Removal/TOTAL	94,000
SEWER BOND Improvement		
5703-800-500	Capital Outlay/TOTAL FUND	0.00
UTILITY DEPOSIT		
5781-594-610	Deposits Refunded	\$ 2,500.00
5781-594-620	Deposits Applied	\$ 2,500.00
TOTAL UTILITIES DEPOSITS FUND		5,000.00
GRAND TOTAL ENTERPRISE FUNDS		705,600.00

Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS-no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS-no money appropriated

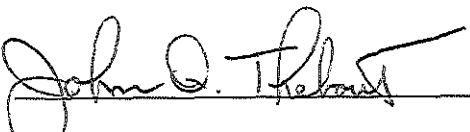
Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS-no money appropriated


Section 10: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

TOTAL ALL APPROPRIATIONS \$1,650,953.02

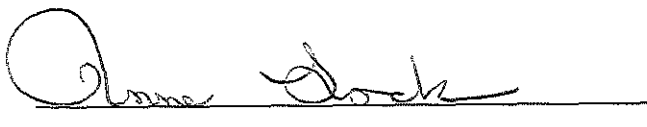
Section 11. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: December 6th, 2010


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing Ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 23, 2010.


Clerk of Council,
Batavia, Ohio

RECORD OF ORDINANCES

1204-11

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1204-11

Passed March 7, 2011

ORDINANCE NO. 1204-11

AN ORDINANCE ESTABLISHING REGULATIONS AND RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS OF THE VILLAGE OF BATAVIA'S WATER AND SEWER SYSTEM AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO:

SECTION 1: The users of RESIDENTIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates.

A. AVAILABILITY. The Residential Rate is available for domestic water & sewer service to individual residences and multiple dwelling units, such as apartments, mobile homes, condominiums, etc., used for strictly residential purposes.

Where service is supplied for commercial, business, industrial, professional or other similar non-residential purposes, in part or in whole, such service shall be considered as Commercial in character and the applicable Commercial Schedule shall apply.

RATE PER SERVICE OR DWELLING UNIT PER MONTH OR PART THEREOF

WATER RATE

CUBIC FEET OF WATER USED

INSIDE CORP.

OUTSIDE CORP.

UP TO ONE INCH METER

Unit Charge	\$1.50	\$2.25
Minimum Charge (1st 100 CF.)	\$8.75	\$13.13
Over 100 CF. (per 100 CF.)	\$3.75	\$5.04

OVER ONE INCH METER

Unit Charge	\$1.50	\$2.25
Minimum Charge (1st 100 CF.)	\$17.50	\$26.75
Over 100 CF. (per 100 CF.)	\$4.00	\$6.00

SEWER RATE

CUBIC FEET OF WATER USED

INSIDE CORP.

OUTSIDE CORP.

Unit Charge	\$2.00	\$3.00
Minimum Charge (1st 100 CF.)	\$22.25	\$33.50
Over 100 CF. (per 100 CF.)	\$3.25	\$4.88

B. MULTIPLE DWELLING UNITS. Where more than one dwelling unit (such as an apartment house, mobile home court, duplex, etc.) is served through one meter, the unit charge will apply to each separate dwelling unit, whether occupied or not.

The Village reserves the right to require that all future individual dwelling units be individually metered and plumbed in accordance with current administrative policy before water service is established.

C. MINIMUM CHARGE PER MONTH. The minimum charge will not be less than the above applicable charge for the first 100 cubic feet of water used during any month or any part thereof, and shall not be prorated.

Minimum usage is per active service to a meter, not to a dwelling unit, and shall not be charged to an account where service to a meter has been discontinued by the Village or at the request of the owner and/or occupant.

D. TERMS OF PAYMENT. The rates set forth herein are net, and apply only in the event that accounts for water service are paid within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

E. BILLING. All billing will be done on an approximately 30 day basis and will be billed to the nearest cubic foot on the meter. All rates shall be applicable for any fractional part of a billing month.

SECTION 2: The users of COMMERCIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates:

A. AVAILABILITY. The Commercial Rate is available to Commercial, Industrial and other classes of service not provided for in the Residential Rate Schedule. The Schedule in Paragraph B below is applicable to all Commercial, Industrial, and non-residential users, including but not limited to business establishments, factories, processing plants, offices, restaurants, clubs, lodges, theaters, rest homes, hospitals, motels, hotels, churches, schools, service stations, commercial car washes, and reception halls. In the event the same meter services both

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1204-11Passed March 7, 2011

residential and commercial establishments, the Commercial Rate shall apply, with the exception that in such case the residential unit charge shall be applied for each residential unit served.

B. WATER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be the sum of the charges (A) and (B) below.

(A) Commodity Charge	INSIDE CORP.	OUTSIDE CORP.
0.75" service line/meter	\$1.50	\$2.25
1.00" service line/meter	\$1.50	\$2.25
2.00" service line/meter	\$2.00	\$3.00
3.00" service line/meter	\$2.50	\$3.75
4.00" service line/meter or greater	\$3.00	\$4.50

CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
UP TO ONE INCH METER		
Minimum Charge (1st 100 CF.)	\$8.75	\$13.13
Over 100 CF. (per 100 CF.)	\$3.75	\$5.04

B. SEWER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be:

CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
Unit Charge.	\$2.00	\$3.00
Minimum Charge (1st 100 CF.)	\$22.25	\$30.45
Over 100 CF. (per 100 CF.)	\$3.25	\$4.88

The capacity of service will be determined by the Village and shall normally be equal to the nominal diameter in inches of the water service line tap extending from the Village's main to Consumer's meter, or the size of the meter, whichever is greater.

For government buildings, schools, churches and other non-profit charitable institutions where the service line is 4.00 inches or less, the capacity of service charge shall be \$1.50 inside the Corporation limits and \$2.25 outside the Corporation limits of the Village.

C. MULTIPLE ESTABLISHMENTS. The Village reserves the right to require that all future individual business establishments or activities located on the same premises be individually metered and plumbed before service is established.

D. MINIMUM CHARGE. The minimum charge per month shall not be less than the sum of the above applicable usage rate and the applicable Commodity Charge and shall not be prorated for any part of a month.

E. BILLING. All billings will be on an approximately 30-day basis and will be billed to the nearest cubic foot of water registered on the meter. All rates shall be applicable for any fractional part of a billing month.

F. TERMS OF PAYMENT. The rates set forth are net, and apply only in the event that accounts for water service are paid in full within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

SECTION 3: The users of SPECIAL WATER SERVICES in the Village of Batavia shall be subject to the following regulations and rates.

A. FIRE PROTECTION SERVICE. For all fire protection service made and requiring a special separate fire service line located on the consumer's premises, the following conditions apply:

1) The consumer shall install at his expense, subject to the Village's inspection and approval, all the necessary complete and separate piping system extending from the consumer's system and connecting to the Village's existing water main.

2) All separate fire service lines shall have installed in same a check meter to determine any flow of water in same and to detect any illegal diversion of water from the fire line. Such meter and its installation shall meet the Village's specifications and the entire installation shall be at the expense of the consumer.

3) No charge shall be made for any measured water flow through said fire line resulting from use of water for fire fighting purposes. Any other usage, accidental or intentional, shall be billed at the appropriate rate in SECTION 2 above, including capacity charges, in addition to the regular capacity charges in the schedule below which shall be billed monthly.

Ordinance No. 1204-11Passed March 7, 2011

CAPACITY CHARGE FOR FIRE SERVICE LINE		
SIZE OF FIRE SERVICE LINE	INSIDE CORP.	OUTSIDE CORP.
1 to 2 inches	\$12.50 per month	\$19.35 per month
4 TO 6 inches	\$25.80 per month	\$38.70 per month
6 to 8 inches	\$38.70 per month	\$58.00 per month

The above Capacity Charges do not apply to wholly tax supported public buildings, such as schools and governmental buildings.

B. BULK WATER SALES. Direct metered sales from the Village mains may be made at a location designated by the Village at such times and hours as fixed by the water department. The charge for such service shall be \$8.00 per 1000 gallons. Such sales shall be governed by the terms and conditions set forth in the Administrative Policy Manual.

C. TEMPORARY SERVICE FOR NON-PROFIT ORGANIZATIONS. Temporary service for tax-free and non-profit public activities, such as fairs, festivals, athletic events, etc., may be established according to the terms and conditions set forth in the Administrative Policy Manual.

D. SERVICE TO VILLAGE OFFICES AND BUILDINGS. Services to all the offices and buildings owned, leased, rented, or otherwise occupied in any official capacity by the Village of Batavia, its boards and commissions, shall be extended without charge. Such service shall, when practicable, be metered and recorded.

SECTION 4: All users of the Village water system shall be subject to DEPOSIT REQUIREMENTS as outlined in the Administrative Policy Manual.

SECTION 5: All users of the Village water system shall be subject to, and comply with, the provisions and conditions provided for in the Administrative Policy Manual (available at the Village's Water Department), the same as if herein written, which may be amended from time to time under the authority granted to the Village Administrator in Code Section 31.04 and ORC 743.

SECTION 6: Partial payments of utility bills shall be applied first to NSF and penalties then to trash, sewer and water.

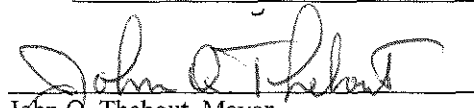
SECTION 7: Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part to be so declared invalid.

SECTION 8: This ordinance repeals Ordinance No. 1134.08 and all other ordinances inconsistent herewith.

SECTION 9: The rates herein shall be effective for meter readings in March 2011 and thereafter.

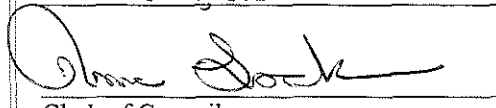
Date: March 7, 2011

Attest:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing Ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 17, 2011.


Clerk of Council,
Batavia, Ohio

Ordinance No. 1205-11

Passed January 3, 2011

ORDINANCE 1205-11

**AN ORDINANCE INCREASING THE PAY FOR EMPLOYEES OF THE
VILLAGE OF BATAVIA EFFECTIVE JANUARY
9, 2011 AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Batavia employs a significant number of full-time and part-time employees within the Village; and

WHEREAS, certain of these employees have not had an increase in compensation for in some time; and

WHEREAS, the Village Council of Batavia wishes to increase the salaries of the following employees by the following amounts, per hour, effective the 9th day of January, 2011.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing the 9th day of January, 2011, the pay of the following employees of the Village of Batavia shall be increased by fifty cents(.50) per hour:

Employee	Raise	New Hourly Pay
Officer Harding	0.50 ¢, per hour	\$15.50
Officer Kuhn	0.50 ¢, per hour	\$14.00 After Probation
Wayne Smith	0.50 ¢, per hour	\$21.10
Josh Barger	0.50 ¢, per hour	\$13.50
Joseph Hitt	0.50 ¢, per hour	\$15.70

Section 2: That commencing the 9th day of January, 2011, the pay of the following employee of the Village of Batavia shall be advanced two steps and his overall pay increased by ninety cents(.90) per hour:

Employee	Raise	New Hourly Pay
Robbie Lindhorst	0.90 ¢, per hour	\$12.90

Section 3: That commencing the 9th day of January, 2011, the pay of the following employee of the Village of Batavia shall be increased by 3%, or 27.32 monthly:

Employee	Raise	New Monthly Pay
Jane King	\$27.32, per month	\$ 937.82

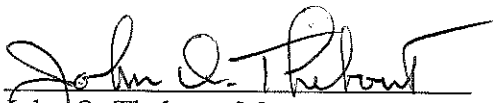
Ordinance No. 1205-11

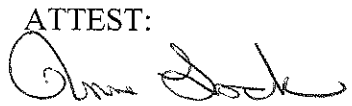
Passed January 3, 2011

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

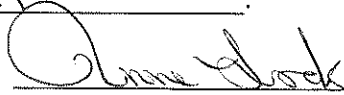
Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: January 3, 2011


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Feb 3, 2011.


Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1206-11

Passed Withdrew by Council February 7, 2011

ORDINANCE 1206-11
AN ORDINANCE ESTABLISHING PENALTIES FOR VIOLATIONS OF ZONING
ORDINANCES OF THE VILLAGE OF BATAVIA AND DEFENDING THE RIGHTS OF USE
OF COMMON PROPERTIES.

Ordinance No. 1207-11

Passed January 3, 2011

ORDINANCE 1207-11

AN ORDINANCE INCREASING THE PAY FOR POLICE CHIEF AND THE FISCAL OFFICER OF THE VILLAGE OF BATAVIA EFFECTIVE JANUARY 9, 2011 AND DECLARING AN EMERGENCY.

WHEREAS, the Chief of Police and Fiscal Officer for the Village of Batavia have worked for the past year for the Village without an increase in pay: and

WHEREAS, the Council of the Village has determined to provide for an increase in compensation for the employees of the Village, including the Chief of Police and the Fiscal Officer; and

WHEREAS, the Village Council of Batavia wishes to increase the salaries of the Chief of Police and the Fiscal Officer, by the following amounts, per hour, effective the 9th day of January, 2011.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing the 9th day of January, 2011, the pay of the Chief of Police and the Fiscal Officer shall be increased by fifty cents(.50) per hour, as follows:

Employee	Raise	New Hourly Pay
Chief Gardner	0.50 ¢, per hour	\$ 21.25
Fiscal Officer Lock	0.50 ¢, per hour	\$ 19.01

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

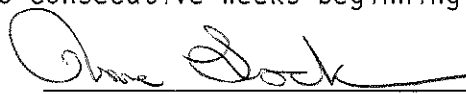
Adopted: January 3, 2011


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Feb 3, 2011


Clerk of Council
Batavia, Ohio

Ordinance No. 1208-11Passed January 3, 2011

ORDINANCE 1208-11

**AN ORDINANCE INCREASING THE SALARY FOR VILLAGE ADMINISTRATOR
OF THE VILLAGE OF BATAVIA EFFECTIVE JANUARY
9,2011 AND DECLARING AN EMERGENCY.**

WHEREAS, the Village Administrator for the Village of Batavia has worked since his date of hire for the Village without an increase in salary; and

WHEREAS, at the time of his hiring the Village Council indicated that it would review the pay of the Administrator of the Village at the first of the year, and has determined it is appropriate to provide for an increase in compensation for the Village Administrator; and

WHEREAS, the Village Council of Batavia wishes to increase the salary of the Village Administrator, by the following amount, per year, effective the 9th day of January, 2011.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

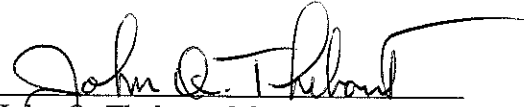
Section 1: That commencing the 9th day of January, 2011, the salary of the Village Administrator shall be increased by two thousand (\$2,000.00) per year, as follows:

Employee	Increase	New Yearly Salary
Administrator Nichols	\$2,000.00, per year	\$ 20,000.00

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

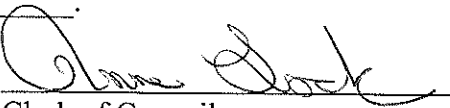
Adopted: January 3, 2011


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Feb 3, 2011


Clerk of Council
Batavia, Ohio

Ordinance No. 1209-11

Passed February 7, 2011

ORDINANCE 1209-11

ORDINANCE 1209-11

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE CONTRACTS, SPEND FUNDS AND EXECUTE PURCHASE ORDERS ON BEHALF OF THE VILLAGE BATAVIA EFFECTIVE FEBRUARY 7, 2011 AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Batavia Council, following the resignation of a former Village Administrator had removed the authority from the Village Administrator to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia; and

WHEREAS, the Council of the Village has determined that Village Administrator, Dennis Nichols, should have the authority to the authority to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$25,0000, and

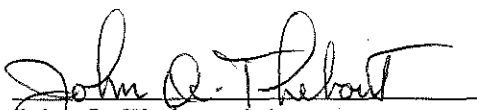
WHEREAS, the Village Council of Batavia desires to authorize the Village Administrator to be able to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$25,0000, effective February 7, 2011.


NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing the 7th day of February, 2011, the Village Administrator, Dennis Nichols, shall hereinafter be authorized to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$25,0000.


Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code. Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: February 7, 2011


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 17, 2011


Clerk of Council
Batavia, Ohio

Ordinance No. 1210-11Passed April 4, 2011

ORDINANCE 1210-11

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER
TO ALLOCATE OR RE-ALLOCATE FUNDS WITHIN VILLAGE FUNDS COVERED BY
A PREVIOUSLY ADOPTED APPROPRIATION,**

WHEREAS, the Village of Batavia Council, understands that it may authorize that money held within a fund previously adopted by the Village may be reallocated within the fund, by the Village Fiscal Officer, and


WHEREAS, the Council of the Village has determined that it is an appropriate fiscal policy that the Fiscal Officer should be provided the authority to allocate or re-allocate funds within village funds covered by a previously adopted appropriation, subject to notification by the Fiscal Officer to the Village Council.


NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing with the 2011 Appropriations, the Fiscal Officer for the Village, shall hereinafter be authorized to allocate or re-allocate funds within village funds covered by a previously adopted appropriation. The Fiscal Officer shall provide Council with a report of any money moved within a fund, at the next regularly scheduled meeting of Council


Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 1 21.22 of the Ohio Revised Code.

Adopted: April 4, 2011


John Q. Thebout, Mayor

ATTEST: 
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on April 14, 2011.


Clerk of Council
Batavia, Ohio

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO PROCEED WITH ANNEXATION PROCEEDINGS, TO RETAIN COUNSEL TO REPRESENT THE VILLAGE IN ANNEXATION PROCEEDINGS AND ALLOCATING ADDITIONAL FUNDS EFFECTIVE MARCH 7, 2011 AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Batavia Council, understands that there are certain parcels and properties located in and near the Village which may be subject to annexation proceedings with Batavia Township, and

WHEREAS, the Village Council believes it is in the best economic interest of the Village to proceed with annexation proceedings, and

WHEREAS, the Council of the Village has been advised by the Village Solicitor that he is unable to represent the Village in these proceedings as it would represent a conflict for him and his law office and that the Village should retain legal counsel to represent its interests in these proceedings; and

WHEREAS, the Village Council understand that in order to move forward with proceedings it must also allocate additional funds for the expenses related to these proceedings, including legal counsel, and

WHEREAS, Village Council desires to move forward with annexation proceedings and to authorize the Village Administrator to proceed with the steps necessary to commence annexation proceedings, including to retain counsel to represent its interests in these annexation proceedings and further desires to allocate additional funds for this purpose.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:


Section 1: That commencing the 7th day of March, 2011, the Administrator for the Village, shall hereinafter be authorized to move forward with annexation proceedings, including to commence annexation proceedings on behalf of the Village, and to retain counsel to represent its interests in these annexation proceedings.


Section 2: That additional funds shall be allocated for expenses related these proceedings, and the line item for legal counsel, line 1000-715-141, shall be increased by \$20,000.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 1 21.22 of the Ohio Revised Code.

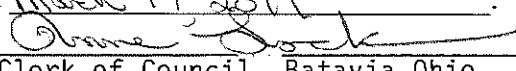
Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: March 7, 2011


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 17, 2011.


Clerk of Council, Batavia Ohio

Ordinance No. 1212-11Passed May 16, 2011**ORDINANCE NO. 1212-11****Time to complete building permits:**

An ordinance establishing a time limit for completion of building permits in the Village of Batavia.

Be it ordained by the council of the Village of Batavia, County of Clermont, State of Ohio:

A. Purpose:

This ordinance amends Section 153.107 of the Village of Batavia, Ohio, Code of Ordinances to provide for timely completion of building construction under the jurisdiction of the village.

B. Expiration of permits:

A zoning certificate issued in accordance with § 153.107 of the Batavia Code of Ordinances shall remain valid for one year from the date of issue.

C. Expiration:

1. A zoning certificate issued in accordance with this rule is invalid if construction, erection, alteration or other work has not commenced within 12 months of the approval of the zoning certificate.
2. The zoning administrator may grant an extension for an additional 12-month period upon request by the owner or designee of the owner at least 10 days in advance of the expiration of the approval and upon payment of a fee equal to the fee for a new zoning permit under § 153.108 of the Batavia Code of Ordinances.

D. Extension:

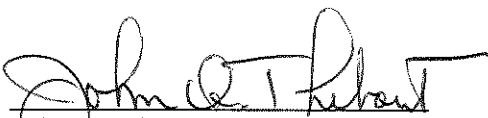
If in the course of construction, work is delayed or suspended for more than six months, the zoning certificate is invalid. The zoning administrator may grant two extensions for six months each if requested by the owner at least 10 days in advance of the expiration of the approval and upon payment of a fee for each extension equal to the fee for a new zoning permit under § 153.108 of the Batavia Code of Ordinances.

E. Violations:

Failure to comply with this section shall constitute a civil violation of the Village of Batavia Zoning Code.

Adopted May 16, 2011

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 24, 2011



Clerk of Council, Batavia Ohio

Ordinance No. 1213-11

Passed May 16, 2011

ORDINANCE NO. 1213-11

AN ORDINANCE ESTABLISHING PENALTIES FOR VIOLATIONS OF ZONING ORDINANCES OF THE VILLAGE OF BATAVIA.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO:

A. Injunction:

No person shall violate the Village of Batavia Zoning Ordinance(s) or the regulations enacted pursuant thereto. In the event of any such violation or imminent threat thereof, upon request of the Mayor or Council, the Village Solicitor shall institute a suit on behalf of the Village to enjoin such violation.

B. Violation of Planning Commission Regulations:

Whoever willfully violates any rule or regulation adopted by the Council or the Planning Commission shall forfeit and pay not less than one hundred dollars (\$100.00), for each violation, to be recovered with costs in a civil action brought by the Solicitor in the name of the Village of Batavia for the use thereof. Each day such violation shall continue it shall constitute a separate forfeiture.

C. Penalties:

Any person who shall:

1. Violate the Village of Batavia Zoning Ordinance(s);
2. Aid, assist, or participate in any action that violates the Village of Batavia Zoning Ordinance(s);
3. Violate or fail to perform any condition, stipulation, or safeguard set forth in any permit issued pursuant to the Village of Batavia Zoning Ordinance(s) or continue to use or occupy the premises or building as previously authorized by such permit beyond the duration limit therein stated;
4. Refuse to permit the Zoning Inspector or his assistant to enter any premises in the Village to investigate a reported violation of any provision of the Village of Batavia Zoning Ordinance(s);
5. Knowingly make any materially false statement of fact in an application to the Village or the Zoning Inspector or his assistants for the permit, or in any plans or specifications submitted in relation to any application under the Village of Batavia Zoning Ordinance(s); or
6. Being an owner or lessee of any premises, knowingly suffer or permit a violation of the Village of Batavia Zoning Ordinance(s) to occur, exist or continue to exist on such premises; shall be charged with a violation of the Village of Batavia Zoning Ordinance(s) and this Ordinance, a just misdemeanor, for each such action or omission and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00), per violation, per day, together with the costs of prosecution. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt any offender from compliance with the provisions of this Ordinance. (Ref. ORC § 713.13).
7. The Village Administrator shall serve notice on the owner by ordinary mail to remedy the violation within 30 days, after which the village may initiate enforcement under this section.

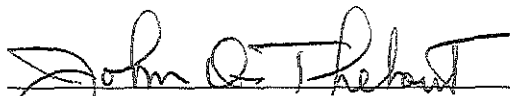
Adopted May 16, 2011

ATTEST:

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1213-11Passed May 16, 2011, _____

John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 26, 2011.



Clerk of Council, Batavia Ohio

Ordinance No. 1214-11

Passed May 16, 2011, _____

ORDINANCE NO. 1214-11

An ordinance forbidding abandoned or persistently vacant structures in the Village of Batavia.

Be it ordained by the council of the Village of Batavia, County of Clermont, State of Ohio:

A. Purpose:

Abandoned structures or buildings that remain unoccupied for long periods attract burglary, theft, vandalism, criminal mischief, general nuisance and other peril to the public health, safety and welfare. The Village of Batavia will curtail the existence of vacant or abandoned buildings with civil and criminal penalties.

B. Definitions:

- a. Vacant: Not occupied for business, residence, government, or institutional use for a continuous period of more than 90 days. To be considered occupied, a structure must have appropriate utility service and comply with applicable building, zoning and health codes.
- b. Abandoned: Vacant and exhibiting material deterioration.
- c. Material deterioration: Any maintenance or structural deficiency that would diminish the value or usability of a structure; any broken windows, loose or missing siding, missing roofing materials or elements, peeling paint, deteriorated pavement, dead trees or other vegetation, or other problem visible from beyond the property line that a reasonable person would deem a nuisance or eyesore of concern to the community.

C. Assignment of authority:

Upon reasonable belief that a property is unoccupied, the village administrator or his designee may require the owner of the property to demonstrate that the property and its owner are compliant with the Village of Batavia Zoning Ordinance(s) or the regulations enacted pursuant thereto. Upon reasonable notice, the village administrator or designee may require the owner to provide access to the property and any structures located thereon. Notification by personal service, process server, or certified mail delivered three days prior to the date or proposed inspection or ordinary mail posted 10 days prior to the date of proposed inspection shall be deemed reasonable notice.

D. Violations:

The village administrator or his designee, having notified a property owner to show cause why the Village of Batavia should not declare a property to be vacant or abandoned, may serve notice upon the owner by ordinary mail of the owner's responsibility to place the property in use within 30 days of the date of notice. The owner may demand a hearing before the Batavia Planning Commission at its next regular session that falls more than three days after the demand, and the Planning Commission will rule on the status and determine whether to declare the property to be in violation of this code.

E. Penalties:

Immediately upon the Planning Commission's declaration that a property is vacant or abandoned, the Village of Batavia will assess a charge of \$50.00 per day for the first 30 days and \$100.00 per day for every day beyond 30 days that the property remains vacant or abandoned.

F. Termination of status:

Upon demonstration of compliance, the village administrator or his designee may determine that a property previously declared vacant or abandoned is occupied and thus not in violation of this section. The Planning Commission may affirm or vacate the ruling of the administrator.

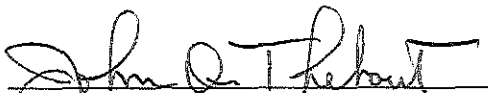
Ordinance No. 1214-11Passed May 16, 2011, _____

G. Appeals:

A property owner may appeal a designation of a property as vacant or abandoned to the Clermont County Court of Common Pleas.

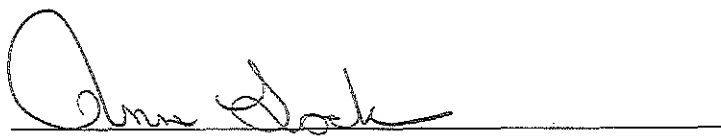
Adopted: May 16, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 26, 2011.


Clerk of Council, Batavia Ohio

Ordinance No. 1215-11

Passed May 16, 2011

ORDINANCE NO. 1215-11

Vendor boxes

An ordinance forbidding vendor boxes on public sidewalks in the Village of Batavia.

Be it ordained by the council of the Village of Batavia, County of Clermont, State of Ohio:

A. Purpose:

This ordinance amends Section 153 of the Village of Batavia, Ohio, Code of Ordinances to restrict physical obstructions or visual clutter on the public sidewalks of the Village of Batavia.

B. Amend § 153.032 Definition and Structural Classification: Add the following:

(B) (8) Vendor Box: Any containment or other appliance for the distribution of booklets, newspapers, circulars, or other advertising material.

C. Amend § 153.038 Signs in B-1 and B-2 Business and I Industrial Districts:

Add the following:

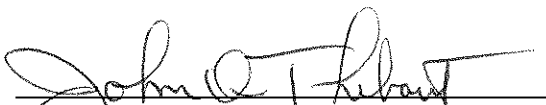
(G) Vendor Boxes are prohibited on public sidewalks.


D. Violations:

Failure to comply with this section shall constitute a civil violation of the Village of Batavia Zoning Code. Any property owner, tenant or occupant of a property who suffers the placement or maintenance of a vendor box, and any person who places or gives agency to placement of a vendor box on a public sidewalk may be jointly or severally held to be in violation of this section.

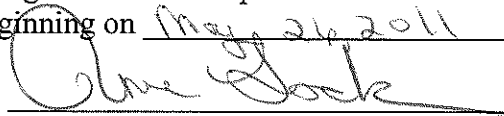
Adopted: May 16, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 24, 2011.


Clerk of Council, Batavia Ohio

Ordinance No. 1216-11Passed June 6, 2011

ORDINANCE 1216-11

AN ORDINANCE REQUIRING VILLAGE EMPLOYEES WHO QUALIFY FOR AND MAKE USE OF THE VILLAGE HEALTH AND DENTAL INSURANCE TO MAKE CONTRIBUTIONS TOWARDS THE COST OF THAT EMPLOYEE'S HEALTH AND DENTAL INSURANCE

WHEREAS, the Village of Batavia Council, makes health and dental insurance available to certain employees of the Village, and

WHEREAS, the Village Council having reviewed the finances of the Village for the next year believes it is in the best economic interest of the Village to begin, effective January 1, 2012, or sooner if required by law, to require Village employees to contribute towards the cost of their own health and dental insurance, and

WHEREAS, the Council of the Village has reviewed the cost to the Village for health and dental insurance for this year and next and has determined that in order to maintain the Village budget for the fiscal year commencing on January 1, 2012, all employees who qualify for and use the Village health and dental insurance should contribute five percent of the cost of the health and dental insurance, to be deducted from that employees pay, and

WHEREAS, the Village Council also understands that there is State legislation pending which may require employees of the Village to make contributions towards health insurance, at an earlier date and at a higher percentage amount, than the five percent the Village will require as of January 1, 2012.

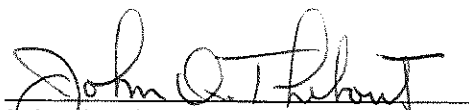
NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing the 1st day of January, 2012, employees of the Village of Batavia who qualify for and wish to use the health and dental insurance offered by the Village, shall pay five percent of the cost of the health and dental insurance, to be deducted from that employee's pay.

Section 2: Should State legislation require employees of the Village to make contributions towards health insurance, at an earlier date, or at a higher percentage amount, then and in that event, that percentage shall be deducted from each employees pay, as soon as required by law. To the extent that State legislation requires participating employees to make contributions, any payment so made shall offset and reduced the amount which that employee shall have deducted from their pay toward the cost of health and dental insurance.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Adopted: June 6, 2011


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

RECORD OF ORDINANCES

99

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1216-11Passed June 6, 2011

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 14, 2011.



Clerk of Council
Batavia, Ohio

Ordinance No. 1217-11Passed May 2, 2011

ORDINANCE 1217-11

An ordinance adopting a Records Retention Schedule for the Village of Batavia, Ohio.

WHEREAS, Ohio Revised Code § 149.43 mandates the retention and availability of certain records held by a municipal corporation; and

WHEREAS, RC § 149.43 (B) (2) requires the maintenance of records according to an established retention schedule, which schedule must be available to the public; and

WHEREAS, the Village of Batavia lacks an approved records retention schedule; and

WHEREAS, the Batavia Village Records Committee has prepared a Records Retention Schedule that serves the need of citizens to obtain records and satisfies the requirements of law.

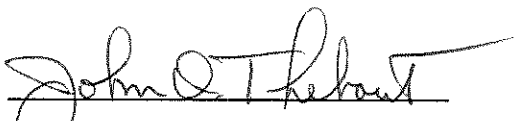
NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

§ 1. The Village Council of Batavia adopts the Records Retention Schedule as presented for the Village of Batavia and its agencies.

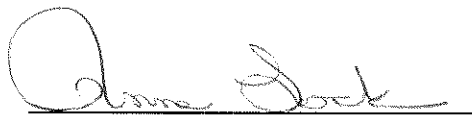
§ 2. The Village of Batavia may approve modifications to Records Retention Schedule from time to time as it deems appropriate.

§ 3. This Ordinance is declared an emergency measure necessary to preserve the health, safety, and welfare of the Village of Batavia.

ADOPTED: May 2, 2011



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 5, 2011.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1218-11

Passed July 11, 2011

ORDINANCE 1218-11

An ordinance adopting the Rules and Regulations of the Clermont County Sewer District

WHEREAS, the Village of Batavia operates water and sewer utilities; and

WHEREAS, the Village governs the operation of its water distribution and wastewater collection systems under rules and regulations adopted by Ordinance; and

WHEREAS, the Village may elect to contract with Clermont County, Ohio, for the operation of its water and sewer systems; and

WHEREAS, the Clermont County Water and Sewer District maintains comprehensive rules are regulations that would serve the Village of Batavia well; and

WHEREAS, Village of Batavia, Ohio, Code of Ordinances § 52.23 specifies that the Village Administrator is authorized and directed to adopt and enforce regulations for the purpose of providing control of the installation of sewer connections and the inspection thereof; and

WHEREAS, Village of Batavia Code of Ordinances § 52 and § 53 establish the authority by which the village shall regulate the water and wastewater systems.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of Batavia, Ohio:

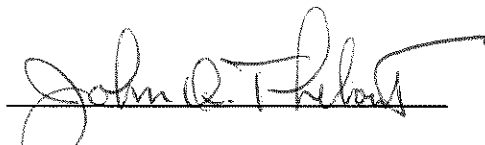
§ 1. The Village of Batavia adopts the Rules and Regulations Governing the Design, Construction and Use of the Water Distribution and Wastewater Collection Systems for the Clermont County Sewer District of Clermont County, Ohio, as binding upon the Village of Batavia.

§ 2. The Village of Batavia accepts modifications to the cited Rules and Regulations as they take effect under the jurisdiction of the Clermont County Board of Commissioners.

§ 3. This Ordinance shall amend Ordinances § 52 and § 53 and shall prevail in any instance of conflict between existing regulations and the regulations hereby authorized.

§ 4. This Ordinance is declared an emergency measure necessary to preserve the health, safety, and welfare of the Village of Batavia.

ADOPTED: July 11, 2011



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 14, 2011.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1219-11Passed June 6, 2011

ORDINANCE 1219-11

AN ORDINANCE STATING SERVICES TO BE PROVIDED TO ANNEXED TERRITORY, REQUIRING THE VILLAGE TO REQUIRE THE OWNER TO PROVIDE A BUFFER FOR INCOMPATIBLE ZONING USES, AND DECLARING AN EMERGENCY

WHEREAS, a Petition seeking the annexation of approximately 108.4973 acres of land situate in Batavia Township to the Village of Batavia has been filed with the Clermont County Board of County Commissioners by Richard G. Saylor, Trustee; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township:

NOW, THEREFORE, BE IT ORDAINED By The Council Of The Village Of Batavia, Ohio:

SECTION 1.

The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

1. Police Protection;
2. Street Maintenance;
3. Snow Removal;
4. Zoning and Zoning Administration;
5. Tax Administration; and,
6. Water and Sewer Service when and as requested by property owners.

The Village may, in its sole discretion, provide additional services to the territory, upon annexation, in addition to those set forth above.

SECTION 2.

The annexation will not result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem but, in the event that the annexation does result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village hereby agrees to assume the maintenance of that street or highway or to otherwise correct the problem.

Ordinance No. 1219-11

Passed June 6, 2011

SECTION 3.

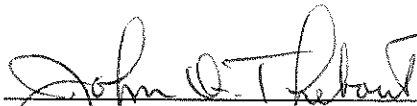
The Council hereby states that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

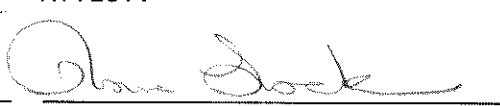
SECTION 4.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that time is of the essence because this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.


ADOPTED: June 6, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 14, 2011


Clerk of Council
Batavia, Ohio

Ordinance No. 1220-11Passed June 6, 2011, _____**ORDINANCE 1220-11****An Ordinance Consenting to the Annexation of Property to the Village of Batavia, Ohio**

WHEREAS, Richard G. Saylor, Trustee, has petitioned to annex certain specified land to the Village of Batavia, Ohio.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

SECTION 1.

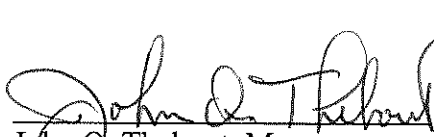
The Council of the Village of Batavia hereby consents to the petition for annexation filed June 2, 2011, by Richard G. Saylor, Trustee.

SECTION 2.

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.


ADOPTED: June 6, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 16, 2011.


Clerk of Council
Batavia, Ohio

Ordinance No. 1221-11

Passed July 11, 2011

ORDINANCE 1221-11

AMENDMENT TO 2011 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2011 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1203-10 for 2011 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2011 be amended as follows:

GENERAL FUND—increase

1000-715-300 Council contractual \$20,000

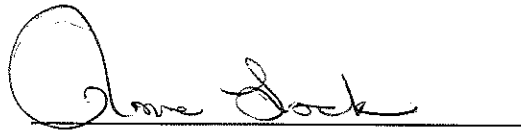
This ordinance shall take effect at the earliest period allowed by law.

Adopted: July 11, 2011 *AS*

ATTEST:



Mayor John Q. Thebout



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 14, 2011.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1221-11

Passed July 11, 2011

ORDINANCE 1221-11

AMENDMENT TO 2011 APPROPRIATION ORDINANCE

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2011 and found it necessary to increase appropriations for certain expenditures,

THEREFORE, be it ordained that ordinance 1203-10 for 2011 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2011 be amended as follows:

GENERAL FUND—increase

1000-715-300 Council contractual \$20,000

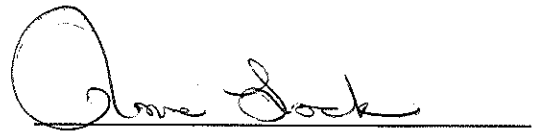
This ordinance shall take effect at the earliest period allowed by law.

Adopted: July 11, 2011 *AS*

ATTEST:



Mayor John Q. Thebout



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 14, 2011.



Clerk of Council,

Batavia, Ohio

Ordinance No. Ord 1223-11

Passed August 1, 2011

**ORDINANCE 1223-11
AN ORDINANCE
AGREEMENT FOR THE OPERATION AND MAINTENANCE OF
THE VILLAGE OF BATAVIA, OHIO'S
WATER, SEWER AND TRASH BILLING SERVICES,
WASTEWATER TREATMENT FACILITIES, AND
WATER DISTRIBUTION AND SEWER COLLECTION SYSTEMS**

THIS AGREEMENT for the operation and maintenance of Batavia, Ohio's Water, Sewer and Trash Billing Services, Wastewater Treatment Facilities, and Water Distribution and Sewer Collection Systems, effective as of _____, 20____ and executed by Clermont County, Ohio (the "County") acting by and through the Clermont County Board of Commissioners (the "Board"), and the Village of Batavia, Ohio (the "Village") acting by and through the Council of the Village.

WITNESSETH

WHEREAS, the Village owns and is responsible for the operation and maintenance of the Water, Sewer and Trash Billing Services, Wastewater Treatment Facilities, and Water Distribution and Sewer Collection Systems (collectively, "the Utilities,"); and

WHEREAS, the Village desires to have the Utilities operated and maintained in the most efficient manner possible, while complying with all Federal, State and local laws, rules and regulations; and

WHEREAS, the efficient operations and maintenance of the Utilities requires unique and specialized professional skills together with experience in new technologies and engineering expertise; and

WHEREAS, the Village desires to maintain ownership of the Utilities and to contract for operation and maintenance of the Utilities with the County which has the specialized professional skills and expertise to operate the Utilities in the most efficient manner possible; and

WHEREAS, the Village has determined that by contracting with the County for operation and maintenance, data can be collected to develop a comprehensive analysis and condition assessment of the Sewer Collection System; and

WHEREAS, the Village and the County wish to enter into this Agreement setting forth their respective rights, duties, privileges and responsibilities.

NOW, THEREFORE, in consideration of the mutual promises and commitments hereinafter described, the Village and the County agree as follows:

ARTICLE I. SCOPE OF SERVICES

Except as otherwise provided in the Agreement, the County shall perform all services, including, but not limited to, those services set forth in Article I herein necessary for the proper and effective operation and maintenance of the Utilities in a manner at least as efficient as the manner in which the Utilities were being operated and maintained by the Village on a consistent basis prior to the Effective Date and shall maintain or improve the management systems in place prior to the Effective Date. The County shall operate and maintain the Utilities in a cost-effective and professional manner in accordance with generally accepted practices for the industries included, so that at the Termination Date the Utilities are returned to the Village in the same or better condition, excepting normal wear and tear, than existed at the Effective Date.

Ordinance No. 1223-11Passed August 1, 2011, _____

Except where the County is prevented from doing so because of Inadequate Facilities or Uncontrollable Circumstances, the County shall ensure the operation of the Utilities meets the existing and present Legal Requirements of all Governmental Authorities.

The Mayor or the Village Administrator will represent the Village in matters pursuant to this agreement unless the Village Council designates other representation. The Village shall notify the County of any change in designated representation and the term of designation. The County shall be represented by the Director of Utilities or his designee.

Section 1.01. Water, Sewer and Trash Billing Services. During the Term, the County shall provide day-to-day water, sewer and trash billing services in compliance with all Legal Requirements. Provision of Water, Sewer and Trash Billing Services shall include, but not be limited to, the following.

- (a) Provide all personnel and associated wages, salaries, and benefits; material, including fuel and vehicle expense, utilities and other consumables; and services necessary to provide Water, Sewer and Trash Billing Services in accordance with all applicable laws, regulations, statutes and guidelines.
- (b) Provide all personnel, materials, and services necessary to support the Water Sewer and Trash Billing Services including, but not limited to, management, computer operation and maintenance, administration, purchasing, reporting, janitorial, security, and building upkeep, if needed.
- (c) Provide comprehensive monthly recording and reporting to the Village of Water, Sewer and Trash Billing services and other relevant information in accordance with all applicable laws, regulations, ordinances, permits and guidelines.
- (d) Meet with representatives of the Village at least quarterly to review operations, reports, and costs.
- (e) Plan for and deal with any and all emergencies or abnormal conditions that may arise and use best efforts to maintain or restore normal operations.
- (f) Customer Service Operations:
 - (i) Establish hours of operation and service locations.
 - (ii) Establish a local customer billing service operation and respond to all billing-related telephone inquiries.
 - (iii) Handle all billing-related mail, including processing payments and responding to written customer request and inquiries.
 - (iv) Maintain non-metered accounts and all metered accounts, including making informational changes, prepare service request and review of balance adjustments.
 - (v) Verify the accuracy of water, sewer and trash payments made through third parties. Collect and process payments received for Bulk Water Service.
 - (vi) Respond to walk-up customers.
 - (vii) Collect all payments related to the Utilities. These may include miscellaneous fees. County assumes no responsibility for customer deposits previously collected by the Village.
 - (viii) Create, maintain, and update computer records on all accounts.

Ordinance No. 1223-11

Passed August 1, 2011, _____

(ix) Report all daily billing and collection activity. Credits provided for leaks would be in accordance with the Village Administrative Code

(x) Perform operations in accordance with generally accepted accounting principals.

(g) Billing Service Operations:

(i) Generate and distribute monthly water, sewer and trash bills based on Batavia Village Rates.

(ii) Support the distribution of one-page inserts in the bills, as provided by the Village, for all or a portion of the customer base.

(iii) Assume responsibility for rate and customer billing accuracy.

(h) Revenue Collection Operations:

(i) Process all incoming payments on the same day received.

(ii) Deposit all revenue for credit in the Village's specified account no later than the next bank working day.

(iii) Provide a daily report of payment activity detailed by water or sewer service.

(i) Debt Collection Operations (County will retain any and all additional fees charged for collection efforts.)

(i) Assess late fees in accordance with County Practice.

(ii) Arrange to terminate water or sewer service in order to encourage the payment of delinquent accounts.

(iii) Notify property owners of delinquent conditions at their respective properties so they can encourage tenants to pay all amounts owed prior to the lien process.

(iv) Mail additional notices to property owners that a lien will be placed on their respective properties unless unpaid water and sewer service fees for their properties are paid.

(v) Certify liens for water and sewer bills against delinquent property owners.

(vi) Respond to calls relating to debt collection procedures with the exception of unpaid or delinquent trash bills.

(vii) Handle and oversee bankruptcy claims, checks returned for insufficient funds, referrals to collection attorneys, and create deferred payment arrangements for water and sewer bills on an individual basis.

(viii) Collect and retain service charges for debt collection efforts.

(j) Miscellaneous Operations:

(i) Assume responsibility for holding accounts receivable at an acceptable level.

Ordinance No. Ord 1223-11Passed August 1, 2011

- (ii) Use all available information to identify and establish new water and/or sewer connections, which may include existing but unbilled connections.
- (iii) Comply with all applicable local, State and Federal Laws, rules and regulations.
- (iv) Cooperate with all audits on behalf of the rates payers.
- (v) Supply various monthly reports on revenues, accounts receivable, and billings.
- (vi) Provide sewer and water service addresses in an Oracle database or digital ASCII format for integration with the County's systems, including the Geographical Information System (GIS).

Section 1.02. Water, Sewer and Trash Billing Service Standards. The County shall provide water, sewer and trash billing services in accordance with the following standards, in addition to any and all Legal Requirements governing the provision of water and sewer billing services.

- (a) Revenue deposit timeliness standard: Deposit revenues within one working day.
- (b) Billing inquires response time: For inquires that do not require field inspection, respond within thirty (30) minutes. For inquires requiring inspection, respond within two (2) working days.

Section 1.03. Water Supply Provision. During the Term, the County shall provide bulk water supply to the Village according to the terms and conditions of the April 27, 2009 Agreement between the Board of County Commissioners of Clermont County, Ohio and the Village of Batavia including payments for water used under the Agreement.

- (a) Provide all personnel and associated wages, salaries and benefits; material, fuel and vehicle expense; and services necessary to address the responsibilities of the Village under the Bulk Water Supply Agreement. County shall be responsible for payment for water used by the Village system as listed in item 10 of the Agreement.
- (b) Village would retain responsibility for Item 11 of the Agreement in the event that additional capacity is needed due to growth or expansion of the Village System including any Capital Improvements.
- (c) The County will prepare and distribute the Annual Consumer Confidence Report. The Village will provide the prior year document in electronic format to the County.

Section 1.04. Water Distribution Operation and Maintenance Services. During the Term, the County shall provide for the day-to-day operation and maintenance of the Village's Water Distribution System, including meter reading, in compliance with all Legal Requirements. Operation and maintenance of the Water Distribution System shall include, but not be limited to, the following.

- (a) Provide all personnel and associated wages, salaries, and benefits; material, including chemicals, fuel and vehicle expense, utilities and other consumables, and services necessary to operate the Water Distribution System in accordance with all applicable laws, regulations, statues and guidelines. Prepare and submit required reports to Ohio EPA. The Water Distribution System shall be operated in a manner to ensure that the system satisfies legal and regulatory requirements.
- (b) Provide all personnel, materials, and services necessary to support the operation of the Water Distribution System including, but not limited to, management,

Ordinance No. 1223-11

Passed August 1, 2011

administration, engineering, purchasing, reporting, janitorial, security, residuals disposal, and building upkeep.

- (c) Provide all personnel, material, and services necessary to maintain the Water Distribution System, equipment, mechanical, electrical, HVAC, instrumentation, communication and computer systems adequately to ensure efficiency, long-term reliability and conservation of capital investment. Prudent maintenance must be provided in accordance with industry standards, equipment manufactures' instructions, and the operating and maintenance manuals. Provisions shall be made for enforcing existing equipment warranties and guarantees, and for maintaining all warranties on new equipment purchased after the effective date of the contract.
- (d) Provide comprehensive monthly recording and reporting to the Village of Water Distribution System parameters, maintenance plans and activities, equipment and parts inventories, manpower utilization and other relevant information in accordance with all applicable laws, regulations, ordinances, permits and guidelines. Customer Service and work order reports shall support the maintenance of County GIS applications.
- (e) Perform all customer service for the Water Distribution System. Provide a local, twenty-four (24) hour customer service emergency response line. Respond to all telephone calls involving complaints or requests for service. Attend to all work orders including repair orders generated as a result of such telephone calls.
- (f) Perform all activities related to meter reading, including providing billing data in a readable format.
- (g) Perform new water service installations, ¾" through 2", in accordance with the County's Rules and Regulations.
- (h) Meet with representatives of the Village at least quarterly to review operations, reports, and cost.
- (i) Provide assistance to the Village in the development and implementation of the Village's capital improvement program for the Water Distribution System, at the Village's request.
- (j) Review and update where appropriate a water contingency plan for interaction and coordination with the appropriate agencies of the Village. Submit the updated water contingency plan to the OEPA annually. Plan for and deal with any and all emergencies or abnormal conditions that may arise and use best efforts to maintain or restore normal operations.

Section 1.05. Water Distribution and Maintenance Service Standards. The County shall operate and maintain the Water Distribution System in accordance with the following standards, in addition to any and all Legal Requirements governing the operation and maintenance of the Water Distribution System.

(a) Mains:

- (i) Flushing: Flush dead ends twice annually. Maintain minimum chlorine levels.
- (ii) Repairs: Initiate repair within a two (2) hour response time.
- (iii) Leak Detection: Provide evaluation within twenty-four (24) hours. Schedule within forty-eight (48) hours.

Ordinance No. Ord 1223-11Passed August 1, 2011

(b) Fire hydrants:

- (i) Flushing: Provide annual hydrant service.
- (ii) Flow testing: Test ten (10) per year.
- (iii) Repairs: Repair within four (4) weeks.

(c) Valves and Valve Boxes:

- (i) Repairs: Repair as needed.
- (ii) Testing: Test twenty-five (25) per year, including operating, exercising, and marking.
- (iii) Replace up to four (4) valves annually.

(d) Meters:

- (i) Reading: The County shall read all water meters at least on a monthly basis.
- (ii) Repairs: repair within thirty (30) days of identification of an accuracy issue.
Repair within two (2) business days if a leak is identified.
- (iii) Testing: Inspect/test 30 meters per year during the term of the contract. Up to 25 x $\frac{3}{4}$ meters registering >5% inaccuracy will be repaired or replaced at County Cost. Meters 1" and larger determined to be inaccurate may be replaced as determined by the Village at their cost.
- (iv) New Service Installations: Install $\frac{3}{4}$ " to 2" meters within four (4) weeks of requests.
- (v) Unaccounted for Water: County will provide the Village with an annual calculation of the unaccounted for water percentage for the Village system.
- (vi) Bulk Water Station: County accepts no responsibility for maintaining or operating the Bulk Water Station under this Contract.

(e) Storage Tanks:

- (i) Draining: No draining of the Village storage tanks is anticipated during the term of the contract.
- (ii) Inspecting: Complete a weekly check of site and function.

(f) Customer Service:

- (i) Standard Repair Order Completion Period: Complete within two (2) business days.
- (ii) Emergency Repair Order Response Period: Respond within two (2) hours.
- (iii) Utility Marking: Complete within two (2) business days.
- (iv) Customer Call Center: Provide a local twenty-four (24) hour customer service line with human response.

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(g) Meter Reading Activities:

- (i) Service Turn-ons: Complete within two (2) business days.
- (ii) Minor Meter and Service Leaks: Respond within forty-eight (48) hours.
- (iii) Major Meter and Service Line Leaks: Respond within twenty-four (24) hours.
- (iv) Meter Read Verifications: Provide within two (2) business days.

(h) Laboratory Analysis Standards: The County shall collect and analyze samples for the water distribution system in accordance with the OEPA Testing Frequency and QA/QC parameters as listed in the Standard Methods.

Section 1.06. Wastewater Treatment Operation and Maintenance Services. During the Term, the County shall provide for the day-to-day operation and maintenance of the Village's Wastewater Treatment Facilities in compliance with all Legal Requirements. Operation and maintenance of the Wastewater Treatment Facilities shall include, but not be limited to, the following.

- (a) Provide all personnel and associated wages, salaries, and benefits; material, including chemicals, fuel and vehicle expense, utilities and other consumables; and services necessary to operate the Wastewater Treatment Facility in accordance with all applicable laws, regulations, statutes, and guidelines. Prepare and submit required reports to Ohio EPA. The Wastewater Treatment Facilities shall be operated in a manner to ensure that the facilities satisfy legal and regulatory requirements.
- (b) Provide all personnel, materials, and services necessary to support the operations of the Wastewater Treatment Facilities including, but not limited to, management, laboratory testing, computer control system operation and maintenance, administration, purchasing, reporting, janitorial, security, residuals disposal, and building upkeep.
- (c) Provide all personnel, material, and services necessary to maintain the wastewater treatment structures, equipment, mechanical, electrical, HVAC, instrumentation, communication and computer systems adequately to insure efficiency, long-term reliability and conservation of capital investment. Prudent maintenance must be provided in accordance with industry standards, equipment manufactures' instructions and the operating and maintenance manuals.
- (d) Administer the transportation, handling, and disposal of sludge, grit, screenings, and other wastes in accordance with applicable regulations and requirements.
- (e) The County may, at its discretion, construct diversion piping and facilities to transfer any or all flow from the Village WWTP to the County's MEF wastewater system. The determination of the amount of flow diverted rests solely with the County. Flow diversions may be necessary to ensure appropriate treatment of high strength or high volume flows or for improved efficiency.
- (f) The Village agrees to jointly support any grant submittal by the County to pursue funding for flow diversion facilities.
- (g) Prepare and provide regular reports and permit renewals related to the operation and maintenance of the Wastewater Treatment Facilities to other regulatory bodies, copying the Village on all such documentation. Pay all regulatory fees related to the operation and maintenance of the Wastewater Treatment Facilities. Fees associated with the renewal of any NPDES permits are the responsibility of the Village.

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- (h) Meet with representatives of the Village at least quarterly to review operations, reports, and cost. Also conduct annual comprehensive plant inspections with representatives of the Village to evaluate and document condition, safety, or other concerns.
- (i) Provide assistance to the Village in the development and implementation of the Village's capital improvement program for the Wastewater Treatment Facilities at the Village's request.
- (j) Review and update where appropriate an emergency preparedness plan for interaction and coordination with the appropriate agencies of the Village. Plan for and deal with any and all emergencies or abnormal conditions that may arise and use best efforts to maintain or restore normal operations.
- (k) The Village currently is not subject to Industrial Waste Pre-treatment (IWPT) requirements. Accordingly, the County does not include any IWPT services under this contract. Should the Village need these services in the future, the County will provide them for an additional cost.

