

RECORD OF PROCEEDINGS

Minutes of

Meeting

JANUARY 22, 2020- SPECIAL SESSION

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

RECORD OF PROCEEDINGS

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Minutes of **BOARDS OF TRUSTEES BATAVIA AND PIERCE TOWNSHIPS**

Special Joint meeting with both Boards of Trustees

The Boards of Trustees of Batavia Township and Pierce Township met for a special session at 6:00 p.m. Wednesday, January 22, 2020, at the West Clermont Middle School Performing Arts Center, 1341 Clough Pike, Batavia, Ohio.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ ROLL CALL

Jim Sauls, Chairman of the Batavia Township Board of Trustees called the meeting to order and asked everyone to join in the Pledge of Allegiance. Roll call was taken for the Pierce Township Board of Trustees. Present were: Nick Kelly, Allen Freeman, Bonnie Batchler, and Fiscal Officer, Debbie Schwey. The roll call was then taken for the Batavia Township Board of Trustees. Present were: Jim Sauls, Randy Perry, Rex Parsons, and Fiscal Officer, Jennifer Haley. Additional attendees on stage included Dave Thompson, State Auditor's Office; Loretta Rokey, Pierce Township Administrator; Adele Evans, Batavia Township Administrator; Tom Keating, Pierce Township Law Director; and Dave Frey, Batavia Township Law Director.

INTRODUCTORY REMARKS

Jim Sauls welcomed everyone and thanked West Clermont Schools for the use of the building tonight. The purpose of the special meeting was to fulfill the requirements of the Ohio Revised Code in the 60-day time frame for the transfer of property from the Village of Amelia to both Batavia and Pierce Townships.

Nick Kelly, Chair of the Pierce Township Board of Trustees thanked everyone for coming tonight and gave an overview/structure of what would be discussed in the meeting.

PROPERTY TRANSFER PER OHIO REVISED CODE 703.21 AND DISCUSSION OF AGREEMENTS

Dave Frey, Batavia Township Law Director and Tom Keating, Pierce Township Law Director presented the two agreements that were listed on the agenda. The first agreement was for conveyance of real estate per Ohio Revised Code 703.21 and the second agreement was for conveyance of the personal property and other items related to the dissolution.

Agreement 1: Dave Frey, Batavia Township Law Director, spoke about the first agreement and the list of real property parcels. Section 1 recites the certified election results and Exhibit A is the Board of Elections certification. Section 2, Exhibit B describes all the real estate to be transferred by virtue of this agreement to Pierce Township. These are parks, retention basins, green space, rights of way, etc. Section 3, Exhibit C describes the parcels to be transferred by virtue of this agreement to Batavia Township. These are rights of way, cemeteries, and maintenance facility. Section 4, Exhibit D has properties that will be jointly held (tenants in common) between the two townships and sold. The proceeds from the sale of these parcels in Exhibit D will go towards the debts of Amelia Village. Section 5 deals with State Route 125 (Main Street) and addressing. The parties will consult with ODOT. This agreement and exhibits, as well as the Affidavit of Facts, will be presented to the County Tax Map, County Auditor and recorded in the Clermont County Recorder's Office for transfer of the properties.

Agreement 2: Tom Keating, Pierce Township Law Director, spoke about vehicles, equipment, debt, lighting, economic development, and village contracts. Unlike Agreement 1 and those exhibits, this agreement and exhibits do not need to be recorded. Section 1 is about the election and certified election results. Section 2 describes several items listed on the attached Exhibit B, all vehicles of Amelia Village and three pages of other personal property owned by Amelia Village. Funds generated by the sale of personal property will be used to pay down the Amelia

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Village debt. Section 3 deals with the accounts of Amelia. These are identified on Exhibit C. These funds, whose restrictions have been lifted, will be used to pay down the Amelia Village debt. The cemetery fund will be transferred to Batavia Township to maintain the cemeteries of the former village that are now the responsibility of Batavia Township. Section D is about debts owed to Amelia and if after all debts are paid and there are monies remaining, those will be split between Pierce and Batavia Townships, 65% to 35% respectively. Section E is pertains to further tax revenues (real estate tax and income tax) and that the Ohio Revised Code states that the dissolution "does not affect the power to levy and collect taxes to pay existing obligations." Mr. Keating emphasized that both townships want all these taxes to go away as soon as possible. He also stated that the State Auditor has to audit the process and determine that all the debts are clear and any remaining assets are transferred. Also included are debts and claims in Section F. In a resolution being presented to the two boards of trustees tonight, there is an ask for approval of a public notice for anyone who has claims against the Village and they will need to present that claim by March 1. Mr. Keating acknowledged that there has been one lawsuit filed and this agreement allows either or both townships to enter an appearance or hire counsel make sure the interests of citizens are adequately protected. Section G provides flexibility on addressing any lighting districts. Section H discusses Economic Development Projects, specifically the Energy Special Improvement District on the Premier parcel, as well as one or more Tax Increment Financing districts. Nothing in these agreements mean that either Township is obligated in any way for the debts of the Village of Amelia. The townships are not assuming the village's debts. Both agreements discussed tonight can be amended if necessary.

TRUSTEE DISCUSSION AND QUESTIONS

The Trustees thanked the Law Directors for a very thorough explanation of both agreements.

There were questions and answers by the Boards and Law Directors.

PUBLIC PARTICIPATION (COMMENTS/QUESTIONS)

Tim Rosser, 34 Hummingbird Way, had questions about the Premier T.I.F. and debt.

Susan Rosser, 34 Hummingbird Way asked about the municipal earnings tax.

Dani Spiegel, 12 S. Kline had questions about properties and what is to be sold.

Megan Northrup, 69 Red Bud Circle had questions about the municipal earnings tax.

Holly Baker, 32 Church Street had questions about apartment renters, rental properties, and the earnings tax.

Candy Gabriel, Floral Avenue had questions about payment of everyday bills, the budget plans, and are there minutes for this meeting. Audits will be done up through the last day of the transition period.

Ed McCoy, 21 Bellwood Court had questions about the Township Boards and Law Directors, and who represents the residents' interests. Counsel explained the Law Directors are counsel for the Board and represent the elected Board of Trustees. Additional questions were asked about employee lawsuits.

Michelle Balside, 13 Bobwhite Court, spoke about issues with the old mayor as the administrator.

Frank Dewar, 16 Ledgerwoods had questions about debt and income, filing claims against council and the mayor.

Renee Gerber, mayor-elect, 30 Hummingbird Way, had questions about past wrongs by village powers.

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Held ~~Chris Hicks, 444 Woodwick Court, spoke about smaller government, and having Auditor of State Keith Faber involved~~ ²⁰

BATAVIA TOWNSHIP RESOLUTION 01-04-2020

Mr. Perry motioned the Batavia Township Board of Trustees adopt **Resolution 01-04-2020**, a resolution authorizing signing of two agreements and recordable Affidavit as to Facts to divide and transfer assets and provide for payment of debts of former Village of Amelia. Mr. Parsons seconded the motion. On the roll being called:

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

PIERCE TOWNSHIP RESOLUTION 2020-004

Mr. Freeman motioned the Pierce Township Board of Trustees adopt **Resolution 2020-004**, a resolution