Section 1.07. Wastewater Treatment Operation and Maintenance Service Standards. The County shall operate and maintain the Wastewater Treatment Facilities in accordance with the following standards, in addition to any and all Legal Requirements governing the operation and maintenance of the Wastewater Treatment Facilities.

- (a) Operation in Compliance with Permits: The County shall operate the Wastewater Treatment Facilities in compliance with all current permits and all legal requirements. The County shall not be liable for any violations caused from inadequate facilities or equipment.
- (b) Laboratory Analysis Standards: The County shall perform wastewater testing in accordance with the OEPA Testing Frequency and QA/QC parameters as listed in the Standard Methods.
- (c) Wastewater Treatment Standards: The County shall operate the Wastewater Treatment Facilities such that the effluent released is of equal or better quality than the effluent released on a consistent basis prior to the Effective Date.
- (d) Grounds Keeping Standards: The Village shall maintain the grounds at the Wastewater Treatment Plant site and other Village owned facilities. County will not provide any grounds maintenance under this contract.

Section 1.08. Sewer Collection Operation and Maintenance Services. During the Term, the County shall provide for the day-to-day operation and maintenance of the Village's Sewer Collection System in compliance with all Legal Requirements. Operation and maintenance of the Sewer Collection System shall include, but not be limited to, the following.

- (a) Provide all personnel and associated wages, salaries and benefits; material, including chemicals, fuel and vehicle expense, utilities and other consumables, and services necessary to operate the Sewer Collection System in accordance with all applicable laws, regulations, statutes and guidelines. Prepare and submit required reports to Ohio EPA. The Sewer Collection System shall be operated in a manner to ensure that the system satisfies legal and regulatory requirements.
- (b) Provide all personnel, materials, and services necessary to support the operation of the Sewer Collection System including, but not limited to, management, administration, engineering, purchasing, reporting, janitorial, security, residuals, disposal, and building upkeep.

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- (c) Provide all personnel, material, and services necessary to maintain the Sewer Collection System, equipment, mechanical, electrical, HVAC, instrumentation, Communication and computer systems adequately to insure efficiency, long-term reliability and conservation of capital investment. Prudent maintenance must be provided in accordance with industry standards, equipment manufactures' instructions, and the operation and maintenance manuals.
- (d) Provide comprehensive monthly recording and reporting to the Village of Sewer Collection System Parameters, maintenance plans and activities, equipment and parts inventories, manpower utilization and other relevant information in accordance with all applicable laws, regulations, ordinances, permits and guidelines. Customer service and work order reports shall support the maintenance of County GIS applications.
- (e) Perform all customer service for the Sewer Collection System. Provide a local, twenty-four (24) hours customer service emergency telephone line. Respond to all telephone calls reflecting complaints on requests for service. Attend to all work orders including repair orders generated as a result of such telephone calls.
- (f) Meet with representatives of the Village at least quarterly to review operations, reports, and costs. Also conduct an annual comprehensive Sewer Collection System inspection with representatives of the Village to evaluate and document condition, safety, or other concerns.
- (g) Provide assistance to the Village in the development and implementation of the Village's capital improvement program for the Sewer Collection System at the Village's request. Participate in capital program strategic planning meetings. At least annually and upon request by the Village, evaluate all Sewer Collection System equipment and buildings and notify the Village of specific capital expenditures needs for replacing or upgrading of structures, equipment, mechanical, electrical, HVAC, instrumentation, computer and communication systems.
- (h) Review and update where appropriate an emergency preparedness plan for interaction and coordination with the appropriate agencies of the Village. Plan for and deal with any and all emergencies or abnormal conditions that may arise and use best efforts to maintain or restore normal operations.

Section 1.09. Sewer Collection Operation and Maintenance Service Standards. The County shall operate and maintain the Sewer Collection System in accordance with the following standards, in addition to any and all Legal Requirements governing the operation and maintenance of the Sewer Collection System.

(a) Sewer Cleaning:

- (i) Sewer Cleaning: Clean 12,000 feet of 8" and 10" sewers annually.
- (ii) Sewer Televising: Televis 12,000 feet of 8" and 10" sewers annually.
- (iii) Manholes: Inspect manholes every three (3) years.
- (iv) Smoke Testing: The County may utilize smoke testing as a means to access system condition; the Village will assist the County with public notification and coordination of other Village services during the test periods.
- (v) Wet Wells: Clean annually.

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(b) Lift Stations:

(i) Draw Down Testing: Complete annual test on each lift station.

(ii) Physical Inspection: Complete at least three (3) times per week.

(iii) Electrical Preventive Maintenance: Complete semi-annually.

(iv) Mechanical Preventative Maintenance: Complete quarterly.

(v) Alarm System Upgrades: Maintain existing system.

(c) Sewer Rehabilitation:

(i) Manholes Adjusted: Adjust as needed for repaving projects.

(ii) Force Main Repairs: Repair as needed.

(d) Flow Monitoring:

(i) Sewer Flow Meter Maintenance: Provide two (2) units of operation and maintenance in years one and two of the contract. Provide three (3) units of operation and maintenance in year three (3); units may be moved or relocated as needed to evaluate flow and system condition assessment.

(ii) Rain Gauge Maintenance: Provide rainfall data from the County's MEF facility.

(e) Customer Service:

(i) Standard Repair Order Completion Period: Complete within two (2) business days.

(ii) Emergency Repair Order Response Period: Respond within two (2) hours.

(iii) Utility Marking: Complete within two (2) business days.

(iv) Customer Service Call Center: Provide a twenty-four (24) hour, local customer service line with human response.

(v) Odor Complaint Response Period: Implement short-term corrective action within twenty-four (24) hours.

(vi) Sewer Backup Response Period: Provide twenty four (24) hour response to customer call for water in basement. County will check public facilities and investigate complaints. County assumes no liability for issues on private property under this contract. The parties agree that under no circumstances will County be liable for any issues on private property under this contract including but not limited to damages caused by sewer backups.

(f) Generators: Exercise monthly and inspect.

Section 1.10. General Duties.

(a) County will support the maintenance of Village utility data in the County's GIS. All data related to assets will be provided in an Oracle database or an agreed-to digital

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ASCII format. Asset number, as provided by the County, will reference all data related to the Utilities assets.

- (b) County will operate utilities in accordance with the Rules and Regulations of the Clermont County Water Resources Department.
- (c) The County shall maintain the current level of security to the Utilities. The contract compliance officer of the Village shall have twenty-four (24) hours per day access to the Utilities.
- (d) The County will maintain relevant and applicable safety records. The County must record the relevant details regarding any accidents or injuries.
- (e) The County shall maintain professional, responsible and responsive working relationships with representatives of the Village, regulatory authorities, suppliers of material, utilities and services, and the public.
- (f) The County shall actively pursue improvements in effectiveness, efficiency, and the cost of operations and maintenance.
- (g) The County shall maintain detailed records and reports of maintenance work performed and shall make such reports available to the Village, in writing or by electronic retrieval. The reports shall identify all maintenance activities pending or completed since the most recent report. The reports shall be in a format agreed upon by the County and Village.
- (h) The County shall make provision for services to be provided during transition of operations to the Village or another Contractor in the event of termination or nonrenewal of contract.
- (i) In the event of an emergency beyond normal operation and maintenance that directly impacts the operation of the Utilities; the County shall make every reasonable effort to contact the Village to authorize any needed emergency repairs. Should the Village not be able to authorize such needed emergency repairs, the County may proceed without the Village's authorization. The County shall provide the Village a written report detailing those actions within twenty-four (24) hours of such occurrence. The Village shall reimburse the County of all incremental Operation and Maintenance Cost and Capital Expenditures directly related to all such emergency measures, provided such situation was not due to the fault or negligence of the County.
- (j) The County shall provide on-going training and management to its employees at the Utilities to ensure that they are kept current on state-of-the-art industry operations and techniques.
- (k) The County shall remain current with respect to new technologies and keep the Village informed of opportunities for new equipment, which would lead to more efficient operation of the Utilities.

Section 1.11. Property Owned by the Village. All of the land, buildings, improvements, equipment, vehicles, easements, and property that constitute the Utilities, including any Village-funded additions thereto, shall remain the property of the Village. All such necessary facilities excluding the Municipal Building at 389 East Main Street shall be made available to the County for use in providing service under the Agreement.

Section 1.12. Inventory. Within ninety (90) days of the Effective Date, the County and the Village shall mutually identify and value at cost the Beginning Inventory that is usable in the ordinary course of operations of the Utilities. The Beginning Inventory shall include items listed

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in _____. Any unusable or surplus inventory identified by the County at that time shall be transferred to the Village for its use or disposal. During the term of the Agreement, the County shall utilize the Beginning Inventory in the operation and maintenance of the Utilities. At the Termination Date, the County shall replenish the inventory and transfer the Ending Inventory to the Village. The County shall ensure that the value of the Ending Inventory is at least equal to the value of the Beginning Inventory, adjusted for inflation. At least ten (10) days before the Termination Date, the County shall provide the Village with inventory work papers (not older than the end of the prior month) that document the nature, quantity and book value of the Ending Inventory being transferred to the Village.

Section 1.13. Vehicles.

- (a) The County shall be responsible for all costs associated with the use of the vehicles and rolling stock included in _____, including insurance and maintenance costs. Those costs shall include, but are not limited to, insurance, fuel and maintenance. Maintenance must be conducted in compliance with manufactures specifications and the Village's specifications, whichever are more stringent. Compliance with these maintenance standards for Vehicles shall be documented in the regular reports provided to the Village. The County shall not incur routine maintenance cost in excess of one-half (1/2) of the fair market value of the Vehicle.

Section 1.14. Major Corrective Maintenance and Capital Improvements. The County shall identify Major Corrective Maintenance and Capital Improvements projects for the Utilities. Upon approval of the Village, the County shall perform the work associated with the identified project(s). The Capital Improvements made to the Utilities immediately shall become the property of the Village.

The County shall furnish all labor, materials, equipment, and contractual services necessary for Major Corrective Maintenance and Capital Improvements consistent with the Legal Requirements. Eligible cost of the Major Corrective Maintenance and Capital Improvements for which the County shall be entitled to be paid shall include direct labor cost. In addition, eligible costs shall include the cost of materials, supplies, equipment and subcontractors, plus a markup on those items. Labor cost will be based on actual cost including benefits.

Nothing in the Agreement, however, shall preclude the Village from using other contractors to complete any Major Corrective Maintenance or Capital Improvements projects.

Section 1.15. Village Retained Responsibilities.

- (a) The Village will retain responsibility for capital improvement planning, and will involve the County in implementing the capital improvements plan of the Village as it may deem appropriate. The Village will maintain sufficient planning and engineering capability to develop and update the capital improvement plan and administer capital improvements made by other Contractors.
- (b) The Village will retain all rate setting authority and functions. The Village will retain selected staff and outside support as necessary to support its long-term rate setting, debt service planning, and financial oversight activities.
- (c) The Village shall conduct an annual performance review regarding the County's work under this Agreement. However, the Village may, at its discretion, conduct a performance review of the contract at any time.

ARTICLE II. PERSONNEL

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

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Section 2.01. Adequate Staffing. The County shall employ and retain an adequate staff in order to operate and maintain the Utilities within design specifications and with performance levels at or above the performance levels achieved on a continuous basis when the Utilities were operated and maintained by the Village.

Section 2.02. Comparable Employment. The County shall offer comparable employment opportunities to two (2) eligible Utilities employees on the Effective Date. The offer would include wages equivalent to or better than their current compensation from the Village and benefits equivalent to comparable employees of Clermont County. The County shall have the right to require substance abuse test of all applicants for employment and the right to reject for employment any person not passing or declining to take such a test.

Section 2.03. Termination Policy. For the first six (6) months of the Agreement, the County shall not terminate or lay-off any eligible Utilities employee, except for cause. Following the six-month period, the County shall have full discretion in matters of employment.

Section 2.04. Nondiscrimination in Employment. The County shall not discriminate against any employee or applicant for employment to be employed in the performance of this Agreement.

Section 2.05. No Restriction on Employment. At or prior to the Termination Date, the County shall not place any restriction upon the ability of the employees at the Utilities to become employees of the Village, or employees of any Contractor that may in the future operate and maintain the Utilities.

Section 2.06. Village not Employer. Nothing in this Article shall be construed to place the Village in the relationship of the Employer of, or to grant the Village the rights to direct or control employees of the County.

ARTICLE III. DEFAULTS AND REMEDIES

Section 3.01. Event of Default. The occurrence of any of the following shall constitute an "Event of Default" for the purposes of this Agreement:

- (a) The failure by the Village to pay any fee, charge or other monetary payment to the County within forty-five (45) days of the day upon which such a fee, charge or monetary payment becomes payable;
- (b) The failure by the County (i) to perform the operation and maintenance of the Utilities in the manner set forth by this Agreement, except in the event of Uncontrollable Circumstances, or (ii) to maintain adequate and experienced personnel necessary to ensure that the operation and maintenance standards set forth in this Agreement are satisfied;
- (c) The failure by the County to allow representatives of the Village onto the premises of the Utilities or to inspect the records of the County as they relate to the Utilities; or
- (d) The breach of any other representation, covenant, warranty or obligation by a party to this Agreement, except in the event of Uncontrollable Circumstances.

Section 3.02. Notice and Cure. The non-defaulting party shall give written notice to the party in default of any Event of Default. With respect to an Event of Default under Section 3.01 (a), the Village shall have ten (10) days from the date of receipt of such notice to take action to cure the default. For Events of Default under Section 3.01 (b) (c) and (d), the party in default shall have sixty (60) days from the date of receipt of such notice to take action to cure the default ("First Cure Period"). If such default is not cured at the expiration of the First Cure Period, and the defaulting party is diligently pursuing a cure the cure period shall be extended for an

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additional sixty (60) day period ("Second Cure Period"). If such default has not been cured at the expiration of the Second Cure Period or if the defaulting party is not diligently pursuing a cure at the end of the First Cure Period, the party not in default may exercise any of the remedies set forth in Section 3.03 of this Agreement. Provided, however, that any cure period will be extended in the event that the Event of Default is related to the need for regulatory action (which has not been obtained) and the proper documentation requesting such action has been filed with the appropriate regulatory agencies.

Section 3.03. Remedies. Subject to the provisions of Section 3.04, the following remedies against a party in default which does not cure its default as set forth in the Section 3.02 of this agreement shall be available to the non-defaulting party:

- (a) If the party in default is the County, the Village may (i) withhold payment of the compensation payable to the County pursuant to Article VIII, without such non-payment constituting an Event of Default, until such time as the default is cured; or (ii) terminate this Agreement.
- (b) If the party in default is the Village, the County may terminate this Agreement.
- (c) The party in default shall reimburse the non-defaulting party and be responsible for all the expenses incurred as a result of the default, including consequential and incidental damages and expenses and reasonable charges of attorneys, engineers, architects and other professionals.

The foregoing remedies shall be in addition to, and not in limitation of, all remedies available at law or in equity to the non-defaulting party.

ARTICLE IV. LIMITATIONS

Section 4.01. Possession of Utilities. The County shall be entitled to possession of the Utilities during the term of this Agreement.

Section 4.02. Access to Utilities. The County shall allow the Village access to the Utilities at all times. The Village shall have the right to conduct a performance audit and evaluation of the County at such time as the Village deems necessary and at the Village's expense. The County agrees to cooperate with any such audit. The Village may employ consultants, at its expense, to assist the Village in the audit.

Section 4.03. Control. The Village shall have no right to control or direct the County or its employees in its operation and maintenance of the Utilities except as expressly provided in this Agreement.

ARTICLE V. DISPUTE RESOLUTION PROCEDURE

The parties will attempt in good faith to resolve any and all controversies or claims arising out of or relating to this Agreement promptly by negotiation.

The disputing party shall give the other party written notice of this dispute. Within twenty (20) days after said receipt of said notice, the receiving party shall submit to the other a written response. The notice and response shall include (a) a statement of each party's position and a summary of the evidence and arguments supporting its position, and (b) the name and title of the executive who will represent the party. The executives shall meet at a mutually acceptable time and place within thirty (30) days of the date of the disputing party's notice and thereafter as often as they reasonably deem necessary to exchange relevant information and to attempt to resolve the dispute.

If the matter has not been resolved within sixty (60) days of the disputing party's notice, or if the party receiving said notice will not meet within thirty (30) days, either party may initiate

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mediation of the controversy or claim in accordance of the State of Ohio's Rules of Alternative Dispute Resolution process.

Notwithstanding the provisions of this Article V, a party may seek a preliminary injunction or other preliminary judicial relief if in its good faith judgment such action is necessary to avoid irreparable harm.

ARTICLE VI. TERMINATION

Section 6.01. Termination Defaults by the County. Notwithstanding anything to the contrary in this Agreement, the occurrence of any of the following shall constitute a "termination Default" by the County:

- (a) The operation and maintenance of (or the failure to operate and maintain) the utilities in such a manner as to create a situation which poses a real, serious, and immediate threat to the health and public welfare of the Village of Batavia or its citizens; or
- (b) Any act or omission by the County which constitutes a felony under applicable law; or
- (c) The quality of the Utilities has consistently declined and the County had failed to remedy the problem.

Section 6.02. Termination by the Village. Notwithstanding anything to the contrary in this Agreement, the occurrence of any of the following shall provide the Village with the right to terminate this Agreement:

- (a) If any Governmental Authority, arbitration ruling or court of law at any level enjoins, sets aside or nullifies this Agreement, the Village may exercise its right to terminate this Agreement for its own convenience without any liability of any sort to the County upon thirty (30) days notice; or
- (b) If funds for this Agreement are at any time insufficient or not forthcoming though the failure of any entity to appropriate funds: or
- (c) The Village shall have the option, exercisable at any time, to terminate this Agreement for Cause, by giving written notice ninety (90) days prior to the date of the said termination to the County.

Section 6.03. Termination by the County. Subject to the terms of Article V herein, the County shall have the right to immediately terminate this Agreement only after an Event of Default by the Village, pursuant to Section 3.02 herein, which remains uncured. In the event of any uncured Event of Default by the Village, the County, subject to the provisions of Article V herein, may terminate this Agreement by giving notice to the Village of its election at least one hundred and eighty (180) days prior to the date of termination.

Section 6.04. Termination of Agreement.

- (a) In the event of a Termination Default by the County as described in Section 6.01. (a) herein, the Village shall have the right, upon written notice to the County as to the specific circumstances of the asserted Termination Default, to immediately suspend this Agreement and assume responsibility for the operation and maintenance of the Utilities. The suspension shall continue until the reason for the suspension has been resolved provided that if such resolution has not occurred within thirty (30) days from such written notice, then the Village may terminate this Agreement and the County shall refund to the Village any unearned compensation that may have been paid by the Village and the County shall pay

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Passed August 1, 2011, _____

any and all Damages incurred by the Village resulting from the County's Termination Default. The foregoing remedies shall be in addition to, and not in limitation of, all remedies available at law or in equity to the Village.

(b) In the event of a Termination Default by the County as described in Section 6.01. (b) and (c) herein, the Village shall have the right to terminate this Agreement upon ten (10) days prior written notice to the County. Upon such termination, the County shall pay any and all Damages incurred by the Village resulting from the County's Termination Default.

(c) Upon termination of this Agreement, The Village shall pay the County an appropriately adjusted pro-rata portion of the compensation calculated in accordance with Article VIII herein but only such amounts as have been reduced by any Damages suffered by the Village as a result of any Termination Default.

(d) Upon the expiration of the Term, the Village shall promptly pay the County any compensation due at to the County under Article VIII herein.

Section 6.05. Transition at Termination Date. On the Termination Date, the County shall cooperate with the Village to ensure a smooth transition of the operation and maintenance of the Utilities. All facilities owned by the Village will be transitioned in operational condition, including the wastewater treatment plant unless other arrangements are approved by the Village. The Village shall not be responsible for any transition cost of the County incurred in connection with a termination of this Agreement on the Termination Date.

ARTICLE VII. INSURANCE

Section 7.01. Village to Maintain Insurance. The Village shall maintain, at its expense, property insurance on the Utility infrastructure owned by the Village. The Village shall maintain at its expense liability insurance to cover damages caused by sewer backups and name the County as additional insured under such policy.

Section 7.02. Liability Insurance. The County, at its expense, shall be responsible for General Liability Insurance related to the operation and maintenance of the Utility.

ARTICLE VIII. COMPENSATION

Section 8.01. Compensation. In exchange for the services to be provided by the County as identified in Article I. Scope of Services, the Village shall pay the County an Annual Fee. The Annual Fee will be comprised of the Water Portion, paid by the Village to the County in exchange for the operation and maintenance of the Water Distribution System and provision of Bulk Water Supply; the Wastewater portion, paid by the Village to the County in exchange for the operation and maintenance of the Wastewater Treatment Facility and the Sanitary Sewer Collection System; and the Billing portion, paid by the Village to the County in exchange for the provision of Water, Sewer and Trash Collection Billing Services.

(a) The total Annul Fee for Agreement year one shall be:

Water Portion	<u>\$ 200,000.00</u>
Wastewater Portion	<u>\$ 283,000.00</u>
Billing Portion	<u>\$ 10,000.00</u>
TOTAL	<u>\$ 493,000.00</u>

(b) The Annual Fee for Years Two and Three shall be increased by 2% of the prior year Annual Fee.

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Passed August 1, 2 011

(c) One twelfth (1/12) of the Annual Fee for each Agreement Year shall be due and payable on the 10th day of the month in which the services are rendered.

ARTICLE IX. TERM OF AGREEMENT

The Term of this Agreement ("Term") shall commence on the Effective Date and expire on the third (3rd) anniversary on the Effective Date, unless extended by the Village and County for a similar term in accordance with the provisions of State law or sooner terminated in accordance with the provisions hereof.

IN WITNESS WHEREOF, County executes this Agreement as duly authorized by Resolution No. _____ and Village executes this Agreement as duly authorized by Ordinance No. _____ on the dates as indicated.

BOARD OF COUNTY COMMISSIONERS
OF CLERMONT COUNTY, OHIO

Edwin H. Humphrey, President

Robert L. Proud, Vice President

Archie Wilson, Member

ATTEST:

CLERK, BOARD OF COUNTY
COMMISSIONERS OF CLERMONT
COUNTY, OHIO

Date: _____

Judith Kocica

WITNESSES:

Village of Batavia

John Thebout
John Thebout Mayor

Anne Lock

Anne Lock
Clerk Treasurer

Date: 8-4-11

This agreement approved as to
form by the Office of the
Clermont County Prosecuting
Attorney

Approved as to form:

Solicitor, Christopher L. Moore

By: _____
Allan Edwards

Date: _____

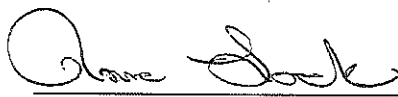
Ordinance No. 1223-11Passed August 1, 2011

Assistant Prosecutor

Prepared: _____

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that \$123,249.99 the amount required to meet the contract, obligation or expenditure for the attached for year 2011 has been lawfully appropriated for the purpose, and is in the treasury or in process of collection to the credit of fund number 5101, 5102 & 5601 free from outstanding obligation or encumbrance



Anne Lock
Fiscal Officer
Village of Batavia

I will certify the funds needed for 2012 in January 2012.

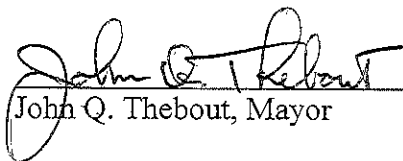
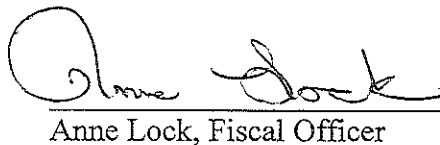
The vote for adoption of Ordinance 1223-11 was as follows:

Earl Carter	no
John Waite	yes
Kent Teague	yes
Bob Handra	no
Steve Staton	yes
Kathy Turner	no

Mayor Thebout broke the tie and voted yes.

ADOPTED: August 1, 2011

ATTEST:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of the Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 4, 2011.



Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

1224-11

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1224-11

Passed Failed September 1, 2011

ORDINANCE 1224-11

AN ORDINANCE AMENDING ORDINANCE 1197-09 WHICH ESTABLISHED THE DATE AND TIME FOR COUNCIL MEETINGS WITHIN THE VILLAGE OF BATAVIA, OHIO

FAILED: SEPTEMBER 1, 2011

Ordinance No. 1225-11

Passed January 9, 2012

ORDINANCE 1225-11

AN ORDINANCE ADOPTING REVISED ZONING MAP FOR
THE VILLAGE OF BATAVIA

WHEREAS, the Village of Batavia desires to have an updated Zoning Map which reflects the current status of zoning in the Village; and,

WHEREAS, the Village of Batavia Zoning and Planning Committee has reviewed and recommended approval of said Zoning Map.

NOW THEREFORE, be it ordained by the Council of the Village of Batavia, Clermont County, State of Ohio, a majority of all members elected thereto concurring:

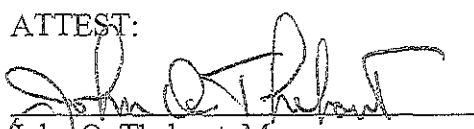
Section 1. That the revised and updated Zoning Map of the Village of Batavia, Ohio, a copy being attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and adopted, and said map shall supersede and replace all prior Zoning Maps of the Village of Batavia, Ohio.


Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This ordinance shall take effect at the earliest date allowed by law.

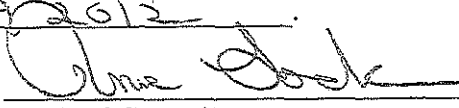
Adopted: January 9, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Jan 19, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1226-11

Passed August 18, 2011, _____

ORDINANCE 1226-11

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACT AS
VILLAGE ADMINISTRATOR AND PURCHASING AGENT
EFFECTIVE AUGUST 16, 2011 AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Batavia Council, understands that the current Village Administrator is presently unable to act on behalf of the Village of Batavia, and

WHEREAS, the Village Council believes it is in the best interests of the Village to ensure that there is an individual who can act on behalf of the Village in all pending matters, and

WHEREAS, the Council of the Village understands that the Mayor has previously served as the acting Village Administrator and is familiar with the matters presently pending involving the Village.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, three-fourths or more of the members elected thereto, concurring that:

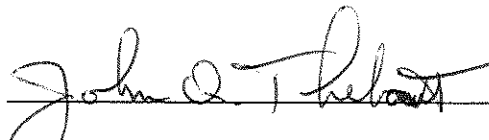
Section 1: That commencing the 16th day of August 2011, the Mayor of the Village of Batavia, shall hereinafter be authorized to move act on behalf of the Village, having all authority and powers as the present Administrator, as the Acting Village Administrator, to act on behalf of and to bind the Village in any and all proceedings, as directed by Council.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

ADOPTED: August 18, 2011

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 29, 2011.



Clerk of Council
Batavia, Ohio

Ordinance No. 1227-11

Passed August 22, 2011, _____

ORDINANCE 1227-11

AN ORDINANCE STATING SERVICES TO BE PROVIDED TO ANNEXED TERRITORY,
REQUIRING THE VILLAGE TO REQUIRE THE OWNER TO PROVIDE A BUFFER FOR
INCOMPATIBLE ZONING USES, AND DECLARING AN EMERGENCY

WHEREAS, a Petition seeking the annexation of approximately 286.4610 acres of land situate in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Glen Wiedenbein, Trustee, on August 11, 2011; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township:

NOW, THEREFORE, BE IT ORDAINED By The Council Of The Village Of Batavia,
Ohio:

SECTION 1.

The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

1. Police Protection;
2. Street Maintenance;
3. Snow Removal;
4. Zoning and Zoning Administration;
5. Tax Administration; and,
6. Water and Sewer Service when and as requested by property owners.

The Village may, in its sole discretion, provide additional services to the territory, upon annexation, in addition to those set forth above.

SECTION 2.

Should the annexation result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village of Batavia hereby agrees as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

SECTION 3.

The Council hereby states that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of

Ordinance No. 1227-11

Passed August 22, 2011

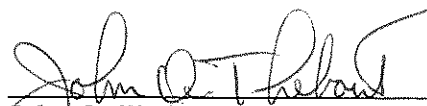
the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

SECTION 4.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that time is of the essence because this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.


ADOPTED: August 22, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 23, 2011.


Clerk of Council
Batavia, Ohio

Ordinance No. 1228-11Passed August 22, 2011, _____

ORDINANCE 1228-11

AN ORDINANCE CONSENTING TO THE ANNEXATION OF PROPERTY TO THE VILLAGE OF BATAVIA, OHIO

WHEREAS, Glen Wiedenbein, Trustee has petitioned to annex certain specified land to the Village of Batavia, Ohio.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

SECTION 1.

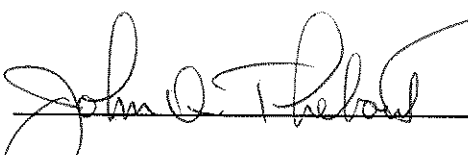
The Council of the Village of Batavia hereby consents to the petition for annexation filed August 11, 2011, by Glen Wiedenbein, Trustee.

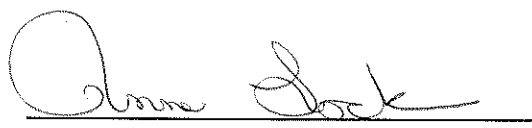
SECTION 2.

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.


ADOPTED: August 22, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 23, 2011.


Clerk of Council

Batavia, Ohio

Ordinance No. 1229-11

Passed September 1, 2011, _____

ORDINANCE 1229-11

AN ORDINANCE ACCEPTING PETITION FILED BY RICHARD G. SAYLOR, TRUSTEE

WHEREAS, a Petition seeking the annexation of approximately 108.473 acres of land situated in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Richard G. Saylor, Trustee, on June 2, 2011; and,

WHEREAS, on June 29, 2011, the Board of County Commissioners adopted Resolution Number 111-11 granting the said annexation; and,

WHEREAS, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAIVA, OHIO:

SECTION 1:

The Council of the Village of Batavia hereby accepts the Petition for Annexation filed with the Clermont County Board of County Commissioners by Richard G. Saylor, Trustee, on June 2, 2011.

SECTION 2:

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of the urgency because the Village must adopt and file an Ordinance accepting the annexation of approximately 108.4973 acres of land situated in Batavia Township to the Village of Batavia.

ADOPTED: September 1, 2011

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 3, 2011.



Clerk of Council

Batavia, Ohio

1230-11
Ordinance No. 1230-11

Passed October 3, 2011

ORDINANCE 1230-11

AMENDMENT TO 2011 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2011 and found it necessary appropriations for certain expenditures,

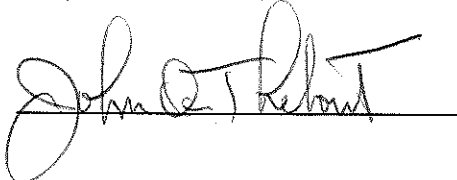
THEREFORE, be it ordained that Ordinance 1203-10 for 2011 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2011 be amended as follows:

STREET II FUND-increase	2012-620-400 Street dept supplies	\$13,000.00
BEAUTIFICATION FUND-increase	2904-490-600 beautification fund	\$500.00
REFUSE ENTERPRISE OPERATING-increase	5601-563-398 garbage & trash removal	\$20,000.00
CAPITAL-increase	4901-800-500	\$42,500.00
STREET CAPITAL-increase	4902-800-500	\$42,500.00

This ordinance shall take effect from and after the earliest period allowed by law.

Adopted: October 3, 2011

ATTEST:



Mayor John Q. Thebout



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Oct 6, 2011.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1231-11Passed December 5, 2011**ORDINANCE 1231-11**

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR
ENDING DECEMBER 31ST, 2012

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2012.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2011, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That there be appropriated from the GENERAL FUND:

Program 1-SECURITY OF PERSONS & PROPRETY

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$137,100.00
1000-110-211	Ohio Public Employees Retirement	\$2,800.00
1000-110-213	Medicare	\$2,000.00
1000-110-215	Ohio Police & Fire Pension Fund	\$24,500.00
1000-110-220	Insurance Benefits	\$55,600.00
1000-110-270	Uniforms and Clothing	\$2,000.00
1000-110-290	Other-Employee-Fringe Benefits	\$10,000.00
1000-110-348	Training Services	\$1,500.00
1000-110-390	Other Contractual Services	\$ 29,750.00
1000-110-400	Supplies and Materials	\$ 9,400.00
1000-110-400-1111	Police Dept Fuel	\$22,000.00
1000-110-500	Capital Outlay (Cruiser)	\$ 6,515.00

Street Lighting

1000-130-300	Contractual Services	\$ 20,000.00
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Program 2-PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	\$ 15,000.00
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Payment to County Health District

1000-210-640	Pymt to another political subdivision	\$ 6,637.00
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Program 3-LEISURE TIME ACTIVITES -no money appropriated

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1231-11 Passed December 5, 2011, _____

Program 4-COMMUNITY ENVIRONMENT-no money appropriated

Program 5-BASIC UTILITY SERVICES-no money appropriated

Program 6-TRANSPORTATION

Traffic Signs & Signals

1000-240-300	Contractual Services	\$ 1,000.00
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Program 7-GENERAL GOVERNMENT

1000-710-130	Salaries-Village Admin & Office Clerk	\$ 15,000.00
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1000-710-160	Salaries-Mayor's Office	\$ 4,000.00
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1000-710-211	OPERS	\$2,000.00
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1000-710-213	Medicare	\$ 400.00
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1000-710-290	Benefits, Mayor, VA & Clerk	\$ 1,200.00
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1000-710-410	Office Supplies & Materials	\$ 4,500.00
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1000-715-111	Salaries-Council	\$ 7,200.00
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1000-715-141	Salaries-Legal Counsel	\$19,500.00
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1000-715-211	OPERS	\$3,000.00
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1000-715-212	Social Security	\$400.00
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1000-715-213	Medicare	\$450.00
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1000-715-290	Other-Employees Fringe Benefits	\$1,000.00
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1000-715-300	Contractual Services	\$20,000.00
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1000-725-121	Salary-Fiscal Officer	\$39,540.80
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1000-725-211	OPERS	\$5,800.00
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1000-725-213	Medicare	\$600.00
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1000-725-220	Insurance Benefits	\$24,000.00
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1000-725-290	Other-Employee Fringe Benefits	\$3,000.00
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1000-725-300	Contractual Services	\$5,000.00
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1000-725-400	Supplies & Materials	\$1,500.00
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1000-730-300	Contractual Services	\$35,000.00
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1000-730-400	Supplies & Materials	\$ 1,000.00
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1000-740-344	Tax Collection Fees	\$ 2,000.00
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1000-745-342	Audit Fees	\$ 15,000.00
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1000-745-343	Uniform Accounting Network Fees	\$3,660.00
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1000-755-139	Other-Salaries-Administrator's Office	\$11,300.00
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Program 6

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1231-11Passed December 5, 2011, _____

2101-620-300 Contractual Services \$ 10,000.00

2101-620-500 Capital Outlay \$ 0.00

TOTAL MVL 10,000.00

LAW ENFORCEMENT & EDUCATION

2271-110-100 Personal Services \$ 200.00

2271-110-290 Other-Employee Fringe Benefits \$ 100.00

2271-110-400 Supplies and Materials \$ 200.00

TOTAL LAW ENFORCEMENT AND EDUCATION 500.00

FIRE

Program 1-Security of Persons & Property

2901-120-400 Supplies and Materials \$ 1,200.00

POLICE SPECIAL REVENUE

2903-110-400 Supplies and Materials \$ 25.00

BEAUTIFICATION

2904-490-600 Other \$500.00

GRAND TOTAL SPECIAL REVENUE FUNDS \$275,515.00**Section 4:** That there be appropriated from the following DEBT SERVICE FUNDS

Clark-Glen-Ely Sewer Assessment Debt

3301-850-790 Other Debt Service \$ 25,000.00

GRAND TOTAL DEBT SERVICE FUNDS \$25,000.00**Section 5:** That there be appropriated from the following CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500 Capital Outlay \$200,000.00

STREET CAPITAL PROJECTS

4902-800-500 Capital Outlay \$200,000.00

GRAND TOTAL CAPITAL PROJECTS \$400,000.00**Section 6:** That there be appropriated from the following ENTERPRISE FUNDS

WATER OPERATING

5101-531-300 Contractual Services \$1,000.00

5101-531-400 Supplies and Materials \$250.00

5101-533-340 Professional & Technical Services \$7,000.00

5101-533-640 Pymt to another Political Subdivision \$204,000.00

Ordinance No. 1231-11

Passed December 5, 2011

5101-535-100	Personal Services	\$25,000.00
5101-535-211	OPERS	\$2,000.00
5101-535-213	Medicare	\$150.00
5101-535-220	Insurance	\$2,500.00
5101-535-290	Other-Employee Fringe Benefits	\$1,700.00
5101-535-400	Supplies and Materials	\$0.00
5101-535-400-5111	Fuel	\$0.00
5101-850-710	Principal (debt) OPWC waterline	\$ 5,000.00
TOTAL WATER FUND		\$248,600.00
SEWER OPERATING		
5201-541-400	Supplies and Materials	\$500.00
5201-543-100	Personal Services	\$25,000.00
5201-543-211	OPERS	\$2,000.00
5201-543-213	Medicare	\$150.00
5201-543-220	Insurance	\$2,500.00
5201-543-290	Other-Employee Fringe Benefits	\$1,700.00
5201-543-340	Professional & Technical Services	\$3,000.00
5201-543-400	Supplies and Materials	\$0.00
5201-549-400-5211	Fuel	\$0.00
5201-850-790	Other-Debt Service	\$58,000.00
5201-910-910	Transfers out	\$ 0.00
5201-990-990	Other-Other Financing Uses	\$ 0.00
	Payment to County	\$285,000.00
TOTAL SEWER FUND		\$377,850.00
REFUSE ENTERPRISE OPERATING		
5601-563-398	Garbage and Trash Removal/TOTAL	\$98,000.00
SEWER BOND Improvement		
5702-549-500	Sewer Capital Outlay Unit Fund	\$50,955.62
5703-800-500	Capital Outlay/TOTAL FUND	0.00
UTILITY DEPOSIT		
5781-594-610	Deposits Refunded	\$ 2,500.00
5781-594-620	Deposits Applied	\$ 2,500.00

NOT ENOUGH PAPER LEFT IN BETWEEN ORDINANCES

TOTAL UTILITIES DEPOSITS FUND

5,000.00

GRAND TOTAL ENTERPRISE FUNDS

\$780,405.62

Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS-no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS-no money appropriated

Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS-no money appropriated

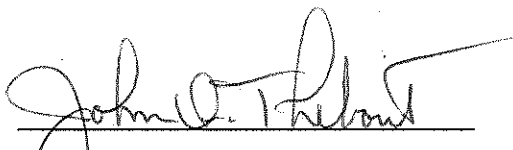

Section 10: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

TOTAL ALL APPROPRIATIONS \$2,083,298.42

Section 11. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: December 5, 2011

ATTEST:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing Ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Dec 8, 2011.



Clerk of Council,

Batavia, Ohio

NOT ENOUGH PAPER LEFT IN BETWEEN ORDINANCES

GA.

ORDINANCE 1232-11

**AN ORDINANCE AMENDING § 1034-04 (G) OF THE VILLAGE OF BATAVIA
CODE OF ORDINANCES**

WHEREAS, the Village of Batavia Council, has reviewed, considered and accepted public input concerning §1034.04(G) of the Village of Batavia Code of Ordinances governing political signs, and

WHEREAS, the Village Council having reviewed the §1034.04 (G), has determined that the Ordinance should be amended.


NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected thereto concurring that:

Section 1: That § 1034.04 (G) of the Village of Batavia Code of Ordinances governing political signs is hereby amended to read as follows:

(G) Political Signs. Political Signs shall not be affixed to any public utility, pole, tree, or natural object, nor be located within a public right-of-way, nor create a safety or visibility hazard.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 1 21.22 of the Ohio Revised Code.


Adopted: December 5, 2011


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 8, 2011.


Clerk of Council
Batavia, Ohio

Ordinance No. 1233-11 Passed October 13, 2011

ORDINANCE 1233-11

AN ORDINANCE STATING SERVICES TO BE PROVIDED TO ANNEXED TERRITORY, REQUIRING THE VILLAGE TO REQUIRE THE OWNER TO PROVIDE A BUFFER FOR INCOMPATIBLE ZONING USES, AND DECLARING AN EMERGENCY

WHEREAS, a Petition seeking the annexation of approximately 286.4610 acres of land situate in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Glen Wiedenbein, Trustee, on October 3, 2011; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township:

NOW, THEREFORE, BE IT ORDAINED By The Council Of The Village Of Batavia, Ohio:

SECTION 1.

The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

- 1. Police Protection;
- 2. Street Maintenance;
- 3. Snow Removal;
- 4. Zoning and Zoning Administration;
- 5. Tax Administration; and,
- 6. Water and Sewer Service when and as requested by property owners.

The Village may, in its sole discretion, provide additional services to the territory, upon annexation, in addition to those set forth above.

SECTION 2.

Should the annexation result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village of Batavia hereby agrees as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

SECTION 3.

The Council herby states that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of

Ordinance No. 1233-11

Passed October 13, 2011

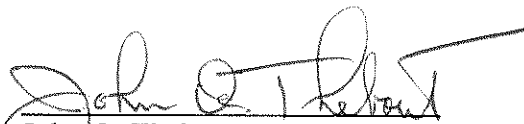
the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.


SECTION 4.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that time is of the essence because this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.


ADOPTED: October 13, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on October 20, 2011.


Clerk of Council
Batavia, Ohio

Ordinance No. 1234-11Passed October 13, 2011, _____

ORDINANCE 1234-11

AN ORDINANCE CONSENTING TO THE ANNEXATION OF PROPERTY TO THE VILLAGE OF BATAVIA, OHIO

WHEREAS, Glen Wiedenbein, Trustee has petitioned to annex certain specified land to the Village of Batavia, Ohio.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

SECTION 1.


The Council of the Village of Batavia hereby consents to the petition for annexation filed October 3, 2011, by Glen Wiedenbein, Trustee.


SECTION 2.

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.

ADOPTED: October 13, 2011

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on October 20, 2011.



Clerk of Council

Batavia, Ohio

Ordinance No. 1235-11

Passed November 7, 2011

ORDINANCE 1235-11

AN ORDINANCE TO AMEND ORDINANCE 1203-10 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31, 2011, in Ordinance 1203-10, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1203-10 to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31, 2011, should be increased or established.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2011, the following appropriations be are hereby increased or established as follows.

SECTION 1. That the following Street 11 Fund, as previously established in Section 3 of Ordinance Number 1203-10 and hereby are increased as follows:

STREET 11

SUPPLIES

2012-620-400 increase by \$19,000 for a total appropriation of \$107,150.00

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers, authorized by law to approve ;the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

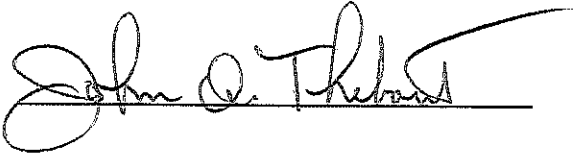
ADOPTED: November 7, 2011

ATTEST:

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1235-11Passed November 7, 2011, _____

John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 10, 2011.



Clerk, of Council,

Batavia, Ohio

Ordinance No. 1236-11

Passed December 5, 2011

ORDINANCE 1236-11

AN ORDINANCE AMENDING ORDINANCE 822-91, AND SECTION 171.14(B) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BATAVIA REGARDING THE ALLOCATION OF INCOME TAX MONIES COLLECTED STARTIN IN YEAR 2012

WHEREAS, the Village of Batavia, pursuant to Ordinance 822-91, subsection b), provides that section 171.14(B) of the Codified Ordinances of the Village of Batavia shall provide for the allocation of monies collected as income tax on a percentage basis of funds collected, without regard for the amount needed in those funds, and

WHEREAS, the Village of Batavia, after discussion by Council in open meeting, desires to amend the manner in which income tax monies, once collected, are allocated for the operation, care, maintenance and improvement of the Village, so as to provide for the allocation of funds, once collected, into specific funds on a basis which reflects the budgeted amounts adopted by the Village Council in the annual budget adopted by Council for the current fiscal year.

NOW THEREFORE, be it ordained by the Council of the Village of Batavia, Clermont County, State of Ohio, a majority of all members elected thereto concurring:

Section 1. That Ordinance 822.91, subsection b), and Section 171.14(b) of the Codified Ordinances of the Village of Batavia be and hereby are amended to read as follows:


The balance of any monies collected shall be allocated as follows:

1. Monies shall be allocated into specific funds consistent with the annual budget of the Village as adopted by Council, as funds are collected, to the extent any specific budgeted fund still requires funding starting with 2012 tax monies.
2. No allocation of monies shall be made in violation of the law of Ohio.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 1 21.22 of the Ohio Revised Code.

SECTION 3. This Ordinance and its adoption are declared to be done pursuant to an emergency and this ordinance shall take effect at the earliest date allowed by law.

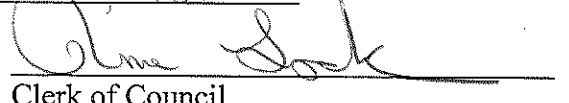
Adopted: December 5, 2011


John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 22, 2011.


Clerk of Council
Batavia, Ohio

Ordinance No. 1237-12

Passed January 9, 2012

ORDINANCE 1237-12

AN ORDINANCE TO AMEND ORDINANCE 1231-11 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012, in Ordinance 1231-11, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1231-11 to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012, should be increased or established.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2012, the following appropriations be are hereby increased or established as follows.

SECTION 1. That the following Water Operating Fund, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows:

Water Operating

5101-533-640	Pymt to another Political Subdivision	\$21,458.40
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SECTION 2. That the following Sewer Operating Fund, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows:

Sewer Operating

5201-543-340	Professional & Technical Services	\$2,100.00
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5201-43-400	Supplies	\$9,474.40
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SECTION 3. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers, authorized by law to approve; the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

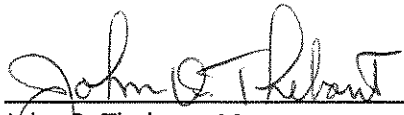
Ordinance No. 1237-12


Passed January 9, 2012

SECTION 4. This Ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

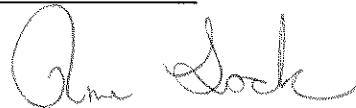
Adopted: January 9, 2012

ATTEST:


 John Q. Thebout, Mayor


 Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Jan 19, 2012.


 Clerk of Council
 Batavia, Ohio

Ordinance No. 1238-12Passed February 6, 2012

ORDINANCE 1238-12

AN ORDINANCE ACCEPTING PETITION FILED BY GLEN WIEDENBEIN, TRUSTEE

WHEREAS, a petition seeking the annexation of approximately 286.4610 acres of land situated in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Glen Wiedenbein, Trustee, on October 3, 2011; and,

WHEREAS, on November 16, 2011, the Board of County Commissioners adopted Resolution Number 174-11 granting the said annexation; and,

WHEREAS, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation;

NOW THEREFOR, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, OHIO:

SECTION 1:

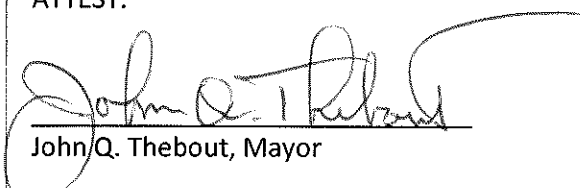
The Council of the Village of Batavia hereby accepts the Petition for Annexation filed with the Clermont County Board of Commissioners by Glen Wiedenbein, Trustee, on October 3, 2011.

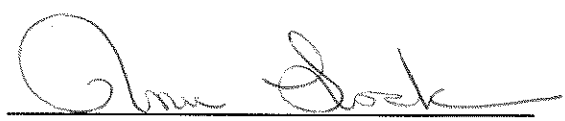
SECTION 2:

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of the urgency because the Village must adopt and file an Ordinance accepting the annexation of approximately 286.4610 acres of land situated in Batavia Township to the Village of Batavia.

ADOPTED: February 6, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on February 9, 2012.

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1238-12

Passed February 6, 2012, _____



Clerk of Council
Batavia, Ohio

Ordinance No. 1239-12 Passed March 6, 2012

ORDINANCE NO. 1239-12

AN ORDINANCE ESTABLISHING REGULATIONS AND RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS OF THE VILLAGE OF BATAVIA'S WATER AND SEWER SYSTEM AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, COUNTY OF CLERMONT, STATE OF OHIO:

SECTION 1: The users of RESIDENTIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates.

A. AVAILABILITY. The Residential Rate is available for domestic water & sewer service to individual residences and multiple dwelling units, such as apartments, mobile homes, condominiums, etc., used for strictly residential purposes.

Where service is supplied for commercial, business, industrial, professional or other similar non-residential purposes, in part or in whole, such service shall be considered as Commercial in character and the applicable Commercial Schedule shall apply.

RATE PER SERVICE OR DWELLING UNIT PER MONTH OR PART THEREOF

WATER RATE		
CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
UP TO ONE INCH METER		
Unit Charge	\$1.50	\$2.25
Minimum Charge (1st 100 CF.)	\$8.00	\$12.00
Over 100 CF. (per 100 CF.)	\$3.00	\$4.50
OVER ONE INCH METER		
Unit Charge	\$1.50	\$2.25
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$4.00	\$6.00

SEWER RATE		
CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
Unit Charge	\$2.00	\$3.00
Minimum Charge (1st 100 CF.)	\$23.00	\$34.50
Over 100 CF. (per 100 CF.)	\$4.00	\$6.00

B. MULTIPLE DWELLING UNITS. Where more than one dwelling unit (such as an apartment house, mobile home court, duplex, etc.) is served through one meter, the unit charge will apply to each separate dwelling unit, whether occupied or not.

The Village reserves the right to require that all future individual dwelling units be individually metered and plumbed in accordance with current administrative policy before water service is established.

C. MINIMUM CHARGE PER MONTH. The minimum charge will not be less than the above applicable charge for the first 100 cubic feet of water used during any month or any part thereof, and shall not be prorated.

Minimum usage is per active service to a meter, not to a dwelling unit, and shall not be charged to an account where service to a meter has been discontinued by the Village or at the request of the owner and/or occupant.

D. TERMS OF PAYMENT. The rates set forth herein are net, and apply only in the event that accounts for water service are paid within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

E. BILLING. All billing will be done on an approximately 30 day basis and will be billed to the nearest cubic foot on the meter. All rates shall be applicable for any fractional part of a billing month.

SECTION 2: The users of COMMERCIAL WATER & SEWER SERVICE in the Village of Batavia shall be subject to the following regulations and rates:

A. AVAILABILITY. The Commercial Rate is available to Commercial, Industrial and other classes of service not provided for in the Residential Rate Schedule. The Schedule in Paragraph B below is applicable to all Commercial, Industrial, and non-residential users, including but not limited to business establishments, factories, processing plants, offices, restaurants, clubs, lodges, theaters, rest homes, hospitals, motels, hotels, churches, schools, service stations, commercial car washes, and reception halls. In the event the same meter services both

RECORD OF ORDINANCES

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Ordinance No. 1239-12

Passed March 5, 2012

residential and commercial establishments, the Commercial Rate shall apply, with the exception that in such case the residential unit charge shall be applied for each residential unit served.

B. WATER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be the sum of the charges (A) and (B) below.

(A) Commodity Charge	INSIDE CORP.	OUTSIDE CORP.
0.75" service line/meter	\$1.50	\$2.25
1.00" service line/meter	\$1.50	\$2.25
2.00" service line/meter	\$2.00	\$3.00
3.00" service line/meter	\$2.50	\$3.75
4.00" service line/meter or greater	\$3.00	\$4.50
CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
UP TO ONE INCH METER		
Minimum Charge (1st 100 CF.)	\$8.00	\$12.00
Over 100 CF. (per 100 CF.)	\$3.00	\$4.50

B. SEWER SERVICE RATE PER MONTH PER SERVICE. The rate per month per service shall be:

CUBIC FEET OF WATER USED	INSIDE CORP.	OUTSIDE CORP.
Unit Charge.	\$2.00	\$3.00
Minimum Charge (1st 100 CF.)	\$23.00	\$34.50
Over 100 CF. (per 100 CF.)	\$4.00	\$6.00

The capacity of service will be determined by the Village and shall normally be equal to the nominal diameter in inches of the water service line tap extending from the Village's main to Consumer's meter, or the size of the meter, whichever is greater.

For government buildings, schools, churches and other non-profit charitable institutions where the service line is 4.00 inches or less, the capacity of service charge shall be \$1.50 inside the Corporation limits and \$2.25 outside the Corporation limits of the Village.

C. MULTIPLE ESTABLISHMENTS. The Village reserves the right to require that all future individual business establishments or activities located on the same premises be individually metered and plumbed before service is established.

D. MINIMUM CHARGE. The minimum charge per month shall not be less than the sum of the above applicable usage rate and the applicable Commodity Charge and shall not be prorated for any part of a month.

E. BILLING. All billings will be on an approximately 30-day basis and will be billed to the nearest cubic foot of water registered on the meter. All rates shall be applicable for any fractional part of a billing month.

F. TERMS OF PAYMENT. The rates set forth are net, and apply only in the event that accounts for water service are paid in full within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

SECTION 3: The users of SPECIAL WATER SERVICES in the Village of Batavia shall be subject to the following regulations and rates.

A. FIRE PROTECTION SERVICE. For all fire protection service made and requiring a special separate fire service line located on the consumer's premises, the following conditions apply:

- 1) The consumer shall install at his expense, subject to the Village's inspection and approval, all the necessary complete and separate piping system extending from the consumer's system and connecting to the Village's existing water main.
- 2) All separate fire service lines shall have installed in same a check meter to determine any flow of water in same and to detect any illegal diversion of water from the fire line. Such meter and its installation shall meet the Village's specifications and the entire installation shall be at the expense of the consumer.
- 3) No charge shall be made for any measured water flow through said fire line resulting from use of water for fire fighting purposes. Any other usage, accidental or intentional, shall be billed at the appropriate rate in SECTION 2 above, including capacity charges, in addition to the regular capacity charges in the schedule below which shall be billed monthly.

Ordinance No. 1239-12Passed March 5, 2012

CAPACITY CHARGE FOR FIRE SERVICE LINE		
SIZE OF FIRE SERVICE LINE	INSIDE CORP.	OUTSIDE CORP.
1 to 2 inches	\$12.50 per month	\$19.35 per month
4 TO 6 inches	\$25.80 per month	\$38.70 per month
6 to 8 inches	\$38.70 per month	\$58.00 per month

The above Capacity Charges do not apply to wholly tax supported public buildings, such as schools and governmental buildings.

B. BULK WATER SALES. Direct metered sales from the Village mains may be made at a location designated by the Village at such times and hours as fixed by the water department. The charge for such service shall be \$8.00 per 1000 gallons. Such sales shall be governed by the terms and conditions set forth in the Administrative Policy Manual.

C. TEMPORARY SERVICE FOR NON-PROFIT ORGANIZATIONS. Temporary service for tax-free and non-profit public activities, such as fairs, festivals, athletic events, etc., may be established according to the terms and conditions set forth in the Administrative Policy Manual.

D. SERVICE TO VILLAGE OFFICES AND BUILDINGS. Services to all the offices and buildings owned, leased, rented, or otherwise occupied in any official capacity by the Village of Batavia, its boards and commissions, shall be extended without charge. Such service shall, when practicable, be metered and recorded.

SECTION 4: All users of the Village water system shall be subject to DEPOSIT REQUIREMENTS as outlined in the Administrative Policy Manual.

SECTION 5: All users of the Village water system shall be subject to, and comply with, the provisions and conditions provided for in the Administrative Policy Manual (available at the Village's Water Department), the same as if herein written, which may be amended from time to time under the authority granted to the Village Administrator in Code Section 31.04 and ORC 743.

SECTION 6: Partial payments of utility bills shall be applied first to NSF and penalties then to trash, sewer and water.

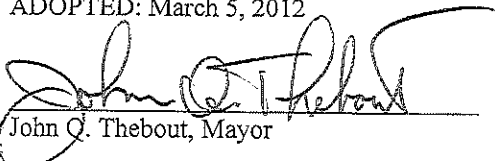
SECTION 7: Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part to be so declared invalid.

SECTION 8: This ordinance repeals Ordinance No. 1204-11 and all other ordinances inconsistent herewith.

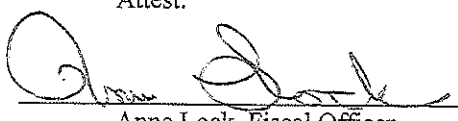
SECTION 9: The rates herein shall be effective for meter readings in March 2012 and thereafter.

ADOPTED: March 5, 2012

Attest:




John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on

March 5, 2012



Clerk of Council
Batavia, Ohio

Ordinance No. 1240-12

Passed February 6, 2012

ORDINANCE 1240-12

AN ORDINANCE TO AMEND ORDINANCE 1231-11 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY

WHEREAS, the Village Council had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012, in Ordinance 1231-11, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1231-11 to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012, should be increased or established.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2012, the following appropriations be are hereby increased or established as follows.

SECTION 1. That the following General Fund, as previously established in Section 1 of Ordinance 1231-11 and hereby are increased as follows:

1000-715-300	Contractual Services	\$20,000.00
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SECTION 2. That the following Water Operating Fund, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows:

Water Operating

5101-533-640	Pymt to another Political Subdivision	\$7,473.60
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SECTION 3. That the following Street II Operating Fund be established in Section 3 of Ordinance 1231-11 be added as follows:

Street II Contractual

2012-620-300	Contractual Services	\$23,200.00
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SECTION 4. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers, authorized by law to approve; the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-

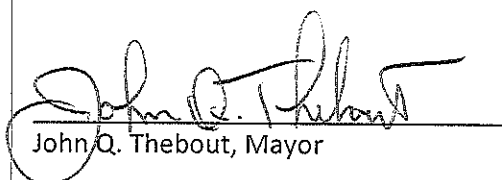
Ordinance No. 1240-12Passed February 6, 2012, _____

thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 5. This Ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

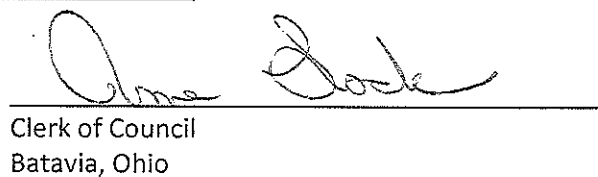
Adopted: February 6, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on February 9, 2012.


Clerk of Council
Batavia, Ohio

1241-12

Ordinance No. 1241-12

Passed May 7, 2012

ORDINANCE 1241-12

AN ORDINANCE INCREASING THE HOURS OF THE ADMINISTRATOR OF THE VILLAGE OF BATAVIA TO FULL TIME STATUS

WHEREAS, The Council of the Village of Batavia had previously hired Dennis Nichols, as an at will employee to act as the Administrator of the Village on a part time basis, and

WHEREAS, Council believes that the Village Administrator services are required on an increased basis, and are necessary in order to assist the Village with pending zoning and annexation proceedings as well with the day to day operation of the Village, and


WHEREAS, The Village Council, believes that the services provided by Village Administrator, at this time, are of critical importance to the health, safety and welfare of the Village and that it is in the best interests of the Village to increase Village Administrator to full time hours, while remaining as an at will employee.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia the members elected there to concurring that:

- Section 1: Village Administrator, shall be employed by the Village on a full time basis, with sick and vacation time extended to employees of the Village effective as of his date of full time status with the Village while remaining an at will employee.
- Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.
- Section 3. The Village of Batavia, Clermont County, Ohio has been advised by Dennis Nichols that at the time of full time status he will be declining the Village of Batavia's health insurance coverage.

Adopted: May 7, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 24, 2012


Clerk of Council
Batavia, Ohio

Ordinance No. 1242-12

Passed March 5, 2012

ORDINANCE 1242-12

AMENDMENT TO THE 2012 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2012 and found it necessary to make appropriations for certain expenditures.

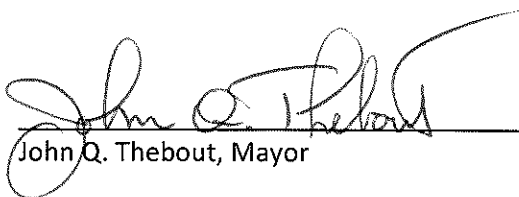
THEREFORE, be it ordained that Ordinance 1231-11 for 2012 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2012 be amended as follows.


General Fund increase 1000-730-300 Land and Buildings Contractual \$15,000.00

This ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: March 5, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 8, 2012.


Clerk of Council
Batavia, Ohio

1243-12

Ordinance No 1243-12

Passed June 4, 2012

Ordinance: No. 1243-12
An Ordinance Revising the Village Traffic Code

WHEREAS, Village of Batavia Ordinances, Chapter 76, regulates parking within the village; and

WHEREAS, the Village of Batavia has removed parking meters from the public streets, eliminating the need to provide for rules and procedures concerning parking meters.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Clermont County, Ohio that:

1. Village of Batavia Ord. § 76.29 is repealed; and
2. References to Parking Meters within Chapter 76 are stricken, to be replaced by the term "Parking on Public Streets and Public Parking Lots"; and
3. Village of Batavia Ord. § 76.13 and Village of Batavia Ord. § 76.25 through § 76.28 are superseded by the following language:

§ 76.13 Maximum Consecutive Hours Parking Permitted.

No person shall park any motor vehicle, truck, or trailer on any street, alley, parking lot, or public way in the village for more than 18 consecutive hours or more than three consecutive hours on Main Street between 6:00 a.m. and 6:p.m.

Penalty, see § 70.99

§ 76.25 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

Parking Space: A space on a public street or parking lot designated for the parking of a single vehicle by marked lines on the curb or paved surface of the road or parking lot or by a parking curb, a barrier, or a sign. A sign may be posted setting time limits or other conditions for parking.

§ 76.26 Parking Within Lines of Parking Space.

No person shall park a vehicle in a parking space such that the vehicle shall exceed the limits designated by marked lines, barriers, or posted restrictions.

Penalty, see § 70.99

§ 79.27 Parking Restrictions

The Village Street Superintendent may impose and post such parking rules and restrictions as are necessary or convenient to the efficient and effective management of parking on village roadways and in village parking lots.


§ 76.28 Parking Prohibited by Officer.


Notwithstanding any provision of this subchapter, no person shall park in a parking space when otherwise directed by a police officer or firefighter or when parking is prohibited by properly posted signs.

Penalty, see § 70.99

Adopted: June 4, 2012

Attest:


John Q. Thebout, Mayor


Anne Lock Fiscal Officer

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1243-12Passed June 4, 2012

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 7, 2012.



Clerk of Council
Batavia, Ohio

Ordinance No. 1244-12

Passed April 23, 2012, _____

ORDINANCE 1244-12

AN ORDINANCE TO AMEND ORDINANCE 1231-11 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY

WHEREAS, the Village had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012 in Ordinance 1231-11, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1231-11 to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012m should be increased.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2012, the following appropriations be are hereby increased for the purpose of paying the Allied Technical Services bill and Perkins/Carmack Construction for the construction of the Salt Barn as follows:

SECTION 1. That the following Sewer Fund, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows:

5201-543-400	Sewer Supplies	\$5,244.38
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Section 2. That the following Capital Fund, as previously established in Section 5 of Ordinance 1231-11

4901-800-500	Capital	\$103,000
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SECTION 3. And they Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve; the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 4. This Ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: April 23, 2012

ATTEST:

RECORD OF ORDINANCES

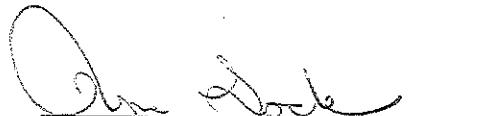
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220


Ordinance No. 1244-12

Passed April 23, 2012, _____


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 3, 2012.


Clerk of Council
Batavia, Ohio

1245

Ordinance No. 1245-12

Passed July 2, 2012

ORDINANCE 1245-12

AN ORDINANCE ADOPTING A FORMAL POLICY REGARDING THE USE OF CREDIT CARDS ON BEHALF OF THE VILLAGE, EFFECTIVE July 2, 2012

WHEREAS, The Council for the Village of Batavia has previously approved credit cards and procurement cards for use by Village officials only in the furtherance of Village matters; and

WHEREAS, Council desires to adopt a formal policy concerning the use of credit cards and procurement cards by Village officials; and

WHEREAS, The Village Council, after due consideration desires to adopt the following policy for any and all individuals authorized to access and use credit cards and procurement cards on behalf of the Village which shall be incorporated into the Handbook for all Village employees and which shall be policy for all Village officials:

The Village of Batavia maintains a credit card and a procurement card for use by approved individuals in the furtherance of the business of the Village. Any individual who uses the Village of Batavia procurement card or credit card shall only be authorized to complete financial transactions for which prior approval of the Village Council has been received. Any individual who uses the Village Credit card absent prior approval of the Village Council, or for personal matters, shall be guilty of misuse of credit cards and theft in office as defined by the Ohio Revised Code.


NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: The attached Village of Batavia Procurement Card And Credit Card Policy, as cited above, be and hereby is adopted as part of the Handbook for Village Employees and shall also be policy for all Village Officials.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

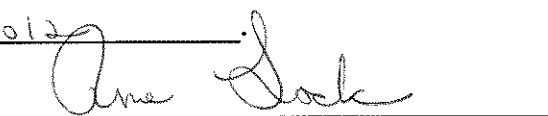
Adopted: July 2, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 19, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1246-12Passed August 6, 2012

2

ORDINANCE 1246-12

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR OR MAYOR
TO EXECUTE CONTRACTS, SPEND FUNDS AND EXECUTE PURCHASE ORDERS
ON BEHALF OF THE VILLAGE OF BATAVIA**

WHEREAS, the Village of Batavia Council, understands the current Village Administrator is now able to act on behalf of the Village of Batavia, and

WHEREAS, the Council of the Village has determined that Village Administrator or Mayor, should have the authority to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$25,0000, and

WHEREAS, the Village Council of Batavia desires to authorize the Village Administrator or Mayor be able to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$25,0000, effective August 6, 2012.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing the 6th day of August 2012, the Village Administrator or Mayor shall hereinafter be authorized to execute contracts, spend funds and execute purchase orders on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$25,0000.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.


Adopted: August 6, 2012


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 9, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1247-12

Passed June 4, 2012

ORDINANCE 1247-12

An ordinance authorizing the Board of County Commissioners, Clermont County, Ohio, to file an application with the Ohio Attorney General's Office to participate in the Moving Ohio Forward grant program.

WHEREAS, the Ohio Attorney General's Office was successful in a settlement with mortgage servicers over foreclosure abuses, fraud, and unacceptable mortgage practices and has made \$75 million in funding available for residential demolition; and

WHEREAS, the Village of Batavia has identified a strategic need within its community and desires to participate in the program to receive financial assistance for demolition under the Moving Ohio Forward Demolition Grant Program; and

WHEREAS, the Village of Batavia has the authority to apply for financial assistance and to administer the amounts received from the Ohio Attorney General's Office; and

WHEREAS, the Village of Batavia directs and authorizes Annette Decatur to act in connection with the ordinance and to provide such additional information as may be required;

NOW, THEREFORE, BE IT ORDAINED by the Village of Batavia, Ohio:

Section 1: That Village of Batavia authorizes Annette Decatur as the official representative of the Village of Batavia's commitment to participate in the Ohio Attorney General's Office and provide all information and documentation required in said Application for the Moving Ohio Forward Grant Program; and

Section 2: That the Village of Batavia hereby approves filing a grant application under the Moving Ohio Forward Demolition Grant Program by the Board of Commissioners of Clermont County, Ohio; and

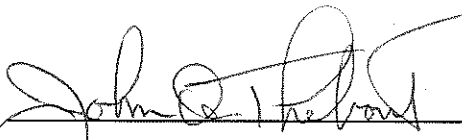
Section 3: That the Village of Batavia hereby understands and agrees that participation in the Moving Ohio Forward Demolition Grant Program will require compliance with program guidelines; and

Section 4: That the Village of Batavia hereby commits itself to provide the match as described in the application and guidelines; and

Section 5: That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Adopted: June 4, 2012

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 7, 2012.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1248-12Passed June 4, 2012

RECORD OF ORDINANCES

ORDINANCE 1248-12

**AN ORDINANCE INCREASING THE PAY FOR EMPLOYEES OF THE
VILLAGE OF BATAVIA
EFFECTIVE THE JUNE 10, 2012 PAY PERIOD
AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Batavia employs a significant number of full-time and part-time employees within the Village; and

WHEREAS, the Village Council of Batavia wishes to increase the salaries of the following employees by the following amounts, per hour, effective June 10, 2012, pay period.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That effective the June 10, 2012, pay period, the pay of the following employees of the Village of Batavia shall be increased as follows:

Employee	Raise	New Hourly Pay
Chief Gardner	\$1.00, per hour	\$22.25
Officer Bouley	\$1.00, per hour	\$14.00
Officer Kuhn	\$1.00, per hour	\$15.00
Officer Goins	\$1.00, per hour	\$12.00
Wayne Smith	\$1.00, per hour	\$22.10
Anne Lock	\$1.00, per hour	\$21.01
Robbie Lindhorst	\$2.00, per hour	\$14.90

Section 2: That effective the June 10, 2012, pay period, the pay of the following employee of the Village of Batavia shall be increased as follows:

Employee	Raise	New Pay
Jane King	\$47.18, per month	\$ 985.00 monthly

Section 3: That effective the June 10, 2012, pay period, the pay for the following positions within the Village of Batavia, shall be set as follows:

Position	Hourly Pay
Part Time Police Officer	\$12.00
New Street Position	\$12.00

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 21.22 of the Ohio Revised Code.

Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

1248

RECORD OF ORDINANCES

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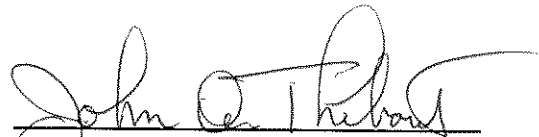
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1248-12

Passed June 4, 2012, _____

Adopted: June 4, 2012




John Q. Thebout, Mayor

ATTEST:


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby
certify that the foregoing ordinance was published in the Clermont Sun once a week for two
consecutive weeks beginning on June 7, 2012.



Clerk of Council
Batavia, Ohio

Ordinance No. 1249-12Passed July 2, 2012, _____**ORDINANCE 1249-12**

An Ordinance Repealing Ordinance 1247-12 An ordinance authorizing the Board of County Commissioners, Clermont County, Ohio, to file an application with the Ohio Attorney General's Office to participate in the Moving Ohio Forward grant program.

WHEREAS, the Ohio Attorney General's Office was successful in a settlement with mortgage servicers over foreclosure abuses, fraud, and unacceptable mortgage practices and has made \$75 million in funding available for residential demolition; and

WHEREAS, the Village of Batavia has identified a strategic need within its community and desires to participate in the program to receive financial assistance for demolition under the Moving Ohio Forward Demolition Grant Program; and

WHEREAS, the Village of Batavia has the authority to apply for financial assistance and to administer the amounts received from the Ohio Attorney General's Office; and

WHEREAS, the Village of Batavia directs and authorizes Dennis Nichols to act in connection with the ordinance and to provide such additional information as may be required;

NOW, THEREFORE, BE IT ORDAINED by the Village of Batavia, Ohio:

Section 1: That Village of Batavia authorizes Dennis Nichols as the official representative of the Village of Batavia's commitment to participate in the Ohio Attorney General's Office and provide all information and documentation required in said Application for the Moving Ohio Forward Grant Program; and

Section 2: That the Village of Batavia hereby approves filing a grant application under the Moving Ohio Forward Demolition Grant Program by the Board of Commissioners of Clermont County, Ohio; and

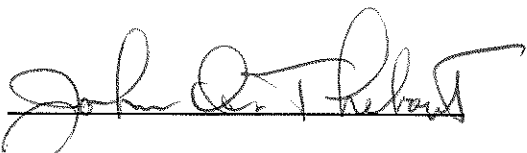
Section 3: That the Village of Batavia hereby understands and agrees that participation in the Moving Ohio Forward Demolition Grant Program will require compliance with program guidelines; and

Section 4: That the Village of Batavia hereby commits itself to provide the match as described in the application and guidelines; and

Section 5: That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Adopted July 2, 2012

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 19, 2012.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1250-12Passed October 1, 2012

ORDINANCE 1250-12

AN ORDINANCE AMENDING ORDINANCE 1034-04 AMENDING THE ZONING CODE CONTROLLING THE ERECTION, USE AND MAINTENANCE OF SIGNS AND REPEALING SECTIONS OF THE CODE OF ORDINANCES IN CONFLICT

WHEREAS, The Village Planning Commission and the Village Administrator recommends amending Sections 153.047 & 153.048 and requests the changes be adopted;

THEREFORE, BE IT ORDAINED by the council of the Village of Batavia, Clermont County, Ohio, that the following sections be amended.

§ 153.047 PROHIBITED SIGNS

The following signs or similar devices are prohibited: Off-premise signs, trailblazer signs, externally visible neon and neon look-alike signs, trailer signs, search lights, laser lights, pennants, streamers, spinners, bench signs, portable signs, roof signs, billboards, flashing signs, projected images and animated signs, signs with moving or moveable parts, and any look-alike version of any of these prohibited sign types. Signs on vending machines, trash bins or other devices serving any premises shall be screened from view of any public right-of-way and adjoining private property. Neon may be used for internal illumination if totally enclosed and not externally visible. Upon recommendation by the Village Administrator, the Planning Commission, or the Board of Zoning Appeals, the Village Council may waive the restrictions in § 153.047 for a sign or signs in the B-2 General Business Districts and may waive all sign rules in the I Industrial District. The Village Council may waive such rules upon a motion and majority approval at a single session in a regular or special meeting of the Village Council.

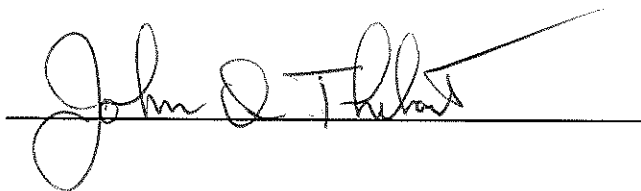
§153.048 OUTDOOR ADVERTISING.

Outdoor advertising consisting of logo signs, billboards or posters shall be prohibited. Signs which advertise products and give secondary mention to a business enterprise, for example Coca Cola type signs, are prohibited. Advertisement of any business or product other than the business name conducted within or upon the structure is prohibited. Upon recommendation by the Village Administrator, the Planning Commission, or the Board of Zoning Appeals, the Village Council may waive the restrictions in § 153.048 in the B-2 General Business Districts and may waive all sign rules in the I Industrial District. The Village Council may waive such rules upon a motion and majority approval at a single session in a regular or special meeting of the Village Council.

That this ordinance shall go into full force and effect in and after the earliest period allowed by law.

Adopted: October 1, 2012

Attest:

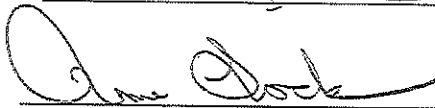


Ordinance No. 1250-12Passed October 1, 2012

John Q. Thebout, Mayor

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on October 4, 2012.



Clerk of Council
Batavia, Ohio

1251-12

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1251-12

Passed July 2, 2012

ORDINANCE 1251-12

AN ORDINANCE TO AMEND ORDINANCE 1231-11 TO MAKE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY

WHEREAS, the Village had previously made appropriations for current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012 in Ordinance 1231-11, and

WHEREAS, the Village Council has determined that certain funds, as appropriated and established in Ordinance Number 1231-11 to provide for certain current expenses and other anticipated expenditures for the fiscal year ending December 31, 2012m should be increased.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2012, the following appropriations be are hereby increased for the purpose of paying the Allied Technical Services bill and Perkins/Carmack Construction for the construction of the Salt Barn as follows:

SECTION 1. That the following Sewer Fund, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows:

5201-543-340	Sewer Contractural	\$5,000.00
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SECTION 2. That the following Capital Funds, as previously established in Section 5 of Ordinance 1231-11 and hereby are increased as follows:

4901-800-500	Capital	\$50,000.00
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4905-800-500	Street Capital	\$50,000.00
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SECTION 3. That the following Water Capital Fund, be established.

5701-549-500	Water Capital	\$40,500.00
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SECTION 3. And they Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve; the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Ordinance No. 1251-12Passed July 2, 2012


SECTION 3. This Ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: July 2, 2012

ATTEST:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 9, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1252-12

Passed August 1, 2012

ORDINANCE NO. 1252-12

The Council of the Village of Batavia met in special session on the 1st day of August 2012, with the following members present: Kathy Turner, Steve Staton, Bob Handra, John Waite, Tom Ellis and Earl Carter.

Mr. Bob Handra moved the passage of the following Ordinance:

ORDINANCE AUTHORIZING ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT FUND.

WHEREAS, Ohio Revised Code Section 5747.53 authorizes adoption of an alternative method for determining the amount to be apportioned from the Undivided Local Government Fund among the various political subdivisions within a county; and

WHEREAS, adoption of an alternative method of apportionment for the Undivided Local Government Fund requires the approval of the Board of County Commissioners, the legislative authority of the City, located wholly or partially in the County, with the greatest population, and a majority of the Boards of Township Trustees and legislative authorities of municipal corporations, located wholly or partially in the County; and

WHEREAS, the proposed alternative formula for the distribution of Undivided Local Government fund attempts to safeguard those political entities in Clermont County which have traditionally relied upon the funds as a significant source of operating revenues while also recognizing those areas which have had substantial increases in population; and

WHEREAS, the Council of the Village of Batavia, in Clermont County; Ohio, desires to approve the alternative method for allocation of the Undivided Local Government Fund as proposed.

NOW, THEREFORE, BE IT ORDAINED, by this Council of the Village of Batavia, in Clermont County, Ohio; that

SECTION I

- 1. The actual apportionment of the Undivided Local Government Fund distributed in 2011 was as follows:

	TOTAL	%
County	2,127,281.90	48.545000%

Ordinance No. 1252-12

Passed August, 1, 2012

Townships:		
Batavia	92,659.27	2.114503
Franklin	44,335.94	1.011755
Goshen	99,193.31	2.263611
Jackson	33,642.44	0.767727
Miami	189,959.71	4.334919
Monroe	78,422.16	1.789609
Ohio	22,563.56	0.514905
Pierce	54,339.52	1.240039
Stonelick	42,775.04	0.976135
Tate	68,197.19	1.556274
Union	198,427.67	4.528159
Washington	21,088.49	0.481244
Wayne	52,007.70	1.186826
Williamsburg	40,509.35	0.924432
Village/Cities:		
Amelia	117,852.15	2.689410
Batavia	86,347.50	1.970467
Bethel	149,728.07	3.416825
Chilo	17,552.77	0.400558
Felicity	70,598.92	1.611082
Loveland	96,036.43	2.191571
Milford	293,655.09	6.701268
Moscow	44,638.98	1.018670
Neville	18,343.87	0.418611
New Richmond	137,630.82	3.140763
Newtonsville	29,611.53	0.675741
Owensville	96,092.72	2.192855
Williamsburg	58,590.29	1.337042
Total:	4,382,082.39	100.000000

SECTION II

That the distribution of Undivided Local Government fund for 2013 to all entities will be at the same percentage of the total as they received in 2011 as detailed in Section I.

SECTION III

That a certified copy of this Ordinance be sent to the Clermont County Board of County Commissioners and the Clermont County Budget Commission.

SECTION IV

That this Ordinance shall take effect at the earliest period allowed by law.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Council of the Village of Batavia, hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Board and that all deliberations of this board and of its Committees, if any, which resulted in formal action, were taken in meetings

Ordinance No. 1252-12

Passed August 1, 2012

open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Steve Staton seconded the Ordinance and upon roll call, the vote resulted as follows:

Steve Staton yes,

Bob Handra yes,

John Waite yes,

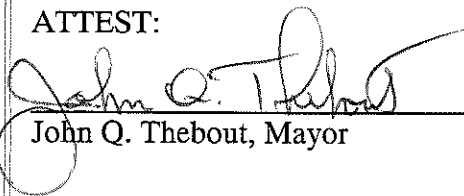
Tom Ellis yes,

Earl Carter yes,

Kathy Turner not present for the vote

Adopted: August 1, 2012

ATTEST:

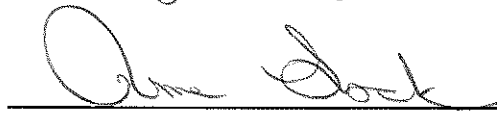

John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

PREPARED BY:

The Office of the Prosecuting Attorney
Clermont County, Ohio
Allan L. Edwards
Assistant Prosecuting Attorney

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 9, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1253-12Passed August 3, 2012**Ordinance 1253-12****An Ordinance Consenting to the Annexation of Property to the Village of Batavia, Ohio**

WHEREAS, Glen A. Wiedenbein has petitioned to annex certain specified land to the Village of Batavia, Ohio.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

SECTION 1.

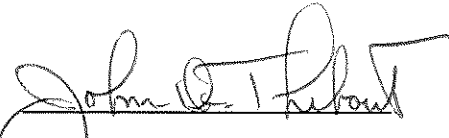
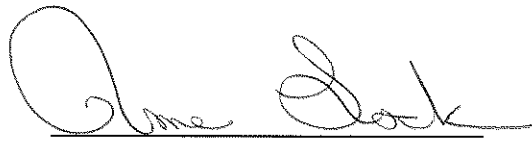
The Council of the Village of Batavia hereby consents to the petition for annexation filed July 18, 2012, by Glen A. Wiedenbein.

SECTION 2.

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.

ADOPTED: August 3, 2012

ATTEST:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 9, 2012.



Clerk of Council

Batavia, Ohio

Ordinance No. 1254-12

Passed August 3, 2012

ORDINANCE 1254-12

AN ORDINANCE STATING SERVICES TO BE PROVIDED TO ANNEXED TERRITORY, REQUIRING THE VILLAGE TO REQUIRE THE OWNER TO PROVIDE A BUFFER FOR INCOMPATIBLE ZONING USES, AND DECLARING AN EMERGENCY

WHEREAS, a Petition seeking the annexation of approximately 276.976 acres of land situate in Batavia Township to the Village of Batavia has been filed with the Clermont County Board of County Commissioners by Glen A. Wiedenbein on July 18, 2012; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within twenty days after the date that the Petition is filed, that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village Of Batavia, Ohio:

SECTION 1.

The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

1. Police Protection;
2. Street Maintenance;
3. Snow Removal;
4. Zoning and Zoning Administration;
5. Tax Administration; and,
6. Water and Sewer Service when and as requested by property owners.

The Village may, in its sole discretion, provide additional service to the territory, upon annexation, in addition to those set forth above.

SECTION 2.

The annexation will not result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem; but, in the event that the annexation does result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village hereby agrees to assume the maintenance of that street or highway or to otherwise correct the problem.

SECTION 3.

The Council hereby states that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or

Ordinance No. 1254-12Passed August 3, 2012

Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

SECTION 4.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary to the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.

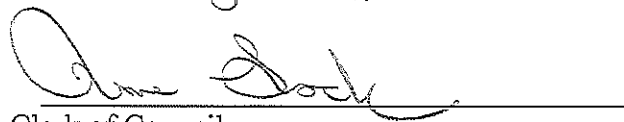
ADOPTED: August 3, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 9, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1255-12

Passed August 6, 2012

~~ORDINANCE 1255-12~~

ORDINANCE 1255-12

**AN ORDINANCE APPROVING THE HIRING OF ECKSTEIN ROOFING AND
DECLARING AN EMERGENCY**

WHEREAS, the Village Council has been advised by its head of maintenance that the roof for the water plant is leaking, allowing water to come into the plant in close proximity to the electrical controls of the water plant, and

WHEREAS, the Village Council has been advised by the Head of Maintenance that this condition poses an immediate and significant risk to the operation of the water plant requiring immediate repair so as to protect the health, safety and welfare of the Village, and

WHEREAS, Village Council has determined that Eckstein Roofing is available to undertake emergency repairs on the water plant roof, immediately.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that the Village Council hereby deems the repair of the roof of the water plant, which is leaking, to be an emergency effecting the health, safety and welfare of the citizens of the Village of Batavia which requires immediate repair.

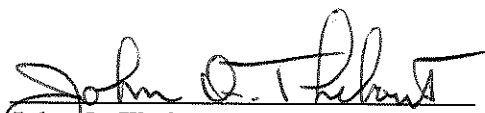
SECTION 1. The Village Administrator and the Head of Maintenance are hereby authorized to enter into, immediately, a contract with Eckstein Roofing for any and all repairs needed to the water plant roof in order to alleviate this issue.

SECTION 2. Nothing in this ordinance shall be construed as to replace or eliminate any of the provisions or requirements of any other Ordinance or Resolution the Village of Batavia, Clermont County, Ohio.

SECTION 3. It is hereby determined that all formal actions of the Council of the Village of Batavia, Clermont County, Ohio, relating to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations were in meetings open to the public, in compliance with all legal requirements, of the Ohio Revised Code.

SECTION 4. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio and shall become effective immediately upon its adoption.

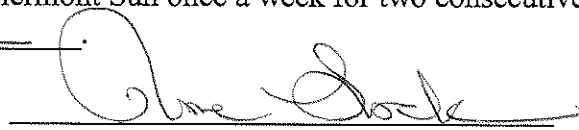
Adopted: August 6, 2012


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 9, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. Ord 1256-12 Passed October 1, 2012

Ordinance 1256-12

An Ordinance Amending the Batavia, Ohio, Zoning Code to Designate the Zoning Districts of Parcels Newly Annexed to the Village of Batavia

WHEREAS, the Village of Batavia has adopted ordinances to protect the general health, safety and welfare of the community by designating districts for various land uses and restrictions on land uses; and

WHEREAS, Ohio Revised Code § 709.023 establishes procedures whereby a municipal corporation shall provide for the designation of territories newly annexed; and

WHEREAS, the Village of Batavia has enacted Ordinance 1227-11 and Ordinance 1233-11 in accordance with ORC § 709.023; and

WHEREAS, it is expedient that the Village of Batavia now designate appropriate zoning districts for parcels newly annexed to the municipal corporation; and

WHEREAS, the Batavia Zoning Commission has reviewed the parcels annexed subject to Ordinance 1227-11 and Ordinance 1233-11 and has recommended the designation of appropriate zoning districts as here specified.

NOW BE ORDAINED that the Village of Batavia assigns zoning districts to parcels added to the village as follows:

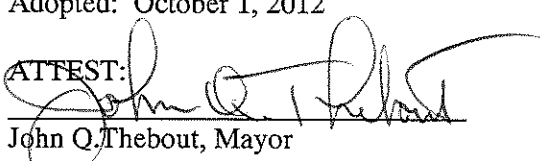
B-1 Neighborhood Business District
012006D021, Gerald and Donald Saylor

R-1 Residence District
012006D074, State of Ohio
012006D075, State of Ohio
012006D076, State of Ohio
012006F022, State of Ohio
012006E077, State of Ohio
012003C079, Board of Park Commissioners of Clermont County
012003D009, Clermont County
012003D026, Clermont County

I Industrial District
012003C029, Glen Wiedenbein, Trustee
012006E078, Clermont County Commissioners
012006E013, Clermont County Commissioners


Adopted: October 1, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Oct 4, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. Ord 1257-12Passed October 1, 2012**Ordinance: No. 1257-12****An Ordinance Revising the Village Zoning Ordinance**

Whereas, Village of Batavia Ord. § 153.079 defines the uses permitted in the I Industrial District; and

Whereas, the Village of Batavia Planning Commission, after consideration and conduct of a public hearing, has submitted a requested change for the text of Ord. § 153.079 that would define permitted uses within that district.

Now, Therefore Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio that Ord. § 153.079 be revised to state in its entirety:


§ 153.079 I Industrial District.

Permitted uses: Only the following uses and the special uses named in this chapter which may be permitted by the Planning Commission shall be permitted in the I Industrial District:

- (1) All uses permitted in a B-2 General Business District.
- (2) Assembly and light manufacturing activities such as will not emit noise detectible by a person standing at the property line or exhaust, odors or other emissions beyond that normally required for heating.
- (3) Other use that the Planning Commission may judge does not constitute a nuisance nor may be dangerous or offensive. In determining whether a use may be permitted, the Planning Commission shall consider the influence that the use will have on the surrounding neighborhood; the emission of odor, smoke, noise, flame, vibration, or other factors that may affect the public health, safety, convenience, comfort, prosperity or general welfare.

Adopted: October 1, 2012

Attest:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of the Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on October 4, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. Ord 1258-12

Passed October 1, 2012

Ordinance: No. 1258-12**An Ordinance Revising the Village Zoning Ordinance**

Whereas, Village of Batavia Ord. § 153.008 regulates the extraction of minerals; and

Whereas, the Village of Batavia Planning Commission, after consideration and conduct of a public hearing, has submitted a requested change for the text of Ord. § 053.008.

Now, Therefore Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio that Ord. § 153.008 be revised to state in its entirety:

§ 153.008 EXTRACTION OF MINERALS.

(A) New excavations or quarries, or earth removal for the purpose of removing gravel or other natural products, shall be subject to such conditions and safeguards as the Board of Zoning Appeals, may determine for the protection of the health, safety and general welfare of the people of the village.

(B) Any new excavation or quarry; the removal of earth for the purpose of excavating gravel or other natural deposits; and the erection of any building or structure for the processing, treating, or refining of gravel or other natural deposits shall be at least 100 feet from the boundary of any district different from the district in which the activity is situated.

(C) Dumping or burning of refuse or waste matter in existing excavations or quarries is prohibited.

(D) The Board of Zoning Appeals may permit excavation of minerals under the following conditions:

(1) All equipment used for the production of rock and gravel shall be constructed, maintained and operated in a manner as to minimize noise, dust or vibration.

(2) No slope in an open pit shall exceed one foot horizontal to one foot vertical.

(3) Property used for production shall be enclosed by a fence of a type approved by the Board.

(4) Whenever production on any property has been completed, all plants, buildings, structures except fences, and equipment shall be removed, and all stockpiles shall be removed or back-filled into the pit within one year after such completion.


(5) No plant shall operate except between the hours of 6:00 a.m. and 8:00 p.m., except for making reasonable or necessary repairs to equipment.

(6) No production shall start nor any permit be issued until the Board shall make a written determination stating the conditions under which such operation shall be conducted. An application shall be filed with the Board who shall investigate the area to be developed, as well as the surrounding area, to determine the conditions to be prescribed so as to protect the surrounding property.

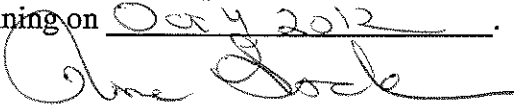
(7) Removal of minerals shall not be conducted closer than 100 feet to any road, street or land.

Adopted: October 1, 2012

Attest:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Oct 4 2012.


Clerk of Council Batavia, Ohio

Ordinance No. 1259-12

Passed November 13, 2012

ORDINANCE 1259-12

AN ORDINANCE AMENDING CONCERNING
RESIDENCE ON RIGHT OF WAY

WHEREAS, the Council of the Village of Batavia has been advised that some individuals may choose to have as their residence, place of dwelling, or place of work a location within the Village that is on, within, or under the public roadways, bridges, or thoroughfares of the Village of Batavia, for which no valid zoning and building permits have been issued and for which no valid post office address exists; and

WHEREAS, the Council of the Village of Batavia, having considered the matter and after public discussion on the issue, finds that individuals who reside, maintain a place of dwelling, or maintain a place of work on, within, or under the public roadways, bridges, or thoroughfares of the Village of Batavia on any site for which valid zoning and building permits have not been issued and for which no valid post office address exists, directly impact the health, safety and welfare of the residents of the Village of Batavia, Ohio.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, three-fourths or more of the members elected thereto concurring, that:

Section 1: That the Village of Batavia Code of Ordinances shall be amended to include the following Ordinance:

(A) No person shall have as a residence, place of dwelling, or place of work, a location on, within, or under the public roadways, bridges, or thoroughfares of the Village of Batavia, for which valid zoning and building permits have been issued and for which a valid post office address exists.

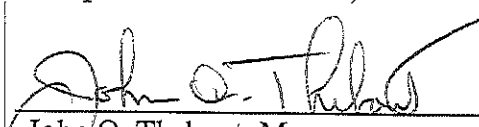
1. As used in this Section, roads, bridges and thoroughfares shall be the same as that which is defined under the Ohio Revised Code.
2. As used in this Section, a valid post office address, shall be an address to which mail could be otherwise delivered.

Ordinance No. 1159-12Passed November 13, 2012, _____

3. **Whoever violates this section shall be guilty a misdemeanor of the third degree.**

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

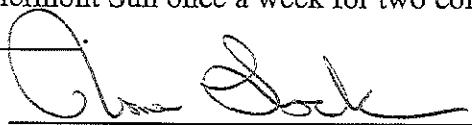
Adopted: November 13, 2012


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Nov 22, 2012


Clerk of Council
Batavia, Ohio

Ordinance No. 1260-12

Passed September 10, 2012

ORDINANCE 1260-12

AMENDMENT TO THE 2012 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2012 and found it necessary to make appropriations for certain expenditures.

THEREFORE, be it ordained that Ordinance 1231-11 for 2012 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2012 be amended as follows:

SECTION 1. That the following Special Revenue Fund, as previously established in Section 3 of Ordinance 1231-11 and hereby are increased as follows:

Street II increase	2012-620-300 Contractual Services mowing	\$10,100
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Beautification	2904-490-600 Other	\$ 500
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SECTION 2. That the following Enterprise Fund, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows:


Refuse Collection	5601-563-398	\$4,000.00
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SECTION 3. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve; the same or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 4. This Ordinance is declared to be an emergency measure to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: September 10, 2012


ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

Ordinance No. 1260-12 Passed September 10, 2012, _____

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Oct 4 2012.



Clerk of Council
Batavia, Ohio

Ordinance No. 1261-12 Passed October 1, 2012

ORDINANCE 1261-12

AMENDMENT TO THE 2012 APPROPRIATIONS

WHEREAS, the Council has reviewed requests for expenditures during the calendar year 2012 and found it necessary to make appropriations for certain expenditures.

THEREFORE, be it ordained that Ordinance 1231-11 for 2012 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2012 be amended as follows:

SECTION 1. That the following General Fund, as previously established in Section 1 of Ordinance 1231-11 and hereby are increased as follows:

1000-715-300	Contractual Services-Phase 4 & Codification of Ordinances	\$40,000.00
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SECTION 2. That the following Water & Sewer Operating Funds, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows.

Water Operating

5101-531-300	Contractual-water license	\$1295.00
5101-531-400	Supplies-County bill mailings	\$500.00

Sewer Operating

5201-541-400	Supplies-County bill mailings	\$500.00
5201-543-340	Sewer easement & Sewer discharge fee	\$5,100.00

SECTION 3. That the following Special Revenue Funds, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows.

MVL

Ordinance No. 1261-12Passed October 1, 2012

2101-620-500	Truck purchase	\$20,000.00
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SECTION 4. That the following Capital Funds, as previously established in Section 6 of Ordinance 1231-11 and hereby are increased as follows.

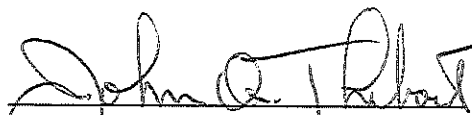
5701-800-500	Water Capital-meter set at Dimmitt Woods	\$660.00
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SECTION 5. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers, authorized by law to approve; the same, or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

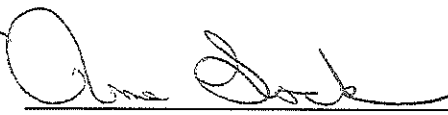
SECTION 6. This Ordinance is declared to be an emergency measure to preserve the health, safety, and welfare of the residents of the Village of Batavia, Ohio.

Adopted: October 1, 2012

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Oct 4, 2012.



Clerk of Council
Batavia, Ohio

1262-12

① RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1262-12Passed December 3, 2012

ORDINANCE 1262-12

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE VILLAGE OF BATAVIA FOR THE FISCAL YEAR
ENDING DECEMBER 31ST, 2013

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2013.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2013, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That there be appropriated from the GENERAL FUND:

Program 1-SECURITY OF PERSONS & PROPRTY

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$195,600.00
1000-110-211	Ohio Public Employees Retirement	\$3,500.00
1000-110-213	Medicare	\$2,820.00
1000-110-215	Ohio Police & Fire Pension Fund	\$34,000.00
1000-110-220	Insurance Benefits	\$56,430.00
1000-110-270	Uniforms and Clothing	\$3,000.00
1000-110-290	Other-Employee-Fringe Benefits	\$13,600.00
1000-110-348	Training Services	\$3,000.00
1000-110-390	Other Contractual Services	\$ 38,520.00
1000-110-400	Supplies and Materials	\$ 12,600.00
1000-110-400-1111	Police Dept Fuel	\$25,000.00
1000-110-500	Capital Outlay (Cruiser)	\$ 32,200.00

Street Lighting

1000-130-300	Contractual Services	\$ 20,000.00
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Program 2-PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	\$ 15,000.00
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Payment to County Health District

1000-210-640	Pymt to another political subdivision	\$ 6,400.00
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Program 3-LEISURE TIME ACTIVITES --no money appropriated

RECORD OF ORDINANCES

Ordinance No. 1262-12 Passed December 3, 2012

Program 4-COMMUNITY ENVIRONMENT-no money appropriated

Program 5-BASIC UTILITY SERVICES-no money appropriated

Program 6-TRANSPORTATION

Traffic Signs & Signals

1000-240-300 Contractual Services \$ 1,000.00

Program 7-GENERAL GOVERNMENT

1000-710-130 Salaries-Village Admin & Office Clerk \$ 21,000.00

1000-710-160 Salaries-Mayor's Office \$ 4,000.00

1000-710-211 OPERS \$4,000.00

1000-710-213 Medicare \$ 400.00

1000-710-290 Benefits, Mayor, VA & Clerk \$ 2,000.00

1000-710-410 Office Supplies & Materials \$ 8,000.00

1000-715-111 Salaries-Council \$ 7,200.00

1000-715-141 Salaries-Legal Counsel \$19,500.00

1000-715-211 OPERS \$2,000.00

1000-715-212 Social Security \$400.00

1000-715-213 Medicare \$450.00

1000-715-290 Other-Employees Fringe Benefits \$1,000.00

1000-715-300 Contractual Services \$40,000.00

1000-725-121 Salary-Fiscal Officer \$41,621.00

1000-725-211 OPERS \$5,900.00

1000-725-213 Medicare \$700.00

1000-725-220 Insurance Benefits \$26,000.00

1000-725-290 Other-Employee Fringe Benefits \$3,500.00

1000-725-300 Contractual Services \$5,000.00

1000-725-400 Supplies & Materials \$1,500.00

1000-730-300 Contractual Services \$50,000.00

1000-730-400 Supplies & Materials \$ 1,500.00

1000-740-344 Tax Collection Fees \$ 2,500.00

1000-745-342 Audit Fees \$ 0

1000-745-343 Uniform Accounting Network Fees \$3,660.00

1000-755-139 Other-Salaries-Administrator's Office \$12,000.00

Passed December 3, 2012,

TOTAL STATE HIGHWAY FUND	\$7,000.00
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188 1262-12
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RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1262-12 Passed December 3, 2012, _____

PERMISSIVE MOTOR VEHICLE LICENSE

Program 6

2101-620-300	Contractual Services	\$ 12,000.00
2101-620-500	Capital Outlay	\$ 0.00
TOTAL MVL		\$12,000.00

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	\$ 200.00
2271-110-290	Other-Employee Fringe Benefits	\$ 100.00
2271-110-400	Supplies and Materials	\$ 200.00
TOTAL LAW ENFORCEMENT AND EDUCATION		500.00

FIRE

Program 1-Security of Persons & Property

2901-120-400	Supplies and Materials	\$ 1,200.00
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POLICE SPECIAL REVENUE

2903-110-400	Supplies and Materials	\$ 25.00
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BEAUTIFICATION

2904-490-600	Other	\$800.00
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GRAND TOTAL SPECIAL REVENUE FUNDS \$473,609.24

Section 4: That there be appropriated from the following DEBT SERVICE FUNDS

Clark-Glen-Ely Sewer Assessment Debt

3301-850-710	Principal	\$15,000.00
3301-850-720	Interest	\$ 10,000.00

GRAND TOTAL DEBT SERVICE FUNDS \$25,000.00

Section 5: That there be appropriated from the following CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500	Capital Outlay	\$90,000.00
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STREET CAPITAL PROJECTS

4902-800-500	Capital Outlay	\$75,000.00
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GRAND TOTAL CAPITAL PROJECTS \$165,000.00

Section 6: That there be appropriated from the following ENTERPRISE FUNDS

WATER OPERATING

5101-531-300	Contractual Services	\$4,000.00
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(5)

RECORD OF ORDINANCES

1262-12

189

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1262-12Passed December 3, 2012

5101-531-400	Supplies and Materials	\$500.00
5101-533-340	Professional & Technical Services	\$1,200.00
5101-533-640	Pymt to another Political Subdivision	\$208,000.00
5101-535-100	Personal Services	\$10,400.00
5101-535-211	OPERS	\$1,500.00
5101-535-213	Medicare	\$800.00
5101-535-220	Insurance	\$0
5101-535-290	Other-Employee Fringe Benefits	\$520.00
5101-535-400	Supplies and Materials	\$0.00
5101-535-400-5111	Fuel	\$0.00
5101-850-710	Principal (debt) OPWC waterline	\$ 5,000.00
TOTAL WATER FUND		\$231,920.00
SEWER OPERATING		
5201-541-400	Supplies and Materials	\$500.00
5201-542-640	Contractual Pymt To County	\$293,000.00
5201-543-100	Personal Services	\$10,400.00
5201-543-211	OPERS	\$1,500.00
5201-543-213	Medicare	\$800.00
5201-543-220	Insurance	\$0
5201-543-290	Other-Employee Fringe Benefits	\$520.00
5201-543-340	Professional & Technical Services	\$4,200.00
5201-543-400	Supplies and Materials	\$0.00
5201-549-400-5211	Fuel	\$0.00
5201-850-790	Other-Debt Service	\$58,000.00
5201-910-910	Transfers out	\$ 0.00
5201-990-990	Other-Other Financing Uses	\$ 0.00
TOTAL SEWER FUND		\$368,920.00
REFUSE ENTERPRISE OPERATING		
5601-562-300	Contractual Service	\$3,400.00
5601-563-398	Garbage and Trash Removal	\$106,600.00
Total Garbage and Trash Removal		\$110,000.00

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1262-12

Passed December 3, 2012

5701-800-500 Water Capital Outlay Unit Fund \$25,000.00

SEWER BOND Improvement

5702-549-500 Sewer Capital Outlay Unit Fund \$50,000.00

5703-800-500 Capital Outlay/TOTAL FUND \$50,000.00

UTILITY DEPOSIT

5781-594-610 Deposits Refunded \$ 5,000.00

5781-594-620 Deposits Applied \$ 0

TOTAL UTILITIES DEPOSITS FUND 5,000.00

GRAND TOTAL ENTERPRISE FUNDS \$790,840.00

Section 7: That there be appropriated from the following INTERNAL SERVICE FUNDS-no money appropriated

Section 8: That there be appropriated from the TRUST & AGENCY FUNDS-no money appropriated

Section 9: That there be appropriated from the SPECIAL ASSESSMENT FUNDS-no money appropriated

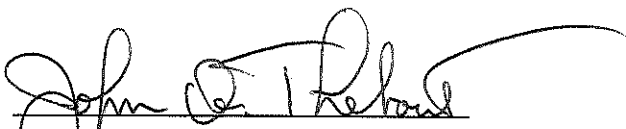
Section 10: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

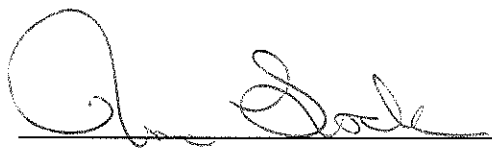
TOTAL ALL APPROPRIATIONS \$2,191,850.24

Section 11. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

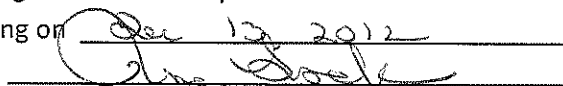
Adopted: 12/3/12

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing Ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Dec 13, 2012.



Clerk of Council,

Batavia, Ohio

Ordinance No. 1263-12Passed October 1, 2012

ORDINANCE 1263-12

**AN ORDINANCE AMENDING THE AMOUNT REQUIRED
FOR BIDDING OF CONTRACTS EFFECTIVE OCTOBER 1, 2012
AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Batavia Council, has become aware that Ohio Revised Code Section 731.14 has been revised to reflect new standards that a Village may follow with respect to
Contracts entered into by the Village and a new limit for contracts of \$50,000, and

WHEREAS, the Council of the Village has previously determined that it is in the best interests of the Village to follow the Ohio Revised Code with respect to contracts entered into by the Village and desires to AMEND Ordinance 1246-12 to reflect the new standards, terms and conditions as adopted under Revised Code Section 731.14, including the new spending limit of \$50,000, effective immediately so as to benefit the Village as quickly as possible.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1: That commencing the 1st day of October, 2012, Ordinance 1246-12 be and hereby is amended to reflect that the Village hereby adopts and follows the standards of Ohio Revised Code Section 731.14, which states:

731.14 Contracts by legislative authority of a village - exception.

All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. Except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or required to be purchased from a qualified nonprofit agency under sections 125.60 to 125.6012 of the Revised Code, when any expenditure, other than the compensation of persons employed in the village, exceeds fifty thousand dollars, such contracts shall be in writing and made with the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the village. The legislative authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the legislative authority's internet web site. If the legislative authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the village, provided that the first notice published in such newspaper meets all of the following requirements:

(A) It is published at least two weeks before the opening of bids.

Ordinance No. 1263-12Passed October 1, 2012, _____

(B) It includes a statement that the notice is posted on the legislative authority's internet web site.

(C) It includes the internet address of the legislative authority's internet web site.

(D) It includes instructions describing how the notice may be accessed on the legislative authority's internet web site.

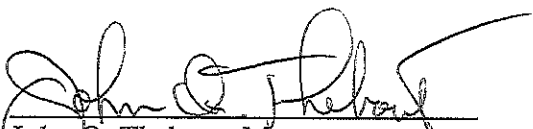
The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

Section 2: The Village Administrator and Mayor shall hereinafter be authorized to execute contracts, spend funds and execute checks on behalf of the Village of Batavia, in an amount not to exceed the statutory limits of the Ohio Revised Code, or \$50,000. *JSK*

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 21.22 of the Ohio Revised Code.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

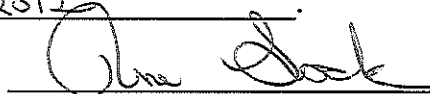
Adopted: October 1, 2012


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Oct 4 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1264-12Passed January 7, 2013

ORDINANCE 1264-12

GRANTING DIRECTOR OF TRANSPORTATION AUTHORITY TO MAINTAIN STATE HIGHWAYS, APPLY STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATION.

GIVING CONSENT OF THE VILLAGE TO THE PLOWING OF SNOW AND USE OF ABRASIVES FOR ICE CONTROL UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION, STATE OF OHIO.

WHEREAS, The Director of Transportation, under Section 5521.01, Revised Code of Ohio, is authorized to maintain, apply standard longitudinal pavement markings and erect regulatory and warning signs on extensions of State Highways within the limits of a village and,

WHEREAS, The Director of Transportation, under Section 5501.41, Revised Code of Ohio, is also considering the matter of the plowing of snow and the placing of abrasives for ice control, under his supervision, on all extensions of State Highways within the limits of a village, and,

WHEREAS, Extensions of State Highway Nos. 32, 132 & 222 lie within the village of Batavia, Clermont County, and,

WHEREAS, The work proposed to be authorized under this ordinance shall be restricted to general maintenance of the traveled roadway surfaces, apply standard longitudinal pavement markings, erecting regulatory and warning signs, and the plowing of snow and placing of abrasives for ice control on all State Highway extensions but not including the removal of snow from driveways parking areas, and intersecting roads and streets, and,

WHEREAS, This ordinance shall in no manner relieve or discharge the village from responsibility for emergency repair of signs installed by the Department of Transportation.

WHEREAS, This ordinance shall in no manner relieve or discharge the village from any claim or claims of any nature arising from, or growing out of the work by the Department of Transportation of the State of Ohio on said highways in said Village, and said Village shall save the State of Ohio harmless from any and all such claims.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Batavia, State of Ohio:

SECTION 1: It is hereby declared to be in the public interest that the consent of said Village be, and such consent hereby is, given to the Department of Transportation of the State of Ohio for said Department to maintain the traveled portions of apply standard longitudinal pavement markings, erect regulatory and warning signs and to plow snow and place abrasives for ice control on said State Highways in accordance with the standard practices of the Ohio Department of Transportation.

SECTION II: That the Clerk be, and hereby is, directed to furnish the Director of Transportation and the Board of County Commissioners of Clermont County, Ohio, with a certified copy of this Ordinance immediately upon the taking effect thereof.

SECTION III: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

ADOPTED: January 7, 2013

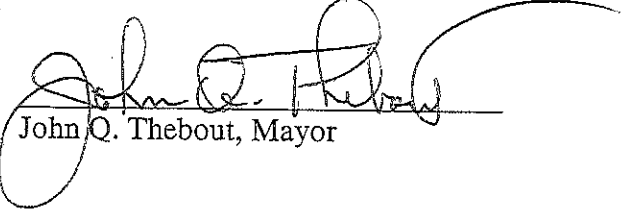

ATTEST:



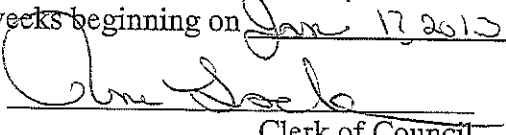
RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1264-12Passed January 7, 2013, _____
John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council, of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Jan 17 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1265-12Passed November 13, 2012**ORDINANCE 1265-12****An Ordinance Accepting Petition Filed by Glen A. Wiedenbein**

WHEREAS, a petition seeking the annexation of approximately 276.976 acres of land situated in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Glen A. Wiedenbein on July 18, 2012; and

WHEREAS, on September 5, 2012, the Board of County Commissioners adopted Resolution Number 138-12 granting the said annexation; and

WHEREAS, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, OHIO:

SECTION 1:

The Council of the Village of Batavia hereby accepts the Petition for Annexation filed with the Clermont County Board of Commissioners by Glen A. Wiedenbein on July 18, 2012.

SECTION 2:

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of the urgency because the Village must adopt and file an Ordinance accepting the annexation of approximately 276.976 acres of land situated in Batavia Township to the Village of Batavia.


ADOPTED: November 13, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Nov 22, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1266-12Passed November 13, 2012**Ordinance No. 1266-12****An ordinance declaring real property to be unneeded for public purposes and authorizing the sale of that property.**

Whereas, the Village of Batavia owns real property known as Parcels No. 060213B034 and No. 060213B035 in the property records of the Clermont County Auditor's Office; and

Whereas, the Village of Batavia acquired this property from the State of Ohio in a tax forfeiture and has no public use for the property nor other reason to retain ownership; and

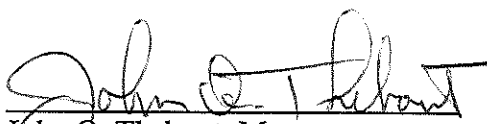
Whereas, the interests of the Village of Batavia and its residents will best be served by selling the property to an owner who will renovate the structure as a dwelling house, recovering the value of the property to the village and adding to the housing stock; now therefore

Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

1. That the property known as Parcels No. 060213B034 and No. 060213B035 in the property records of the Clermont County Auditor's Office is not needed for public purposes.
2. That the Village administrator is hereby authorized to sell said property for the highest and best bid subject to the following terms:
 - a. The minimum acceptable bid is \$5,000 cash at time of sale.
 - b. The village will waive connection and capacity charges for water and sewer utilities.
 - c. The buyer must rehabilitate the existing structure on the property and obtain a certificate of residential occupancy within 365 days of the closing, upon failure of which ownership would revert to the Village of Batavia.
 - d. Bids are due by 1:45 p.m. on Nov. 29, 2012.
 - e. The Village retains the right to reject all bids.

Adopted: November 13, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Nov 22, 2012


Clerk of Council Batavia, Ohio

Ordinance No. 1267-12

Passed November 13, 2012

ORDINANCE 1267-12

AN ORDINANCE AMENDING ORDINANCE 1244-12

WHEREAS, The Village had previously made an appropriation amendment in Ordinance 1244-12 amending expenditures in the Capital Fund for \$104,000 for the fiscal year ending December 31st, 2012,

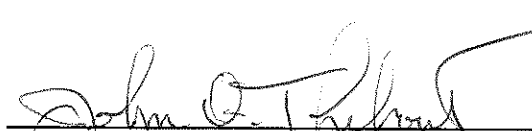
WHEREAS, the Village Council has determined that the appropriation was not needed due to the transfer of Income Tax monies into the fund.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, to amend Ordinance 1244-12 by striking out the amount of \$104,000 to the capital fund.

SECTION 1. This Ordinance is declared to be an emergency measure as to keep our appropriations in line with our amended certificate.


Adopted: November 13, 2012

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Nov 22, 2012.


Clerk of Council
Batavia, Ohio

Ordinance No. 1268-12Passed December 3, 2012

ORDINANCE 1268-12

AMENDMENT TO THE 2012 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2012 and found it necessary to make appropriations for certain expenditures.

THEREFORE, be it ordained that Ordinance 1231-11 for 2012 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2012 be amended as follows:

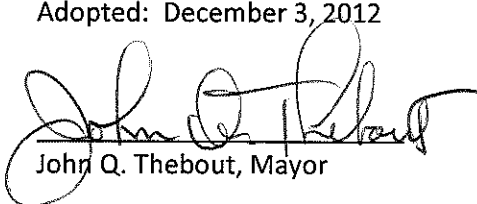
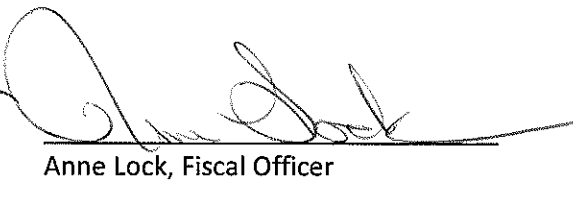
SECTION 1. That the following Special Revenue Fund, as previously established in Section 3 of Ordinance 1231-11 and hereby are increased as follows:

Beautification	2904-490-600 Other	\$500.00
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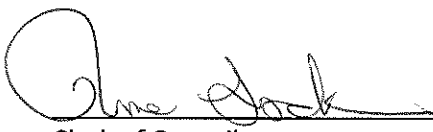
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 4. This Ordinance is declared to be an emergency due to the Christmas in the Village event being held on December 8, 2012 and that the money is needed to purchase supplies for the event.

Adopted: December 3, 2012

	
John Q. Thebout, Mayor	Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Jan 13 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1269-13

Passed May 6, 2013

Ordinance: No. 1269- 13

An Ordinance Enacting Ord. 153.181, Planned Development

Whereas, owners of real property have a right to the use of their property unfettered other than by reasonable restriction to preserve the health, safety, welfare, and good order of the public; and

Whereas, the Village Council of Batavia enacts land-use planning and zoning requirements and restrictions to protect the rights of property owners and other citizens, but which laws cannot foresee all contingencies and opportunities; and

Whereas, the Village of Batavia has a need to accommodate property uses within the village that do not conform to the strictures of the village regulations concerning land-use zoning and entrusts the prudent judgment of the Village of Batavia Planning Commission to make such exceptions to specifications so long as overall impact on the community is not materially changed by the Planning Commission's actions.

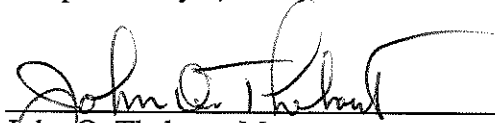
Therefore Be It Ordained, that Village of Batavia Chapter 153 be amended to incorporate a new provision to be called Ord. §153.081, Planned Development, which shall state in its entirety:

§153.081 Planned Development

Upon petition by a property owner or an agent of the owner, the Planning Commission may recommend by majority vote and the Village Council may approve by majority vote a residential or other development the overall density of which is not greater than would otherwise be permitted by the existing zoning, notwithstanding that individual lot sizes or development density or portions of the Planned Unit Development may exceed the density that otherwise would be permitted on those lots or portions of the PUD tract. The owner or agent shall present to the Planning Commission a detailed plan, to include the site plan and number of units of each species, before the Planning Commission can recommend approval of the PUD. Hearing notification for a PUD request shall be the same as for a request for change of zoning district designation. Any PUD that designates area to be held in joint tenancy or for community use shall include a binding proposal for permanent maintenance.


Adopted: May 6, 2013

Attest:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 9 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1270-13Passed May 6, 2013**Ordinance: No. 1270-13****An Ordinance Revising the Ord. 153.109, Zoning Change Procedure**

Whereas, the Village of Batavia Planning Commission after consideration has submitted a requested change for the text of Ord. §153.109.

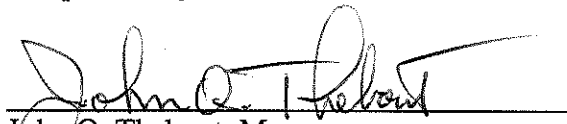
Now, Therefore Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio that Ord. §153.109 (C) be revised to state in its entirety:


153.109 Zoning Change Procedure

(C) *Hearing by Council.* Council shall hold a public hearing before adopting the proposed amendment or change. The mayor, the village administrator, or other agent authorized by Council may give notice of the hearing as agent of Council. Council or its agent shall give at least 30 days' notice of such amendment or change and the time and place of in accordance with Ohio R.C. §713.12. Council shall determine whether the proposed change is approved or denied by its next regular meeting.

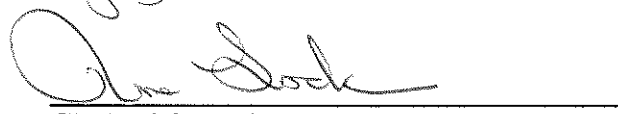
Adopted: May 6, 2013

Attest:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 7, 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1271-13

Passed July 1, 2013

ORDINANCE 1271-13

An Ordinance Establishing Building Maintenance Standards

Be it ordained by the council of the Village of Batavia, County of Clermont, State of Ohio that the Minimum Housing and Maintenance Standards Code here included shall apply to all building structures within the Village of Batavia.

Village of Batavia

Minimum Housing & Maintenance Standards

Contents

Article 1: Short title, purpose & scope

Article 2: Definitions

Article 3: Nuisance

Article 4: Exterior property areas

Article 5: Structure exterior

Article 6: Enforcement

Article 7: Appeals

Article 8: Legal remedies

Article 9: Conflict with other regulations

Article 10: General Provisions

Article 10: Penalty

Article 11: Validity

Ordinance No. 1271-13Passed July 1, 2013**Article 1: Short Title, Purpose and Scope**

- A. **Short Title:** This Code shall be known as the Minimum Property Maintenance Standards Code.
- B. **Purpose:** The purpose of the code is to protect health, safety, and welfare in the Village of Batavia, Ohio, by establishing property maintenance and construction standards that apply to all real property in the Village, including all structures and land.
- C. **Scope :** This code shall apply to all real property within the Village, including all structures and land.

Article 2: Definitions

- A. Words and phrases defined in the zoning code, building code, and fire code shall assume those same definitions for this code, unless included and defined below.
- B. For the purposes of this chapter, the following words and phrases have the following meanings ascribed to them:
1. **Accessory Structure:** A building or structure, the use of which is incidental to that of the main building or structure on the same lot.
 2. **Approved:** Approved by the Building Official under the provisions of this chapter or the rules or regulations adopted pursuant thereto, or approved by an authority designated by law or by this chapter.
 3. **Basement:** A portion of a building that is partly underground and that has less than half its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement is counted as a story for purpose of height regulations. Also referred to as cellar.
 4. **Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of people, animals, or property.
 5. **Building Official:** The person designated by the Batavia Village Council to enforce the provisions of this code.
 6. **Commercial Unit:** Any building or structure, or part thereof that contains retail business, services, or office space.
 7. **Dwelling:** Any structure wholly or partly used or intended for living or sleeping by human occupants, other than temporary housing, hotels, and rooming houses as hereinafter defined. Tents, cabins, trailers, or trailer coaches are deemed not to be dwellings.
 8. **Dwelling Unit:** One or more rooms designed for or used for habitation and having only one kitchen or kitchenette.
 9. **Exit:** The egress or pathway out from any point in a building along a continuous and unobstructed line of travel, leading to a street, open space, or court connecting to a public thoroughfare.
 10. **Exterior Property Area:** All area on the premises outside a structure used for human habitation.
 11. **Garbage:** Putrescent animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
 12. **Hotel:** Every building or structure kept, used, maintained as, advertised as, or held out to the public to be a place where sleep or rooming accommodations are furnished for hire or are used or maintained for the accommodation of quest, lodgers, or roomers.
 13. **Inoperable Vehicle:** An inoperable vehicle is any vehicle as defined in Ohio Revised Code § 4511.01, regardless of its status as a collector's or historical vehicle, that is any of the following:
 - a. Dismantled.
 - b. Unlicensed.
 - c. Missing its tires, wheels, doors, windshields, fenders, bumpers, body panels, hood, engine, transmission, or battery.
 - d. Damaged or wrecked in such a manner as to be declared a total loss by the owner's insurance company.
 - e. Cannot be started.
 14. **Infestation:** The presence within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin, or other pests.
 15. **Kitchen:** Space at least 5 feet wide and at least 60 square feet in floor area that is used for cooking or preparation of food. A kitchen is deemed a habitable room.
 16. **Kitchenette:** Space less than 5 feet wide or less than 60 square feet in floor area, used for cooking or preparation of food. A kitchenette is not deemed a habitable room.
 17. **Multiple Dwelling:** A building containing two or more dwelling units or rooming units.
 18. **Occupant:** Any person over 1 year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit.
 19. **Operator:** Any person who has charge, care, or control of a multiple residence or rooming house, in which dwelling units or rooming units are let or offered for occupancy.
 20. **Owner:** Any person in legal control of a premises or building. That person may be the owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person.

Ordinance No. 1271-13

Passed July 1, 2013

21. **Person:** An individual person, firm, corporation, association, or partnership.
22. **Plumbing System:** Pipes, fixtures, and other apparatus for supplying water for consumption or for the conveyance of waste and drainage.
23. **Premises:** A lot, plot, or parcel of land, including any buildings and structures thereon.
24. **Public Sewer:** Sewer operated by a public authority or public utility and available for public use.
25. **Rooming House:** Any dwelling or that part of a dwelling containing one or more rooming units, which may contain common cooking, food storage, and eating facilities not within the rooming unit, which space is let for compensation by the resident owner or resident operator to three or more people other than the spouse, children, parents, grandchildren, grandparents, or siblings of said owner or operator; but not including a hotel, rest, convalescent, or nursing home. Dwellings in which space is left to two or fewer people shall not be deemed a rooming house, nor shall hotels licensed under Ohio Revised Code § 3731.01 et seq.
26. **Rooming Unit:** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
27. **Rubbish:** Non-putrescent solid waste, combustible or non-combustible.
28. **Sewage:** Liquid or slurry from any plumbing fixture or equipment, containing animal or vegetable matter or industrial or commercial wastes.
29. **Structure:** Anything built or constructed, including prefabricated and modular systems and mobile homes.
30. **Supplied Facilities:** Facilities paid for, furnished or provided by, or under the control of an owner or operator.
31. **Suitable condition:** Conditions of any structures or premises that does not violate the provisions of this chapter.
32. **Trash:** All combustible and noncombustible waste material or garbage. See **Rubbish**.
33. **Wastes:** Burnable and non-burnable trash, rubbish, and garbage.
34. **Weeds:** Grasses, annual plants, and vegetation other than trees or shrubs, excluding cultivated lawns, flowers, and gardens.
35. **Workmanlike, State of Maintenance, and Repair:** Maintenance and repair that are made in a reasonably skillful manner as an ordinary person would understand the term "reasonably skillful." The **Building Official** is deemed an "ordinary person."

Article 3: Public Nuisance

PUBLIC NUISANCE may mean any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law.
2. Any physical condition or occupancy of any premises or its appurtenances considered to be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
3. Any premises with unsanitary sewage or plumbing facilities.
4. Any premises designated as unsafe for human habitation.
5. Any premises that is manifestly capable of being a fire hazard or is manifestly unsafe or insecure as to endanger life, limb, or property.
6. Any premises, from which the plumbing, heating, or other facilities required by the relevant Building Code have been disconnected, destroyed, removed, or rendered ineffective, or for which the required precautions against trespassers have not been provided.
7. Any premise that is unsanitary or littered with rubbish or garbage or that has an uncontrolled growth of weeds.
8. Any structure that is in a state of dilapidation, deterioration, or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent it cannot provide shelter; in a danger of collapse or failure and dangerous to anyone on or near the premises.
9. Any structure or land found to be in violation of this housing code.

Article 4: Exterior Property Areas

- A. **Free from hazards and graffiti:** Exterior property areas shall be free from conditions that might create a nuisance, including graffiti, or become a health, accident, or fire hazard.
- B. **Discharge of sewage.** Sewage must be appropriately discharged into a public sewer system or an approved private septic system. Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into natural or artificial surface drainage ways or into any drains Not intended for sewage waste.
- C. **Storm water drainage.** Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar. Downspouts, foundation drains, and other storm and surface water drains shall not connect to sanitary sewers.

Ordinance No. 1271-13Passed July 1, 2013

- D. **Insect and rodent harborage.** Exterior property areas shall be kept free from sources of insect, vermin, and rodent breeding, harborage, and infestation.
- E. **Outdoor storage.** Outdoor storage of unsightly items, including inoperable vehicles, for a continued period exceeding 30 days shall be enclosed or obscured from view. The storage of firewood and bicycles are exempt from this provision.
- F. **Domestic animals and pets.** Domestic animals and pets shall not be kept on any premises in such a manner as to create unsafe conditions.
- G. **Fences, retaining walls.** All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed and maintained in a workmanlike manner so that retaining walls or similar structures shall always be in good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, **Accessory structures.** Accessory structures on exterior property areas shall be kept in suitable condition, free from health, fire, and accident hazards and from vermin, insect, and rodent harborage

Article 5: Structure Exterior

- A. **Foundation walls:** The foundation walls of every structure shall be maintained in suitable condition and be (structurally sound).
- B. **Exterior surface and trim:** Any structure whose exterior surface is bare, deteriorated, ramshackle, tumbledown, decaying, disintegrating, or in unsuitable condition must be either repaired or razed. Buckled, rotted, or decayed walls, doors, windows, porches, floors, steps, railings, trim, roofs, and their missing members must be replaced or returned to suitable condition.
- C. **Stairs and porches:** Stairs, porches, and railings affixed to the exterior of any structure shall be in suitable condition and structurally sound.
- D. **Protective coating.** All exterior wood surfaces of a structure shall be painted or treated periodically (define) with a protective coating or other preservative. Exterior masonry surfaces that have been painted or treated with other protective covering, must be periodically treated with a protective covering, or all existing paint must be removed bringing the masonry back to its natural state.
1. Exterior surfaces shall be in good condition preparatory to repainting or coating.
 2. Bare exterior surfaces that are flaking or crumbling shall be replaced or sealed.
 3. New or repaired bare surfaces shall be painted or coated.
 4. Exterior surfaces weathered with dirt and grime shall be cleaned, and surfaces that are peeling or flaking shall be scraped and painted or covered with approved protective coating or surface.
- E. **Overhanging, loose, or missing objects.** Every structure shall be free of insecure overhanging objects such as, but not limited to, gutters and downspouts, television aerials, roof shingles (or slate), and exterior siding. Missing siding, roof shingles, or shutters shall be replaced and matched to the original.
- F. **Windows and doors.** Every window and exterior door shall be substantially tight, in sound condition, and maintained so as to exclude rain and to substantially exclude wind from entering the dwelling.
- G. **Windows to be glazed.** Every window sash shall be fully supplied with glass windowpanes or an approved substitute that is without, cracks, or holes.
- H. **Door hardware.** Every exterior door, door hinge, and door latch shall be maintained in suitable condition.
- I. **Basement and cellar hatchways.** Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water.
- J. **Exit doors.** Every door available as an exit shall be capable of being opened from the inside easily and (without the use of a key).
- K. **Chimneys, flues, and vents.** All chimneys, flues, and vents and their attachments shall be structurally sound and able to perform the function for which they were designed and for which they are appropriately used.

Article 6: Enforcement

- A. **Enforcement Officer.** The Building Official of the Village of Batavia or his authorized representative will enforce this code.
- B. **Relief from Personal Responsibility:** The Building Official or other employees, elected officials, or officers of the village charged with enforcement of this code, while acting for the village within the scope of their duties and responsibilities, shall not be held personally liable for their actions in enforcing or enacting this code and are relieved of personal liability for any damages to persons or property as a result of a lawful act required or

Ordinance No. 1271-13Passed July 1, 2013

permitted in the discharge of their duties or responsibilities. The Village Solicitor or other counsel appointed by the Village Council will defend against any suit filed against the Building Official or other official resulting from acts performed or the enactment of this ordinance until final disposition of the suit. The Building Official or other village officials shall not be liable for the cost or damages, provided they have acted in good faith.

- C. **Inspection of dwellings.** The Building Official or Batavia Village representative may make or cause to be made inspections to determine the condition of dwellings, dwelling units, (or) premises thereof in order to safeguard the public health, safety, morals, (or) welfare.
- D. **Notice of violation.** Whenever the Building Official or village representative cites a violation or finds reasonable grounds to believe that a violation of any provision of this chapter exists, he will so notify the alleged violation in writing. The notice will specify the alleged violation, will provide a reasonable time for compliance, and will be served upon the violator or his agent. The notice is deemed to be properly served if:
1. A copy is served upon the owner, agent, operator, or occupant, personally. If the notice is sent by registered or certified mail, return receipt requested, to the last known address of the owner, agent, operator, or occupant.
 2. If a copy is left at the residence of the owner, agent, operator, or occupant. By other method authorized by Ohio law.
 3. If the owner, agent, operator or occupant of the subject premises is unknown, then a copy of the notice and order shall be mailed, addressed to such person, to the address of the subject premises.

The failure of any person to receive actual notice will not affect the validity of proceedings taken under this section. Service by certified, registered, or ordinary mail will be effective on the date of mailing. The notice shall inform the person to whom it is directed of his right to apply for a hearing before the Planning Commission.

- E. **Final order.** Any notice of violation provided for in article 6-D shall become a final order if written request for a hearing is not filed in the office of the Building Code Official or his designated representative within 10 days after receipt. A copy of the order shall be served as provided in article 6-D. If the property owner fails to comply with the final order, the Building Official may take any action necessary, including contracting with outside resources to bring the property into compliance with the code. The cost associated with abating the violation shall be paid from the general fund of the village. The costs of abating the (dangerous property condition) what falls under this? shall be collected from the property owner in accordance with § 715.261 of the Ohio Revised code.
- F. **Demolition as compliance.** Any owner of a building, receiving notice of violation stating that such building does not comply with the provisions of this chapter, may demolish such building, and such action shall be deemed compliance. Demolition of buildings and structures shall be in accordance with the provisions of the Building Code.
- G. **Re-inspection.** At the end of the period specified in the notice of violation or any extension thereof, the Building Code Official or his designated representative will make or assign a re-inspection of the dwelling, dwelling unit, or premises, and if compliance has not been established, will initiate appropriate legal action as specified, provided that additional notice of violation is not required.
- H. **Extension of compliance time.** The Building Code Official may extend the compliance time specified in any notice or order issued under the provisions of this chapter at his discretion. The person receiving the citation may receive an extension upon request.

Article 7: Appeals

- A. **Board of Appeals.** The Batavia Planning Commission is the appeal board for this ordinance.
- B. **Request.** Any person affected by any notice or order issued related to the enforcement of any provisions of this chapter may request and be granted a hearing on the matter before the Planning Commission on any grounds the affected person see fit, provided that such person must file in the office of the Building Code Official a written petition requesting such hearing and stating the name and address of the petitioner and a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order issued under the provisions of this chapter.
- C. **Petition.** Petition shall be filed within 14 days after the day the notice or order is served. Upon receipt of such a petition, the Planning Commission will set a time and place for a hearing and will give the petitioner written notice. At the hearing the petitioner may show cause why any item appearing on such notice or order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing will nullify the petition.
- D. **Disposition.** After a hearing, the Planning Commission may sustain, modify, or withdraw any item appearing on the notice or order by majority vote, and will notify the petitioner and the Building Code Official in writing of its findings.

Ordinance No. 1271-13Passed July 1, 2013

- E. **Record.** The proceedings at such hearings, including the finding, reasons, and decision of the Housing Appeals Board, will be summarized, reduced to writing, and entered as a matter of public record in the office of the Building Code Official. The record will include a copy of every notice or order issued in connection with the matter.

Article 8: Legal Remedies

If enforcement under Article 6 fails, the Building Code Official may issue a citation to the appropriate Clermont County Court. The Village Solicitor, upon complaint of the Building Code Official or his designated representative or upon his own motion, will institute appropriate action to remedy such violation and may take other action as necessary to carry out the terms and provisions of this chapter.

Article 9: Conflict with Other Regulations

In any case in which a provision of this code conflicts with a provision of any other ordinance or code of this municipality, the higher or more restrictive standard will prevail.

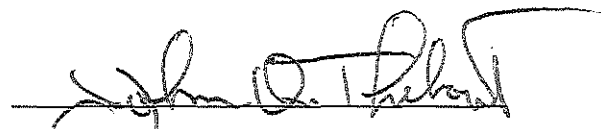

Article 10: Penalty

Any person who knowingly and willfully violates or assists in the violation of this chapter will, upon conviction, be punished by a fine of not more than \$100 for each offense. Each day that such violation continues will constitute a separate offense.

Article 11: Validity


- A. **Severability:** If any part of this Code is declared invalid, such decision will not affect the remaining portions of this Code, which will continue in full force and effect, and the provisions of this Code are hereby declared to be severable.
- B. **Saving Clause:** This Code shall not affect violations of any other ordinance, code, or regulation of the municipality existing prior to the effective date hereof, and any violation shall be governed and remain punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

ADOPTED: July 1, 2013


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on

July 11, 2013



Clerk of Council

Batavia, Ohio

Ordinance No. 1272-13 Passed April 1, 2013, _____

ORDINANCE 1272-13

AMENDMENT TO THE 2013 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2013 and found it necessary to make appropriations for certain expenditures.

THEREFORE, be it ordained that Ordinance 1262-12 for 2013 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2013 be amended as follows:

SECTION 1. That the following Fiduciary Fund be established as Village Council has a Bi-Centennial Committee that will be working on the Bi-Centennial for the Village Celebration in 2014 and monies will be needed to be appropriated for expenditures.

Centennial	9902-990-600 Other	\$1478.84
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SECTION 2. That the following Enterprise Fund be increased due to the energy bills being higher.

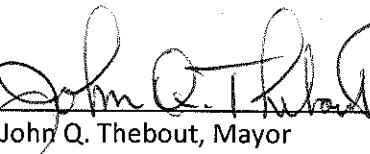

Water	5101-531-300 Contractual Services	\$10,000.00
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SECTION 3. That the following General Fund be increased as follows:

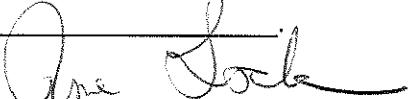
General	1000-715-300 Council Contractual	\$12,300.00
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SECTION 4. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 5. This Ordinance is declared to be an emergency due to monies being needed now for expenses.ADOPTED: April 1, 2013

 John Q. Thebout, Mayor	 Anne Lock, Fiscal Officer
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I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on April 18, 2013


Clerk of Council Batavia, Ohio

1273-13

1 page

RECORD OF ORDINANCES

209

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1273-13Passed June 3, 2013

ORDINANCE 1273-13

AMENDING SOLID WASTE SET-OUT AND COLLECTION TIME

Whereas, the Council of the Village of Batavia has executed a contract for waste collection services from a private service vendor; and

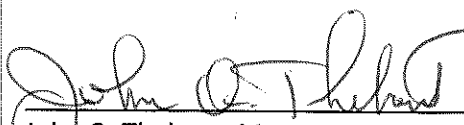
Whereas, the collection contract specifies Wednesday as the waste collection day for the village,


Therefore Be It Ordained by the Council of the Village of Batavia that the Village of Batavia, Ohio, Code of Ordinances, Section 51.03(B) is amended to read in its entirety:

Wednesday shall be the day for waste collection in the Village, commencing at 7:00am. No property owner, resident, occupant, or other person shall place trash for collection before 3:00pm, the day preceding collection nor leave waste receptacles at the curb, road shoulder, or other place of collection that is in plain view of the street later than 10:00am the day following collection.

Adopted: June 3, 2013

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 6, 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1274-13

Passed May 6, 2013

ORDINANCE NO. 1274-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS OF THE VILLAGE OF BATAVIA, OHIO, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$3,000,000, TO PAY THE COSTS OF CERTAIN PERMANENT IMPROVEMENTS IN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the Village wishes to issue bonds for the purpose of paying a portion of the costs of making certain improvements in the Village and appurtenances related thereto (the "Improvements"), together with other permissible costs under the Uniform Public Securities Law, particularly Chapter 133 of the Ohio Revised Code; and

WHEREAS, this Council finds and determines that it will be in the Village's best interest to issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the maximum aggregate principal amount of \$3,000,000 (the "Bonds") in order to fund the Improvements and to pay any expenses relating to the issuance of the Bonds; and

WHEREAS, this Council has requested that the Village Fiscal Officer, as fiscal officer of this Village, certify the estimated life or period of usefulness of each component of the Improvements and the maximum maturity of the Bonds described in Section 2; and

WHEREAS, the Village Fiscal Officer has certified to this Council that the estimated life or period of usefulness of each component of the Improvements is at least five (5) years and that under Section 133.34 of the Ohio Revised Code, the last maturity of the Bonds shall not be later than the year of last maturity permitted by law for the general obligation bonds, which year is 2035; and

WHEREAS, this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the Village and for the further reason that this Ordinance is required to be immediately effective in order to permit the prompt issuance and sale of the Bonds, which is necessary to enable the Village to undertake the Improvements in a timely fashion and to obtain certain funding for the Improvements by the State of Ohio through the Ohio Pubic Works Commission (as defined in Section 1):

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, State of Ohio, at least a majority of its members concurring that:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple in excess thereof.

"Bond Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement, the Registrar Agreement, and such other proceedings of the Village, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

"Bond Registrar" means a bank or trust company authorized to do business in the State of Ohio and designated by the Village Administrator and the Village Fiscal Officer in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

Ordinance No. 1274-13

Passed May 6, 2013, _____

"Bonds" means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

"Book entry form" or *"book entry system"* means a form or system under which (a) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the Village only to a Depository or its nominee as registered owner, with the certificates deposited with and maintained in the custody of the Depository or its designated agent. The book entry maintained by others than the Village is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Certificate of Award" means the certificate authorized by Section 6, to be executed by the Village Administrator and the Village Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Continuing Disclosure Agreement" means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the Village for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the Village Fiscal Officer in accordance with Section 9(c).

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Interest Payment Dates" means January 1 and July 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

"Law Director" means the person at the time performing the duties of chief legal officer of the Village.

"Mandatory Redemption Date" shall have the meaning set forth in Section 3(b).

"Mandatory Sinking Fund Redemption Requirements" shall have the meaning set forth in Section 3(e)(i).

"Original Purchaser" means Conners & Co., Inc., Cincinnati, Ohio.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

Ordinance No. 1274-13 Passed May 6, 2013

“Principal Payment Dates” means July 1, commencing on July 1, 2014, in each of the years from and including 2014 to 2033; provided that the last Principal Payment Date for any of the Refunded Bonds may be advanced in such manner as to be in the best interest of and financially advantageous to the Village, all of which determinations shall be made by the Village Administrator and the Village Fiscal Officer in the Certificate of Award.

“Purchase Agreement” means the Bond Purchase Agreement between the Village and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Village Administrator and the Village Fiscal Officer in accordance with Section 6.

“Registrar Agreement” means the Bond Registrar Agreement between the Village and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor or the Village Fiscal Officer in accordance with Section 4.

“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

“Village Administrator” means the Village Administrator appointed by the Council of the Village by Ordinance No. 1202-10, adopted September 7, 2010.

“Village Fiscal Officer” means the Village Fiscal Officer appointed by the Council of the Village by Ordinance No. 1180-09, adopted August 3, 2009.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the Village to issue bonds of this Village in the maximum aggregate principal amount of \$3,000,000 (the “Bonds”), for the purpose of paying a portion of the costs of the Improvements described in the preambles hereto, together in each case with other permissible costs under the Uniform Public Securities Law, particularly Chapter 133 of the Ohio Revised Code. The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance and the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed the maximum aggregate principal amount specified in this Section 2 and shall be an amount determined by the Village Administrator and the Village Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account the estimates of the financing costs and the interest rates on the Bonds.

Ordinance No. 1274-13

Passed May 6, 2013

The proceeds from the sale of the Bonds received by the Village (or withheld by the Original Purchaser on behalf of the Village) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, paying agent, rating agency fees and expenses, if any, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Village Administrator and the Village Fiscal Officer, and all other financing costs (as defined in Section 133.01 of the Ohio Revised Code) and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of financing costs related to the Bonds on behalf of the Village. Any portion of those proceeds received by the Village representing premium (after payment of any financing costs identified in the Certificate of Award) shall be used to pay costs of the Improvements and/or be paid into the Village's Bond Retirement Fund, with such determination being made by the Village Administrator and the Village Fiscal Officer in the Certificate of Award, consistent with the determination of the Village Administrator and the Village Fiscal Officer of the best interest of and financial advantages to the Village. Any portion of those proceeds received by the Village representing accrued interest shall be paid into the Village's Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360 day year consisting of 12 30-day months) as shall be determined by the Village Administrator and the Village Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Village Administrator and the Village Fiscal Officer in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the Village.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the Village, the Village Administrator and the Village Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 4.50%.

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(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Village Fiscal Officer, in the name and on behalf of the Village, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The Village shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the Village, as specified by the Village Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the Village on or before the 45th day preceding any Mandatory Redemption Date with respect to which the Village wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Village Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Village Fiscal Officer, also shall be received by the Village for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and

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corresponding mandatory redemption obligations), as specified by the Village Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the Village, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Village Administrator and the Village Fiscal Officer in the Certificate of Award; *provided* that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Village Fiscal Officer to the Bond Registrar, given upon the direction of the Village by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the Village. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the Village by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure

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to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, money that, in addition to any other money available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those funds shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the Village to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and by the Village Fiscal Officer, in the name of the Village and in their official capacities; *provided* that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Village Fiscal Officer, shall be numbered as determined by the Village Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance and the Certificate of Award.

The Village Administrator and the Village Fiscal Officer are hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Village Fiscal Officer shall sign and deliver, in the name and on behalf of the Village, the Registrar Agreement between the Village and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the Village and that are approved by the Village Fiscal Officer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Village Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate

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of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Village Fiscal Officer on behalf of the Village. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the Village will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the Village nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the Village's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the Village are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the Village. In all cases of Bonds exchanged or transferred, the Village shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the Village and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Village or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the Village, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the Village nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Village Administrator and the Village Fiscal Officer determine in the Certificate of Award that it is in the best interest of and financially advantageous to the Village, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book

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entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Village.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Village Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Village Fiscal Officer does not or is unable to do so, the Village Fiscal Officer, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assignees of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of the Village action or inaction, of those persons requesting such issuance.

The Village Fiscal Officer may, and is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the Village, that the Village Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds. The Village Administrator and the Village Fiscal Officer are authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Village Administrator and the Village Fiscal Officer in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Village Administrator and the Village Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement. The Village Administrator and the Village Fiscal Officer are authorized, if it is determined to be in the best interest of the Village, to combine the issue of Bonds with one or more other bond issues of the Village into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Village Administrator and the Village Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The Village Administrator and the Village Fiscal Officer shall sign and deliver, in the name and on behalf of the Village, the Purchase Agreement between the Village and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the Village and that are approved by the Village Administrator and the Village Fiscal Officer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

Each of the Mayor, the Village Administrator, the Village Fiscal Officer, the Law Director, and other Village officials, as appropriate, is authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. Application of Proceeds. The proceeds from the sale of the Bonds received by the Village (except any premium and accrued interest as discussed below) shall be paid into the

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proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any proceeds to be used for the payment of any expenses properly allocable to the issuance of the Bonds, as determined by the Fiscal Officer, shall be paid into the proper fund or funds. Any portion of proceeds representing (a) premium (after payment of financing costs) shall be used to pay costs of the Project or paid into the General Bond Retirement Fund as determined by the Village Administrator and the Fiscal Officer in the Certificate of Award, and (b) accrued interest shall be paid into the General Bond Retirement Fund.

Section 8. Provisions for Tax Levy. There shall be levied on all the taxable property in the Village, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the 10-mill limitation imposed by law, shall be and is ordered computed, certified, levied, and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended, and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Village's Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

The amount of the tax to be levied or collected in any year shall be reduced by the amount of such money available for the purpose of paying debt charges on the Bonds from (a) any surplus in the Village's Debt Retirement Fund, or (b) the amount of lawfully available municipal income taxes to be applied to such debt charges in compliance with the Village's pledge and covenant to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio; and the Village hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to continue to levy and collect those municipal income taxes and to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the Village to the prompt payment of the debt charges on the Bonds.

Section 9. Federal Tax Considerations. The Village covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The Village further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the Village hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Bonds are issued, (i) have

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not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Bonds, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code to the extent that the amount of the refunding obligations does not exceed the outstanding principal amount of the refunded obligations) in an aggregate amount exceeding \$10,000,000, unless the Village first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds as "qualified tax-exempt obligations."

Further, the Village represents and covenants that, during any time or in any manner as might affect the status of the Bonds as "qualified tax-exempt obligations," it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The Village further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Village Administrator or the Village Fiscal Officer or any other officer of the Village having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the Village with respect to the Bonds as the Village is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Village, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the Village, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the Village regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

Section 10. Official Statement, Rating, Bond Insurance and Continuing Disclosure.

(a) Primary Offering Disclosure -- Official Statement. The Village Administrator and the Village Fiscal Officer are each authorized and directed, on behalf of the Village and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the Village as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official

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statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Village Administrator and the Village Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this Village, the Village Administrator and the Village Fiscal Officer, or any of them, is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Village Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the Village, that the Village Fiscal Officer determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the Village agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Village Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the Village, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the Village and that are approved by the Village Fiscal Officer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Village Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Village Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the Village. The Village Fiscal Officer, acting in the name and on behalf of the Village, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the Village of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Purchase Agreement, is authorized and approved, and the Village Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 11. Bond Counsel. The legal services of the law firm of Squire Sanders (US) LLP are hereby retained. Any prior retention of law firms to provide legal services to the Village as Bond Counsel are hereby rescinded. Those legal services as Bond Counsel shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of

Ordinance No. 1274-13Passed May 6, 2013

this Village in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this Village, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Village Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and a copy of the Certificate of Award to the County Auditor of Clermont County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the Village or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the Village have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the Village are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance, the Certificate of Award and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 15. Effective Date. By reason of the emergency set forth in the preamble hereto, this Ordinance shall be in full force and effect immediately.

Passed: May 6, 2013

Attest:



Fiscal Officer

Approved: May 6, 2013

Mayor

CERTIFICATE

The undersigned Clerk of Council of the Village of Batavia, Ohio, hereby certifies that the foregoing is a true copy of Ordinance No. 1274 passed by the Council of the Village on May 6, 2013.

Ordinance No. 1275-13Passed May 6, 2013**Ordinance 1275-13****An Ordinance to Change the Zoning Designation
of Parcel No. 064408.001 and Parcel No. 060223.032
in the Village of Batavia, Ohio, from B-1 to B-2**

Whereas, on May 6, 2013, the Village Council of Batavia, Ohio, held a public hearing for the purpose of hearing the petition of Donald C. Saylor, 505 W. Main St., Suite B, Batavia, Ohio 45103, for a change in the zoning designation of Parcel No. 0604408.001 and Parcel No. 060223.032 located on West Main Street in the Village of Batavia, Ohio; and,

Whereas, the Petition requested that each parcel receive a change in designation from B-1 to B-2; and,

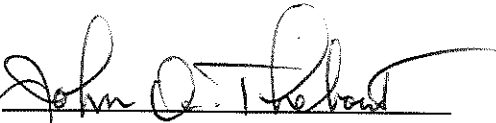
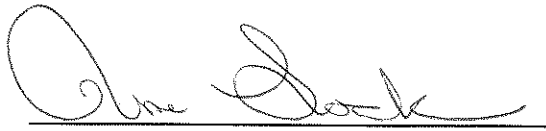
Whereas, the Planning Commission of the Village of Batavia has considered this petition and recommended approval,

Now Therefore Be It Ordained by the Village Council:


Section 1. The Village Council hereby grants the Petition and changes the zoning designation of Parcel No. 0604408.001 and Parcel No. 060223.032 located on West Main Street in the Village of Batavia, Ohio, from B-1 to B-2.

Section 2. The change in zoning designation shall become effective (immediately) (30 days after the adoption of this Ordinance).

Adopted: May 6, 2013


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 9, 2013.


Clerk of Council

Batavia, Ohio

Ordinance No. 1276-13

Passed May 6, 2013

ORDINANCE 1276-13

AN ORDINANCE DIRECTING VILLAGE ADMINISTRATOR TO MOVE AHEAD WITH THE EAST MAIN STREET, SECOND STREET AND FOURTH STREET PROJECT.

WHEREAS, the Village of Batavia has worked with Burgess and Niple to receive and review plans for the possible renovation of East Main Street, Second Street and Fourth Street; and

WHEREAS, after discussion at the council meeting the Village of Batavia desires to move forward with the street renovation project for East Main Street, Second Street and Fourth Street; and

WHEREAS, the Village of Batavia would like to secure bids in order to determine whether the project will be budgeted and bid this year in order to lock in financing for the project at low rates and costs.

NOW THEREFORE, be it ordained by the Council of the Village of Batavia, Clermont County, State of Ohio, a majority of all members elected thereto concurring:

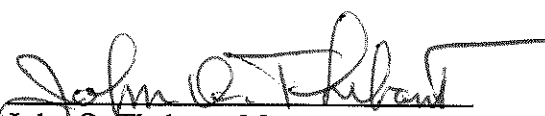
Section 1. That the Village of Batavia desires to move forward with the street renovation project for East Main Street, Second Street and Fourth Street; and

Section 2. That the Village Administrator is directed to solicit bids for the possible project in such a manner so as to determine the best and lowest cost for the proposed project in order to secure bids this year in order to seek financing on the best terms available; and

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio and shall take effect at the earliest date allowed by law.

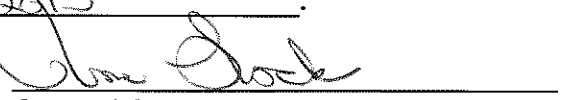
Adopted: May 6, 2013


John Q. Thebout, Mayor

ATTEST:

Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 9, 2013


Clerk of Council
Batavia, Ohio

Ordinance No. 1277-13Passed June 3, 2013

PRELIMINARY CONSENT LEGISLATION

Ordinance/Resolution #1277-13
PID NO. 84475
DO8-GCS-FY2014

The following ordinance is enacted by the Village of Batavia Clermont County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION1- Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

Perform pavement preventative maintenance (crack sealing) on portions of SR 222 in the Village of Batavia from the southern corporation limit (SLM 24.17) to the intersection with SR 132 (SLM 25.00).

NOW THEREFORE, be it ordained by the Village of Batavia Ohio.

SECTION II-Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III-Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV- Utilities and Right-of-Way Statement

No additional Right-Of-Way Utility relocation is required for this project.

SECTION V- Maintenance

Upon completion of the Project, and unless otherwise agreed, the State/ LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal Law, including, but not limited to, Title 23, US.c., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstruction; and (4) hold said right-of-way inviolate for public purposes.

SECTION VI- Authority to Sign

The Village Administrator of said Village of Batavia is hereby empowered on behalf of the Village of Batavia to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed June 3, 2013

ATTESTED:



Fiscal Officer

RECORD OF ORDINANCES

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Form 6220

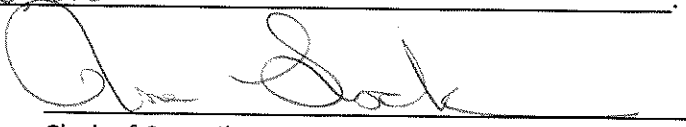
Ordinance No. 1277-13

Passed June 3, 2013

 Mayor

This ordinance is hereby declared to be an emergency measure to expedite the highway project (s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

I Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 6, 2013


Clerk of Council
Batavia, Ohio

Ordinance No. 1278-13 Passed July 1, 2013

ORDINANCE 1278-13

AMENDMENT TO THE 2013 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2013 and found it necessary to make appropriations for certain expenditures.

THEREFORE, be it ordained that Ordinance 1262-13 for 2013 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2013 be amended as follows:

SECTION 1. That the following Special Revenue Fund be increased for extra duty details for alcohol and drugs.

Law Enforcement & Education

2271-110-100	Personal Services	\$1,000.00
2271-110-290	Other Employee-Fringe Benefits	\$500.00

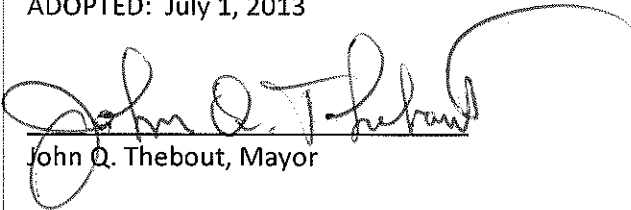
Capital Projects

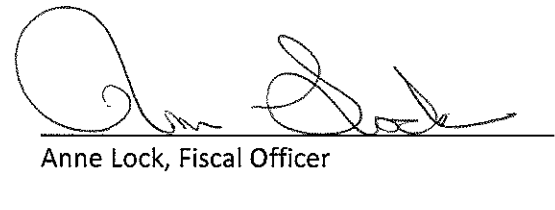
4902-800-500	Capital Outlay	\$5,337,066
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SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: July 1, 2013


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1278-13

Passed July 1, 2013, _____

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on July 11 2013.



Clerk of Council
Batavia, Ohio

Ordinance No. 1279-13 Passed July 18, 2013

ORDINANCE NO 1279-13

The Council of the Village of Batavia met in special session on the 18th day of July, 2013, with the following members present: Bob Handra, Kathy Turner, Steve Staton, Earl Carter, John Waite and Tom Ellis.

Mr. John Waite moved the passage of the following Ordinance:

ORDINANCE AUTHORIZING ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT FUND.

WHEREAS, Ohio Revised Code Section 5747.53 authorizes adoption of an alternative method for determining the amount to be apportioned from the Undivided Local Government Fund among the various political subdivisions within a county; and

WHEREAS, adoption of an alternative method of apportionment for the Undivided Local Government Fund requires the approval of the Board of County Commissioners, the legislative authority of the City, located wholly or partially in the County, with the greatest population, and a majority of the Boards of Township Trustees and legislative authorities of municipal corporations, located wholly or partially in the County; and

WHEREAS, the Council of the Village of Batavia, in Clermont County; Ohio, desires to approve the alternative method for allocation of the Undivided Local Government Fund as proposed.

NOW, THEREFORE, BE IT ORDAINED, by this Council of the Village of Batavia , in Clermont County, Ohio; that

SECTION 1

The following alternative method of apportionment for the Undivided Local Government Fund has been approved previously for 2013:

	TOTAL	%
County	1,154,518.81	48.545%
Townships:		

Ordinance No. 1279-13

Passed July 18, 2013

Batavia	50,288.06	2.115%
Franklin	24,062.01	1.012%
Goshen	53,834.21	2.264%
Jackson	18,258.43	0.768%
Miami	103,094.97	4.335%
Monroe	42,561.29	1.790%
Ohio	12,245.70	0.515%
Pierce	29,491.15	1.240%
Stonelick	23,214.88	0.976%
Tate	37,011.99	1.556%
Union	107,690.70	4.528%
Washington	11,445.15	0.481%
Wayne	28,225.63	1.187%
Williamsburg	21,985.24	0.924%
	563,409.41	23.690%
Village/Cities:		
Amelia	63,960.74	2.689%
Batavia	46,862.53	1.970%
Bethel	81,260.45	3.417%
Chilo	9,526.24	0.401%
Felicity	38,315.46	1.611%
Loveland	52,120.91	2.192%
Milford	159,372.54	6.701%
Moscow	24,226.48	1.019%
Neville	9,955.59	0.419%
New Richmond	74,695.02	3.141%
Newtonsville	16,070.77	0.676%
Owensville	52,151.46	2.193%
Williamsburg	31,798.13	1.337%
Total:	660,316.32	27.765%

SECTION II

That the distribution of local government funds be distributed for 2014 through 2018 on the following basis:

1. If the total allocation received is equal to or less than the 2013 total allocation all funds will be distributed based on the same percentages in the 2013 allocation.
2. If the total allocation exceeds the 2013 allocation the funds will be distributed as follows:
 - a. The County will receive the same percentage of funds it received in 2013.
 - b. All municipalities and townships will receive an amount equal to the amount received in 2013.
 - c. The remaining amount of the funds after a. and b. will be distributed to the municipalities and townships on a per capita basis.

SECTION III

That a certified copy of this Ordinance be sent to the Clermont County Board of County Commissioners and the Clermont County Budget Commission.

SECTION IV

Ordinance No. 1279-13Passed July 18, 2013, _____

That this Ordinance shall take effect at the earliest period allowed by law.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Council of the Village of Batavia, hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Board and that all deliberations of this board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mrs. Kathy Turner seconded the Ordinance and upon roll call, the vote resulted as follows:

Bob Handra yes

Kathy Turner yes

Steve Staton yes

Earl Carter yes

John Waite yes

Tom Ellis yes

ADOPTED: July 18, 2013

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

Date: July 18, 2013

PREPARED BY:

The Office of the Prosecuting Attorney
Clermont County, Ohio
Allan L. Edwards
Assistant Prosecuting Attorney

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two

RECORD OF ORDINANCES

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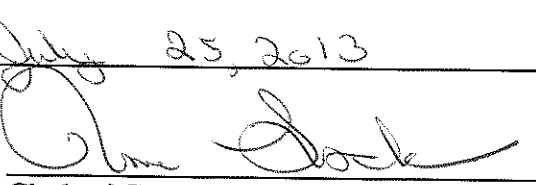
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Form 6220

Ordinance No. 1279-13

Passed July 18, 2013

consecutive weeks beginning on July 25, 2013

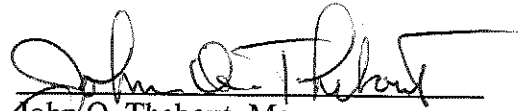
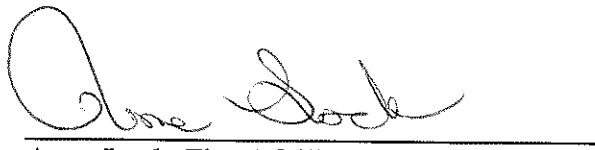

Clerk of Council
Batavia, Ohio

Ordinance No. 1280-13Passed September 9, 2013**Ordinance 1280-13****An ordinance rescinding § 110.02 of the Codified Ordinances of Batavia, Ohio.**

Whereas, Ohio Revised Code Chapter 1332 reserves the franchising of subscription cable television services to the state of Ohio and the Village of Batavia no longer franchises cable television providers.

Thus Be It Ordained, by the Council of the Village of Batavia, Ohio:
That the Codified Ordinances of Batavia, Ohio, § 110.02 Grant of Authority is rescinded.

ADOPTED: September 9, 2013


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun for two consecutive weeks beginning on Sept 12, 2013.


Clerk of Council, Batavia, Ohio

Text:

§ 110.02 GRANT OF AUTHORITY.

(A) There is hereby granted by the village to the company the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over and under the streets, alleys and public ways, now laid out or dedicated, and all extensions thereof, and additions thereto, in the village, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the village of a community cable television system for the interception, sale and distribution of television signals.

(B) The company may assign its rights under the contract with the approval of Council for purposes of mergers, sale of tangible assets or mortgaging assets. The consent of Council shall not be unreasonably withheld.

(1997 Code, § 110.02) (Ord. 704-83, passed 1-10-1983)

Ordinance No. 1281-13

Passed October 7, 2013

Ordinance. 1281-13

An Ordinance Establishing Regulations and Rates for Residential, Commercial and Industrial Users of the Village of Batavia's Water and Sewer System and Repealing Conflicting Ordinances.

Be It Ordained By the Council of the Village of Batavia, County of Clermont, State of Ohio:

Section 1: The users of Residential Water & Sewer Service in the Village of Batavia shall be subject to the following regulations and rates.

A. Availability. The Residential Rate is available for domestic water & sewer service to individual residences and multiple dwelling units, such as apartments, mobile homes, condominiums, etc., used for strictly residential purposes.

Where service is supplied for commercial, business, industrial, professional or other similar non-residential purposes, in part or in whole, such service shall be considered as Commercial in character and the applicable Commercial Schedule shall apply.

Rate per service or dwelling unit per month or part thereof

Water rate

Cubic feet of water used	Inside corp.	Outside corp.
Up to one inch meter		
Unit Charge	Rescinded	
Minimum Charge (1st 100 CF.)	\$8.00	\$12.00
Over 100 CF. (per 100 CF.)	\$3.00	\$4.50
Over one inch meter		
Unit Charge	Rescinded	
Minimum Charge (1st 100 CF.)	\$16.00	\$24.00
Over 100 CF. (per 100 CF.)	\$4.00	\$6.00

Sewer rate

Cubic feet of water used	Inside corp.	Outside corp.
Unit Charge	Rescinded	
Minimum Charge (1st 100 CF.)	\$30.00	\$45.00
Over 100 CF. (per 100 CF.)	\$5.00	\$7.50

B. Multiple dwelling units. The Village reserves the right to require that all future individual dwelling units be individually metered and plumbed in accordance with current administrative policy before water service is established.

C. Minimum charge per month. The minimum charge will not be less than the above applicable charge for the first 100 cubic feet of water used during any month or any part thereof, and shall not be prorated.

Minimum usage is per active service to a meter, not to a dwelling unit, and shall not be charged to an account where service to a meter has been discontinued by the Village or at the request of the owner and/or occupant.

D. Terms of payment. The rates set forth herein are net, and apply only in the event that accounts for water service are paid within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

E. Billing. All billing will be done on an approximately 30 day basis and will be billed to the nearest cubic foot on the meter. All rates shall be applicable for any fractional part of a billing month.

SECTION 2: The users of **Commercial Water & Sewer Service** in the Village of Batavia shall be subject to the following regulations and rates:

A.Availability. The Commercial Rate is available to Commercial, Industrial and other classes of service not provided for in the Residential Rate Schedule.

B.Rates. The Commercial Rate for water and sewer volume of use is equal to the Residential Rate for volume of use.

C. Multiple establishments. The Village reserves the right to require that all future individual business establishments or activities located on the same premises be individually metered and plumbed before service is established.

Ordinance No. 1281-13

Passed October 7, 2013

D. Billing. All billings will be on an approximately 30-day basis and will be billed to the nearest cubic foot of water registered on the meter. All rates shall be applicable for any fractional part of a billing month.

E. Terms of payment. The rates set forth are net, and apply only in the event that accounts for water service are paid in full within 15 days from the date of the bill. If not so paid, a penalty of TEN PERCENT (10%) shall apply. The Village Administrator may waive said penalty if unusual circumstances exist.

Section 3: The users of **Special Water Services** in the Village of Batavia shall be subject to the following regulations and rates.

A. Fire Protection Service. For all fire protection service made and requiring a special separate fire service line located on the consumer's premises, the following conditions apply:

1) The consumer shall install at his expense, subject to the Village's inspection and approval, all the necessary complete and separate piping system extending from the consumer's system and connecting to the Village's existing water main.

2) All separate fire service lines shall have installed in same a check meter to determine any flow of water in same and to detect any illegal diversion of water from the fire line. Such meter and its installation shall meet the Village's specifications and the entire installation shall be at the expense of the consumer.

3) No charge shall be made for any measured water flow through said fire line resulting from use of water for fire fighting purposes. Any other usage, accidental or intentional, shall be billed at the appropriate rate in SECTION 2 above, including capacity charges, in addition to the regular capacity charges in the schedule below which shall be billed monthly.

Capacity charge for fire service line		
Size of fire service line	Inside corp.	Outside corp.
1 to 2 inches	\$12.50 per month	\$19.35 per month
4 TO 6 inches	\$25.80 per month	\$38.70 per month
6 to 8 inches	\$38.70 per month	\$58.00 per month

The above Capacity Charges do not apply to wholly tax supported public buildings, such as schools and governmental buildings.

B. Bulk water sales. Direct metered sales from the Village mains may be made at a location designated by the Village at such times and hours as fixed by the water department. The charge for such service shall be \$8.00 per 1000 gallons. Such sales shall be governed by the terms and conditions set forth in the Administrative Policy Manual.

C. Temporary service for non-profit organizations.
Temporary service for tax-free and non-profit public activities, such as fairs, festivals, athletic events, etc., may be established according to the terms and conditions set forth in the Administrative Policy Manual.

D. Service to village offices and buildings. Services to all the offices and buildings owned, leased, rented, or otherwise occupied in any official capacity by the Village of Batavia, its boards and commissions, shall be extended without charge. Such service shall, when practicable, be metered and recorded.

Section 4: All users of the Village water system shall be subject to **deposit requirements** as outlined in the Administrative Policy Manual.

Section 5: All users of the Village water system shall be subject to, and comply with, the provisions and conditions provided for in the Administrative Policy Manual (available at the Village's Water Department), the same as if herein written, which may be amended from time to time under the authority granted to the Village Administrator in Code Section 31.04 and ORC 743.

Section 6: Partial payments of utility bills shall be applied first to NSF and penalties then to trash, sewer and water.

Section 7: Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part to be so declared invalid.

Section 8: This ordinance repeals Ordinance No. 1239-12 and all other ordinances inconsistent herewith.

Section 9: The rates herein shall be effective for meter readings in November 2013 and thereafter.

RECORD OF ORDINANCES

1281-13

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO


Form 6220

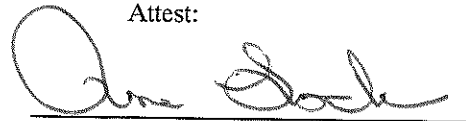
Ordinance No. 1281-13

Passed October 7, 2013


Adopted: October 7, 2013

Attest:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on October 17, 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1282-13Passed August 5, 2013

ORDINANCE 1282-13

AN ORDINANCE STATING SERVICES TO BE PROVIDED TO ANNEXED TERRITORY, REQUIRING THE VILLAGE TO REQUIRE THE OWNER TO PROVIDE A BUFFER FOR INCOMPATIBLE ZONING USES, AND DECLARING AN EMERGENCY

WHEREAS, Denise E. Large filed a Petition with the Clermont County Board of County Commissioners on July 29, 2013, seeking to annex approximately 1.06 acres of land situated in Batavia Township to the Village of Batavia; and,

WHEREAS, Ohio Revised Code Section 709.023(C) requires that, within 20 days after the date that the Petition is filed, the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide and an approximate date by which it will provide those services to the territory proposed for annexation, upon annexation; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that within 20 days after the date that the Petition is filed, the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating that, if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or Batavia Township zoning regulations in the adjacent land remaining within the Township, the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village Of Batavia, Ohio:

SECTION 1.

That immediately upon annexation the Village of Batavia will provide the following services to the territory to be annexed:

1. Police Protection;
2. Street Maintenance;
3. Snow Removal;
4. Zoning and Zoning Administration;
5. Tax Administration; and,
6. Water and Sewer Service when and as requested by property owners.

The Village may, in its sole discretion, provide additional service to the territory, upon annexation, in addition to those set forth above.

SECTION 2.

The annexation will not result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem; but, in the event that the annexation does result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village hereby agrees to assume the maintenance of that street or highway or to otherwise correct the problem.

SECTION 3.

The Council hereby states that if the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current Clermont County or

Ordinance No. 1282-13

Passed August 5, 2013

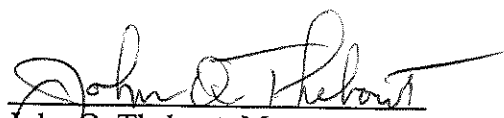
Batavia Township zoning regulations in the adjacent land remaining within the Township, that the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.


SECTION 4.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary to the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.

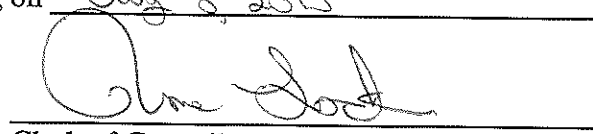
ADOPTED: August 5, 2013

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Aug 8, 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1283-13Passed August 5, 2013, _____**Ordinance 1283-13****An Ordinance Consenting to the Annexation of Property to the Village of Batavia, Ohio**

WHEREAS, Denise E Large has petitioned to annex certain specified land to the Village of Batavia, Ohio.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

SECTION 1.

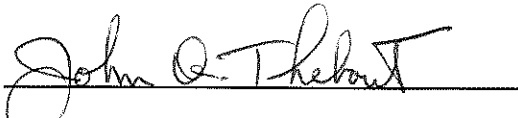
The Council of the Village of Batavia hereby consents to the petition for annexation filed July 29, 2013, by Denise E. Large.

SECTION 2.

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.

ADOPTED: August 5, 2013

ATTEST:



John Q. Thebout, Mayor



Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on Aug 8, 2013.



Clerk of Council
Batavia, Ohio

Ordinance No. 1284-13Passed Dec. 2, 2013

**Village of Batavia
Ordinance No. 1284-13**

An Ordinance Establishing Public Way Fees

Whereas, Ohio Revised Code § 4939.05 provides that a municipal corporation may levy public way fees based upon the amount of public ways occupied or used, the type of utility service provided by a public utility, or any different treatment required by the public health, safety, and welfare; and

Whereas, such public way fees levied by a municipal corporation shall be based only on costs that the municipal corporation both has actually incurred and can clearly demonstrate are or can be properly allocated and assigned to the occupancy or use of a public way; and

Whereas, the costs shall be reasonably and competitively neutrally allocated among all persons occupying or using public ways owned or controlled by the municipal corporation.


Thus be it ordained, that the Village of Batavia establishes the following Public Way Fee to apply to any electric power, telecommunications, subscription television provider, electronic data, or other wire-line or similar company that requires underground or aerial use of space in the Batavia Village public ways:

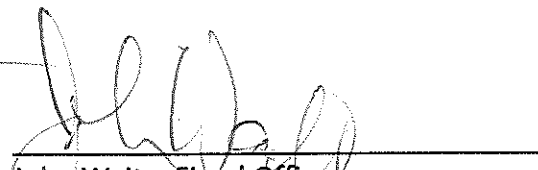
1. Actual costs expended by the Village of Batavia for installation, relocation, maintenance, or replacement of the company's facilities;
2. For buried lines, a charge of \$1.00 per linear foot per year for administration and inspection.
3. For aerial lines, a charge of \$0.25 per linear foot per year for administration and inspection.
4. An annual charge of \$100 for administration.

Be it further ordained that the Public Way Fee shall apply effective 30 days after passage by the Village Council.

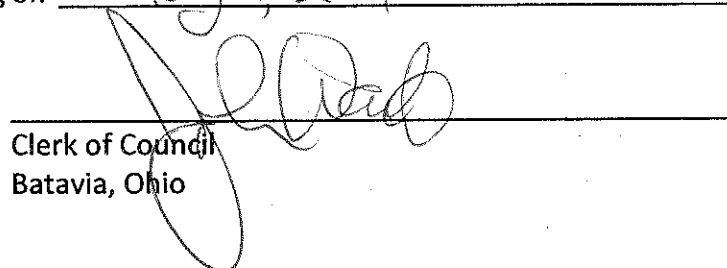
Adopted: December 2, 2013

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014


Clerk of Council
Batavia, Ohio

Ordinance No. 1285-13Passed September 9, 2013

ORDINANCE 1285-13

AN ORDINANCE INCREASING THE PAY FOR THE INCOME TAX COMMISSION OF THE VILLAGE OF BATAVIA EFFECTIVE THE NOVEMBER 1, 2013 PAY PERIOD AND DECLARING AN EMERGENCY

WHEREAS, the Village of Batavia employs a significant number of full-time and part-time employees within the Village; and

WHEREAS, the Village Council of Batavia wishes to increase the salary of the following employee by the following amount per month, effective November 1, 2013 pay period.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:


Section 1. That effective November 1, 2013 pay period, the pay of the following employee of the Village of Batavia shall be increased as follows:


Income Tax Commissioner Jane King from \$985.00 per month to \$1,005.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 21.22 of the Ohio Revised Code.

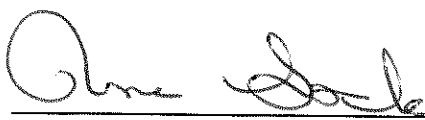
Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted: September 9, 2013


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 12, 2013.


Clerk of Council
Batavia, Ohio

Ordinance No. 1286-13

Passed November 4, 2013

Ordinance 1286-13**An Ordinance Amending the Batavia, Ohio, Zoning Code to Designate the Zoning Districts of
Parcels Newly Annexed to the Village of Batavia**

WHEREAS, the Village of Batavia has adopted ordinances to protect the general health, safety and welfare of the community by designating districts for various land uses and restrictions on land uses; and

WHEREAS, Ohio Revised Code § 709.023 establishes procedures whereby a municipal corporation shall provide for the designation of territories newly annexed; and

WHEREAS, the Village of Batavia has enacted Ordinances 1219-11, 1229-11, 1227-11, 1238-12, 1233-11 and 1265-12 in accordance with ORC § 709.023; and

WHEREAS, the Clermont County Board of Commissioners on June 29, 2011, adopted Resolution No. 111-11 granting the annexation of approximately 108.4973 acres of land situated in Batavia Township to the Village of Batavia; on Nov. 16, 2011, adopted Resolution No. 174-11 granting the annexation of approximately 286.461 acres of land situated in Batavia Township to the Village of Batavia; and on September 5, 2012, adopted Resolution No. 138-12 granting the annexation of approximately 276.976 acres of land situated in Batavia Township to the Village of Batavia; and

WHEREAS, it is expedient that the Village of Batavia now designate appropriate zoning districts for parcels newly annexed to the municipal corporation; and

WHEREAS, the Batavia Zoning Commission has reviewed the parcels annexed subject to Ordinances 1219-11, 1227-11 and 1233-11 and has recommended the designation of appropriate zoning districts as here specified.

NOW BE ORDAINED that the Village of Batavia assigns zoning districts to parcels added to the village as follows:

B-1 Neighborhood Business District
012006D021, Gerald and Donald Saylor

B-2 General Business District
012002C072, Glen A. Wiedenbein

R-1 Residence District
012006D074, State of Ohio
012006D075, State of Ohio
012006D076, State of Ohio
012006F022, State of Ohio
012006E077, State of Ohio
012003C079, Board of Park Commissioners of Clermont County
012003D009, Clermont County
012003D026, Clermont County
012011A023, Batavia Local School District
022011A133, Batavia Local School District
022011A134, Batavia Local School District
022011A135, Batavia Local School District
022011A136, Batavia Local School District
022011A137, Batavia Local School District
012004A112, State of Ohio
012004A092, State of Ohio
012004A107, State of Ohio
012003J066, State of Ohio
012003J068, State of Ohio
012003J006, State of Ohio
012003I065, State of Ohio

Ordinance No. 1286-13Passed November 4, 2013, _____

012002C083, State of Ohio
012011A078, State of Ohio
022011F101, State of Ohio
012011B099, State of Ohio
012011B092, State of Ohio
012011B076, State of Ohio
012011B098, State of Ohio
012011B093, State of Ohio
012011C082, State of Ohio
012004C099, State of Ohio
012011C002, Clermont County Board of Commissioners
012011C086, Clermont County Board of Commissioners
012011C087, Clermont County Board of Commissioners
012011C104, Clermont County Alcohol, Drug Addiction and Mental Health Board

I Industrial District

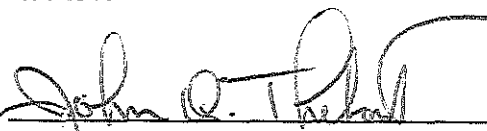
012003C029, Glen Wiedenbein, Trustee

012006E078, Clermont County Commissioners


012006E013, Clermont County Commissioners

ADOPTED: November 4, 2013

ATTEST:


John Q. Thebout, Mayor
Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify
that the foregoing ordinance was published in the Clermont Sun once a week for two
consecutive weeks beginning on

May 1, 2014
Clerk of Council
Batavia, Ohio

Ordinance No. 1287-13

Passed October 7, 2013

Ordinance 1287-13

An Ordinance Committing the Village of Batavia to join with Clermont County in cooperative agreement to maintain Herold Road.

Whereas, as provided by Ohio Revised Code § 307.15 (A), the Clermont County Board of Commissioners and the Batavia Village Council may enter into an agreement concerning the maintenance of roads within and outside the boundaries of the Village of Batavia that are the responsibility of the village or the county; and

Whereas, Herold Road traverses Batavia Township from Old State Route 32 on the south to Ohio 276 on the north, including a segment of 1,280 feet more or less that is within the municipal boundaries of the Village of Batavia; and

Whereas, the portion of Herold Road between Old SR 32 and the centerline of SR 32 is 2,590 feet more or less, of which about 615 feet is within the village of Batavia and about 1,975 feet is in the still-unincorporated part of Batavia Township; and the portion of Herold Road between the centerline of SR 32 and SR 276 is 9,165 feet more or less, of which about 665 is within the Village of Batavia and about 8,500 feet is in the still-unincorporated part of Batavia Township; and

Whereas, is the Village of Batavia and the Clermont County Board of Commissioners find cooperation in the maintenance of Herold Road to be expedient to both entities and to promote the health, safety and welfare of the community; and

Whereas, the Village of Batavia is able to assume the burden of maintaining the portion of Herold Road south of SR 32 within available means, relieving the cost and responsibility from the Clermont County Board of Commissioners and the office of the Clermont County Engineer; and

Whereas, the Clermont County Board of Commissioners and the office of the Clermont County Engineer are able to maintain the portion of Herold Road north of SR 32 within available means.

Now, Therefore, Be It Ordained, by the Council of the Village of Batavia, State of Ohio:

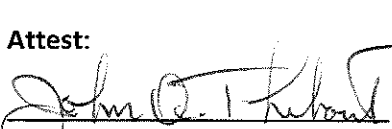
Section 1: That the village will maintain Herold Road between Old State Route 32 and State Route 32 to include general maintenance of the traveled roadway surfaces, application of standard longitudinal pavement markings, erecting regulatory and warning signs, removing snow, placing abrasives or removing ice, and providing for emergency repairs and markings.

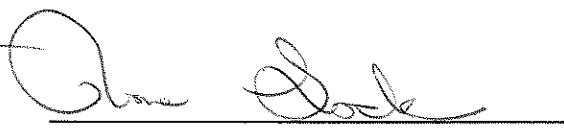
Section 2: That the Village consents to the Clermont County Board of Commissioners and the office of the Clermont County Engineer providing maintenance of that portion of about 650 feet of Herold Road north of SR 32 that is within the village in like manner as the village assumes in Section 1.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

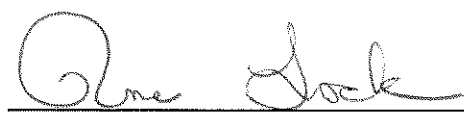
Adopted: October 7, 2013

Attest:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on October 17, 2013.


Clerk of Council

Ordinance No. 1288-13Passed 12/2/13**Ordinance 1288-13**

**An ordinance establishing a video service provider fee in the Village of Batavia, Ohio;
Authorizing the Village Administrator to notify any provider of video service in the
Village of Batavia of this fee;**

Whereas, Ohio Revised Code § 1332.32 provides that a municipal corporation may enact a video service provider fee not to exceed 5.0% of gross revenue; and

Whereas, the Village of Batavia, Ohio, established a video service provider fee of 3.0% of gross revenue under Ord. 1194-09, enacted Dec. 7, 2009; and

Whereas, R.C. § 1332.32 requires the Village to notify a video service provider of the fee percentage within 10 days of receiving notice from the provider, pursuant to R.C. § 1332.27(A), that it will begin offering service in the Village; and,

Whereas, in order to provide timely notice to a video service provider of the fee percentage, Council must 1) establish the fee; and 2) authorize its agent to notify the provider of the fee percentage.

Now Therefore Be It Ordained by Council of the Village of Batavia, Ohio, a majority of its members concurring, that:

Section I: The Village Council establishes a video service provider fee of 5.0%, which fee shall supersede the fee established in Village of Batavia Ord. 1194-09.

Section II: This fee percentage is effective Jan. 1, 2014.


Section III: Each video service provider offering service in the Village of Batavia shall pay the video service provider fee quarterly, not sooner than 45 days nor later than 60 days after the end of each calendar quarter, in accordance with R.C. § 1332.32(A).

Section IV: The Village Administrator, by certified mail, will notify any provider of video services in the Village of Batavia of the video service provider fee percentage.

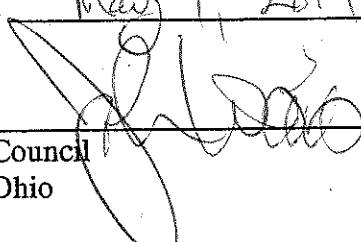
Section V: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Batavia, and this Ordinance shall, therefore, become immediately effective upon receiving the affirmative vote of two-thirds of members of Council and approval of the Mayor.

Adopted: December 2, 2013


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014.


Clerk of Council
Batavia, Ohio

1289 ① RECORD OF ORDINANCES 247

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1289-13

Passed 12/2/13

ORDINANCE 1289-13

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE VILLAGE OF BATAVIA
FOR THE FISCAL YEAR ENDED DECEMBER 31st, 2014

WHEREAS, the Village Council is required to make appropriations for the current expenses and other anticipated expenditures for the fiscal year ended December 31, 2014,

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other anticipated expenditures for the fiscal year ending December 31, 2014, the following sums be and are hereby set aside as appropriated as follows:

2014

Section 1. That there be appropriated from the **GENERAL FUND**

Program 1 - SECURITY OF PERSONS & PROPERTY

Police Law Enforcement

1000-110-100	Personal Services / Salaries	\$207,680
1000-110-211	Ohio Public Employees Retirement	\$9,500
1000-110-213	Medicare	\$3,000
1000-110-215	Ohio Police & Fire Pension Fund	\$34,113
1000-110-220	Insurance Benefits	\$57,066
1000-110-270	Uniforms and Clothing	\$3,000
1000-110-290	Other Employee Fringe Benefits	\$14,501
1000-110-348	Training Services	\$3,000
1000-110-390	Other Contractual Services	\$43,100
1000-110-400	Supplies and Materials	\$13,700
1000-110-400-1111	Police Department Fuel	\$25,000
1000-110-500	Capital Outlay (Cruiser)	<u>\$24,688</u>
Total Police Law Enforcement		\$438,348

Street Lighting

1000-130-300	Contractual Services	<u>\$20,000</u>
Total Street Lighting		\$20,000

Total Program 1 - Security of Persons & Property

\$458,348

Program 2 - PUBLIC HEALTH & HUMAN SERVICES

Cemetery

1000-150-300	Contractual Services	<u>\$15,000</u>
Total Cemetery		\$15,000

Payment to County Health District

1000-210-640	Pymt to another Political Subdivision	<u>\$6,600</u>
Total Pymt to County Health District		\$6,600

Total Program 2 - Public Health & Human Services

\$21,600

Program 3 - LEISURE TIME ACTIVITIES - no money appropriated

\$0

RECORD OF ORDINANCES

Barrett Brothers, Publishers, Springfield, Mo. 65804 Form 6220

Program 4 - COMMUNITY ENVIRONMENT - no money approp.		\$0
Program 5 - BASIC UTILITY SERVICES - no money appropriated		\$0
Program 6 - TRANSPORTATION		
Traffic Signs & Signals		
1000-240-300	Contractual Services	\$1,000
	Total Traffic Signs & Signals	\$1,000
Total Program 6 - Transportation		\$1,000
Program 7 - GENERAL GOVERNMENT		
1000-710-130	Salaries - Village Administrator's Office	\$24,440
1000-710-160	Salaries - Mayor's Office	\$4,000
1000-710-211	OPERS - Mayor & Administrator	\$4,600
1000-710-213	Medicare - Mayor & Administrator	\$413
1000-710-290	Benefits - Mayor & Administrator	\$1,400
1000-710-410	Office Supplies & Materials	\$5,000
1000-715-111	Salaries - Council	\$7,200
1000-715-141	Salaries - Legal Counsel	\$15,000
1000-715-211	OPERS - Council & Legal Counsel	\$2,000
1000-715-212	Social Security - Council/Legal Counsel	\$100
1000-715-213	Medicare - Council & Legal Counsel	\$150
1000-715-290	Other Employees - Fringe Benefits	\$1,000
1000-715-300	Contractual Services	\$35,000
1000-725-121	Salary - Fiscal Officer	\$41,621
1000-725-211	OPERS - Fiscal Officer	\$5,900
1000-725-213	Medicare - Fiscal Officer	\$700
1000-725-220	Insurance Benefits - Fiscal Officer	\$0
1000-725-290	Other Employees - Fringe Benefits	\$1,000
1000-725-300	Contractual Services	\$1,000
1000-725-400	Supplies & Materials	\$1,500
1000-730-300	Contractual Services	\$40,000
1000-730-400	Supplies & Materials	\$1,500
1000-740-344	Tax Collection Fees	\$4,000
1000-745-342	Audit Fees	\$15,000
1000-745-343	UAN Fees	\$3,660
1000-755-139	Other Salaries - Tax Administrator	\$12,000
1000-755-211	OPERS - Tax Administrator	\$1,700
1000-755-213	Medicare - Tax Administrator	\$200
1000-755-290	Other Employee Fringe Benefits	\$1,000
1000-755-410	Other Supplies & Materials	\$3,000
1000-760-610	Income Tax Refunds	\$25,000
1000-790-225	Worker's Compensation	\$0
Total Program 7 - General Govt		\$259,084

TOTAL SECTION 1 - PROGRAMS 1-7, PYMTS FROM GENERAL FUND

Barrett Brothers, Publishers, Springfield, Mo. 65804

RECORD OF ORDINANCES

249

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1289-13

Passed _____

Section 2. That there be appropriated from the GENERAL FUND amounts for contingencies for purposes not otherwise provided for, to be expended in accordance with the provisions of O.R.C. Section 5705.40 the sum of zero dollars

General Fund Allocations for Contingencies \$0

Total Sections 2 - Allocation for Contingencies \$0

GRAND TOTAL -Sec 1 & 2 - GENERAL FD APPROPRIATIONS \$740,032

Section 3. That there be appropriated from the following SPECIAL REVENUE FUNDS

STREET 1 FUND - CONSTRUCTION, MAINTANENCE & REPAIR

2011-620-100	Personal Services	\$110,040
2011-620-211	OPERS (@14%)	\$15,406
2011-620-213	Medicare (@1.45%)	\$1,596
2011-620-220	Insurance Benefits(min/emp= \$10,000)	\$84,782
2011-620-270	Uniforms	\$3,000
2011-620-290	Other Employee Fringe Benefits	<u>\$7,703</u>
	Total Street 1 Fd - Const, Maint & Repair	\$222,527

STREET 2 FUND - MAINTANENCE & REPAIR

2012-620-300	Contractual Services	\$83,000
2012-620-400	Supplies and Materials	\$65,000
2012-620-400-2111	Street Department Fuel	<u>\$15,000</u>
	Total Street 2 Fd - Maint & Repair	\$163,000

STATE HIGHWAY FUND

2021-650-300	Contractual Services	\$7,000
2021-650-400	Supplies and Materials	<u>\$0</u>
	Total State Highway Fund	\$7,000

PERMISSIVE MOTOR VEHICLE LICENSE

2101-620-300	Contractual Services	\$12,000
2101-620-500	Capital Outlay	<u>\$0</u>
	Total Permissive Motor Vehicle License	\$12,000

LAW ENFORCEMENT & EDUCATION

2271-110-0000	Personal Services	\$200
2271-110-290	Other Employee Fringe Benefits	\$100
2271-110-300	Contractual Services	\$0
2271-110-400	Supplies and Materials	<u>\$200</u>
	Total Law Enforcement & Education	\$500

Ordinance No. 1289-13 Passed 12/2/13

FIRE SPECIAL REVENUE

2901-120-400	Supplies and Materials	<u>\$1,000</u>
	Total Fire Special Revenue	\$1,000

POLICE SPECIAL REVENUE

2903-110-400	Supplies and Materials	<u>\$25</u>
	Total Police Special Revenue	\$25

BEAUTIFICATION

2904-490-600	Other	<u>\$1,500</u>
	Total Beautification	\$1,500

GRAND TOTAL - Section 3 - SPECIAL REVENUE FUNDS \$407,552

Section 4. That there be appropriated from the following
DEBT SERVICE FUNDS

CLARK-GLEN-ELY SEWER ASSESSMENT DEBT

3301-850-710	Principal Payments	\$15,000
3301-850-720	Interest Payments	<u>\$10,000</u>
	Total C-G-E Sever Assessment Debt	\$25,000

GRAND TOTAL - Section 4 - DEBT SERVICE FUNDS \$25,000

Section 5. That there be appropriated from the following
CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS

4901-800-500	Capital Outlays	<u>\$16,000</u>
	Total Capital Outlays	\$16,000

STREET CAPITAL PROJECTS

4902-800-100	Personal Services	\$10,000
4902-800-290	Other Employee Fringe Benfits	\$10,000
4902-800-500	Capital Outlays	\$0
4902-800-710	Bond Loan Principal Pymt	\$230,000
4902-800-720	Bond Loan Interest Pymt	<u>\$52,000</u>
	Total Street Capital Projects	\$302,000

GRAND TOTAL - Section 5 - CAPITAL PROJECTS FUNDS \$318,000

1289 (5)

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1289

Passed 12/2/13

**Section 6. That there be appropriated from the following
ENTERPRISE FUNDS**

WATER OPERATING

5101-531-300	Contractual Services	\$13,000
5101-531-400	Supplies & Technical Services	\$400
5101-533-340	Professional & Technical Services	\$600
5101-533-640	Pynt to another Political Subdivision	\$212,160
5101-535-100	Personal Services	\$12,250
5101-535-211	OPERS	\$1,800
5101-535-213	Medicare	\$950
5101-535-220	Insurance	\$0
5101-535-290	Other - Employee Fringe Benefits	\$520
5101-535-400	Supplies and Materials	\$0
5101-535-400-5111	Fuel	\$0
5101-850-710	Principal (debt) OPWC waterline	\$5,000
	Total Water Operating Fund	\$246,680

SEWER OPERATING

5201-541-400	Supplies & Materials	\$400
5201-542-640	Contractual Payment to County	\$298,860
5201-543-100	Personal Services	\$12,250
5201-543-211	OPERS	\$1,800
5201-543-213	Medicare	\$950
5201-543-220	Insurance	\$0
5201-543-290	Other - Employee Fringe Benefits	\$520
5201-543-340	Professional & Technical Services	\$4,200
5201-543-400	Supplies & Materials	\$0
5201-549-400-5211	Fuel	\$0
5201-850-790	Other - Debt Service	\$58,000
5201-910-910	Transfers Out	\$0
5201-990-990	Other - Other Financing Uses	\$0
	Total Sewer Operating Fund	\$376,980

REFUSE ENTERPRISE FUND

5601-562-300	Contractual Service	\$3,400
5601-563-398	Garbage and Trash Removal	\$111,600
	Total Garbage and Trash	\$115,000

WATER CAPITAL IMPROVEMENT

5701-800-500	Water Unit Capital Outlay	\$25,000
	Total Water Capital Improvement	\$25,000

SEWER CAPITAL IMPROVEMENT

5702-549-500	Sewer Unit Capital Outlay	\$50,000
	Total Sewer Capital Improvement	\$50,000

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 1289-13Passed 12/2/13

SEWER BOND IMPROVEMENT

5703-800-500	Sewer Bond Capital Outlay	\$0
	Total Sewer Bond Improvement	\$0

UTILITY DEPOSITS

5781-594-610	Deposits Refunded	\$1,000
5781-594-620	Deposit Applied	\$0
	Total Utility Deposits	\$1,000

BICENTENNIAL FUND

9902-990-990	Other Financing Uses	\$35,000
	Total Bicentennial Fund	\$35,000

GRAND TOTAL - Section 6 - ENTERPRISE FUNDS

\$849,660

Section 7. That there be appropriated from the following
INTERNAL SERVICE FUNDS - no money appropriated.

\$0

Section 8. That there be appropriated from the following
TRUST & AGENCY FUNDS - no money appropriated

\$0

Section 9. That there be appropriated from the following
SPECIAL ASSESSMENT FUNDS - no money appropriated

\$0

Section 10. And the Village Fiscal Officer is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by Council or officers authorized by law to approve the same, or by an ordinance or resolution of Council to make the expenditures, provided that no warrant shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations herein made.

TOTAL APPROPRIATIONS

\$2,340,244

Section 11. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia, Ohio.

Adopted on: December 2, 2013

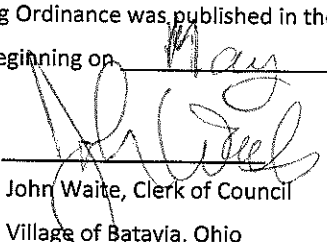
ATTEST:

John Q. Thebout, Mayor

John Waite, Fiscal Officer

252 A

I, John Waite, Clerk of Council of the Village of Batavia, Ohio, do hereby certify that the foregoing Ordinance was published in the Clermont Sun, once a week for two consecutive weeks beginning on May 1, 2014


John Waite, Clerk of Council
Village of Batavia, Ohio

Ordinance No. 1290-13

Passed November 4, 2013

ORDINANCE 1290-13

An Ordinance Accepting Petition Filed by Denise E. Large

WHEREAS, a petition seeking the annexation of approximately 0.9435 acres of land situated in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Denise E. Large on July 29, 2013; and

WHEREAS, on August 28, 2013, the Board of County Commissioners adopted Resolution Number 138-13 granting the said annexation; and

WHEREAS, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BATAVIA, OHIO:

SECTION 1:


The Council of the Village of Batavia hereby accepts the Petition for Annexation filed with the Clermont County Board of Commissioners by Denise E. Large on November 4, 2013.

SECTION 2:

This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of the urgency because the Village must adopt and file an Ordinance accepting the annexation of approximately 0.9435 acres of land situated in Batavia Township to the Village of Batavia.

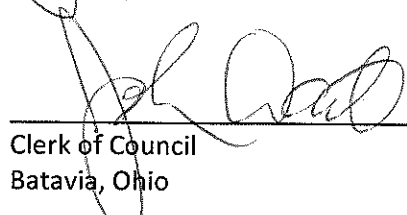
ADOPTED: November 4, 2013

ATTEST:


John Q. Thebout, Mayor


Anne Lock, Fiscal Officer

I, Anne Lock, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. 1291-13Passed November 4, 2013**ORDINANCE NO. 1291-13****AN ORDINANCE APPOINTING
JOHN WAITE TO THE POSITION OF FISCAL OFFICER
FOR
THE VILLAGE OF BATAVIA, OHIO,
AND DECLARING AN EMERGENCY**

WHEREAS, the legislative authority of the Village of Batavia has, pursuant to the provisions of Ohio Revised Code section 733.262, created the position of Fiscal Officer for the Village; and,

WHEREAS, the Mayor has appointed John Waite to the position of Fiscal Officer; and

WHEREAS, Mr. Waite is qualified and is able to begin performing the duties of Fiscal Officer upon his resignation from Village Council,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, Ohio, by a majority of its members concurring, that:

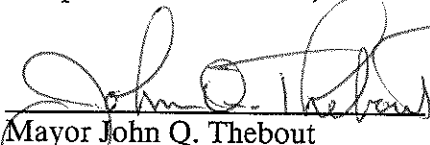
Section 1: The Village Council approves the Mayor's appointment of John Waite to the position of Village Fiscal Officer.

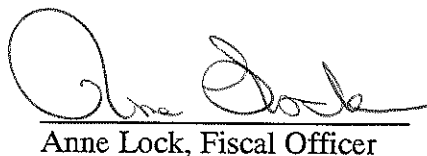
Section 2. John Waite will be paid an annual salary of \$41,621.00, which is \$20.01 per hour, to perform the duties of Fiscal Officer on a full-time basis.

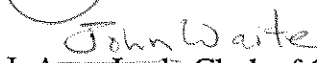
Section 3. John Waite will begin performing his duties as Fiscal Officer effective November 12, 2013, conditioned upon the receipt of his resignation from Village Council.

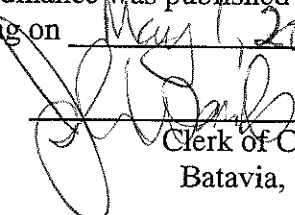
Section 4. This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Batavia.

Adopted: November 4, 2013


Mayor John Q. Thebout


Anne Lock, Fiscal Officer


I, ~~Anne Lock~~ John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. 1292-13

Passed 1/6/14

ORDINANCE 1292-13

AN ORDINANCE (1) INCREASING THE PAY FOR THE POLICE CHIEF OF THE VILLAGE OF BATAVIA EFFECTIVE THE FIRST PAY PERIOD BEGINNING IN JANUARY 2014 AND (2) CONVERGING THE WAGES FOR CHIEF OF POLICE FROM AN HOURLY RATE TO AN ANNUAL SALARY

WHEREAS, the Village of Batavia employs a significant number of full-time and part-time employees within the Village; and

WHEREAS, the Village Council of Batavia wishes to change the wages of the Chief of Police from an hourly rate to an annual salary, effective the pay period beginning January 5, 2014, and.

WHEREAS, the Village Council of Batavia wishes to increase the wages of the Chief of Police effective the pay period beginning January 5, 2014,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

Section 1. That effective pay period beginning January 5, 2014, the pay of the Chief of Police of the Village of Batavia shall be converted from an hourly rate to an annual salary; and

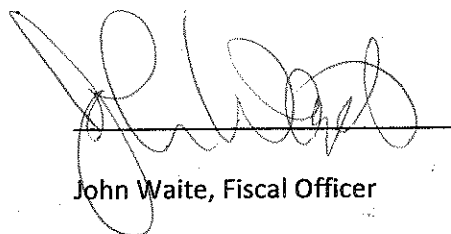
The wages for the Chief of Police shall be increased to \$49,920 per year (which would equate to \$1,920 per biweekly pay period or \$24.00 per hour) and

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 21.22 of the Ohio Revised Code.

Adopted: January 6, 2014

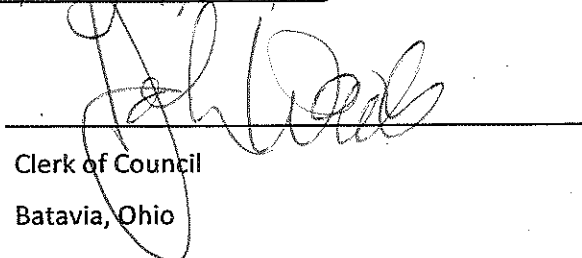


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. 1293-13Passed 1/6/14**ORDINANCE 1293-13**

AN ORDINANCE INCREASING THE PAY FOR THE ADMINISTRATOR OF THE VILLAGE OF BATAVIA EFFECTIVE THE FIRST PAY PERIOD BEGINNING IN JANUARY 2014

WHEREAS, the Village of Batavia employs a significant number of full-time and part-time employees within the Village; and

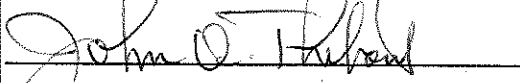
WHEREAS, the Village Council of Batavia wishes to increase the wages of the Village Administrator effective the pay period beginning January 5, 2014,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia three-fourths or more of the members elected there to concurring that:

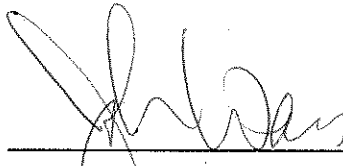
Section 1. That effective pay period beginning January 5, 2014, the pay of the Village Administrator shall be increased to \$48,880 per year (which would equate to \$1,880 per biweekly pay period) and

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 21.22 of the Ohio Revised Code.

Adopted: January 6, 2014

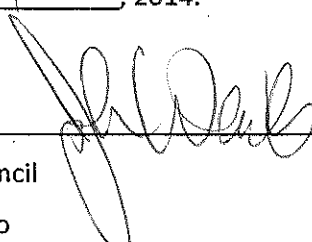


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. 1294-13

Passed 12/2/13

ORDINANCE 1294-13

AMENDMENT TO THE 2013 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2013 and found it necessary to make appropriations for certain expenditures.

THEREFORE, be it ordained that Ordinance 1262-12 for 2013 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2013 be amended as follows:

SECTION 1. That the following Special Revenue Fund be increased for additional expenses for the Christmas in the Village Program.

Beautification Special Revenue

2904-490-600

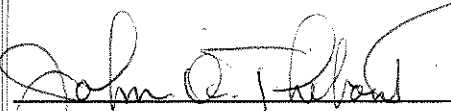
Christmas in the Village

\$2,000.00

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

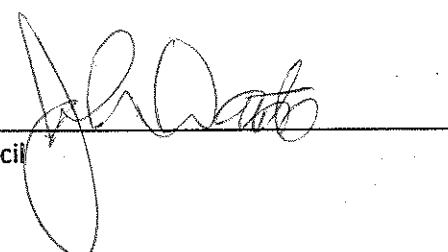
SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: December 2, 2013


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014


Clerk of Council
Batavia, Ohio

Ordinance No. 1295-14Passed January 6, 2014

ORDINANCE 1295-14

AN ORDINANCE REGARDING PAYROLL THAT (1) REPEALS ORDINANCE 1248-12 WHICH WAS AN ORDINANCE INCREASING PAY FOR EMPLOYEES OF THE VILLAGE OF BATAVIA, AND (2) ALLOWS VILLAGE COUNCIL TO SET CERTAIN PAY RATES BY RESOLUTION INSTEAD OF BY ORDINANCE

WHEREAS, the Village of Batavia employs a significant number of full-time and part-time employees within the Village, and

WHEREAS, at the November 4, 2014 Council Meeting the Mayor announced a recommendation to increase the pay of hourly employees by \$0.50 per hour effective with the first pay period beginning in 2014, and the Village Council did not object to that recommendation but inadvertently failed to vote on the recommendation, and

WHEREAS, subsequent to the adoption of Ordinance 1248-12 Village Council has adopted various ordinances regarding the pay rates for the Police Chief, the Village Administrator, the Tax Commissioner, and the Fiscal Officer, and

WHEREAS, the Village Council wishes to increase the salaries of certain hourly employees effective with the first pay period beginning in 2014, and

WHEREAS, the Village Council wishes to be able to set employee pay rates by Resolution instead of by Ordinance, except for cases in which a Resolution would be in conflict with an Ordinance then in effect.

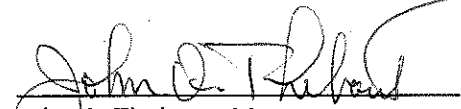
NOW THEREFORE, be it ordained:

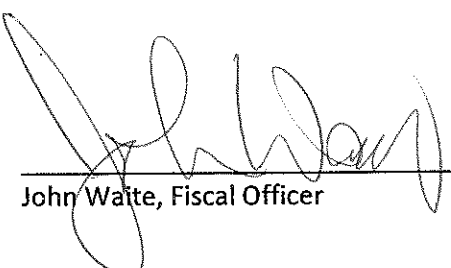
SECTION 1. That Ordinance 1248-12 is hereby repealed, and

SECTION 2. Henceforth employee pay rates may be established, adopted or altered for employees or for job classifications by Resolution instead of by Ordinance, except for cases in which a Resolution would be in conflict with an Ordinance then in effect., and

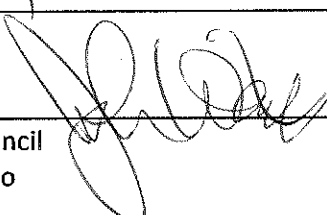
SECTION 3. That the Village Council declares this resolution to be an emergency measure that affects the health and safety of residents and staff of the village and shall take effect immediately.

ADOPTED: January 6, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on May 1, 2014


Clerk of Council
Batavia, Ohio

Ordinance No. 1296-14

Passed May 5, 2014

ORDINANCE 1296-14

AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and found it necessary to make appropriations for certain expenditures,

THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be amended as follows:

SECTION 1. That the following Debt Service Funds be increased for improvements to Filager Road, Bauer Road, and planning for future capital improvements

Capital Improvements Fund 4901

4901-800-500	Capital Projects	\$250,000
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Street Improvements Fund 4902

4902-800-100	Personal Services	\$10,000
4902-800-300	Contractual Services	\$30,000
4902-800-555	Capital Projects	\$80,000

SECTION 2. That the following Enterprise Funds be increased for payments to Village of Batavia for water line replacement as part of the E. Main Street Project

Water Operating Fund 5101

5101-531-300	Contractual Services	\$80,000
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Water Improvement Fund 5701

5701-800-500	Capital Outlay	\$140,000
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SECTION 3. That the following Enterprise Funds be increased for payments to Duke Energy and payments to OPERS related to personal services

Water Operating Fund 5101

5101-531-300	Contractual Services	\$10,000
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Sewer Operating Fund 5201

5201-543-211	Payments to OPERS	\$1,500
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SECTION 4. That the following Enterprise Funds be increased for payments to Village of Batavia for trash receptacles, trash clean-up day, and repairs to the street sweeper.

Refuse Operating Fund 5601

5601-562-300	Contractual Services	\$40,200
5601-563-398	Garbage and Trash Removal	\$10,000

SECTION 5. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance

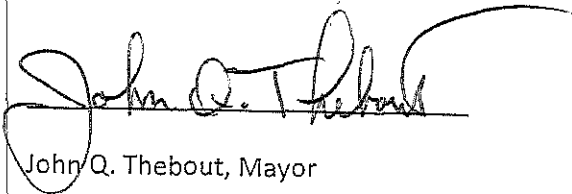
Ordinance No. 1296-14Passed May 5, 2014

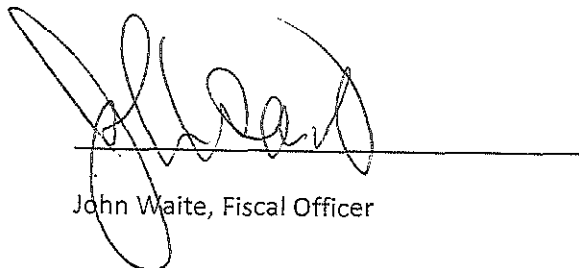
or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 6. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

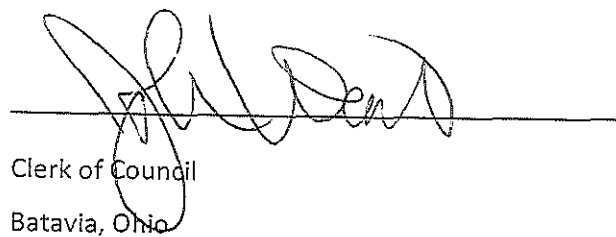
NOW, THEREFORE, BE IT FURTHER RESOLVED that The Village of Batavia Village Council hereby finds and determines that all formal actions relative to passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and its Committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code

ADOPTED: May 5, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 7, 2014


Clerk of Council
Batavia, Ohio

Ordinance No. 1297-14

Passed June 2, 2014

ORDINANCE 1297-14

**AN ORDINANCE ADOPTING THE VILLAGE OF BATAVIA CODE OF ORDINANCES AS PUBLISHED
DECEMBER 19, 2013 AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Batavia, pursuant to the Ohio Revised Code has from time to time adopted various Ordinances as the municipal laws of the Village of Batavia to be in effect throughout the Village, and

WHEREAS, the Council of the Village of Batavia, has codified the various Ordinances, as may be adopted, into a Code of Ordinances for the Village of Batavia, listing the municipal laws of the Village of Batavia then in effect, and

WHEREAS, the Village of Batavia recently updated its Code of Ordinances by publishing a listing of Ordinances in effect as of December 19, 2013, and

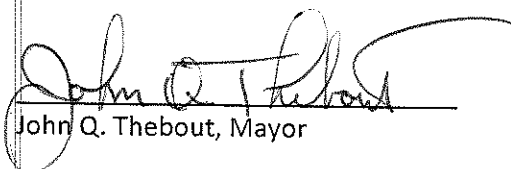
WHEREAS, the Village Council wishes to adopt the updated listing of Ordinances as the Code of Ordinances for the Village of Batavia,

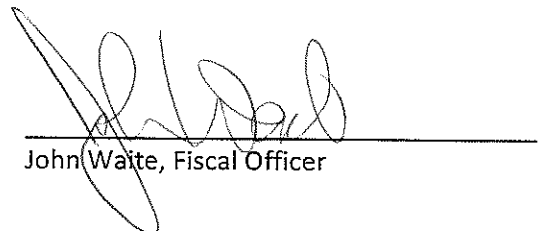
NOW THEREFORE, be it ordained:

SECTION 1. That the updated Code of Ordinances published December 19, 2013 is hereby adopted as the municipal laws of the Village of Batavia, and

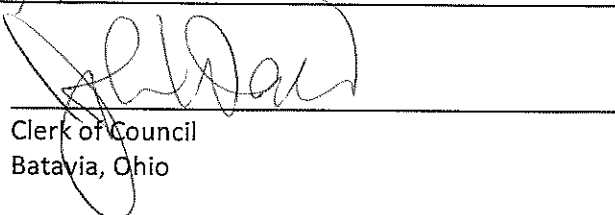
SECTION 2. That the Village Council declares this Ordinance to be an emergency measure that affects the health and safety of residents and staff of the village and shall take effect on July 1, 2014

ADOPTED: June 2, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 7, 2014


Clerk of Council
Batavia, Ohio

Ordinance No. 1258-14

Passed July 7, 2014

ORDINANCE 1298-14

AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and approved Ordinance 1289-13 making appropriations for certain of those expenditures; and

WHEREAS, the Council approved Ordinance 1296-14 amending the appropriations for certain expenditures during the calendar year 2014; and

WHEREAS, there needs to be additional adjustments to the appropriations for certain expenditures during the calendar year 2014;

NOW, THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be further amended as follows:

SECTION 1. That the following Cash be transferred out from the General Fund and be received into the following Funds in the following amounts are hereby approved:

From	1000	General Fund	\$816,000
To	2011	Street 1	\$140,000
To	2012	Street 2	\$260,000
To	4901	Capital Projects	\$16,000
To	4902	Street Capital Projects	<u>\$400,000</u>
			\$816,000

SECTION 2. That 2014 appropriations for Street Capital Improvements Fund 4902 be increased as follows:

4902-800-300	Contractual Services	\$100,000
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SECTION 3. That 2014 appropriations for Street II Construction Fund 2012 be increased as follows:

2012-620-300	Contractual Services	\$20,000
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SECTION 4. That 2014 appropriations for Police Capital Outlay Fund be increased as follows:

1000-110-500	Police Contractual Outlay	\$15,000
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SECTION 5. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

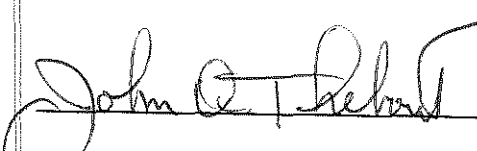
Ordinance No. 1298-14


Passed July 7, 2014

SECTION 6. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

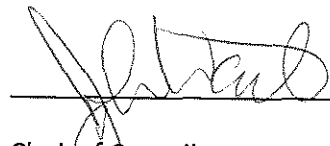
NOW, THEREFORE, BE IT FURTHER RESOLVED that The Village of Batavia Village Council hereby finds and determines that all formal actions relative to passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and its Committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code

ADOPTED: July 7, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on August 7, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____ Passed _____, _____

ORDINANCE 1299-14

AN ORDINANCE STATING SERVICES TO BE PROVIDED TO ANNEXED TERRITORY

WHEREAS, a Petition seeking the annexation of approximately 210.8120 acres of land situate in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Dennis Nichols, Agent for Petitioners, on July 22, 2014; and

WHEREAS, Ohio Revised Code Section 709.03(D) requires the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation;

NOW, THEREFORE, be it ordained by the Village of Batavia

SECTION 1. The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

- 1 Police Protection
- 2 Street Maintenance and Snow Removal
- 3 Zoning and Zoning Administration
- 4 Tax Administration

The Village may, in its sole discretion, provide additional services to the territory, upon annexation, in addition to those set forth above.

SECTION 2. No street or highway will be divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, but should the annexation result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village of Batavia hereby agrees, as a condition of the annexation, to assume the maintenance of that street or highway.

SECTION 3. This Ordinance is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that time is of the essence because this Ordinance must be passed and adopted by the Village upon the Village's receipt of the Notice of hearing from the Board of County Commissioners and must be filed with the Board of County Commissioners at least twenty days before the date of the hearing which is October 15, 2014, and it is therefore necessary that this Ordinance be passed and adopted at once:

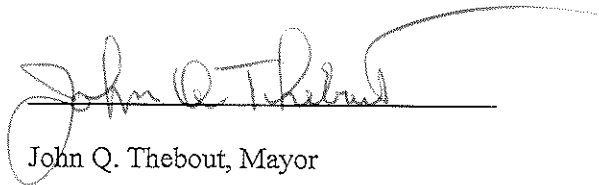
NOW, THEREFORE, BE IT FURTHER RESOLVED that The Village of Batavia Village Council hereby finds and determines that all formal actions relative to passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and its Committees, if any, which resulted in formal actions, were taken in meetings open to the public, in

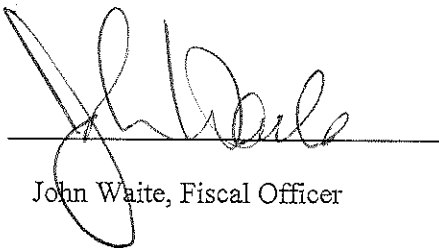
Ordinance No. _____

Passed _____

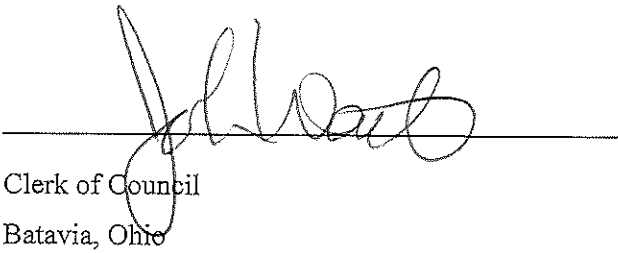
full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code

ADOPTED: September 8, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 18, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1300-14

AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and approved Ordinance 1289-13 making appropriations for certain of those expenditures; and

WHEREAS, the Council approved Ordinance 1296-14 and Ordinance 1298-14 amending the appropriations for certain expenditures during the calendar year 2014; and

WHEREAS, there needs to be additional adjustments to the appropriations for certain expenditures during the calendar year 2014;

NOW, THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be further amended as follows:

SECTION 1. That 2014 appropriations for Bicentennial Fund 9902 be increased as follows:

9902-990-990	Other Financing Uses	\$18,191
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SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

NOW, THEREFORE, BE IT FURTHER RESOLVED that The Village of Batavia Village Council hereby finds and determines that all formal actions relative to passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and its Committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code

ADOPTED: August 25, 2014

RECORD OF ORDINANCES

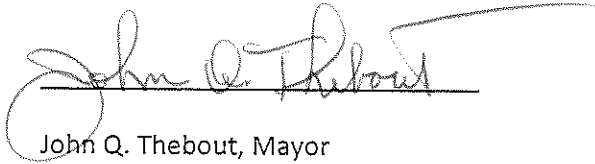
267

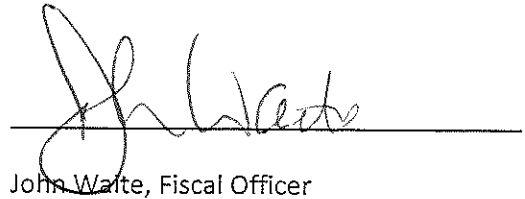
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

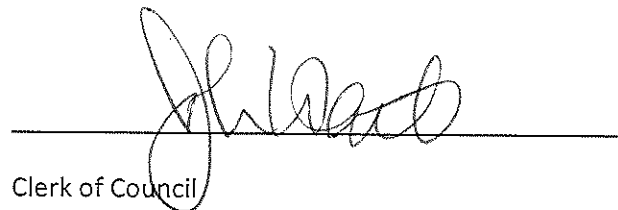
Ordinance No. _____

Passed _____, _____


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 18, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____ Passed _____, _____

ORDINANCE 1301-14

AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and approved Ordinance 1289-13 making appropriations for certain of those expenditures; and

WHEREAS, the Council approved Ordinances 1296-14, 1298-14, and 1300-14 amending the appropriations for certain expenditures during the calendar year 2014; and

WHEREAS, there needs to be additional adjustments to the appropriations for certain expenditures during the calendar year 2014;

NOW, THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be further amended as follows:

SECTION 1. That 2014 appropriations be increased as follows:

Police		
1000-110-390	Contractual Services	\$1,000
	Police cellphone service	
Office		
1000-240-300	Contractual Services	\$240
	Duke Energy – electric service	
Office		
1000-710-410	Office Supplies and Materials	\$1,500
	For general office supplies	
Office		
1000-715-300	Contractual Services	\$10,500
	For conceptual engineering work of W Main St.	
	For cost estimate of renovating Armory	
Street 1		
2011-620-220	Insurance Benefits	\$500
	Medical self-insurance costs	
Street II		
2012-620-300	Contractual Services	\$49,000
	For road salt	
	For truck improvements to allow brine spreader	
	For decorations on Main Street	
State Highway		
2021-650-300	Contractual Services	\$480
	Duke Energy – electric service	
Sewer Operations		
5201-543-211	OPERS	\$3,500
	For administrator’s OPERS contribution	

Ordinance No. _____


Passed _____, _____

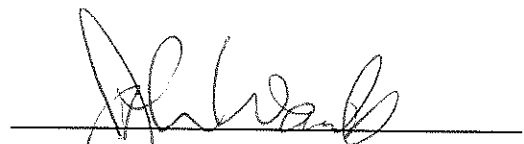
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

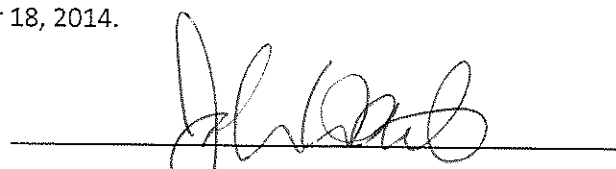
NOW, THEREFORE, BE IT FURTHER RESOLVED that The Village of Batavia Village Council hereby finds and determines that all formal actions relative to passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and its Committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code

ADOPTED: September 8, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 18, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1302-14

**Approval of Contract with Clermont County for the Operation and
Maintenance of the Village of Batavia's Water and Sewer Utilities with
Provisions for the Transfer of Ownership of the Utilities to Clermont
County**

WHEREAS, the Village of Batavia Ohio, owns a Water Utility and a Sewer Utility that are currently being operated and maintained by the Clermont County Water and Sewer Department under a contract expiring at the end of 2014; and

WHEREAS, the Village of Batavia, Ohio, wishes to enter into a new contract with Clermont County for the operation and maintenance of its Water and Sewer Utilities, and wishes to ultimately transfer ownership of those utilities to Clermont Count, and

WHEREAS, the Village of Batavia and the Clermont County Commissioners have negotiated a contract accomplishing the above-listed objectives with said contract being titled:

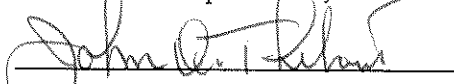
**Agreement for the Operation and Maintenance of the Village of Batavia,
Ohio, Water, Sewer and Trash Billing Service, Wastewater Treatment
Facilities, and Water Distribution and Sewer Collection Systems**

NOW, THEREFORE, be it ordained

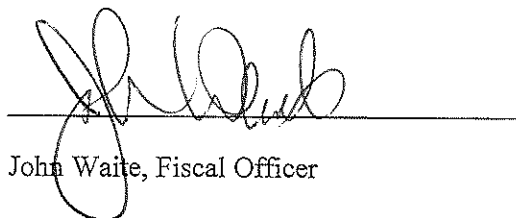
SECTION 1. That the Village of Batavia hereby approves the above-referenced contract with Clermont County and authorizes the Village Administrator and/or the Mayor to execute said contract on behalf of the Village of Batavia, and:

SECTION 2. That the Village Council declares this Resolution to be an emergency measure necessary for the immediate preservation of public peace, health, safety, and welfare and shall therefore take effect and be in effect immediately upon passage.

ADOPTED: September 8, 2014

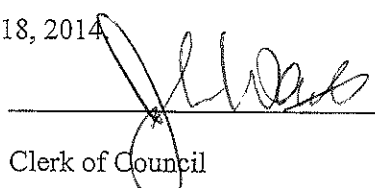


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 18, 2014



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1303-14

Disposal of Personal Property Unneeded for Municipal Purposes

WHEREAS, the Village of Batavia Ohio, owns certain personal property that is unneeded, obsolete, or unfit for municipal purposes, and have no value; and the Village of Batavia wishes to discard said personal property; and

WHEREAS, the Village of Batavia, Ohio, owns certain scrap metal items that are unneeded, obsolete, or unfit for municipal purposes, and have a salvage value of less than \$1,000; and the Village of Batavia wishes to salvage said scrap metal; and

NOW, THEREFORE, be it ordained

SECTION 1. That pursuant to O.R.D. §721.15 and §5101:9-4-15 the Village of Batavia hereby approves the disposal of the following items unneeded, obsolete, or unfit for municipal purposes, that have no value , and:

A) Electronic Equipment

<u>Description</u>	<u>Model</u>	<u>Serial Number</u>
Fax Machine	Intellifax 775	US6583J2K139789
Computer	Dell Optiplex GX520	BX46091
Computer Keyboard	Dell Keyboard	CN0W76583717261N0BP8
Computer Monitor	Dell	CN0I999846633
Computer Printer	Dell	CN0J988487305CD3IN3
Computer	HP Compaq	2UA73018K2
Computer Printer	HP Office Jet 4620	SNPRC110202
Camera	Polaroid 600 8E	Moo4189
Television	Magnavox	29115513
Stereo Music Player		0604147741
Computer Router	Westell	06B410541467
Computer Router	Westell	052403656255
Computer Router	D-Link	QB431A7003844
Computer Mouse		LZA53604902
Computer Mouse		LNA13726864
Computer	Hewlett Packard	S6726P1313V
Computer Monitor	NEC Auto Color	20003323
Projector		639379
DVD/VCR Player	Emerson	V47432106
Vacuum Cleaner	Eureka	033033562
Computer Monitor	HP	CN2300A653
Computer	Gateway 2000	0007332410
Computer Monitor	Acer	M5FL0043033 P1
Computer Monitor	Dell	MY0888544663219T21XM
Computer	Compaq	W244LB4ZB556
Computer	Dell Dimension 2100	8NC1211
Computer Keyboard	Dell	No Serial Number
Computer Monitor	HP	CNN7253NYV
Computer	HP Compaq	2UA7180HJL

B) Furniture
6 Wooden Chairs

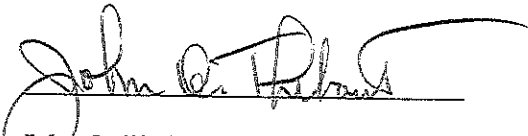
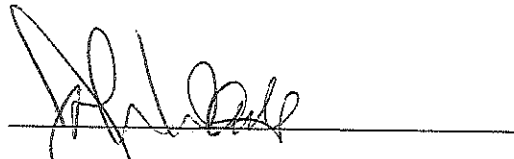
Ordinance No. _____

Passed _____, _____

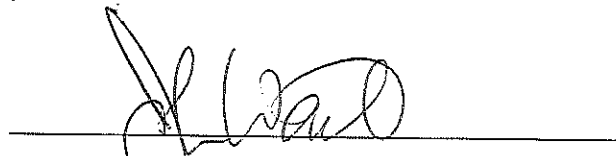
SECTION 2. That pursuant to O.R.D. §721.15 and §5101:9-4-15 the Village of Batavia hereby approves the salvage of the following scrap metal items that are unneeded, obsolete, or unfit for municipal purposes, and that have a salvage value of less than \$1,000

Paper Shredder, Heavy Duty Industrial, Serial Number 7935, and
Approximately 200 Parking Meters and poles

ADOPTED: December 1, 2014


John Q. Thebout, Mayor
John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1304-14

An Ordinance Granting Certain Materials to the Village of Williamsburg, Ohio,
and Declaring an Emergency

Whereas, the Village of Batavia formerly operated water and sewer treatment plants, which now are inactive and of no further operational value; and

Whereas, Ohio Constitution §18.03 provides that Municipalities shall have authority to exercise all powers of local self-government as are not in conflict with general laws; and

Whereas, Ohio Revised Code §715.02 provides that Ohio municipalities may enter into agreements for joint management of public works or utilities; and

Whereas, the Village of Batavia has certain materials formerly used for water treatment at the inactive Batavia Water Treatment Plant on Lou Darbo Place, which materials the Village of Batavia does not need and which constitute an encumbrance upon the village, the cost of disposal being estimated at more than \$2,500; and

Whereas, efforts to dispose of the materials to other water and sewer utilities, including the Clermont County Water Resources Department, have been unavailing; and

Whereas, the Village of Williamsburg will benefit from these materials and will remove them from the Batavia premises for the value to Williamsburg of the materials received; and


Whereas, The Village of Williamsburg agrees to transport the material from the inactive Batavia Water Treatment Plant at no cost to Batavia Village and to hold harmless Batavia Village in the removal and subsequent handling and use of the material.

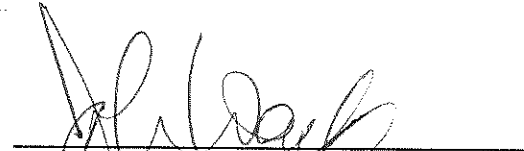
Thus Be it Ordained that The Village of Batavia agrees to provide to the Village of Williamsburg 24 barrels, 55 gallon size, of Aluminum Sulfate solution, bearing the label "Corrosive Liquids, NOS (Aluminum Sulfate)," which is used in treating water and wastewater.

Be it further ordained that this Ordinance is declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and that the Village of Williamsburg has required the materials for immediate availability.

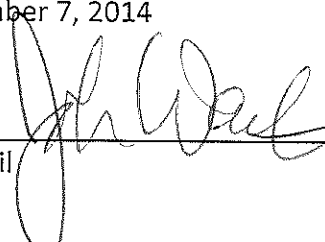
Adopted: October 6, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 7, 2014


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____

Village of Batavia
Ordinance No. 1305-14

**An Ordinance Providing Certain Spare Parts, Pipe, and Other Materials
to the Village of Williamsburg, Ohio**

Whereas, the Village of Batavia formerly operated water and sewer treatment plants, which now are inactive and of no further operational value; and

Whereas, the Village of Batavia has spare parts, pipe, connectors, clamps, and miscellaneous other materials used for water treatment and distribution and for wastewater collection, treatment, and disposal at the inactive Batavia Water Treatment Plant on Lou Darbo Place, which materials the Village of Batavia does not need and which constitute a burden upon the village; and

Whereas, efforts to dispose of the materials to other water and sewer utilities, including the Clermont County Water Resources Department, have been unavailing; and

Whereas, said materials are obsolete or not needed for Batavia's public use, and the sum value of all materials is believed to be less than the cost of disposing of such materials; and

Whereas, Ohio Constitution §18.03 provides that Municipalities shall have authority to exercise all powers of local self-government as are not in conflict with general laws; and

Whereas, Ohio Revised Code §715.02 provides that Ohio municipalities may enter into agreements for joint management of public works or utilities; and


Whereas, the Village of Williamsburg will benefit from these materials and will remove them from the Batavia premises for the value to Williamsburg of the materials received; and

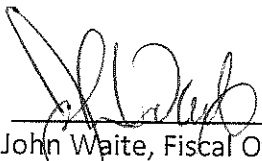
Whereas, the Village of Williamsburg agrees to remove the materials from the inactive Batavia Water Treatment Plant at no cost to Batavia Village and to hold harmless Batavia Village in the removal and subsequent handling and use of the materials.

Thus Be it Ordained that the Village of Batavia agrees to provide to the Village of Williamsburg the specified spare parts, pipe, connectors, clamps, and miscellaneous other materials.

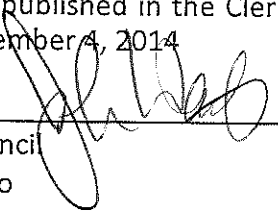
Adopted: December 1, 2104

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1306-14

An Ordinance to Levy Assessments for Sidewalk Construction
on South Second Street and North Fourth Street

Whereas, the Village Council has previously by ordinance declared the necessity for the repair and reconstruction of Main Street, South Second Street, and North Fourth Street in the Village of Ohio, including reconstruction of sidewalks, and has adopted the estimated assessments for the improvement of sidewalks with respect to such project and has filed such estimates with the Clerk of Council; and,

Whereas, such sidewalk improvements have been completed.

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio, at least a majority of its members concurring, that:

Section 1. The list of estimated assessments of the cost of reconstruction of certain portions of the sidewalks on South Second Street and North Fourth Street reported to the Council and now on file in the office of the Clerk of Council and aggregating \$24,896.25 is adopted and confirmed.

Section 2. The several amounts of the assessments are hereby assessed and levied on the lots and lands bounding and abutting the improvement.

Section 3. The assessments do not exceed the special benefits resulting from the improvement and do not exceed the statutory limitation.

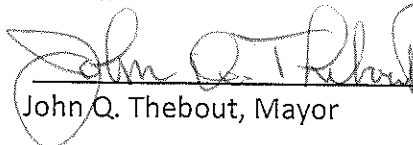
Section 4. The Clerk of Council is directed to continue to maintain on file in his office a list of the assessments and the description of the lots and lands.

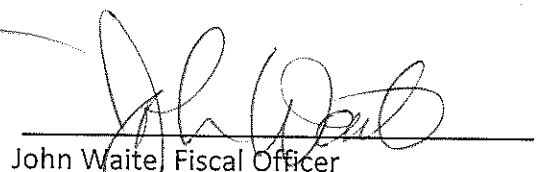
Section 5. The total assessment against each lot and parcel of land shall be payable in cash to the Clerk/Treasurer of the Village of Batavia, Ohio, within 60 days after the passage of this Ordinance. All assessments which have not been paid at the expiration of the 60-day period shall be certified by the Clerk of Council to the County Auditor, to be placed by her on the tax duplicate and collected and collected in twenty semi-annual installments as other taxes are collected.

Section 6. The Clerk of Council is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within 20 days following the passage of this Ordinance.

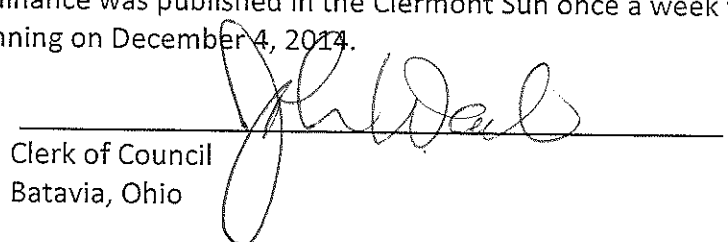
Adopted: December 1, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____ Passed _____, _____

ORDINANCE 1307-14
AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and approved Ordinance 1289-13 making appropriations for certain of those expenditures; and

WHEREAS, the Council approved Ordinances 1296-14, 1298-14, 1300-14, and 1301-14 amending the appropriations for certain expenditures during the calendar year 2014; and

WHEREAS, there needs to be additional adjustments to the appropriations for certain expenditures during the calendar year 2014;

NOW, THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be further amended as follows:

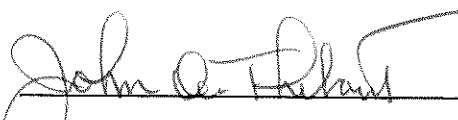
SECTION 1. That 2014 appropriations be increased as follows:

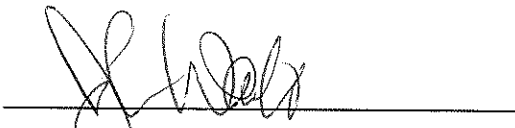
Police		
1000-110-211	OPERS	\$4,200
	Police OPERS	
Beautification		
2904-490-600	Other	\$900
	Christmas in the Village	

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

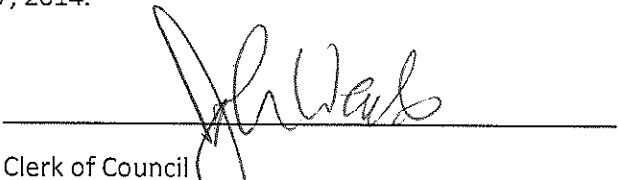
SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: October 6, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 7, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia

Ordinance No. 1308-14

An Ordinance Adjusting Wages for Police Officers for 2015

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and whereas, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

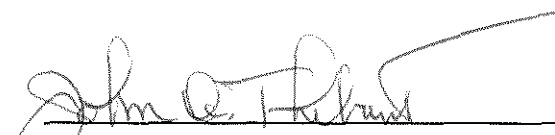
Section 1 The Village hereby adopts the following pay rates for the following employees effective with the first pay period beginning in 2015:

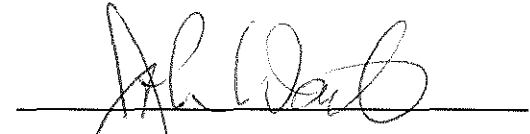
Full-Time Police Officer - Corporal	\$16.25	per hour
Full-Time Police Officer	\$15.25	per hour
Part-Time Police Officers	\$15.00	per hour
Auxiliary Police (when working paid hours)	\$15.00	per hour

Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.


Adopted: December 1, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1309-14

TEMPORARY APPROPRIATIONS FOR 2015

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2015.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the first half of fiscal year ending June 30, 2015, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That the following amounts be appropriated: to the following Fund

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$110,000
1000-110-211	Ohio Public Employees Retirement	\$7,500
1000-110-213	Medicare	\$1,500
1000-110-215	Ohio Police & Fire Pension Fund	\$17,000
1000-110-220	Insurance Benefits	\$28,000
1000-110-270	Uniforms and Clothing	\$1,500
1000-110-290	Other-Employee-Fringe Benefits	\$7,000
1000-110-348	Training Services	\$1,500
1000-110-390	Other Contractual Services	\$22,000
1000-110-400	Supplies and Materials	\$7,000
1000-110-400-1111	Police Dept. Fuel	\$14,000
1000-110-500	Capital Outlay (Cruiser)	<u>\$18,000</u>
Total Police Law Enforcement		235,000

Street Lighting

1000-130-300	Contractual Services	\$ 10,000
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Traffic Signs & Signals

1000-150-300	Contractual Services	\$500
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Payment to County Health District

1000-210-640	Payment to another Political Subdivision	\$3,000
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Cemetery

1000-240-640	Payment to another Political Subdivision	\$7,500
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General Government

1000-710-130	Salaries-Village Admin	\$15,000
1000-710-160	Salaries-Mayor's Office	\$2,000
1000-710-211	OPERS (14%)	\$2,000
1000-710-213	Medicare(1.45%)	\$200
1000-710-290	Benefits, Mayor & Admin	\$500
1000-710-410	Office Supplies & Materials	\$6,000

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____ Passed _____, _____

1000-715-111	Salaries-Council	\$3,500
1000-715-141	Salaries-Legal Counsel	\$7,500
1000-715-211	OPERS	\$1,000
1000-715-212	Social Security	\$200
1000-715-213	Medicare	\$100
1000-715-290	Other-Employees Fringe Benefits	\$500
1000-715-300	Contractual Services	\$35,000
1000-725-121	Salary-Fiscal Officer	\$22,000
1000-725-211	OPERS	\$3,000
1000-725-213	Medicare	\$300
1000-725-220	Insurance Benefits	\$0
1000-725-290	Other-Employee Fringe Benefits	\$500
1000-725-300	Contractual Services	\$500
1000-725-400	Supplies & Materials	\$0
1000-730-300	Contractual Services	\$20,000
1000-730-400	Supplies & Materials	\$1,000
1000-740-344	Tax Collection Fees	\$1,500
1000-745-342	Audit Fees	\$500
1000-745-343	Uniform Accounting Network Fees	\$2,000
1000-755-139	Other-Salaries-Tax Administrator's Office	\$6,000
1000-755-211	OPERS	\$1,000
1000-755-213	Medicare	\$100
1000-755-290	Other-Employee Fringe Benefits	\$300
1000-755-410	Office Supplies and Materials	\$0
1000-760-610	Income Tax Refunds	\$12,000
1000-790-225	Worker's Compensation	\$0
1000-910-910	Transfers Out	<u>\$300,000</u>

Total General Government \$444,200

TOTAL GENERAL FUND (1000) APPROPRIATIONS \$700,200

Street 1 - Wages

2011-620-100	Personal Services	\$60,000
2011-620-211	OPERS	\$8,000
2011-620-213	Medicare	\$1,000
2011-620-220	Insurance Benefits	\$40,000
2011-620-270	Uniforms	\$1,000
2011-620-290	Other-Employee Fringe Benefits	<u>\$3,000</u>

TOTAL STREET 1 - Wages \$113,000

STREET 2 - MAINTENANCE & REPAIR FUND

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

2012-620-300	Contractual Services	\$70,000
2012-620-400	Supplies and Materials	\$30,000
2012-620-400-2111	Fuel	<u>\$10,000</u>
TOTAL STREET 2 – Maintenance and Repair		\$110,000

STATE HIGHWAY & IMPROVEMENT FUND

2021-650-300	Contractual Services	\$3,000
2021-650-400	Supplies and Materials	<u>\$0</u>
TOTAL STATE HIGHWAY FUND		\$3,000

DRUG LAW ENFORCEMENT

2081-110-600	Other	\$4,000
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PERMISSIVE MOTOR VEHICLE LICENSE

2101-620-300	Contractual Services	\$6,000
2101-620-500	Capital Outlay	<u>\$0.</u>
TOTAL MVL		\$6,000

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	\$100
2271-110-290	Other-Employee Fringe Benefits	\$20
2271-110-300	Contractual Services	\$0
2271-110-400	Supplies and Materials	<u>\$50</u>
TOTAL LAW ENFORCEMENT AND EDUCATION		\$170

FIRE

2901-120-400	Supplies and Materials	\$500
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POLICE SPECIAL REVENUE

2903-110-400	Supplies and Materials	\$0
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BEAUTIFICATION

2904-490-600	Other	\$500
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DEBT SERVICE FUNDS – Clark Glen Ely Sewer Assessment Debt

3301-850-710	Principal	\$10,000
3301-850-720	Interest	<u>\$5,000</u>
TOTAL DEBT SERVICE – CLARK GLEN ELY SEWER		\$15,000

CAPITAL PROJECTS

4901-549-500	Capital Outlay	\$0
4901-800-500	Capital Outlay	\$60,000
4901-850-710	Principal	\$8,000
4901-850-720	Interest	<u>\$300</u>
TOTAL CAPITAL PROJECTS		\$68,300

STREET CAPITAL PROJECTS

4902-800-300	Contractual Services	\$25,000
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RECORD OF ORDINANCES

281

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____ Passed _____, _____

4902-800-500	Capital Outlay	\$50,000
4902-800-555	Streets, Highways, Sidewalks and Curbs	\$0
4902-800-710	Principal	\$100,000
4902-800-720	Interest	<u>\$45,000</u>
TOTAL STREET CAPITAL PROJECTS		\$220,000

WATER OPERATING

5101-531-300	Contractual Services	\$30,000
5101-531-400	Supplies and Materials	\$200
5101-533-340	Professional & Technical Services	\$300
5101-533-640	Pymt. to another Political Subdivision	\$100,000
5101-535-100	Personal Services	\$7,000
5101-535-211	OPERS	\$1,000
5101-535-213	Medicare	\$100
5101-535-220	Insurance	\$0
5101-535-290	Other-Employee Fringe Benefits	\$200
5101-535-400	Supplies and Materials	\$20
5101-535-400-5111	Fuel	\$0
5101-850-710	Principal (debt) OPWC waterline	<u>\$2,000</u>
TOTAL WATER FUND		\$140,820

SEWER OPERATING

5201-541-400	Supplies and Materials	\$200
5201-541-300	Contractual	\$7,000
5201-542-640	Payment to Another Political Subdivision	\$150,000
5201-543-100	Personal Services	\$7,000
5201-543-211	OPERS	\$1,000
5201-543-213	Medicare	\$100
5201-543-220	Insurance	\$0
5201-543-290	Other-Employee Fringe Benefits	\$250
5201-543-340	Professional & Technical Services	\$1,500
5201-543-400	Supplies and Materials	\$0
5201-549-400-5211	Fuel	\$0
5201-850-710	Principal	\$25,000
5201-850-720	Interest	\$4,000
5201-850-790	Other-Debt Service	\$0
5201-910-910	Transfers out	\$0
5201-990-990	Other-Other Financing Uses	<u>\$0</u>
TOTAL SEWER FUND		\$196,050

Ordinance No. _____ Passed _____, _____

REFUSE ENTERPRISE OPERATING

5601-562-300	Contractual Service	\$3,000
5601-563-398	Garbage and Trash Removal	<u>\$60,000</u>
TOTAL REFUSE ENTERPRISE		\$63,000

WATER Capital Improvement

5701-800-500	Water Capital Outlay Unit Fund	\$50
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SEWER Capital Improvement

5702-549-500	Sewer Capital Outlay Unit Fund	\$50,000
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SEWER Bond Improvement

5703-800-500	Sewer Bond Capital Outlay	\$0
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UTILITY DEPOSIT

5781-594-610	Deposits Refunded	\$0
5781-594-620	Deposits Applied	<u>200</u>
TOTAL UTILITIES DEPOSITS FUND		\$200

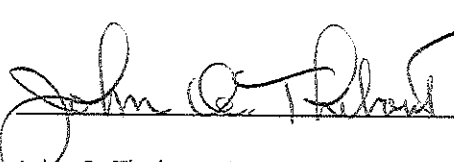
CENTENNIAL FUND

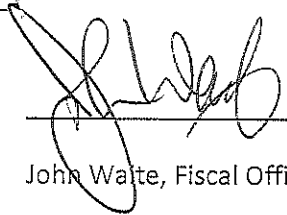
9902-990-990	Other Financing Uses	\$1,650
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TOTAL ALL APPROPRIATIONS \$1,692,440

Section 2: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Adopted: December 1, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

283

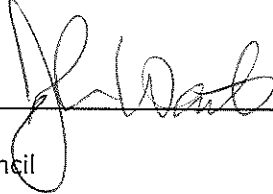
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.



Clerk of Council

Batavia, Ohio

Ordinance No. _____ Passed _____, _____

ORDINANCE 1310-14
AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and approved Ordinance 1289-13 making appropriations for certain of those expenditures; and

WHEREAS, the Council approved Ordinances 1296-14, 1298-14, 1300-14, 1301-14 and 1307-14 amending the appropriations for certain expenditures during the calendar year 2014; and

WHEREAS, there needs to be additional adjustments to the appropriations for certain expenditures during the calendar year 2014;

NOW, THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be further amended as follows:

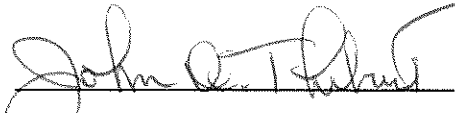
SECTION 1. That 2014 appropriations be increased as follows:


Legal Services		
1000-715-141	Legal Services	\$20,000
	PUCO hearing re Cincinnati Bell fee rebate	
Drug Law Enforcement		
2081-110-600	Other	\$6,000
	Police Drug Dog - Purchase & Training	
Sewer Contractual		
5201-542-300	Contractual	\$2,000
	Electric service to Sewer Plant	
Sewer Personal Services		
5201-543-100	Personal Services	\$2,000
	¼ Share of Administrator's salary	

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: November 3, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

285

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

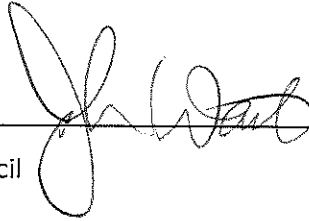
Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 7, 2014.

Clerk of Council
Batavia, Ohio

A handwritten signature in cursive script, appearing to read "John Waite", is written over a horizontal line.

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1311-14

An Ordinance Authorizing the Village Administrator to Execute an Agreement
with Taft Stettinius & Hollister, LLP and Declaring an Emergency

Whereas, the Village of Batavia wishes to enter into an agreement with Taft Stettinius & Hollister, LLP so that Firm may provide legal services to the Village of Batavia;

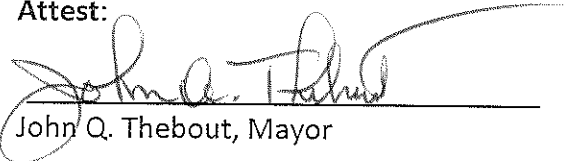
Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio

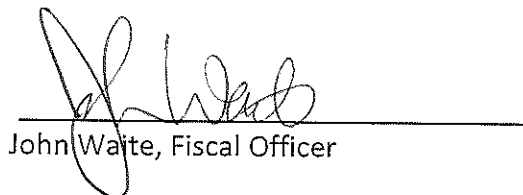
Section 1. That the Village Administrator be authorized and directed to execute an Agreement between the Village of Batavia and Taft Stettinius & Hollister, LLP, to provide professional service for the Village of Batavia under terms and conditions set forth in the Engagement Letter attached hereto as "Exhibit 1".

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; and for the further reason, that the aforesaid Agreement is necessary to allow Taft, Stettinius & Hollister, LLP to provide legal service for the Village of Batavia, then this Ordinance shall take effect immediately upon its adoption.

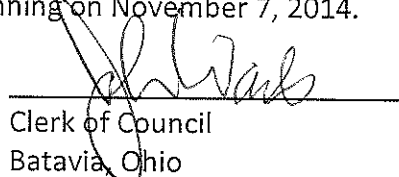
Adopted November 3, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 7, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1312-14

AMENDMENT TO THE 2014 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2014 and approved Ordinance 1289-13 making appropriations for certain of those expenditures; and

WHEREAS, the Council approved Ordinances 1296-14, 1298-14, 1300-14, 1301-14, 1307-14 and 1310-14 amending the appropriations for certain expenditures during the calendar year 2014; and

WHEREAS, there needs to be additional adjustments to the appropriations for certain expenditures during the calendar year 2014;

NOW, THEREFORE, be it ordained that Ordinance 1289-13 for 2014 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2014 be further amended as follows:

SECTION 1. That 2014 appropriations be increased as follows:

Police		
1000-110-500	Capital Outlay	\$8,000
	Police Capital Outlay	
Office		
1000-715-300	Contractual	\$3,000
	Office Contractual	
Street 1 Wages		
2011-620-211	OPERS	\$3,500
	Ohio Public Employees Retirement	
Street 2		
2012-620-300	Contractual	\$4,000
	Street Contractual	
Drug Law Enforcement		
2081-110-600	Other	\$6,000
	Police Drug Dog - Purchase & Training	
Beautification		
2904-490-600	Other	\$1,000
	Christmas in the Village	
Sewer Operations		
5201-541-300	Contractual	\$1,000
	Duke Energy Bill for Sewer Plant	

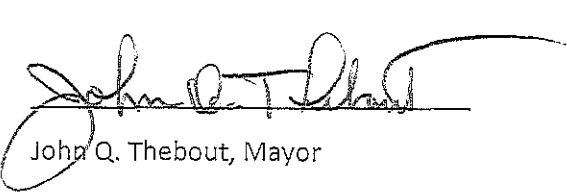
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal

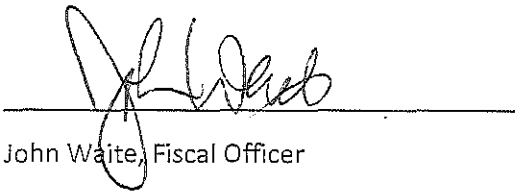
Ordinance No. _____ Passed _____, _____

obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

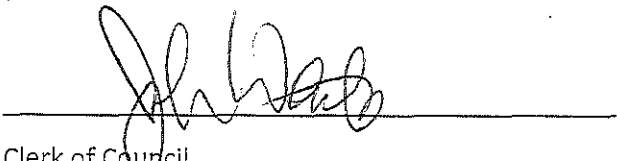
SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: December 1, 2014


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

**Village of Batavia
Ordinance No. 1313-14**

An Ordinance Adjusting Wages for the Police Chief for 2015

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and **whereas**, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

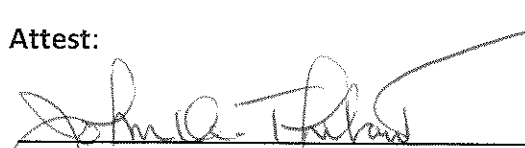
Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2015:


Police Chief \$51,480.00 annually

Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

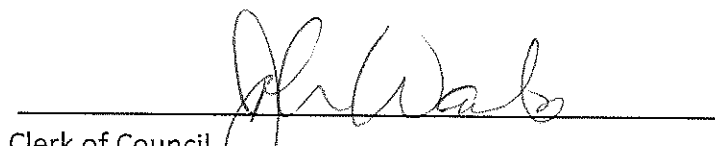
Adopted: December 1, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1314-14

An Ordinance Adjusting Wages for the Village Administrator for 2015

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and **whereas**, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

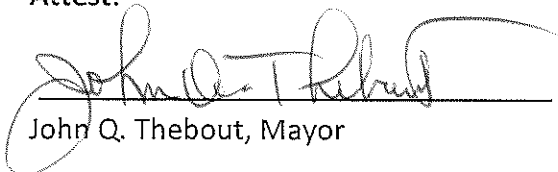
Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2015:

Village Administrator	\$60,000.00	annually
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Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

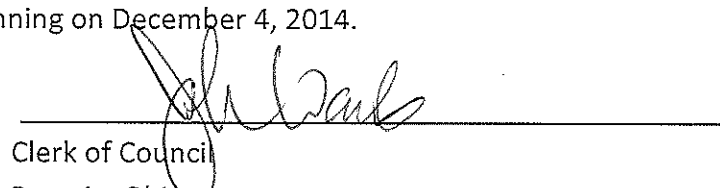
Adopted: December 1, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____

Village of Batavia
Ordinance No. 1315-14

An Ordinance Adjusting Wages for the Fiscal Officer for 2015

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and whereas, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

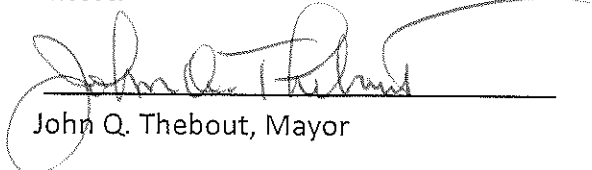
Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2015:

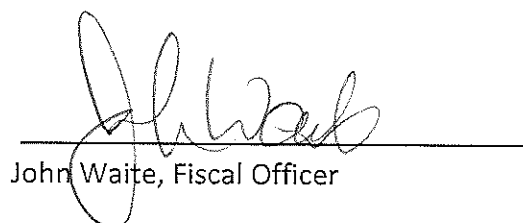
Fiscal Officer \$22.00 per hour

Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

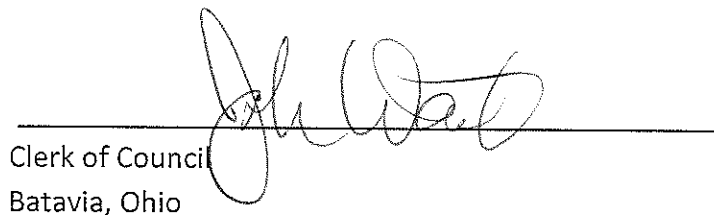
Adopted: December 1, 2014

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on December 4, 2014.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1316-15

AMENDMENT TO THE 2015 TEMPORARY APPROPRIATIONS

WHEREAS, the Council approved Ordinances 1309-14 adopting temporary the appropriations for certain expenditures during the calendar year 2015; and

WHEREAS, there needs to be additional adjustments to the temporary appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1309-14 for 2015 temporary appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 temporary appropriations be increased as follows:

General

1000-910-910

Transfers - Out

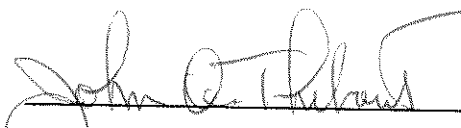
\$200,000

(Transfer — In \$200,000 to Street Capital Fund 4902-931)


SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: January 5, 2015




John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____

Ordinance 1317-15

An Ordinance Adopting Land Use Plan and Revised Zoning

Whereas, owners of real property have a right to the use of their property unfettered other than by reasonable restriction to preserve the health, safety, welfare, and good order of the public; and

Whereas, the Village Council of Batavia enacts land-use planning and zoning requirements and restrictions to protect the rights of property owners and other citizens, but which laws cannot foresee all contingencies and opportunities; and

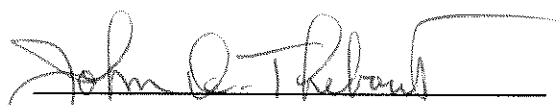
Whereas, the Village of Batavia has a need to accommodate property uses within the village that do not conform to the strictures of the village regulations concerning land-use zoning and entrusts the prudent judgment of the Village of Batavia Planning Commission to make such exceptions to specifications so long as overall impact on the community is not materially changed by the Planning Commission's actions.

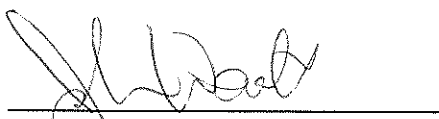
Therefore Be It Ordained, that Village of Batavia hereby:

1. Adopts the Village of Batavia Land Use Plan as recommended by the Planning Commission and approves the Land Use Plan report (187 pages), and the Land Use Plan Map (page 127 of the Land Use Plan report), and
2. Enacts the Village of Batavia Zoning Ordinance text as recommended by the Planning Commission, to be incorporated by reference as Chapter 153 of the Batavia, Ohio, Code of Ordinances.

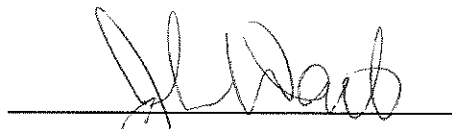
Adopted: March 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

3

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

ORDINANCE 1318-15


REPEAL ORDINANCE 1042-04


WHEREAS, the Council approved Ordinances 1042-04 authorizing the payment of a premium wage for inspections of certain village construction projects and establishing conditions under which such premium wage shall be paid; and

WHEREAS, the Village is currently planning several construction projects where Council believes that supervision of those projects does not warrant the payment of a premium wage;

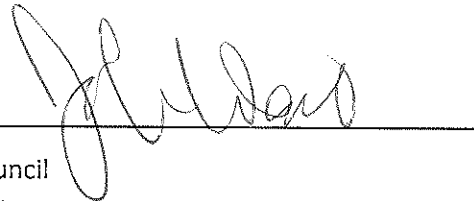
NOW, THEREFORE, be it ordained that Ordinance 1042-04 is hereby repealed and rescinded:

ADOPTED March 2, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council
Batavia, Ohio

RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

ORDINANCE 1319-15 APPROPRIATIONS FOR 2015

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2015.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2015, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That the following amounts be appropriated: to the following Fund

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$220,780
1000-110-211	Ohio Public Employees Retirement	\$19,500
1000-110-213	Medicare	\$3,250
1000-110-215	Ohio Police & Fire Pension Fund	\$27,000
1000-110-220	Insurance Benefits	\$60,950
1000-110-270	Uniforms and Clothing	\$3,000
1000-110-290	Other-Employee-Fringe Benefits	\$10,000
1000-110-348	Training Services	\$3,000
1000-110-390	Other Contractual Services	\$45,585
1000-110-400	Supplies and Materials	\$13,800
1000-110-400-1111	Police Dept. Fuel	\$28,000
1000-110-500	Capital Outlay (Cruiser)	<u>\$36,000</u>
Total Police Law Enforcement		470,865

Street Lighting

1000-130-300	Contractual Services	\$ 20,000
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Traffic Signs & Signals

1000-150-300	Contractual Services	\$ 1,000
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Payment to County Health District

1000-210-640	Payment to another Political Subdivision	\$ 6,600
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Cemetery

1000-240-640	Payment to another Political Subdivision	\$ 15,000
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General Government

1000-710-130	Salaries-Village Admin	\$30,000
1000-710-160	Salaries-Mayor's Office	\$ 4,000
1000-710-211	OPERS (14%)	\$4,800
1000-710-213	Medicare(1.45%)	\$500
1000-710-290	Benefits, Mayor & Admin	\$1,200
1000-710-410	Office Supplies & Materials	\$12,000

RECORD OF ORDINANCES

5

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

1000-715-111	Salaries-Council	\$7,200
1000-715-141	Salaries-Legal Counsel	\$15,000
1000-715-211	OPERS	\$2,100
1000-715-212	Social Security	\$400
1000-715-213	Medicare	\$150
1000-715-290	Other-Employees Fringe Benefits	\$1,000
1000-715-300	Contractual Services	\$70,000
1000-725-121	Salary-Fiscal Officer	\$44,000
1000-725-211	OPERS	\$6,100
1000-725-213	Medicare	\$700
1000-725-220	Insurance Benefits	\$0
1000-725-290	Other-Employee Fringe Benefits	\$1,000
1000-725-300	Contractual Services	\$1,000
1000-725-400	Supplies & Materials	\$0
1000-730-300	Contractual Services	\$40,000
1000-730-400	Supplies & Materials	\$1,500
1000-740-344	Tax Collection Fees	\$3,000
1000-745-342	Audit Fees	\$1,000
1000-745-343	Uniform Accounting Network Fees	\$3,660
1000-755-139	Other-Salaries-Tax Administrator's Office	\$12,000
1000-755-211	OPERS	\$1,700
1000-755-213	Medicare	\$200
1000-755-290	Other-Employee Fringe Benefits	\$700
1000-755-410	Office Supplies and Materials	\$0
1000-760-610	Income Tax Refunds	\$25,000
1000-790-225	Worker's Compensation	\$0
1000-910-910	Transfers Out	<u>\$980,000</u>
Total General Government		\$1,269,910

TOTAL GENERAL FUND (1000) APPROPRIATIONS \$1,783,375

Street 1 - Wages

2011-620-100	Personal Services	\$120,000
2011-620-211	OPERS	\$17,000
2011-620-213	Medicare	\$1,750
2011-620-220	Insurance Benefits	\$85,000
2011-620-270	Uniforms	\$3,000
2011-620-290	Other-Employee Fringe Benefits	<u>\$7,000</u>
TOTAL STREET 1 - Wages		\$233,750

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

STREET 2 - MAINTENANCE & REPAIR FUND

2012-620-300	Contractual Services	\$15,000
2012-620-400	Supplies and Materials	\$65,000
2012-620-400-2111	Fuel	<u>\$15,000</u>
TOTAL STREET 2 -- Maintenance and Repair		\$230,000

STATE HIGHWAY & IMPROVEMENT FUND

2021-650-300	Contractual Services	\$7,000
2021-650-400	Supplies and Materials	<u>\$0</u>
TOTAL STATE HIGHWAY FUND		\$7,000

DRUG LAW ENFORCEMENT

2081-110-600	Other	\$4,000
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PERMISSIVE MOTOR VEHICLE LICENSE

2101-620-300	Contractual Services	\$12,000
2101-620-500	Capital Outlay	<u>\$0.</u>
TOTAL MVL		12,000

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	\$100
2271-110-290	Other-Employee Fringe Benefits	\$20
2271-110-300	Contractual Services	\$0
2271-110-400	Supplies and Materials	<u>\$50</u>
TOTAL LAW ENFORCEMENT AND EDUCATION		\$170

FIRE

2901-120-400	Supplies and Materials	\$6,000
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EMS

2902-160-400	Supplies and Materials	\$5,000
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POLICE SPECIAL REVENUE

2903-110-400	Supplies and Materials	\$0
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BEAUTIFICATION

2904-490-600	Other	\$1,000
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DEBT SERVICE FUNDS -- Clark Glen Ely Sewer Assessment Debt

3301-850-710	Principal	\$15,000
3301-850-720	Interest	<u>\$10,000</u>
TOTAL DEBT SERVICE -- CLARK GLEN ELY SEWER		\$25,000

CAPITAL PROJECTS

4901-549-500	Capital Outlay	\$0
4901-800-500	Capital Outlay	\$120,000
4901-850-710	Principal	\$15,240
4901-850-720	Interest	<u>\$600</u>

RECORD OF ORDINANCES

7

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

TOTAL CAPITAL PROJECTS

\$135,840

STREET CAPITAL PROJECTS

4902-800-300 Contractual Services \$50,000

4902-800-500 Capital Outlay \$100,000

4902-800-555 Streets, Highways, Sidewalks and Curbs \$0

4902-800-710 Principal \$192,603

4902-800-720 Interest \$88,000

TOTAL STREET CAPITAL PROJECTS \$430,603

WATER OPERATING

5101-531-300 Contractual Services \$75,000

5101-531-400 Supplies and Materials \$400

5101-533-340 Professional & Technical Services \$31,000

5101-533-640 Pymt. to another Political Subdivision \$212,160

5101-535-100 Personal Services \$15,000

5101-535-211 OPERS \$2,100

5101-535-213 Medicare \$220

5101-535-220 Insurance \$0

5101-535-290 Other-Employee Fringe Benefits \$500

5101-535-400 Supplies and Materials \$20

5101-535-400-5111 Fuel \$0

5101-850-710 Principal (debt) OPWC waterline \$5,000

TOTAL WATER FUND \$341,400

SEWER OPERATING

5201-541-400 Supplies and Materials \$400

5201-541-300 Contractual \$15,000

5201-542-640 Payment to Another Political Subdivision \$298,860

5201-543-100 Personal Services \$15,000

5201-543-211 OPERS \$2,100

5201-543-213 Medicare \$220

5201-543-220 Insurance \$0

5201-543-290 Other-Employee Fringe Benefits \$500

5201-543-340 Professional & Technical Services \$33,000

5201-543-400 Supplies and Materials \$0

5201-549-400-5211 Fuel \$0

5201-850-710 Principal \$45,000

5201-850-720 Interest \$7,350

5201-850-790 Other-Debt Service \$0

5201-910-910 Transfers out \$0

5201-990-990 Other-Other Financing Uses \$0

RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

TOTAL SEWER FUND	\$417,430
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REFUSE ENTERPRISE OPERATING

5601-562-300	Contractual Service	\$5,000
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5601-563-398	Garbage and Trash Removal	<u>\$125,000</u>
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TOTAL REFUSE ENTERPRISE	\$130,000
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WATER Capital Improvement

5701-800-500	Water Capital Outlay Unit Fund	\$100
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SEWER Capital Improvement

5702-549-500	Sewer Capital Outlay Unit Fund	\$100,000
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SEWER Bond Improvement

5703-800-500	Sewer Bond Capital Outlay	\$0
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UTILITY DEPOSIT

5781-594-610	Deposits Refunded	\$0
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5781-594-620	Deposits Applied	<u>500</u>
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TOTAL UTILITIES DEPOSITS FUND	\$500
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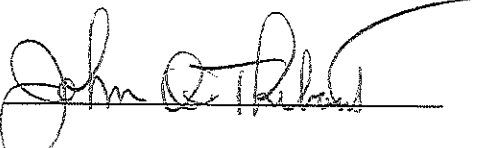
CENTENNIAL FUND

9902-990-990	Other Financing Uses	\$1,650
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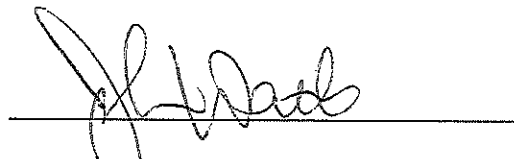
TOTAL ALL APPROPRIATIONS	\$3,864,818
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Section 2: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Adopted: March 2, 2015



John Q. Thebout, Mayor



John Waite, Fiscal Officer

RECORD OF ORDINANCES

9

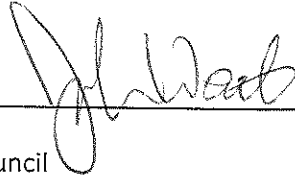
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2105.



Clerk of Council

Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1320-15

An Ordinance Consenting to the Annexation of Property to the Village of Batavia, Ohio

Whereas, Owners LeeAnn K. Staggs, Paul M. Staggs, and Ridge Club, Inc., aka Batavia Swim Club, LLC, have petitioned to annex certain specified land to the Village of Batavia, Ohio.

Now, Therefore Be It Ordained by the Council of the Village of Batavia, Ohio:

Section 1.

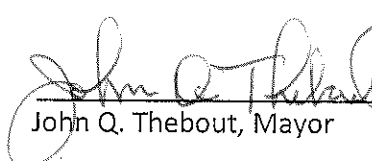
The Council of the Village of Batavia hereby consents to the petition for annexation filed Feb. 20, 2015, by Dennis Nichols, agent for petitioners.

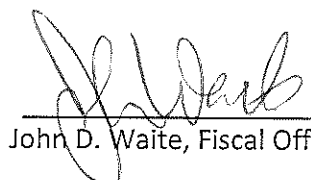
Section 2.

The Village Council declares this Ordinance to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.

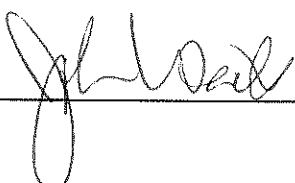
Adopted: March 2, 2015

Attest:


John Q. Thebout, Mayor


John D. Waite, Fiscal Officer

I, John Waite, Fiscal Officer of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2105


Fiscal Officer
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

**Village of Batavia
Ordinance No. 1321-15**

An Ordinance Stating Services to be Provided to Annexed Territory

Whereas, Dennis Nichols, agent for petitioners LeeAnn K. Staggs, Paul M. Staggs, and Ridge Club, Inc., aka Batavia Swim Club, LLC, has filed with the Clermont County Board of County Commissioners a Petition seeking to annex approximately 7.3278 acres of land situated in Batavia Township to the Village of Batavia; and,

Whereas, Ohio Revised Code Section 709.023(C) requires that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution within 20 days after the date that the Petition is filed, stating what services the municipal corporation will provide upon annexation to the territory proposed for annexation and an approximate date by which it will provide them.

Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio:

Section 1.

The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

1. Police protection;
2. Street maintenance;
3. Snow removal;
4. Zoning and zoning administration;
5. Tax administration; and,
6. Water and sewer service.

The Village may, in its sole discretion, provide additional service to the territory, upon annexation, in addition to those set forth above.

Section 2.

The annexation will not result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem; but in the event that the annexation does result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village agrees to assume the maintenance of that street or highway or to otherwise correct the problem.

Section 3.

If the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under Clermont County or Batavia Township zoning regulations in adjacent land remaining in the Township, the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining in the township.

Section 4.

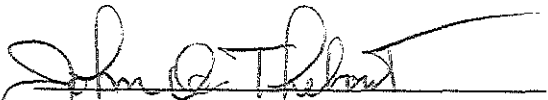
This Ordinance is an emergency Ordinance, necessary to the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, because the Village must adopt and file this Ordinance with the Board of County Commissioners within 20 days of the filing of the Petition, and thus needs that this Ordinance take immediate effect.

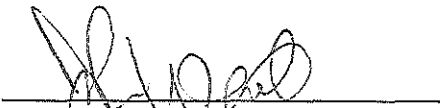
Ordinance No. _____

Passed _____, _____


Adopted: March 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Clerk of Council

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council

Ordinance No. _____

Passed _____, _____

NOT ADOPTED!

**Village of Batavia
Ordinance No. 1322-15**

Removal of Ice and Snow

Whereas, The Village of Batavia, its residents, and visitors to the Clermont County Seat and other locations and institutions within the village rely upon safe sidewalks to navigate the town as pedestrians; and

Whereas, the temperate climate of Batavia from time to time presents winter weather conditions that imperil pedestrian traffic in the absence of clean and well-maintained sidewalks; and

Whereas, Batavia Ordinance § 97.33 requires owners and occupants to clear sidewalks, creating a misdemeanor offense for failure of effect, but does not provide a suitable means to accomplish the goal, which is to make the village safe and convenient for property owners, occupants and pedestrians.

Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio, that Batavia Ordinance § 97.33 shall be amended to read:

§ 97.33 Removal of Ice and Snow.

- (A) Within the first 4 hours after daylight following or during fall of snow, the owner, occupant or person having the care of any building or lot of land bordering on any public way with paved sidewalks shall cause the snow to be removed from such sidewalk; this provision includes snow or ice falling from any structure.
- (B) Whenever ice encumbers any sidewalk in any public way, the owner, occupant or person having the care of any building or lot of land bordering on that public way shall cause such sidewalk to be made safe by removing the ice or sprinkling it with sand or other suitable substance, not later than four hours after daylight following or during its formation.
- (C) At the discretion of the street maintenance superintendent, the village street maintenance department or its agents may clear snow and ice from any village public sidewalk to protect public health, safety, and convenience.
- (D) When the street superintendent orders the clearance of any sidewalk that has not been cleared as required by Paragraph (A) or (B) of this section, the village will charge the responsible property owner a fee related to the sidewalk width and length, which charge the village may apply to the real property taxes if not paid within 30 days after billing, with fees according to the following schedule:

a. East Main Street from Riverside Drive to Fourth Street	\$1.00 per linear foot
b. All other streets	\$0.30 per linear foot
- (E) The payment of fees as established in Paragraph (D) of this section will purge the property owner or occupant of violation, and further civil or criminal penalties under this section will moot. If, however, the owner or occupant refuses payment, the village may, in addition to assessing the fees against the real property taxes, hold the miscreant owner or occupant to the burdens of § 97.99. (1997 Code, § 97.33) Penalty, see § 97.99

Attest:

John Q. Thebout, Mayor

John D. Waite, Fiscal Officer

Ordinance No. _____

Passed _____, _____

ORDINANCE 1323-15

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR
TO EXECUTE A SETTLEMENT AGREEMENT WITH
CINCINNATI BELL TELEPHONE COMPANY, LLC
AND REPEAL ORDINANCE 1284-13
AND DECLARING AN EMERGENCY

WHEREAS, the Village of Batavia assessed Cincinnati Bell Telephone Company, LLC a public way fee on August 21, 2014 related to the relocation of Cincinnati Bell Telephone Company, LLC's utility lines connected to the Main Street reconstruction project;

WHEREAS, on September 9, 2014, Cincinnati Bell Telephone Company, LLC filed a complaint against the Village of Batavia at the Public Utilities Commission of Ohio contesting the assessment of the public way fee, pursuant to Batavia Ordinance No. 1284-13, enacted December 2, 2013 concerning certain public way fees;

WHEREAS, while the complaint before the Public Utilities Commission was pending the Village has not sought to enforce Ordinance 1284-13;

WHEREAS, the Village of Batavia wishes to enter into a Settlement Agreement with Cincinnati Bell Telephone Company, LLC to fully settle the dispute between the Village of Batavia and Cincinnati Bell Telephone Company, LLC pending before the Public Utilities Commission of Ohio;

WHEREAS, the Village Solicitor has recommended that Ordinance No. 1284-13, as enacted, may subject the Village to future litigation and should be repealed,


NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

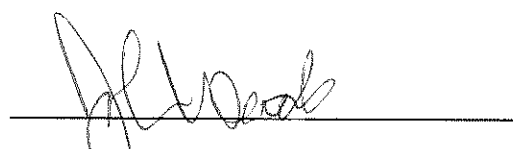
SECTION 1. That the Village Administrator be authorized and directed to execute a Settlement Agreement between the Village of Batavia and Cincinnati Bell Telephone Company, LLC, under terms and conditions set forth in the Settlement Agreement attached hereto as "Exhibit 1".

SECTION 2. Village of Batavia Ordinance number 1284-13, be and hereby is repealed.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; and, for the further reason, that the execution of the aforesaid Settlement Agreement is necessary to allow the Village of Batavia to resolve the dispute pending before the Public Utilities Commission of Ohio between the Village of Batavia and Cincinnati Bell Telephone Company, LLC.

Adopted: March 2, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2105.

Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1324-15

An Ordinance Accepting Annexation Petition Filed By Dennis Nichols, Trustee

Whereas, a Petition seeking the annexation of approximately 210.8120 acres of land situate in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Dennis Nichols, Trustee, on July 22, 2014; and,
Whereas, on November 12, 2014, the Board of Clermont County Commissioners adopted Resolution Number 161-14 granting the said annexation; and,
Whereas, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation;

Now, Therefore, Be It Ordained by the Council of the Village of Batavia, Ohio:

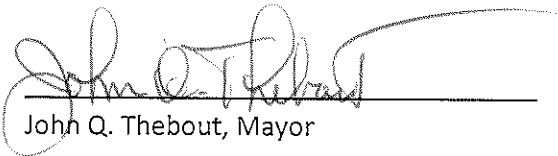
Section 1.

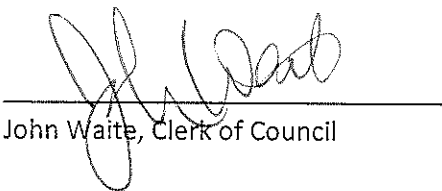
The Council of the Village of Batavia hereby accepts the Petition for Annexation filed with the Clermont County Board of County Commissioners by Dennis Nichols, Trustee, on June 22, 2014.

Section 1.

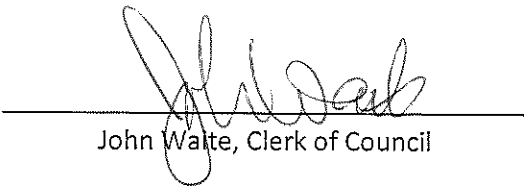
This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, for the reason of urgency because the Village must adopt and file an Ordinance accepting the annexation of approximately 210.8120 acres of land situated in Batavia Township to the Village of Batavia in order that timely development on the land may proceed.

Adopted: March 2, 2015 Attest:


John Q. Thebout, Mayor


John Waite, Clerk of Council

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


John Waite, Clerk of Council

Ordinance No. _____

Passed _____, _____

ORDINANCE 1325-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be increased as follows:

Capital Projects

4901-850-500

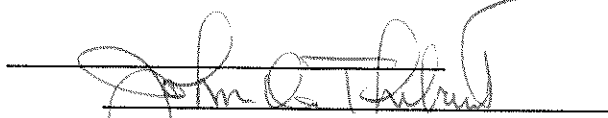
Capital Outlay

\$200,000

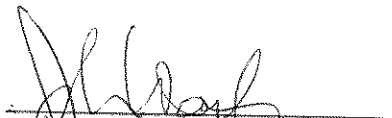
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: April 6, 2105

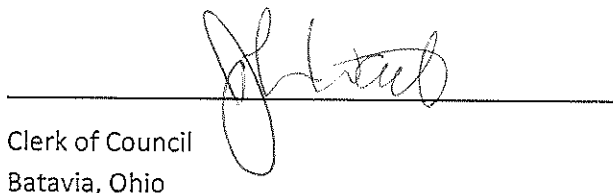


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1326-15

An ordinance declaring real property to be unneeded for public purposes and authorizing the sale of that property.

Whereas, the Village of Batavia owns real property at 715 Old State Route 32, Batavia, known as Parcel No. 060206.010A in the property records of the Clermont County Auditor's Office; and

Whereas, the Village of Batavia has no public use for the property nor reason to retain ownership; and

Whereas, at least one buyer has demonstrated interest in using the property for improved driveway access and to enlarge an adjacent residential parcel; and

Whereas, the interests of the Village of Batavia and its residents will best be served by selling the property to an adjacent property owner; now therefore

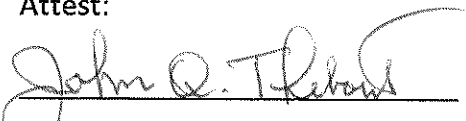
Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

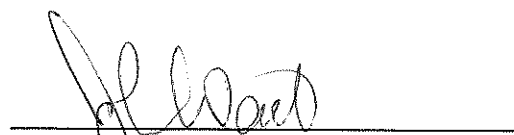
Section 1.

1. That the property known as Parcel No. 060206.010A in the property records of the Clermont County Auditor's Office is not needed for public purposes.
2. That the Village administrator is hereby authorized to sell said property for the highest and best bid subject to the following terms:
 - a. The buyer must own an adjacent parcel or have a current purchase contract for an adjacent parcel.
 - b. Bids are due by 1:45 p.m. on May 15, 2014.
 - c. The Village retains the right to reject all bids.

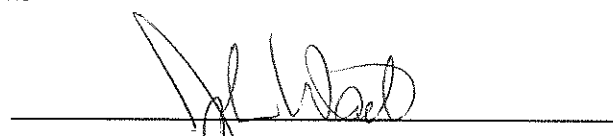
ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

**Village of Batavia
Ordinance No. 1327-15**

**An ordinance declaring real property to be unneeded for public purposes
and authorizing the sale of that property.**

Whereas, the Village of Batavia owns real property known as Parcel No. 060224.017 in the property records of the Clermont County Auditor's Office; and

Whereas, the property is the site of the former Batavia wastewater treatment plant, which has been decommissioned and will not again be used for that purpose; and

Whereas, the Village of Batavia has no public use for the property nor reason to retain ownership; and

Whereas, at least one buyer has demonstrated interest in converting the property to immediate use for sport fields; and

Whereas, the interests of the Village of Batavia and its residents will best be served by selling the property to an owner who will put the property to use; now therefore

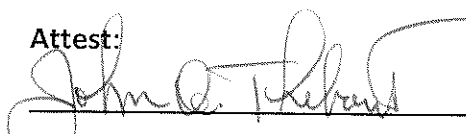
Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

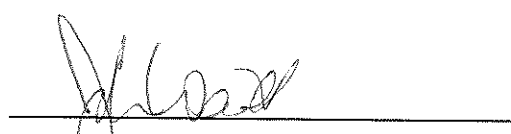
Section 1.

1. That the property known as Parcel No. 060224.017 in the property records of the Clermont County Auditor's Office is not needed for public purposes.
2. That the Village administrator is hereby authorized to sell said property for the highest and best bid subject to the following terms:
 - a. There is no minimum bid price.
 - b. The buyer must remove existing structures within 540 days of the closing, upon failure of which ownership would revert to the Village of Batavia.
 - c. Within 30 days of acceptance of the bid, buyer must post a bond in the amount of \$100,000 ensuring removal of structures within 540 days of the closing.
 - d. Bids are due by 1:45 p.m. on May 15, 2014.
 - e. The Village retains the right to reject all bids.

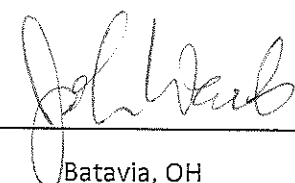
ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.


Clerk of Council, Batavia, OH

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1328-15

An Ordinance to Establish Certain Fees for Zoning and Sign Permits and Procedures

Whereas, the Council of the Village of Batavia has previously adopted Ordinance § 1182-09 establishing a schedule of fees pertaining to permits for public signs; and,
Whereas, Chapter 153, Section 92.04 of the Batavia Code of Ordinances requires that the Village Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to land-use zoning.
Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio, two-thirds of its members concurring, that upon the effective date of this ordinance, the following schedule of fees shall apply and shall supersede all other provisions to the contrary, including Ord. § 1182-09:

Schedule of Fees for Zoning and Sign Permits
in the Village of Batavia, Ohio

Zoning permit


Zoning certificate only	\$10.00
Remodeling or addition	
Single-family dwelling, new or remodeling	\$35.00
Multi-family building, new or remodeling	\$30.00 plus \$10.00 per dwelling unit
Commercial or institutional, new or remodeling	\$100.00
Industrial, new or remodeling	\$150.00
Planned Unit Development application	\$150.00
PUD final plan review	\$50.00
Conditional use permit	\$100.00
Variance or appeal	\$75.00
Change or amendment of zoning district	\$150.00
Surety bond for street or sidewalk opening	\$10.00 per sq. ft., \$200 minimum


Sign permit

Permanent signs	\$2.00 per sq. ft., min. \$30.00
Temporary signs	
Special event, off-site	\$10.00
Banner	\$2.00 per sq. ft., min. \$30.00
Commercial & industrial "Rent/Lease/Sale"	\$2.00 per sq. ft., min. \$30.00
Seasonal business	\$2.00 per sq. ft., min. \$30.00
Sign variance application	\$75.00
Appeal	\$75.00

ADOPTED: April 6, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

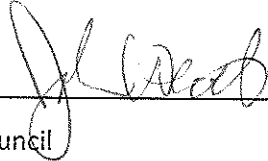
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____ Passed _____, _____

ORDINANCE 1329-15
AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures, as amended by Ordinance 1325-15; and

WHEREAS, there needs to be further adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:


SECTION 1. That 2015 appropriations be increased by the amounts as follows:


General Fund		
1000-110-100	Personal Services - Police	+\$1,000
1000-715-141	Salaries — Legal Counsel	+\$10,000
1000-715-213	Medicare	+\$50
1000-910-910	Transfer Out	+\$60,000
Sewer Operations		
5201-541-300	Contractual	+\$20,000
5201-541-211	OPERS	+\$5,000
5201-541-213	Medicare	+\$600

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: May 4, 2105


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

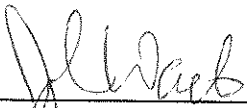
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1330-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

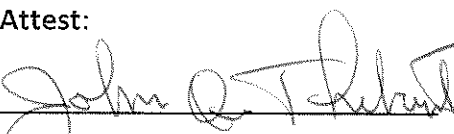
General Fund					
1000-910-910	Transfers Out	Reduced	\$1,040,000	⇒	\$680,000
Sewer Operating Fund					
5201-850-710	Debt Principal	Increase	\$45000	⇒	\$140,000
5201-850-720	Debt Interest	Increase	\$7,350	⇒	\$7,500
Trash Fund					
5601-562-100	Personal Services	Increase	\$0	⇒	\$18,000
5601-562-211	OPERS	Increase	\$0	⇒	\$2,550
5601-562-213	Medicare	Increase	\$0	⇒	\$300
5601-562-220	Insurance Benefits	Increase	\$0	⇒	\$12,750
5601-562-290	Other – Fringe Benefits	Increase	\$0	⇒	\$1,050

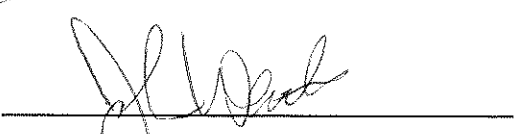
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

25

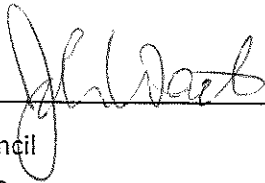
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1331-15

An Ordinance Amending Ord. §1043-04 Signs to Add Ban of Truck Billboards

Whereas, Batavia Ordinance §1043-04 regulates the placement and design of signs within the Village of Batavia, Ohio; and

Whereas, the parking of vehicles emblazoned with advertising material for the goal or with a primary effect of displaying that advertising material is deleterious to the community.

Now, Therefore, Be it ordained, by the Council of the Village of Batavia, Ohio:

Section 1.

That signs on vehicles or trailers that are parked or located for the primary purpose of displaying such signs are prohibited. Portable signs or lettering on buses, taxis, trucks, or other vehicles that are operable, licensed and routinely driven and regularly used in the normal course of a business located at the premises where parked, or vehicles parked at the driver's place of residence, are exempt from the restrictions of this ordinance,

Section 2.

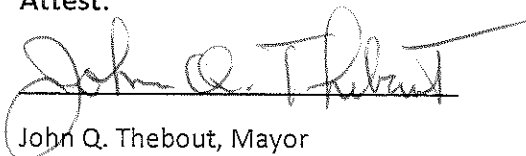
That signs advocating a political candidate or issue in a public election are exempt from this ordinance,

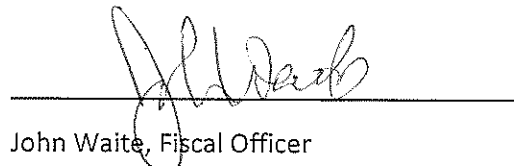
Section 3.

That this ordinance shall apply effective 30 days after passage by the Village Council.

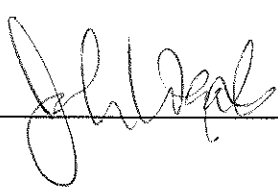
ADOPTED: August 3, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1332-15

An Ordinance Accepting Petition filed by Joshua A. Meeks, President, Ridge Club, Inc./Batavia Swim Club LLC; LeeAnn K. Staggs; and Paul M. Staggs

Whereas, a Petition seeking the annexation of approximately 7.3278 acres of land situated in Batavia Township to the Village of Batavia was filed with the Clermont County Board of Commissioners by Dennis Nichols, agent for petitioners, on Feb. 20, 2015; and,

Whereas, on March 18, 2015, the Board of Commissioners adopted Resolution Number 30-15 granting said annexation; and

Whereas, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation.

Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio:

Section 1.

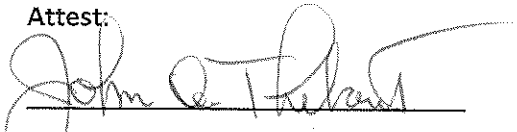
The Council of the Village of Batavia hereby accepts the Petition for Annexation filed by Joshua A. Meeks et al on Dec. 20, 2015

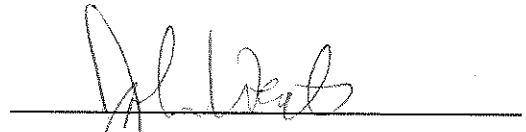
Section 2.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary to the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.

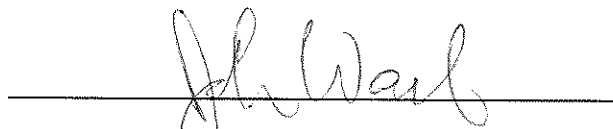
ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Ordinance 1333-15

Disposal of Personal Property Unneeded for Municipal Purposes

Whereas, the Village of Batavia Ohio, owns certain personal property that is unneeded, obsolete, or unfit for municipal purposes, the value of which is believed to exceed \$1,000; and

Now, therefore, be it ordained by the Village of Batavia, Ohio:

Section 1:

That pursuant to Ohio Revised Code §721.15, the Village of Batavia hereby approves the sale by public auction of the following items unneeded for municipal purposes:

- Exmark walk-behind 36" mower, with a Kawasaki FC420v, Model # V36-14K-H
Minimum bid \$1,000
- Exmark Zero-turn 60" mower, with a command Pro 25hp Kohler engine, 768 hrs
Minimum bid \$2,000
- Scag Zero-turn 48" mower, with a Kawasaki Tiger cub engine, 664hrs min. bid
Minimum bid \$1,500
- Crafco 50 gallon E-Z pour tar machine, with a 3.5 hp Briggs & Stratton engine
Minimum bid \$800.00

Section 2:

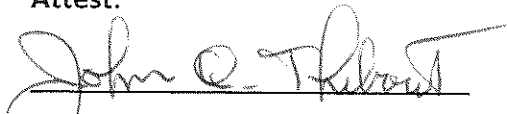
That pursuant to Ohio Revised Code §721.15, the Village of Batavia hereby approves the sale by public auction of the following items unneeded for municipal purposes:


Section 3:

That the village administrator be authorized to advertise these items for sale by sealed bid and to accept the best compliant bid and execute any sales.

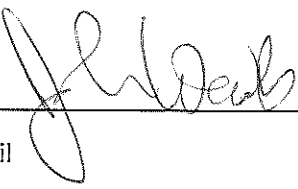
ADOPTED: August 3, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

NOT ADOPTED

**Village of Batavia
Ordinance No. 1334-15**

An Ordinance Adjusting Wages for the Mayor

Whereas, the Village Council has previously established the pay rate for the Mayor by Ordinance 713-83, and,

Whereas, the Village Council wants to make changes to the pay rate for the Mayor effective for terms of elective office beginning after December 31, 2015,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

Section 1 Where a wage is set forth for an elected office at the time of an election for that office, then any person elected to that office shall continue to receive that set wage amount for the entire term of that elected office.

Section 2 The Village hereby repeals Ordinance 713-83 and adopts the following pay rate for any Mayor of the Village of Batavia whose elected term of office begins after December 31, 2015 as:

Mayor	\$6,000.00	annually
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Section 3 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of §121.22 of the Ohio Revised Code.

NOT ADOPTED

Attest:

John Q. Thebout, Mayor

John Waite, Clerk of Council

Ordinance No. _____

Passed _____, _____

NOT ADOPTED

**Village of Batavia
Ordinance No. 1335-15**

An Ordinance Adjusting Wages for Council Members

Whereas, the Village Council has previously established the pay rate for Members of Village Council by Ordinance 758-87, and,

Whereas, the Village Council wants to make changes to those pay rates effective for terms of elective office beginning after December 31, 2015,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

Section 1 Where a wage is set forth for an elected office at the time of an election for that office, then any person elected to that office shall continue to receive that set wage amount for the entire term of that elected office, and

Section 2 The Village hereby repeals Ordinance 758-87 and adopts the following pay rate for any Member of Batavia Village Council whose elected term of office begins after December 31, 2015 as:

Council Member	\$3,000.00	annually, and
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Section 3 This pay rate shall not go into effect until January 2018, and

Section 4 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of §121.22 of the Ohio Revised Code.

NOT ADOPTED

Attest:

John Q. Thebout, Mayor

John Waite, Clerk of Council

Ordinance No. _____

Passed _____, _____

ORDINANCE 1336-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

Water Operating Fund

5101-533-340	Professional Services	\$45000	Increase
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Sewer Operating Fund

5201-541-300	Contractual Services	\$25000	Increase
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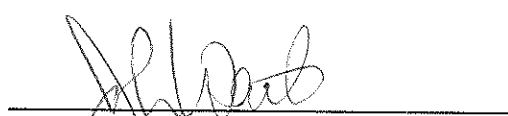
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

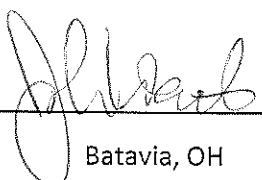
ADOPTED: August 3, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015.


Clerk of Council Batavia, OH

Ordinance No. _____

Passed _____, _____

ORDINANCE 1337-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

Beautification				
2904-490-600	Other	\$1,000	Increase	


SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

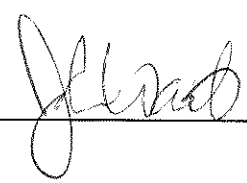
ADOPTED: September 14, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1338-15

TEMPORARY APPROPRIATIONS FOR 2016

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2016.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the first half of fiscal year ending June 30, 2016, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That the following amounts be appropriated: to the following Fund

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$110,000
1000-110-211	Ohio Public Employees Retirement	\$7,500
1000-110-213	Medicare	\$1,500
1000-110-215	Ohio Police & Fire Pension Fund	\$17,000
1000-110-220	Insurance Benefits	\$28,000
1000-110-270	Uniforms and Clothing	\$1,500
1000-110-290	Other-Employee-Fringe Benefits	\$7,000
1000-110-348	Training Services	\$1,500
1000-110-390	Other Contractual Services	\$22,000
1000-110-400	Supplies and Materials	\$7,000
1000-110-400-1111	Police Dept. Fuel	\$14,000
1000-110-500	Capital Outlay (Cruiser)	<u>\$18,000</u>
Total Police Law Enforcement		235,000

Street Lighting

1000-130-300	Contractual Services	\$ 10,000
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Traffic Signs & Signals

1000-150-300	Contractual Services	\$500
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Payment to County Health District

1000-210-640	Payment to another Political Subdivision	\$3,000
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Cemetery

1000-240-640	Payment to another Political Subdivision	\$7,500
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General Government

1000-710-130	Salaries-Village Admin	\$15,000
1000-710-160	Salaries-Mayor's Office	\$2,000
1000-710-211	OPERS (14%)	\$2,000
1000-710-213	Medicare(1.45%)	\$200
1000-710-290	Benefits, Mayor & Admin	\$500
1000-710-410	Office Supplies & Materials	\$6,000

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

1000-715-111	Salaries-Council	\$3,500
1000-715-141	Salaries-Legal Counsel	\$7,500
1000-715-211	OPERS	\$1,000
1000-715-212	Social Security	\$200
1000-715-213	Medicare	\$100
1000-715-290	Other-Employees Fringe Benefits	\$500
1000-715-300	Contractual Services	\$35,000
1000-725-121	Salary-Fiscal Officer	\$22,000
1000-725-211	OPERS	\$3,000
1000-725-213	Medicare	\$300
1000-725-220	Insurance Benefits	\$0
1000-725-290	Other-Employee Fringe Benefits	\$500
1000-725-300	Contractual Services	\$500
1000-725-400	Supplies & Materials	\$0
1000-730-300	Contractual Services	\$20,000
1000-730-400	Supplies & Materials	\$1,000
1000-740-344	Tax Collection Fees	\$1,500
1000-745-342	Audit Fees	\$500
1000-745-343	Uniform Accounting Network Fees	\$2,000
1000-755-139	Other-Salaries-Tax Administrator's Office	\$6,000
1000-755-211	OPERS	\$1,000
1000-755-213	Medicare	\$100
1000-755-290	Other-Employee Fringe Benefits	\$300
1000-755-410	Office Supplies and Materials	\$0
1000-760-610	Income Tax Refunds	\$12,000
1000-790-225	Worker's Compensation	\$0
1000-910-910	Transfers Out	<u>\$300,000</u>
Total General Government		\$444,200

TOTAL GENERAL FUND (1000) APPROPRIATIONS

\$700,200

Street 1 - Wages

2011-620-100	Personal Services	\$60,000
2011-620-211	OPERS	\$8,000
2011-620-213	Medicare	\$1,000
2011-620-220	Insurance Benefits	\$40,000
2011-620-270	Uniforms	\$1,000
2011-620-290	Other-Employee Fringe Benefits	<u>\$3,000</u>

TOTAL STREET 1 - Wages

\$113,000

STREET 2 - MAINTENANCE & REPAIR FUND

RECORD OF ORDINANCES

35

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

2012-620-300	Contractual Services	\$70,000
2012-620-400	Supplies and Materials	\$30,000
2012-620-400-2111	Fuel	<u>\$10,000</u>
TOTAL STREET 2 – Maintenance and Repair		\$110,000

STATE HIGHWAY & IMPROVEMENT FUND

2021-650-300	Contractual Services	\$3,000
2021-650-400	Supplies and Materials	<u>\$0</u>
TOTAL STATE HIGHWAY FUND		\$3,000

DRUG LAW ENFORCEMENT

2081-110-600	Other	\$4,000
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PERMISSIVE MOTOR VEHICLE LICENSE

2101-620-300	Contractual Services	\$6,000
2101-620-500	Capital Outlay	<u>\$0.</u>
TOTAL MVL		\$6,000

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	\$100
2271-110-290	Other-Employee Fringe Benefits	\$20
2271-110-300	Contractual Services	\$0
2271-110-400	Supplies and Materials	<u>\$50</u>
TOTAL LAW ENFORCEMENT AND EDUCATION		\$170

FIRE

2901-120-400	Supplies and Materials	\$500
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POLICE SPECIAL REVENUE

2903-110-400	Supplies and Materials	\$0
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BEAUTIFICATION

2904-490-600	Other	\$500
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DEBT SERVICE FUNDS – Clark Glen Ely Sewer Assessment Debt

3301-850-710	Principal	\$10,000
3301-850-720	Interest	<u>\$5,000</u>
TOTAL DEBT SERVICE – CLARK GLEN ELY SEWER		\$15,000

CAPITAL PROJECTS

4901-549-500	Capital Outlay	\$0
4901-800-500	Capital Outlay	\$60,000
4901-850-710	Principal	\$8,000
4901-850-720	Interest	<u>\$300</u>
TOTAL CAPITAL PROJECTS		\$68,300

STREET CAPITAL PROJECTS

4902-800-300	Contractual Services	\$25,000
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RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____ Passed _____, _____

4902-800-500	Capital Outlay	\$50,000
4902-800-555	Streets, Highways, Sidewalks and Curbs	\$0
4902-800-710	Principal	\$100,000
4902-800-720	Interest	<u>\$45,000</u>
TOTAL STREET CAPITAL PROJECTS		\$220,000

WATER OPERATING

5101-531-300	Contractual Services	\$30,000
5101-531-400	Supplies and Materials	\$200
5101-533-340	Professional & Technical Services	\$300
5101-533-640	Pymt. to another Political Subdivision	\$100,000
5101-535-100	Personal Services	\$7,000
5101-535-211	OPERS	\$1,000
5101-535-213	Medicare	\$100
5101-535-220	Insurance	\$0
5101-535-290	Other-Employee Fringe Benefits	\$200
5101-535-400	Supplies and Materials	\$20
5101-535-400-5111	Fuel	\$0
5101-850-710	Principal (debt) OPWC waterline	<u>\$2,000</u>
TOTAL WATER FUND		\$140,820

SEWER OPERATING

5201-541-400	Supplies and Materials	\$200
5201-541-300	Contractual	\$7,000
5201-542-640	Payment to Another Political Subdivision	\$150,000
5201-543-100	Personal Services	\$7,000
5201-543-211	OPERS	\$1,000
5201-543-213	Medicare	\$100
5201-543-220	Insurance	\$0
5201-543-290	Other-Employee Fringe Benefits	\$250
5201-543-340	Professional & Technical Services	\$1,500
5201-543-400	Supplies and Materials	\$0
5201-549-400-5211	Fuel	\$0
5201-850-710	Principal	\$25,000
5201-850-720	Interest	\$4,000
5201-850-790	Other-Debt Service	\$0
5201-910-910	Transfers out	\$0
5201-990-990	Other-Other Financing Uses	<u>\$0</u>
TOTAL SEWER FUND		\$196,050

Ordinance No. _____

Passed _____, _____

REFUSE ENTERPRISE OPERATING

5601-562-300	Contractual Service	\$3,000
5601-563-398	Garbage and Trash Removal	<u>\$60,000</u>
TOTAL REFUSE ENTERPRISE		\$63,000

WATER Capital Improvement

5701-800-500	Water Capital Outlay Unit Fund	\$50
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SEWER Capital Improvement

5702-549-500	Sewer Capital Outlay Unit Fund	\$50,000
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SEWER Bond Improvement

5703-800-500	Sewer Bond Capital Outlay	\$0
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UTILITY DEPOSIT

5781-594-610	Deposits Refunded	\$0
5781-594-620	Deposits Applied	<u>200</u>
TOTAL UTILITIES DEPOSITS FUND		\$200

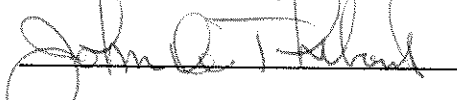
CENTENNIAL FUND

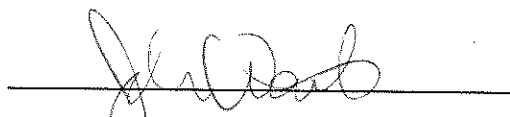
9902-990-990	Other Financing Uses	\$1,650
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TOTAL ALL APPROPRIATIONS	\$1,692,440
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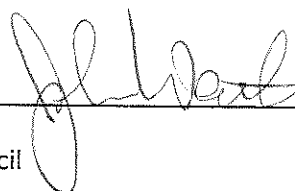
Section 2: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Adopted November 2, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1339-15

An Ordinance Amending Ord. § 1034-04 Signs

Whereas, Batavia Ordinance § 1034-04 regulates the placement and design of signs within the Village of Batavia, Ohio; and

Whereas, the Batavia Planning Commission has recommended modifying rules limiting illumination of signs and limiting the size and placement of sidewalk signs; and

Whereas, the Batavia Village Council accepts these recommendations as expedient to the general health, safety and welfare of the community.

Therefore Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, that the Village of Batavia Zoning Ordinance be revised thus:

Article One: Insert in Section 46.06, Design Standards, after Paragraph F and renumber subsequent paragraphs appropriately:

- G. A sidewalk sign shall not exceed 42 inches tall or 24 inches wide when placed, with a base not more than 24 inches by 18 inches. Sidewalk signs shall be placed so that they do not obstruct pedestrian traffic and must leave an unobstructed pathway of at least 42 inches. Sidewalk signs may be in place only during operating hours of the business establishments where they are placed.

Article Two: Revise Section 46.07, Illumination, to read:

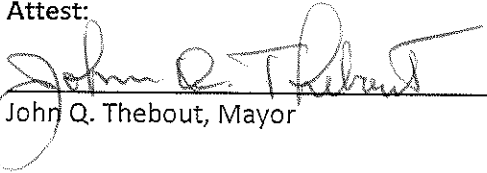
46.07 Illumination.

- A. In residential districts only bulletin boards may be illuminated, and in business and industrial districts all signs may be illuminated.
- B. Any permitted sign may be illuminated with light of constant intensity, and no sign shall contain flashing, intermittent, rotating or moving light or lights.
- C. Light sources to illuminate signs shall not be so bright or so directed as to cause glare hazardous to pedestrian or automobile drivers or to cause reasonable objection from adjacent residential districts.

Be it further ordained that this ordinance shall apply effective 30 days after passage by the Village Council.

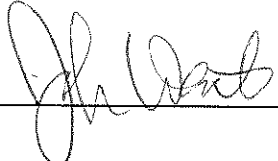
Adopted: November 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____

**Village of Batavia
Ordinance No. 1340-15**

**An Ordinance to Amend Chapter 35 of the Codified Ordinances
of the Village of Batavia Regarding Income Tax**

Whereas, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and,

Whereas, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution sates that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and,

Whereas, more specifically, the General Assembly enacted H.B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with provision and limitations specified in [Chapter 718];" and,

Whereas, upon a detailed review of H.B. 5 and the Codified Ordinances of the Village of Batavia, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and,

Whereas, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provision and limitations specified in [Chapter 718]" and thus are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional.

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, State of Ohio That,

Section 1 The Village of Batavia takes note of requirements for municipal income tax codes and procedures enacted as House Bill 5 in the 130th General Assembly and incorporates by reference the provisions of that act in all conflicts of the Batavia Code of Ordinances with the Ohio Revised Code.

Section 2 The Village of Batavia Code of Ordinances §35.37 Board of Review is hereby repealed and is replaced with the following revised §35.37 as required to be in compliance with House Bill 5:

§35.37 Local Board of Tax Review

- (A) *Composition.* A Board of Review shall consist of three Ohio citizens. The Village Council will appoint two members, who cannot be employees, elected officials, or contractors with the village at any time during their term or in the five years immediately preceding the effective date of appointment. The Mayor will appoint one member, who may be an employee of the village, but may not be a finance officer, the tax administrator, or other official or employee directly involved in municipal tax

Ordinance No. _____

Passed _____, _____

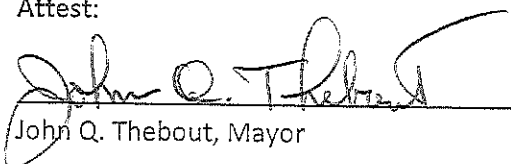
matters, or any direct subordinate thereof. The term for the two members appointed by the Village Council shall be two years, without limit on the number of terms that a member may serve. The third board member shall serve at the discretion of the Mayor. Board members shall receive such compensation as Council may determine.

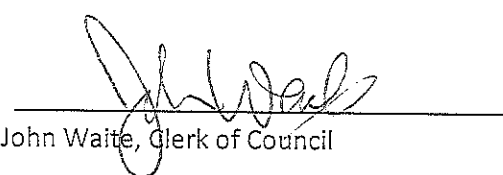
- (B) *Procedure.* A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Hearings by the Board shall be conducted privately unless the taxpayer requests a public hearing, and the provisions of § 35.36 concerning the privacy of information required to be disclosed by this chapter shall apply.
- (C) *Appeals.* Appeals, jurisdiction and procedures of the Board of Tax Review shall comport with Ohio R.C. § 718.11, which is here incorporated by reference.
- (D) *Appeals procedure.* An appeal shall be perfected by notifying the Village Board of Tax Review, in writing, at 389 Main Street, Batavia, Ohio 45103, postmarked or personally delivered to the village offices, no later than 60 days from the date of the Tax Commissioner's determination and shall specify the year or years being appealed. The Board of Review shall convene not later than 60 days from the date the appeal is filed to hear evidence of the appeal. The Board may continue any hearing, in progress, for the purpose of obtaining evidence. The Board shall rule on the appeal within 90 days of the conclusion of the hearing and may affirm, deny or modify the decision or determination of the Tax Commissioner.

Section 3 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of §121.22 of the Ohio Revised Code.

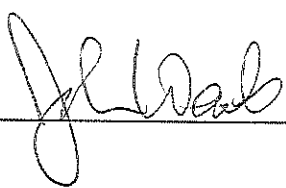
Adopted: November 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Clerk of Council

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia, Ohio
Ordinance No. 1341-15

An Ordinance Authorizing the Creation of a Community Improvement Corporation

Whereas, Chapter 1724 of the Ohio Revised Code authorizes the Village of Batavia Council to form a Community Improvement Corporation for the purposes set forth in Chapter 1724 of the Ohio Revised Code; and

Whereas, the Village of Batavia Council desires to form a Community Improvement Corporation under the provisions of Title XVII of the Ohio Revised Code Chapters 1702 and 1724; and

Whereas, the Village Council of the Village of Batavia believes that the formation of a Community Improvement Corporation will be beneficial to the residents and businesses of The Village of Batavia, Clermont County, Ohio, in that it will provide a mechanism to encourage development in the Village of Batavia, Clermont County, Ohio.

Now Therefore Be It Ordained by the Council of the Village of Batavia, Ohio, a majority or more of the members elected thereto concurring:

Section 1. The Village of Batavia, Clermont County, Ohio does hereby authorize the formation of a Community Improvement Corporation to be known as the Village of Batavia, Clermont County CIC, Inc., in accordance with Chapters 1702 and 1724 of the Ohio Revised Code.

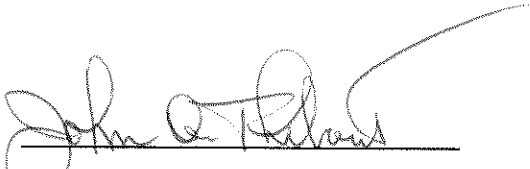
Section 2. That the Village Administrator, Dennis Nichols, and the Village Solicitor, Christopher L. Moore, are hereby authorized to file with the Ohio Secretary of State the Articles of Incorporation for the Village of Batavia, Clermont County CIC, Inc. A copy of said Articles of Incorporation are attached hereto and designated as Exhibit "A".


Section 3. Nothing in this Ordinance shall be construed to replace or eliminate any of the provisions or requirements of any other Ordinance of the Village of Batavia, Clermont County, Ohio.

Section 4. It is hereby determined that all formal actions of the Council of the Village of Batavia, Clermont County, Ohio, relating to the adoption of this Ordinance, were taken in an open meeting of the Council and that all deliberations were in meetings open to the public, in compliance with all legal requirements, of the Ohio Revised Code.

Section 5. Council has decided to waive the three readings for this Ordinance since this Ordinance is necessary for the preservation of public peace, health, safety and welfare of the Village of Batavia and the expedited passage will aid in the development of the Village of Batavia.

ADOPTED: October 5, 2105


John Q. Thebout, Mayor

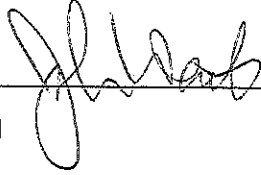

John Waite, Fiscal Officer

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.

Clerk of Council
Batavia, Ohio



Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1342-15

An Ordinance Adjusting Wages for the Police Chief for 2016

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and **whereas**, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

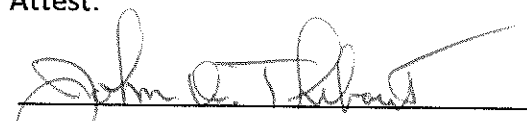
Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2016:

Police Chief	\$53,560.00	annually
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Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

Adopted: December 7, 2015

Attest:

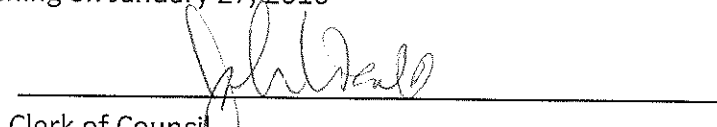


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on January 27, 2016



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed

Village of Batavia
Ordinance No. 1343-15

An Ordinance Adjusting Wages for the Village Administrator for 2016

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and whereas, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2016:

Village Administrator	\$62,400.00	annually
-----------------------	-------------	----------


Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

Adopted: December 7, 2015

Attest:

John Q. Triband

John Q. Thebout, Mayor


John Waite, Fiscal Officer

John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on January 27, 2016

Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1344-15

An Ordinance Adjusting Wages for the Fiscal Officer for 2016

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and whereas, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,


Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2016:

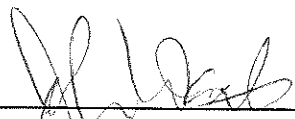
Fiscal Officer \$23.00 per hour

Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

Adopted: December 7, 2015

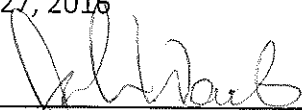
Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on January 27, 2016

Clerk of Council
Batavia, Ohio



Ordinance No. _____

Passed _____, _____

ORDINANCE 1345-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

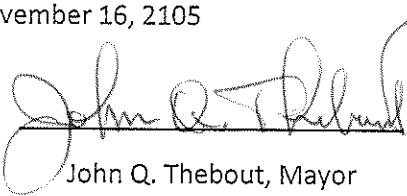
Beautification			
2904-490-600	Other	\$2,000	Increase
Street II			
2012-620-300	Contractual Services	\$10,000	Increase
2012-620-400	Supplies and Materials	\$23,000	Increase
General Fund			
1000-910-910	Transfers Out	\$33,000	Increase

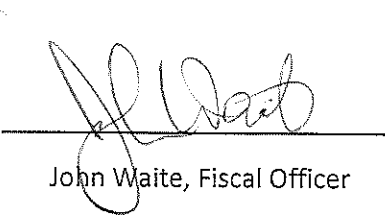
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

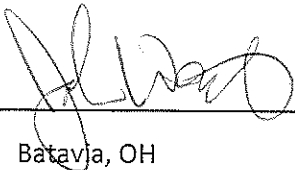
ADOPTED: November 16, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.


Clerk of Council Batavia, OH

Ordinance No. _____

Passed _____, _____

**Village of Batavia, Ohio
Ordinance No. 1346-15**

**An Ordinance Approving a Planned Unit Development
on Parcels No. 060229A068 and 060229A110**

Whereas, on Nov. 2, 2015, the Village Council of Batavia, Ohio, held a public to consider the petition of Hal Homes, Inc., to designate a Planned Unit Development on Parcels No. 060229A068 and 060229A110, in accordance with the Batavia Zoning Ordinance; and

Whereas, Article 28 of the Batavia Zoning Ordinance, adopted March 2, 2015, provides for the consideration and designation of Planned Unit Developments, and the petitioner has met all the requirements of that code; and

Whereas, the property involved has an existing approved Planned Unit Development under the authority of Batavia Township, which designation remains in force until superseded by a designation under the jurisdiction of Batavia Village; and

Whereas, the preliminary plan, a map and the record of proceedings are recorded as Exhibit A to this ordinance; and

Whereas, the Planning Commission of the Village of Batavia has considered this petition and recommended approval.

Now Therefore Be It Ordained by the Council of the Village of Batavia, Ohio, a majority or more of the members elected thereto concurring:

Section 1. The Village of Batavia, Clermont County, Ohio, designates the zoning of the property to be within the R-1 Residence District of the Batavia Zoning Ordinance.

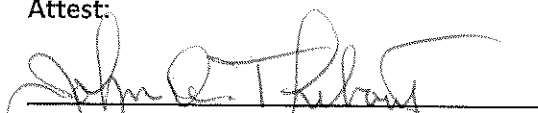
Section 2. The Village of Batavia, Clermont County, Ohio, approves the plan as recommended.

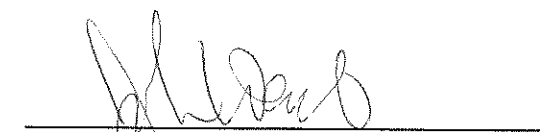
Section 3. It is determined that all formal actions of the Council of the Village of Batavia, Clermont County, Ohio, relating to the adoption of this Ordinance, were taken in an open meeting of the Council and that all deliberations were in meetings open to the public, in compliance with all legal requirements, of the Ohio Revised Code.

Section 4. The Village Council, by a majority of at least three-fourths, waives the requirement of three separate readings of this ordinance under provisions of Ohio R.C. § 705.15.

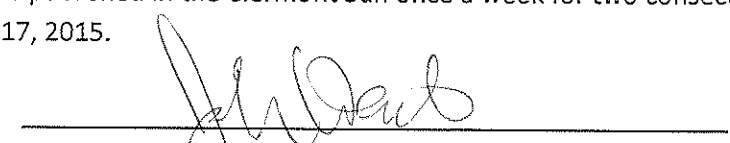
Adopted: November 16, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

**Village of Batavia, Ohio
Ordinance No. 1346-15**

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on Parcels No. 060229A068 and 060229A110**

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Whereas, Article 28 of the Batavia Zoning Ordinance, adopted March 2, 2015, provides for the consideration and designation of Planned Unit Developments, and the petitioner has met all the requirements of that code; and

Whereas, the property involved has an existing approved Planned Unit Development under the authority of Batavia Township, which designation remains in force until superseded by a designation under the jurisdiction of Batavia Village; and

Whereas, the preliminary plan, a map and the record of proceedings are recorded as Exhibit A to this ordinance; and

Whereas, the Planning Commission of the Village of Batavia has considered this petition and recommended approval.

Now Therefore Be It Ordained by the Council of the Village of Batavia, Ohio, a majority or more of the members elected thereto concurring:

Section 1. The Village of Batavia, Clermont County, Ohio, designates the zoning of the property to be within the R-1 Residence District of the Batavia Zoning Ordinance.

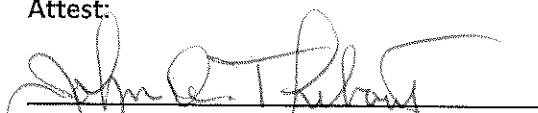
Section 2. The Village of Batavia, Clermont County, Ohio, approves the plan as recommended.

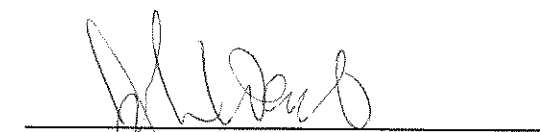
Section 3. It is determined that all formal actions of the Council of the Village of Batavia, Clermont County, Ohio, relating to the adoption of this Ordinance, were taken in an open meeting of the Council and that all deliberations were in meetings open to the public, in compliance with all legal requirements, of the Ohio Revised Code.

Section 4. The Village Council, by a majority of at least three-fourths, waives the requirement of three separate readings of this ordinance under provisions of Ohio R.C. § 705.15.

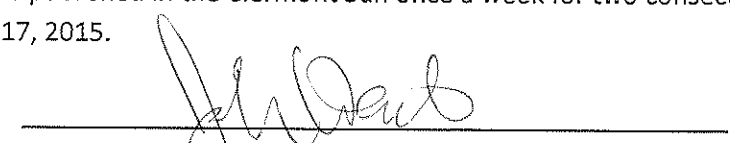
Adopted: November 16, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1345-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

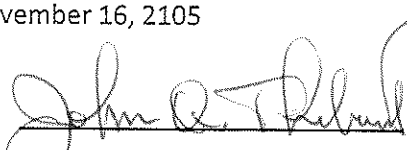
Beautification			
2904-490-600	Other	\$2,000	Increase
Street II			
2012-620-300	Contractual Services	\$10,000	Increase
2012-620-400	Supplies and Materials	\$23,000	Increase
General Fund			
1000-910-910	Transfers Out	\$33,000	Increase

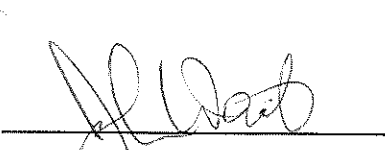
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

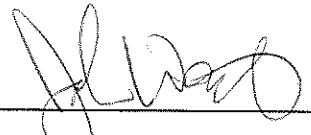
ADOPTED: November 16, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.


Clerk of Council Batavia, OH

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1344-15

An Ordinance Adjusting Wages for the Fiscal Officer for 2016

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and whereas, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,


Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2016:

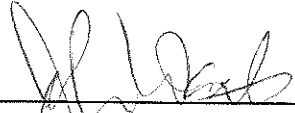
Fiscal Officer \$23.00 per hour

Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

Adopted: December 7, 2015

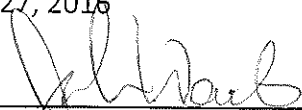
Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on January 27, 2016

Clerk of Council
Batavia, Ohio



Ordinance No. _____

Passed

Village of Batavia
Ordinance No. 1343-15

An Ordinance Adjusting Wages for the Village Administrator for 2016

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and whereas, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2016:

Village Administrator	\$62,400.00	annually
-----------------------	-------------	----------


Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

Adopted: December 7, 2015

Attest:

John Q. Triband

John Q. Thebout, Mayor


John Waite, Fiscal Officer

John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on January 27, 2016

Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1342-15

An Ordinance Adjusting Wages for the Police Chief for 2016

Whereas, the Village Council has previously established pay rates for certain employees by Ordinance, and **whereas**, Village Council wants to make changes to those pay rates,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

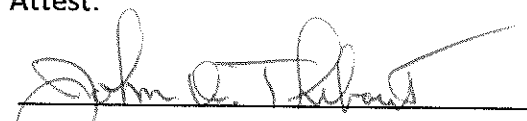
Section 1 The Village hereby adopts the following pay rate for the following employee effective with the first pay period beginning in 2016:

Police Chief	\$53,560.00	annually
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Section 2 The Village hereby declares that except for positions where the Ohio Revised Code requires salaries to be set by Ordinance or Resolution, all future wage adjustments for Village employees may be adopted by Motion of Council rather than by Ordinance or Resolution, and that changes to the Street Department Wage Schedule may also be made by Motion of Council.

Adopted: December 7, 2015

Attest:

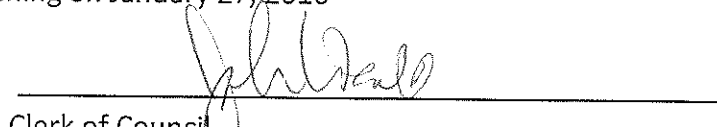


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on January 27, 2016



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia, Ohio
Ordinance No. 1341-15

An Ordinance Authorizing the Creation of a Community Improvement Corporation

Whereas, Chapter 1724 of the Ohio Revised Code authorizes the Village of Batavia Council to form a Community Improvement Corporation for the purposes set forth in Chapter 1724 of the Ohio Revised Code; and

Whereas, the Village of Batavia Council desires to form a Community Improvement Corporation under the provisions of Title XVII of the Ohio Revised Code Chapters 1702 and 1724; and

Whereas, the Village Council of the Village of Batavia believes that the formation of a Community Improvement Corporation will be beneficial to the residents and businesses of The Village of Batavia, Clermont County, Ohio, in that it will provide a mechanism to encourage development in the Village of Batavia, Clermont County, Ohio.

Now Therefore Be It Ordained by the Council of the Village of Batavia, Ohio, a majority or more of the members elected thereto concurring:

Section 1. The Village of Batavia, Clermont County, Ohio does hereby authorize the formation of a Community Improvement Corporation to be known as the Village of Batavia, Clermont County CIC, Inc., in accordance with Chapters 1702 and 1724 of the Ohio Revised Code.

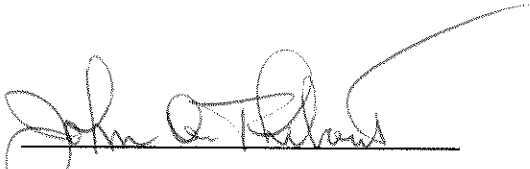
Section 2. That the Village Administrator, Dennis Nichols, and the Village Solicitor, Christopher L. Moore, are hereby authorized to file with the Ohio Secretary of State the Articles of Incorporation for the Village of Batavia, Clermont County CIC, Inc. A copy of said Articles of Incorporation are attached hereto and designated as Exhibit "A".


Section 3. Nothing in this Ordinance shall be construed to replace or eliminate any of the provisions or requirements of any other Ordinance of the Village of Batavia, Clermont County, Ohio.

Section 4. It is hereby determined that all formal actions of the Council of the Village of Batavia, Clermont County, Ohio, relating to the adoption of this Ordinance, were taken in an open meeting of the Council and that all deliberations were in meetings open to the public, in compliance with all legal requirements, of the Ohio Revised Code.

Section 5. Council has decided to waive the three readings for this Ordinance since this Ordinance is necessary for the preservation of public peace, health, safety and welfare of the Village of Batavia and the expedited passage will aid in the development of the Village of Batavia.

ADOPTED: October 5, 2105


John Q. Thebout, Mayor

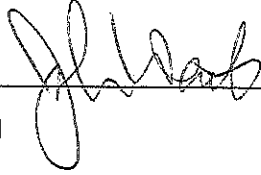

John Waite, Fiscal Officer

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.

Clerk of Council
Batavia, Ohio



Ordinance No. _____

Passed _____

**Village of Batavia
Ordinance No. 1340-15**

**An Ordinance to Amend Chapter 35 of the Codified Ordinances
of the Village of Batavia Regarding Income Tax**

Whereas, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and,

Whereas, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution sates that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and,

Whereas, more specifically, the General Assembly enacted H.B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with provision and limitations specified in [Chapter 718];" and,

Whereas, upon a detailed review of H.B. 5 and the Codified Ordinances of the Village of Batavia, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and,

Whereas, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provision and limitations specified in [Chapter 718]" and thus are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional.

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, State of Ohio That,

Section 1 The Village of Batavia takes note of requirements for municipal income tax codes and procedures enacted as House Bill 5 in the 130th General Assembly and incorporates by reference the provisions of that act in all conflicts of the Batavia Code of Ordinances with the Ohio Revised Code.

Section 2 The Village of Batavia Code of Ordinances §35.37 Board of Review is hereby repealed and is replaced with the following revised §35.37 as required to be in compliance with House Bill 5:

§35.37 Local Board of Tax Review

- (A) *Composition.* A Board of Review shall consist of three Ohio citizens. The Village Council will appoint two members, who cannot be employees, elected officials, or contractors with the village at any time during their term or in the five years immediately preceding the effective date of appointment. The Mayor will appoint one member, who may be an employee of the village, but may not be a finance officer, the tax administrator, or other official or employee directly involved in municipal tax

Ordinance No. _____

Passed _____, _____

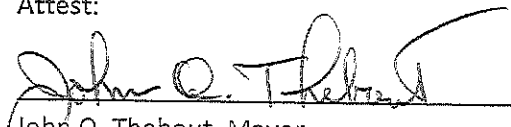
matters, or any direct subordinate thereof. The term for the two members appointed by the Village Council shall be two years, without limit on the number of terms that a member may serve. The third board member shall serve at the discretion of the Mayor. Board members shall receive such compensation as Council may determine.

- (B) *Procedure.* A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Hearings by the Board shall be conducted privately unless the taxpayer requests a public hearing, and the provisions of § 35.36 concerning the privacy of information required to be disclosed by this chapter shall apply.
- (C) *Appeals.* Appeals, jurisdiction and procedures of the Board of Tax Review shall comport with Ohio R.C. § 718.11, which is here incorporated by reference.
- (D) *Appeals procedure.* An appeal shall be perfected by notifying the Village Board of Tax Review, in writing, at 389 Main Street, Batavia, Ohio 45103, postmarked or personally delivered to the village offices, no later than 60 days from the date of the Tax Commissioner's determination and shall specify the year or years being appealed. The Board of Review shall convene not later than 60 days from the date the appeal is filed to hear evidence of the appeal. The Board may continue any hearing, in progress, for the purpose of obtaining evidence. The Board shall rule on the appeal within 90 days of the conclusion of the hearing and may affirm, deny or modify the decision or determination of the Tax Commissioner.

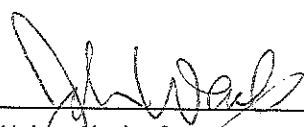
Section 3 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of §121.22 of the Ohio Revised Code.

Adopted: November 2, 2015

Attest:

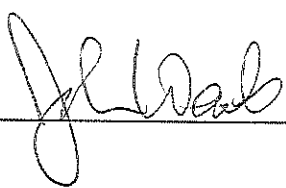


John Q. Thebout, Mayor



John Waite, Clerk of Council

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1339-15

An Ordinance Amending Ord. § 1034-04 Signs

Whereas, Batavia Ordinance § 1034-04 regulates the placement and design of signs within the Village of Batavia, Ohio; and

Whereas, the Batavia Planning Commission has recommended modifying rules limiting illumination of signs and limiting the size and placement of sidewalk signs; and

Whereas, the Batavia Village Council accepts these recommendations as expedient to the general health, safety and welfare of the community.

Therefore Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, that the Village of Batavia Zoning Ordinance be revised thus:

Article One: Insert in Section 46.06, Design Standards, after Paragraph F and renumber subsequent paragraphs appropriately:

- G. A sidewalk sign shall not exceed 42 inches tall or 24 inches wide when placed, with a base not more than 24 inches by 18 inches. Sidewalk signs shall be placed so that they do not obstruct pedestrian traffic and must leave an unobstructed pathway of at least 42 inches. Sidewalk signs may be in place only during operating hours of the business establishments where they are placed.

Article Two: Revise Section 46.07, Illumination, to read:

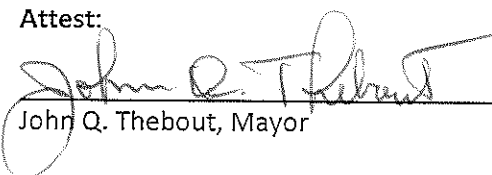
46.07 Illumination.

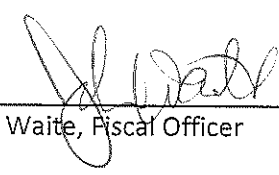
- A. In residential districts only bulletin boards may be illuminated, and in business and industrial districts all signs may be illuminated.
- B. Any permitted sign may be illuminated with light of constant intensity, and no sign shall contain flashing, intermittent, rotating or moving light or lights.
- C. Light sources to illuminate signs shall not be so bright or so directed as to cause glare hazardous to pedestrian or automobile drivers or to cause reasonable objection from adjacent residential districts.

Be it further ordained that this ordinance shall apply effective 30 days after passage by the Village Council.

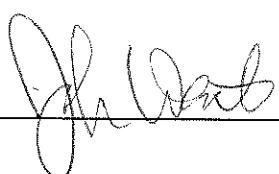
Adopted: November 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1338-15

TEMPORARY APPROPRIATIONS FOR 2016

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2016.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the first half of fiscal year ending June 30, 2016, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That the following amounts be appropriated: to the following Fund

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$110,000
1000-110-211	Ohio Public Employees Retirement	\$7,500
1000-110-213	Medicare	\$1,500
1000-110-215	Ohio Police & Fire Pension Fund	\$17,000
1000-110-220	Insurance Benefits	\$28,000
1000-110-270	Uniforms and Clothing	\$1,500
1000-110-290	Other-Employee-Fringe Benefits	\$7,000
1000-110-348	Training Services	\$1,500
1000-110-390	Other Contractual Services	\$22,000
1000-110-400	Supplies and Materials	\$7,000
1000-110-400-1111	Police Dept. Fuel	\$14,000
1000-110-500	Capital Outlay (Cruiser)	<u>\$18,000</u>
Total Police Law Enforcement		235,000

Street Lighting

1000-130-300	Contractual Services	\$ 10,000
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Traffic Signs & Signals

1000-150-300	Contractual Services	\$500
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Payment to County Health District

1000-210-640	Payment to another Political Subdivision	\$3,000
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Cemetery

1000-240-640	Payment to another Political Subdivision	\$7,500
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General Government

1000-710-130	Salaries-Village Admin	\$15,000
1000-710-160	Salaries-Mayor's Office	\$2,000
1000-710-211	OPERS (14%)	\$2,000
1000-710-213	Medicare(1.45%)	\$200
1000-710-290	Benefits, Mayor & Admin	\$500
1000-710-410	Office Supplies & Materials	\$6,000

RECORD OF ORDINANCES

Ordinance No. _____		Passed _____, _____	
1000-715-111	Salaries-Council	\$3,500	
1000-715-141	Salaries-Legal Counsel	\$7,500	
1000-715-211	OPERS	\$1,000	
1000-715-212	Social Security	\$200	
1000-715-213	Medicare	\$100	
1000-715-290	Other-Employees Fringe Benefits	\$500	
1000-715-300	Contractual Services	\$35,000	
1000-725-121	Salary-Fiscal Officer	\$22,000	
1000-725-211	OPERS	\$3,000	
1000-725-213	Medicare	\$300	
1000-725-220	Insurance Benefits	\$0	
1000-725-290	Other-Employee Fringe Benefits	\$500	
1000-725-300	Contractual Services	\$500	
1000-725-400	Supplies & Materials	\$0	
1000-730-300	Contractual Services	\$20,000	
1000-730-400	Supplies & Materials	\$1,000	
1000-740-344	Tax Collection Fees	\$1,500	
1000-745-342	Audit Fees	\$500	
1000-745-343	Uniform Accounting Network Fees	\$2,000	
1000-755-139	Other-Salaries-Tax Administrator's Office	\$6,000	
1000-755-211	OPERS	\$1,000	
1000-755-213	Medicare	\$100	
1000-755-290	Other-Employee Fringe Benefits	\$300	
1000-755-410	Office Supplies and Materials	\$0	
1000-760-610	Income Tax Refunds	\$12,000	
1000-790-225	Worker's Compensation	\$0	
1000-910-910	Transfers Out	<u>\$300,000</u>	
Total General Government		\$444,200	
TOTAL GENERAL FUND (1000) APPROPRIATIONS		\$700,200	
Street 1 - Wages			
2011-620-100	Personal Services	\$60,000	
2011-620-211	OPERS	\$8,000	
2011-620-213	Medicare	\$1,000	
2011-620-220	Insurance Benefits	\$40,000	
2011-620-270	Uniforms	\$1,000	
2011-620-290	Other-Employee Fringe Benefits	<u>\$3,000</u>	
TOTAL STREET 1 - Wages		\$113,000	
STREET 2 - MAINTENANCE & REPAIR FUND			

RECORD OF ORDINANCES

35

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

2012-620-300	Contractual Services	\$70,000
2012-620-400	Supplies and Materials	\$30,000
2012-620-400-2111	Fuel	<u>\$10,000</u>
TOTAL STREET 2 – Maintenance and Repair		\$110,000

STATE HIGHWAY & IMPROVEMENT FUND

2021-650-300	Contractual Services	\$3,000
2021-650-400	Supplies and Materials	<u>\$0</u>
TOTAL STATE HIGHWAY FUND		\$3,000

DRUG LAW ENFORCEMENT

2081-110-600	Other	\$4,000
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PERMISSIVE MOTOR VEHICLE LICENSE

2101-620-300	Contractual Services	\$6,000
2101-620-500	Capital Outlay	<u>\$0.</u>
TOTAL MVL		\$6,000

LAW ENFORCEMENT & EDUCATION

2271-110-100	Personal Services	\$100
2271-110-290	Other-Employee Fringe Benefits	\$20
2271-110-300	Contractual Services	\$0
2271-110-400	Supplies and Materials	<u>\$50</u>
TOTAL LAW ENFORCEMENT AND EDUCATION		\$170

FIRE

2901-120-400	Supplies and Materials	\$500
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POLICE SPECIAL REVENUE

2903-110-400	Supplies and Materials	\$0
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BEAUTIFICATION

2904-490-600	Other	\$500
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DEBT SERVICE FUNDS – Clark Glen Ely Sewer Assessment Debt

3301-850-710	Principal	\$10,000
3301-850-720	Interest	<u>\$5,000</u>
TOTAL DEBT SERVICE – CLARK GLEN ELY SEWER		\$15,000

CAPITAL PROJECTS

4901-549-500	Capital Outlay	\$0
4901-800-500	Capital Outlay	\$60,000
4901-850-710	Principal	\$8,000
4901-850-720	Interest	<u>\$300</u>
TOTAL CAPITAL PROJECTS		\$68,300

STREET CAPITAL PROJECTS

4902-800-300	Contractual Services	\$25,000
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Ordinance No. _____ Passed _____, _____

4902-800-500	Capital Outlay	\$50,000
4902-800-555	Streets, Highways, Sidewalks and Curbs	\$0
4902-800-710	Principal	\$100,000
4902-800-720	Interest	<u>\$45,000</u>
TOTAL STREET CAPITAL PROJECTS		\$220,000

WATER OPERATING

5101-531-300	Contractual Services	\$30,000
5101-531-400	Supplies and Materials	\$200
5101-533-340	Professional & Technical Services	\$300
5101-533-640	Pymt. to another Political Subdivision	\$100,000
5101-535-100	Personal Services	\$7,000
5101-535-211	OPERS	\$1,000
5101-535-213	Medicare	\$100
5101-535-220	Insurance	\$0
5101-535-290	Other-Employee Fringe Benefits	\$200
5101-535-400	Supplies and Materials	\$20
5101-535-400-5111	Fuel	\$0
5101-850-710	Principal (debt) OPWC waterline	<u>\$2,000</u>
TOTAL WATER FUND		\$140,820

SEWER OPERATING

5201-541-400	Supplies and Materials	\$200
5201-541-300	Contractual	\$7,000
5201-542-640	Payment to Another Political Subdivision	\$150,000
5201-543-100	Personal Services	\$7,000
5201-543-211	OPERS	\$1,000
5201-543-213	Medicare	\$100
5201-543-220	Insurance	\$0
5201-543-290	Other-Employee Fringe Benefits	\$250
5201-543-340	Professional & Technical Services	\$1,500
5201-543-400	Supplies and Materials	\$0
5201-549-400-5211	Fuel	\$0
5201-850-710	Principal	\$25,000
5201-850-720	Interest	\$4,000
5201-850-790	Other-Debt Service	\$0
5201-910-910	Transfers out	\$0
5201-990-990	Other-Other Financing Uses	<u>\$0</u>
TOTAL SEWER FUND		\$196,050

Ordinance No. _____

Passed _____, _____

REFUSE ENTERPRISE OPERATING

5601-562-300	Contractual Service	\$3,000
5601-563-398	Garbage and Trash Removal	<u>\$60,000</u>
TOTAL REFUSE ENTERPRISE		\$63,000

WATER Capital Improvement

5701-800-500	Water Capital Outlay Unit Fund	\$50
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SEWER Capital Improvement

5702-549-500	Sewer Capital Outlay Unit Fund	\$50,000
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SEWER Bond Improvement

5703-800-500	Sewer Bond Capital Outlay	\$0
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UTILITY DEPOSIT

5781-594-610	Deposits Refunded	\$0
5781-594-620	Deposits Applied	<u>200</u>
TOTAL UTILITIES DEPOSITS FUND		\$200

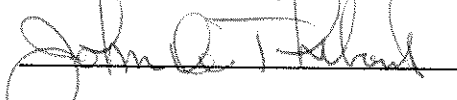
CENTENNIAL FUND

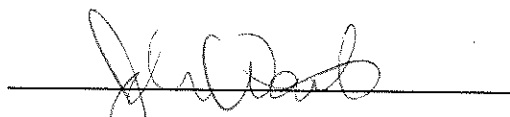
9902-990-990	Other Financing Uses	\$1,650
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TOTAL ALL APPROPRIATIONS	\$1,692,440
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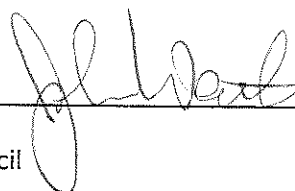
Section 2: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Adopted November 2, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on November 17, 2015



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1337-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

Beautification			
2904-490-600	Other	\$1,000	Increase


SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

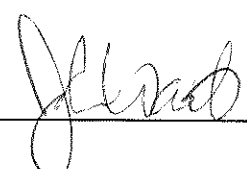
ADOPTED: September 14, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1336-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

Water Operating Fund

5101-533-340	Professional Services	\$45000	Increase
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Sewer Operating Fund

5201-541-300	Contractual Services	\$25000	Increase
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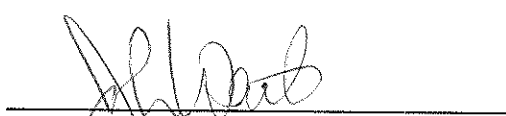
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

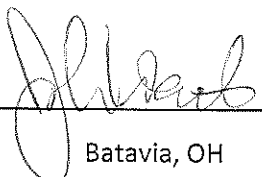
ADOPTED: August 3, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015.


Clerk of Council Batavia, OH

Ordinance No. _____

Passed _____, _____

NOT ADOPTED

**Village of Batavia
Ordinance No. 1335-15**

An Ordinance Adjusting Wages for Council Members

Whereas, the Village Council has previously established the pay rate for Members of Village Council by Ordinance 758-87, and,

Whereas, the Village Council wants to make changes to those pay rates effective for terms of elective office beginning after December 31, 2015,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

Section 1 Where a wage is set forth for an elected office at the time of an election for that office, then any person elected to that office shall continue to receive that set wage amount for the entire term of that elected office, and

Section 2 The Village hereby repeals Ordinance 758-87 and adopts the following pay rate for any Member of Batavia Village Council whose elected term of office begins after December 31, 2015 as:

Council Member	\$3,000.00	annually, and
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Section 3 This pay rate shall not go into effect until January 2018, and

Section 4 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of §121.22 of the Ohio Revised Code.

NOT ADOPTED

Attest:

John Q. Thebout, Mayor

John Waite, Clerk of Council

Ordinance No. _____

Passed _____, _____

NOT ADOPTED

Village of Batavia
Ordinance No. 1334-15

An Ordinance Adjusting Wages for the Mayor

Whereas, the Village Council has previously established the pay rate for the Mayor by Ordinance 713-83, and,

Whereas, the Village Council wants to make changes to the pay rate for the Mayor effective for terms of elective office beginning after December 31, 2015,

Now Therefore Be It Ordained by the Village Council of the Village of Batavia, Ohio,

Section 1 Where a wage is set forth for an elected office at the time of an election for that office, then any person elected to that office shall continue to receive that set wage amount for the entire term of that elected office.

Section 2 The Village hereby repeals Ordinance 713-83 and adopts the following pay rate for any Mayor of the Village of Batavia whose elected term of office begins after December 31, 2015 as:

Mayor	\$6,000.00	annually
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Section 3 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of §121.22 of the Ohio Revised Code.

NOT ADOPTED

Attest:

John Q. Thebout, Mayor

John Waite, Clerk of Council

Ordinance No. _____

Passed _____, _____

Ordinance 1333-15

Disposal of Personal Property Unneeded for Municipal Purposes

Whereas, the Village of Batavia Ohio, owns certain personal property that is unneeded, obsolete, or unfit for municipal purposes, the value of which is believed to exceed \$1,000; and

Now, therefore, be it ordained by the Village of Batavia, Ohio:

Section 1:

That pursuant to Ohio Revised Code §721.15, the Village of Batavia hereby approves the sale by public auction of the following items unneeded for municipal purposes:

- Exmark walk-behind 36" mower, with a Kawasaki FC420v, Model # V36-14K-H
Minimum bid \$1,000
- Exmark Zero-turn 60" mower, with a command Pro 25hp Kohler engine, 768 hrs
Minimum bid \$2,000
- Scag Zero-turn 48" mower, with a Kawasaki Tiger cub engine, 664hrs min. bid
Minimum bid \$1,500
- Crafco 50 gallon E-Z pour tar machine, with a 3.5 hp Briggs & Stratton engine
Minimum bid \$800.00

Section 2:

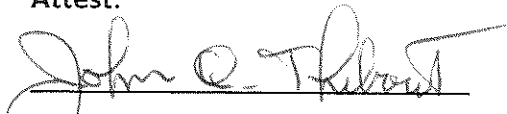
That pursuant to Ohio Revised Code §721.15, the Village of Batavia hereby approves the sale by public auction of the following items unneeded for municipal purposes:


Section 3:

That the village administrator be authorized to advertise these items for sale by sealed bid and to accept the best compliant bid and execute any sales.

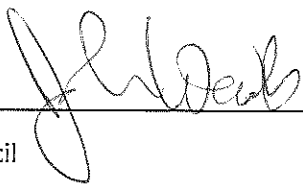
ADOPTED: August 3, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1332-15

An Ordinance Accepting Petition filed by Joshua A. Meeks, President, Ridge Club, Inc./Batavia Swim Club LLC; LeeAnn K. Staggs; and Paul M. Staggs

Whereas, a Petition seeking the annexation of approximately 7.3278 acres of land situated in Batavia Township to the Village of Batavia was filed with the Clermont County Board of Commissioners by Dennis Nichols, agent for petitioners, on Feb. 20, 2015; and,

Whereas, on March 18, 2015, the Board of Commissioners adopted Resolution Number 30-15 granting said annexation; and

Whereas, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation.

Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio:

Section 1.

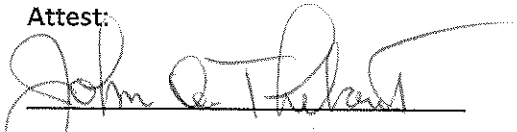
The Council of the Village of Batavia hereby accepts the Petition for Annexation filed by Joshua A. Meeks et al on Dec. 20, 2015

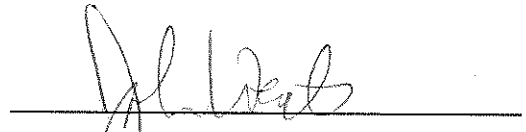
Section 2.

This Ordinance is hereby declared to be an emergency Ordinance which is necessary to the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason that this Ordinance must be adopted by the Village and filed with the Board of County Commissioners within twenty days of the filing of the Petition with the Board and it is therefore necessary that this Ordinance be passed and adopted at once so that it may become effective immediately.

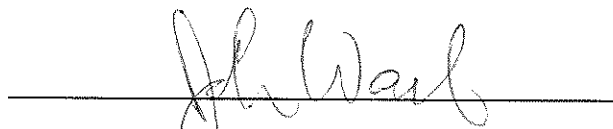
ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1331-15

An Ordinance Amending Ord. §1043-04 Signs to Add Ban of Truck Billboards

Whereas, Batavia Ordinance §1043-04 regulates the placement and design of signs within the Village of Batavia, Ohio; and

Whereas, the parking of vehicles emblazoned with advertising material for the goal or with a primary effect of displaying that advertising material is deleterious to the community.

Now, Therefore, Be it ordained, by the Council of the Village of Batavia, Ohio:

Section 1.

That signs on vehicles or trailers that are parked or located for the primary purpose of displaying such signs are prohibited. Portable signs or lettering on buses, taxis, trucks, or other vehicles that are operable, licensed and routinely driven and regularly used in the normal course of a business located at the premises where parked, or vehicles parked at the driver's place of residence, are exempt from the restrictions of this ordinance,

Section 2.

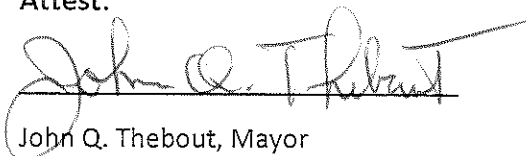
That signs advocating a political candidate or issue in a public election are exempt from this ordinance,

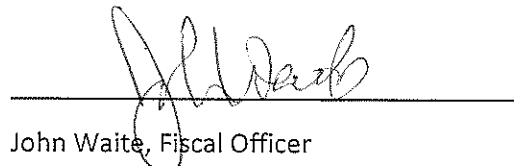
Section 3.

That this ordinance shall apply effective 30 days after passage by the Village Council.

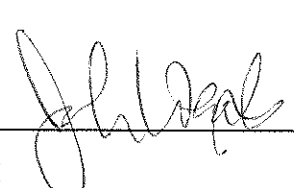
ADOPTED: August 3, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on September 21, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1330-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be changed as follows:

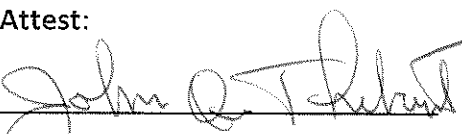
General Fund					
1000-910-910	Transfers Out	Reduced	\$1,040,000	⇒	\$680,000
Sewer Operating Fund					
5201-850-710	Debt Principal	Increase	\$45000	⇒	\$140,000
5201-850-720	Debt Interest	Increase	\$7,350	⇒	\$7,500
Trash Fund					
5601-562-100	Personal Services	Increase	\$0	⇒	\$18,000
5601-562-211	OPERS	Increase	\$0	⇒	\$2,550
5601-562-213	Medicare	Increase	\$0	⇒	\$300
5601-562-220	Insurance Benefits	Increase	\$0	⇒	\$12,750
5601-562-290	Other – Fringe Benefits	Increase	\$0	⇒	\$1,050

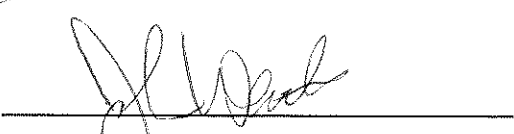
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; due to the reason that the monies being appropriated are needed now for expenses:

ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

25

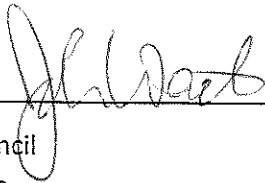
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____ Passed _____, _____

ORDINANCE 1329-15
AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures, as amended by Ordinance 1325-15; and

WHEREAS, there needs to be further adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:


SECTION 1. That 2015 appropriations be increased by the amounts as follows:


General Fund		
1000-110-100	Personal Services - Police	+\$1,000
1000-715-141	Salaries — Legal Counsel	+\$10,000
1000-715-213	Medicare	+\$50
1000-910-910	Transfer Out	+\$60,000
Sewer Operations		
5201-541-300	Contractual	+\$20,000
5201-541-211	OPERS	+\$5,000
5201-541-213	Medicare	+\$600

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: May 4, 2105


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

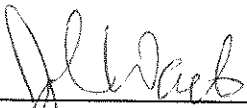
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1328-15

An Ordinance to Establish Certain Fees for Zoning and Sign Permits and Procedures

Whereas, the Council of the Village of Batavia has previously adopted Ordinance § 1182-09 establishing a schedule of fees pertaining to permits for public signs; and,
Whereas, Chapter 153, Section 92.04 of the Batavia Code of Ordinances requires that the Village Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to land-use zoning.
Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio, two-thirds of its members concurring, that upon the effective date of this ordinance, the following schedule of fees shall apply and shall supersede all other provisions to the contrary, including Ord. § 1182-09:

Schedule of Fees for Zoning and Sign Permits
in the Village of Batavia, Ohio

Zoning permit


Zoning certificate only	\$10.00
Remodeling or addition	
Single-family dwelling, new or remodeling	\$35.00
Multi-family building, new or remodeling	\$30.00 plus \$10.00 per dwelling unit
Commercial or institutional, new or remodeling	\$100.00
Industrial, new or remodeling	\$150.00
Planned Unit Development application	\$150.00
PUD final plan review	\$50.00
Conditional use permit	\$100.00
Variance or appeal	\$75.00
Change or amendment of zoning district	\$150.00
Surety bond for street or sidewalk opening	\$10.00 per sq. ft., \$200 minimum


Sign permit

Permanent signs	\$2.00 per sq. ft., min. \$30.00
Temporary signs	
Special event, off-site	\$10.00
Banner	\$2.00 per sq. ft., min. \$30.00
Commercial & industrial "Rent/Lease/Sale"	\$2.00 per sq. ft., min. \$30.00
Seasonal business	\$2.00 per sq. ft., min. \$30.00
Sign variance application	\$75.00
Appeal	\$75.00

ADOPTED: April 6, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

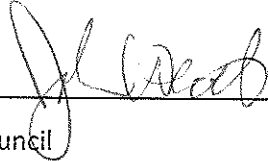
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1327-15

**An ordinance declaring real property to be unneeded for public purposes
and authorizing the sale of that property.**

Whereas, the Village of Batavia owns real property known as Parcel No. 060224.017 in the property records of the Clermont County Auditor's Office; and

Whereas, the property is the site of the former Batavia wastewater treatment plant, which has been decommissioned and will not again be used for that purpose; and

Whereas, the Village of Batavia has no public use for the property nor reason to retain ownership; and

Whereas, at least one buyer has demonstrated interest in converting the property to immediate use for sport fields; and

Whereas, the interests of the Village of Batavia and its residents will best be served by selling the property to an owner who will put the property to use; now therefore

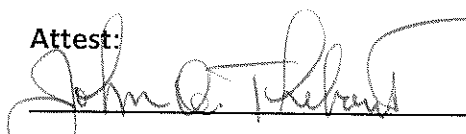
Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

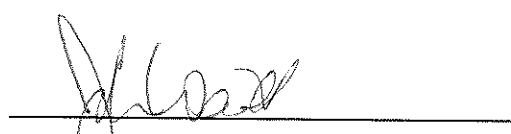
Section 1.

1. That the property known as Parcel No. 060224.017 in the property records of the Clermont County Auditor's Office is not needed for public purposes.
2. That the Village administrator is hereby authorized to sell said property for the highest and best bid subject to the following terms:
 - a. There is no minimum bid price.
 - b. The buyer must remove existing structures within 540 days of the closing, upon failure of which ownership would revert to the Village of Batavia.
 - c. Within 30 days of acceptance of the bid, buyer must post a bond in the amount of \$100,000 ensuring removal of structures within 540 days of the closing.
 - d. Bids are due by 1:45 p.m. on May 15, 2014.
 - e. The Village retains the right to reject all bids.

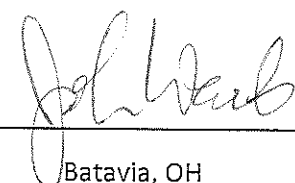
ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.


Clerk of Council, Batavia, OH

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1326-15

An ordinance declaring real property to be unneeded for public purposes and authorizing the sale of that property.

Whereas, the Village of Batavia owns real property at 715 Old State Route 32, Batavia, known as Parcel No. 060206.010A in the property records of the Clermont County Auditor's Office; and

Whereas, the Village of Batavia has no public use for the property nor reason to retain ownership; and

Whereas, at least one buyer has demonstrated interest in using the property for improved driveway access and to enlarge an adjacent residential parcel; and

Whereas, the interests of the Village of Batavia and its residents will best be served by selling the property to an adjacent property owner; now therefore

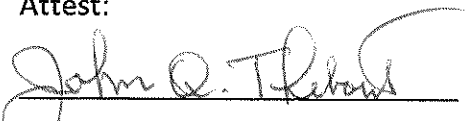
Be It Ordained by the Council of the Village of Batavia, Clermont County, Ohio, at least a majority of its members concurring:

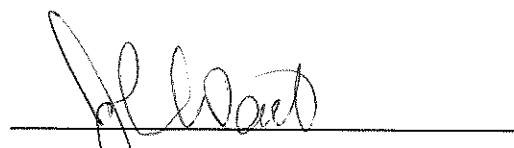
Section 1.

1. That the property known as Parcel No. 060206.010A in the property records of the Clermont County Auditor's Office is not needed for public purposes.
2. That the Village administrator is hereby authorized to sell said property for the highest and best bid subject to the following terms:
 - a. The buyer must own an adjacent parcel or have a current purchase contract for an adjacent parcel.
 - b. Bids are due by 1:45 p.m. on May 15, 2014.
 - c. The Village retains the right to reject all bids.

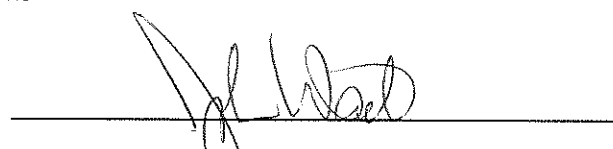
ADOPTED: June 1, 2105

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1325-15

AMENDMENT TO THE 2015 APPROPRIATIONS

WHEREAS, the Council has reviewed the requests for expenditures during the calendar year 2015 and approved Ordinance 1319-15 making appropriations for certain of those expenditures; and

WHEREAS, there needs to be adjustments to the appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1319-15 for 2015 appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 appropriations be increased as follows:

Capital Projects

4901-850-500

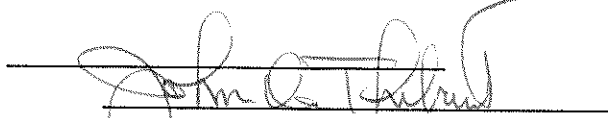
Capital Outlay

\$200,000

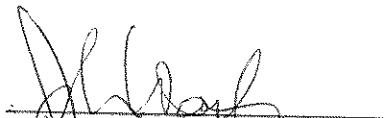
SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, proved that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: April 6, 2105

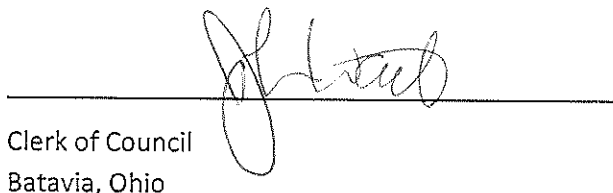


John Q. Thebout, Mayor



John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on June 11, 2015.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1324-15

An Ordinance Accepting Annexation Petition Filed By Dennis Nichols, Trustee

Whereas, a Petition seeking the annexation of approximately 210.8120 acres of land situate in Batavia Township to the Village of Batavia was filed with the Clermont County Board of County Commissioners by Dennis Nichols, Trustee, on July 22, 2014; and,
Whereas, on November 12, 2014, the Board of Clermont County Commissioners adopted Resolution Number 161-14 granting the said annexation; and,
Whereas, Ohio Revised Code Section 709.04 requires that the legislative authority of the municipal corporation to which annexation is proposed shall, by resolution or ordinance, accept or reject the Petition for Annexation;

Now, Therefore, Be It Ordained by the Council of the Village of Batavia, Ohio:

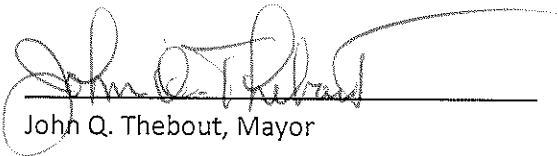
Section 1.

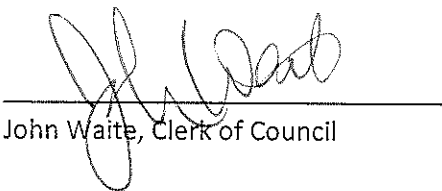
The Council of the Village of Batavia hereby accepts the Petition for Annexation filed with the Clermont County Board of County Commissioners by Dennis Nichols, Trustee, on June 22, 2014.

Section 1.

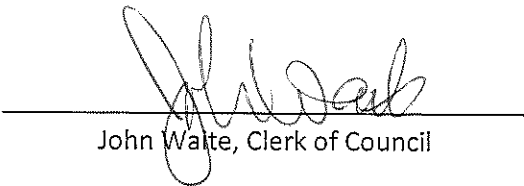
This Ordinance is hereby declared to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, for the reason of urgency because the Village must adopt and file an Ordinance accepting the annexation of approximately 210.8120 acres of land situated in Batavia Township to the Village of Batavia in order that timely development on the land may proceed.

Adopted: March 2, 2015 Attest:


John Q. Thebout, Mayor


John Waite, Clerk of Council

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


John Waite, Clerk of Council

Ordinance No. _____

Passed _____, _____

ORDINANCE 1323-15

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR
TO EXECUTE A SETTLEMENT AGREEMENT WITH
CINCINNATI BELL TELEPHONE COMPANY, LLC
AND REPEAL ORDINANCE 1284-13
AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Batavia assessed Cincinnati Bell Telephone Company, LLC a public way fee on August 21, 2014 related to the relocation of Cincinnati Bell Telephone Company, LLC's utility lines connected to the Main Street reconstruction project;

WHEREAS, on September 9, 2014, Cincinnati Bell Telephone Company, LLC filed a complaint against the Village of Batavia at the Public Utilities Commission of Ohio contesting the assessment of the public way fee, pursuant to Batavia Ordinance No. 1284-13, enacted December 2, 2013 concerning certain public way fees;

WHEREAS, while the complaint before the Public Utilities Commission was pending the Village has not sought to enforce Ordinance 1284-13;

WHEREAS, the Village of Batavia wishes to enter into a Settlement Agreement with Cincinnati Bell Telephone Company, LLC to fully settle the dispute between the Village of Batavia and Cincinnati Bell Telephone Company, LLC pending before the Public Utilities Commission of Ohio;

WHEREAS, the Village Solicitor has recommended that Ordinance No. 1284-13, as enacted, may subject the Village to future litigation and should be repealed,

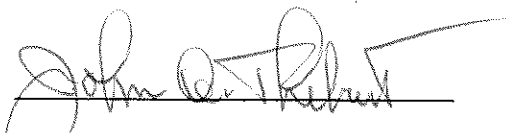
NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Batavia, Ohio:

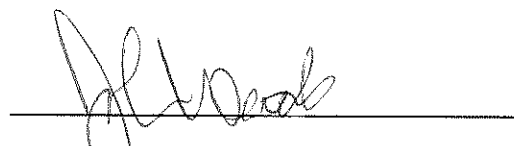
SECTION 1. That the Village Administrator be authorized and directed to execute a Settlement Agreement between the Village of Batavia and Cincinnati Bell Telephone Company, LLC, under terms and conditions set forth in the Settlement Agreement attached hereto as "Exhibit 1".

SECTION 2. Village of Batavia Ordinance number 1284-13, be and hereby is repealed.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the Village of Batavia; and, for the further reason, that the execution of the aforesaid Settlement Agreement is necessary to allow the Village of Batavia to resolve the dispute pending before the Public Utilities Commission of Ohio between the Village of Batavia and Cincinnati Bell Telephone Company, LLC.

Adopted: March 2, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

RECORD OF ORDINANCES

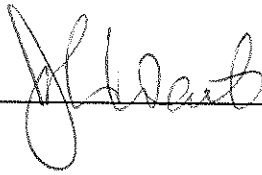
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2105.



Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

NOT ADOPTED!

**Village of Batavia
Ordinance No. 1322-15**

Removal of Ice and Snow

Whereas, The Village of Batavia, its residents, and visitors to the Clermont County Seat and other locations and institutions within the village rely upon safe sidewalks to navigate the town as pedestrians; and

Whereas, the temperate climate of Batavia from time to time presents winter weather conditions that imperil pedestrian traffic in the absence of clean and well-maintained sidewalks; and

Whereas, Batavia Ordinance § 97.33 requires owners and occupants to clear sidewalks, creating a misdemeanor offense for failure of effect, but does not provide a suitable means to accomplish the goal, which is to make the village safe and convenient for property owners, occupants and pedestrians.

Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio, that Batavia Ordinance § 97.33 shall be amended to read:

§ 97.33 Removal of Ice and Snow.

- (A) Within the first 4 hours after daylight following or during fall of snow, the owner, occupant or person having the care of any building or lot of land bordering on any public way with paved sidewalks shall cause the snow to be removed from such sidewalk; this provision includes snow or ice falling from any structure.
- (B) Whenever ice encumbers any sidewalk in any public way, the owner, occupant or person having the care of any building or lot of land bordering on that public way shall cause such sidewalk to be made safe by removing the ice or sprinkling it with sand or other suitable substance, not later than four hours after daylight following or during its formation.
- (C) At the discretion of the street maintenance superintendent, the village street maintenance department or its agents may clear snow and ice from any village public sidewalk to protect public health, safety, and convenience.
- (D) When the street superintendent orders the clearance of any sidewalk that has not been cleared as required by Paragraph (A) or (B) of this section, the village will charge the responsible property owner a fee related to the sidewalk width and length, which charge the village may apply to the real property taxes if not paid within 30 days after billing, with fees according to the following schedule:

a. East Main Street from Riverside Drive to Fourth Street	\$1.00 per linear foot
b. All other streets	\$0.30 per linear foot
- (E) The payment of fees as established in Paragraph (D) of this section will purge the property owner or occupant of violation, and further civil or criminal penalties under this section will moot. If, however, the owner or occupant refuses payment, the village may, in addition to assessing the fees against the real property taxes, hold the miscreant owner or occupant to the burdens of § 97.99. (1997 Code, § 97.33) Penalty, see § 97.99

Attest:

John Q. Thebout, Mayor

John D. Waite, Fiscal Officer

Ordinance No. _____

Passed _____, _____

**Village of Batavia
Ordinance No. 1321-15**

An Ordinance Stating Services to be Provided to Annexed Territory

Whereas, Dennis Nichols, agent for petitioners LeeAnn K. Staggs, Paul M. Staggs, and Ridge Club, Inc., aka Batavia Swim Club, LLC, has filed with the Clermont County Board of County Commissioners a Petition seeking to annex approximately 7.3278 acres of land situated in Batavia Township to the Village of Batavia; and,

Whereas, Ohio Revised Code Section 709.023(C) requires that the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution within 20 days after the date that the Petition is filed, stating what services the municipal corporation will provide upon annexation to the territory proposed for annexation and an approximate date by which it will provide them.

Now, Therefore, Be It Ordained by the Council of the Village Of Batavia, Ohio:

Section 1.

The Council of the Village of Batavia states that immediately upon annexation the following services will be provided to the territory to be annexed:

1. Police protection;
2. Street maintenance;
3. Snow removal;
4. Zoning and zoning administration;
5. Tax administration; and,
6. Water and sewer service.

The Village may, in its sole discretion, provide additional service to the territory, upon annexation, in addition to those set forth above.

Section 2.

The annexation will not result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem; but in the event that the annexation does result in a street or highway being divided or segmented by the boundary line between the Township and the Village so as to create a road maintenance problem, the Village agrees to assume the maintenance of that street or highway or to otherwise correct the problem.

Section 3.

If the annexed territory becomes subject to the Village of Batavia zoning and the Village zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under Clermont County or Batavia Township zoning regulations in adjacent land remaining in the Township, the Village will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining in the township.

Section 4.

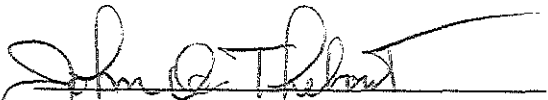
This Ordinance is an emergency Ordinance, necessary to the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, because the Village must adopt and file this Ordinance with the Board of County Commissioners within 20 days of the filing of the Petition, and thus needs that this Ordinance take immediate effect.

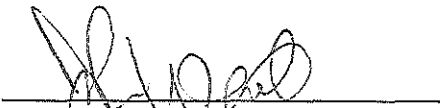
Ordinance No. _____

Passed _____, _____


Adopted: March 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Clerk of Council

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council

Ordinance No. _____

Passed _____, _____

Village of Batavia
Ordinance No. 1320-15

An Ordinance Consenting to the Annexation of Property to the Village of Batavia, Ohio

Whereas, Owners LeeAnn K. Staggs, Paul M. Staggs, and Ridge Club, Inc., aka Batavia Swim Club, LLC, have petitioned to annex certain specified land to the Village of Batavia, Ohio.

Now, Therefore Be It Ordained by the Council of the Village of Batavia, Ohio:

Section 1.

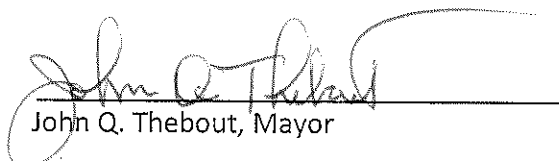
The Council of the Village of Batavia hereby consents to the petition for annexation filed Feb. 20, 2015, by Dennis Nichols, agent for petitioners.

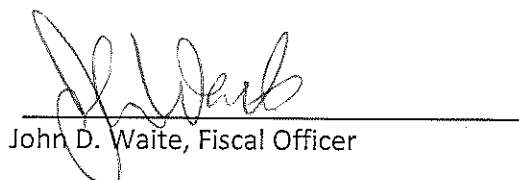
Section 2.

The Village Council declares this Ordinance to be an Emergency Ordinance, which is necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Batavia, and for the reason of urgency because the Village must adopt and file an Ordinance stating its consent to the annexation with the Board of Clermont County Commissioners within 25 days of the filing date of the petition or forever hold its peace.

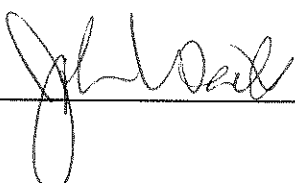
Adopted: March 2, 2015

Attest:


John Q. Thebout, Mayor


John D. Waite, Fiscal Officer

I, John Waite, Fiscal Officer of the Village of Batavia, Clermont County, Ohio, do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2105


Fiscal Officer
Batavia, Ohio

RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

ORDINANCE 1319-15 APPROPRIATIONS FOR 2015

WHEREAS, the Village Council is required to make appropriations for current expenses and other, anticipated expenditures for the fiscal year ending December 31st, 2015.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Batavia, County of Clermont, State of Ohio, that to provide for the following current expenses and other, anticipated expenditures for the fiscal year ending December 31, 2015, the following sums be and are hereby set aside and appropriated as follows:

SECTION 1. That the following amounts be appropriated: to the following Fund

Police Law Enforcement

1000-110-100	Personal Services/Salaries	\$220,780
1000-110-211	Ohio Public Employees Retirement	\$19,500
1000-110-213	Medicare	\$3,250
1000-110-215	Ohio Police & Fire Pension Fund	\$27,000
1000-110-220	Insurance Benefits	\$60,950
1000-110-270	Uniforms and Clothing	\$3,000
1000-110-290	Other-Employee-Fringe Benefits	\$10,000
1000-110-348	Training Services	\$3,000
1000-110-390	Other Contractual Services	\$45,585
1000-110-400	Supplies and Materials	\$13,800
1000-110-400-1111	Police Dept. Fuel	\$28,000
1000-110-500	Capital Outlay (Cruiser)	<u>\$36,000</u>
Total Police Law Enforcement		470,865

Street Lighting

1000-130-300	Contractual Services	\$ 20,000
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Traffic Signs & Signals

1000-150-300	Contractual Services	\$ 1,000
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Payment to County Health District

1000-210-640	Payment to another Political Subdivision	\$ 6,600
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Cemetery

1000-240-640	Payment to another Political Subdivision	\$ 15,000
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General Government

1000-710-130	Salaries-Village Admin	\$30,000
1000-710-160	Salaries-Mayor's Office	\$ 4,000
1000-710-211	OPERS (14%)	\$4,800
1000-710-213	Medicare(1.45%)	\$500
1000-710-290	Benefits, Mayor & Admin	\$1,200
1000-710-410	Office Supplies & Materials	\$12,000

RECORD OF ORDINANCES

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BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

1000-715-111	Salaries-Council	\$7,200
1000-715-141	Salaries-Legal Counsel	\$15,000
1000-715-211	OPERS	\$2,100
1000-715-212	Social Security	\$400
1000-715-213	Medicare	\$150
1000-715-290	Other-Employees Fringe Benefits	\$1,000
1000-715-300	Contractual Services	\$70,000
1000-725-121	Salary-Fiscal Officer	\$44,000
1000-725-211	OPERS	\$6,100
1000-725-213	Medicare	\$700
1000-725-220	Insurance Benefits	\$0
1000-725-290	Other-Employee Fringe Benefits	\$1,000
1000-725-300	Contractual Services	\$1,000
1000-725-400	Supplies & Materials	\$0
1000-730-300	Contractual Services	\$40,000
1000-730-400	Supplies & Materials	\$1,500
1000-740-344	Tax Collection Fees	\$3,000
1000-745-342	Audit Fees	\$1,000
1000-745-343	Uniform Accounting Network Fees	\$3,660
1000-755-139	Other-Salaries-Tax Administrator's Office	\$12,000
1000-755-211	OPERS	\$1,700
1000-755-213	Medicare	\$200
1000-755-290	Other-Employee Fringe Benefits	\$700
1000-755-410	Office Supplies and Materials	\$0
1000-760-610	Income Tax Refunds	\$25,000
1000-790-225	Worker's Compensation	\$0
1000-910-910	Transfers Out	<u>\$980,000</u>
Total General Government		\$1,269,910

TOTAL GENERAL FUND (1000) APPROPRIATIONS \$1,783,375

Street 1 - Wages

2011-620-100	Personal Services	\$120,000
2011-620-211	OPERS	\$17,000
2011-620-213	Medicare	\$1,750
2011-620-220	Insurance Benefits	\$85,000
2011-620-270	Uniforms	\$3,000
2011-620-290	Other-Employee Fringe Benefits	<u>\$7,000</u>
TOTAL STREET 1 - Wages		\$233,750

RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____		Passed _____, _____	
STREET 2 - MAINTENANCE & REPAIR FUND			
2012-620-300	Contractual Services	\$15,000	
2012-620-400	Supplies and Materials	\$65,000	
2012-620-400-2111	Fuel	<u>\$15,000</u>	
TOTAL STREET 2 -- Maintenance and Repair		\$230,000	
STATE HIGHWAY & IMPROVEMENT FUND			
2021-650-300	Contractual Services	\$7,000	
2021-650-400	Supplies and Materials	<u>\$0</u>	
TOTAL STATE HIGHWAY FUND		\$7,000	
DRUG LAW ENFORCEMENT			
2081-110-600	Other	\$4,000	
PERMISSIVE MOTOR VEHICLE LICENSE			
2101-620-300	Contractual Services	\$12,000	
2101-620-500	Capital Outlay	<u>\$0.</u>	
TOTAL MVL		12,000	
LAW ENFORCEMENT & EDUCATION			
2271-110-100	Personal Services	\$100	
2271-110-290	Other-Employee Fringe Benefits	\$20	
2271-110-300	Contractual Services	\$0	
2271-110-400	Supplies and Materials	<u>\$50</u>	
TOTAL LAW ENFORCEMENT AND EDUCATION		\$170	
FIRE			
2901-120-400	Supplies and Materials	\$6,000	
EMS			
2902-160-400	Supplies and Materials	\$5,000	
POLICE SPECIAL REVENUE			
2903-110-400	Supplies and Materials	\$0	
BEAUTIFICATION			
2904-490-600	Other	\$1,000	
DEBT SERVICE FUNDS -- Clark Glen Ely Sewer Assessment Debt			
3301-850-710	Principal	\$15,000	
3301-850-720	Interest	<u>\$10,000</u>	
TOTAL DEBT SERVICE -- CLARK GLEN ELY SEWER		\$25,000	
CAPITAL PROJECTS			
4901-549-500	Capital Outlay	\$0	
4901-800-500	Capital Outlay	\$120,000	
4901-850-710	Principal	\$15,240	
4901-850-720	Interest	<u>\$600</u>	

RECORD OF ORDINANCES

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

TOTAL CAPITAL PROJECTS

\$135,840

STREET CAPITAL PROJECTS

4902-800-300

Contractual Services

\$50,000

4902-800-500

Capital Outlay

\$100,000

4902-800-555

Streets, Highways, Sidewalks and Curbs

\$0

4902-800-710

Principal

\$192,603

4902-800-720

Interest

\$88,000

TOTAL STREET CAPITAL PROJECTS

\$430,603

WATER OPERATING

5101-531-300

Contractual Services

\$75,000

5101-531-400

Supplies and Materials

\$400

5101-533-340

Professional & Technical Services

\$31,000

5101-533-640

Pymt. to another Political Subdivision

\$212,160

5101-535-100

Personal Services

\$15,000

5101-535-211

OPERS

\$2,100

5101-535-213

Medicare

\$220

5101-535-220

Insurance

\$0

5101-535-290

Other-Employee Fringe Benefits

\$500

5101-535-400

Supplies and Materials

\$20

5101-535-400-5111

Fuel

\$0

5101-850-710

Principal (debt) OPWC waterline

\$5,000

TOTAL WATER FUND

\$341,400

SEWER OPERATING

5201-541-400

Supplies and Materials

\$400

5201-541-300

Contractual

\$15,000

5201-542-640

Payment to Another Political Subdivision

\$298,860

5201-543-100

Personal Services

\$15,000

5201-543-211

OPERS

\$2,100

5201-543-213

Medicare

\$220

5201-543-220

Insurance

\$0

5201-543-290

Other-Employee Fringe Benefits

\$500

5201-543-340

Professional & Technical Services

\$33,000

5201-543-400

Supplies and Materials

\$0

5201-549-400-5211

Fuel

\$0

5201-850-710

Principal

\$45,000

5201-850-720

Interest

\$7,350

5201-850-790

Other-Debt Service

\$0

5201-910-910

Transfers out

\$0

5201-990-990

Other-Other Financing Uses

\$0

RECORD OF ORDINANCES

BARRET BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

TOTAL SEWER FUND	\$417,430
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REFUSE ENTERPRISE OPERATING

5601-562-300	Contractual Service	\$5,000
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5601-563-398	Garbage and Trash Removal	<u>\$125,000</u>
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TOTAL REFUSE ENTERPRISE	\$130,000
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WATER Capital Improvement

5701-800-500	Water Capital Outlay Unit Fund	\$100
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SEWER Capital Improvement

5702-549-500	Sewer Capital Outlay Unit Fund	\$100,000
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SEWER Bond Improvement

5703-800-500	Sewer Bond Capital Outlay	\$0
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UTILITY DEPOSIT

5781-594-610	Deposits Refunded	\$0
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5781-594-620	Deposits Applied	<u>500</u>
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TOTAL UTILITIES DEPOSITS FUND	\$500
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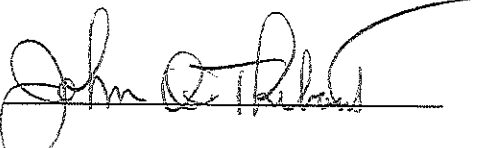
CENTENNIAL FUND

9902-990-990	Other Financing Uses	\$1,650
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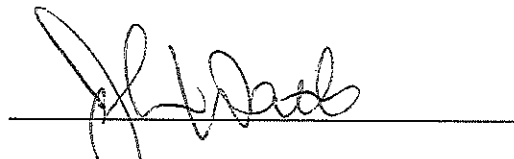
TOTAL ALL APPROPRIATIONS	\$3,864,818
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Section 2: And the Village Clerk I hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Council or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.

Adopted: March 2, 2015



John Q. Thebout, Mayor



John Waite, Fiscal Officer

RECORD OF ORDINANCES

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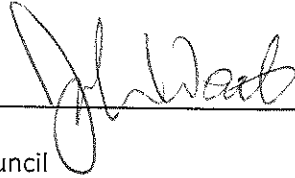
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. _____

Passed _____, _____

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2105.



Clerk of Council

Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1318-15


REPEAL ORDINANCE 1042-04

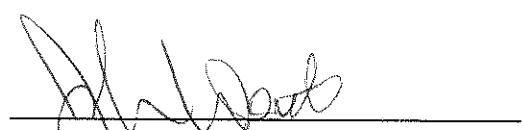
WHEREAS, the Council approved Ordinances 1042-04 authorizing the payment of a premium wage for inspections of certain village construction projects and establishing conditions under which such premium wage shall be paid; and

WHEREAS, the Village is currently planning several construction projects where Council believes that supervision of those projects does not warrant the payment of a premium wage;

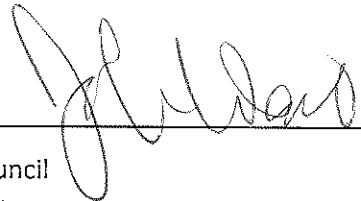
NOW, THEREFORE, be it ordained that Ordinance 1042-04 is hereby repealed and rescinded:

ADOPTED March 2, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____

Ordinance 1317-15

An Ordinance Adopting Land Use Plan and Revised Zoning

Whereas, owners of real property have a right to the use of their property unfettered other than by reasonable restriction to preserve the health, safety, welfare, and good order of the public; and

Whereas, the Village Council of Batavia enacts land-use planning and zoning requirements and restrictions to protect the rights of property owners and other citizens, but which laws cannot foresee all contingencies and opportunities; and

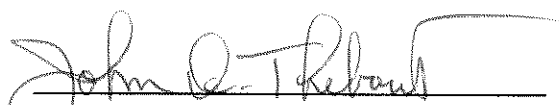
Whereas, the Village of Batavia has a need to accommodate property uses within the village that do not conform to the strictures of the village regulations concerning land-use zoning and entrusts the prudent judgment of the Village of Batavia Planning Commission to make such exceptions to specifications so long as overall impact on the community is not materially changed by the Planning Commission's actions.

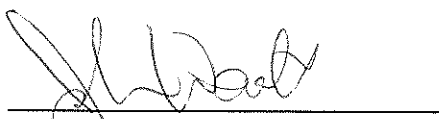
Therefore Be It Ordained, that Village of Batavia hereby:

1. Adopts the Village of Batavia Land Use Plan as recommended by the Planning Commission and approves the Land Use Plan report (187 pages), and the Land Use Plan Map (page 127 of the Land Use Plan report), and
2. Enacts the Village of Batavia Zoning Ordinance text as recommended by the Planning Commission, to be incorporated by reference as Chapter 153 of the Batavia, Ohio, Code of Ordinances.

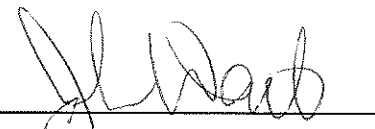
Adopted: March 2, 2015

Attest:


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council
Batavia, Ohio

Ordinance No. _____

Passed _____, _____

ORDINANCE 1316-15

AMENDMENT TO THE 2015 TEMPORARY APPROPRIATIONS

WHEREAS, the Council approved Ordinances 1309-14 adopting temporary the appropriations for certain expenditures during the calendar year 2015; and

WHEREAS, there needs to be additional adjustments to the temporary appropriations for certain expenditures during the calendar year 2015;

NOW, THEREFORE, be it ordained that Ordinance 1309-14 for 2015 temporary appropriations for expenditures of the Village of Batavia, State of Ohio, during the fiscal year ending December 31, 2015 be amended as follows:

SECTION 1. That 2015 temporary appropriations be increased as follows:

General

1000-910-910

Transfers - Out

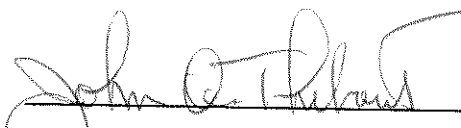
\$200,000


(Transfer - In \$200,000 to Street Capital Fund 4902-931)

SECTION 2. And the Village Clerk is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore approved by the Council or officers, authorized by law to approve, the same or an ordinance or resolution of Council to make expenditures, provided that no warrants shall be drawn on paid salaries or wages except to persons employed by authority of and in accordance with law or ordinances; provided further that the appropriations for contingencies can only be expended upon appeal of two thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other, specific appropriations herein made.


SECTION 3. This Ordinance is declared to be an emergency due to monies being needed now for expenses:

ADOPTED: January 5, 2015


John Q. Thebout, Mayor


John Waite, Fiscal Officer

I, John Waite, Clerk of Council of the Village of Batavia, Clermont County, Ohio do hereby certify that the foregoing ordinance was published in the Clermont Sun once a week for two consecutive weeks beginning on March 12, 2015


Clerk of Council
Batavia, Ohio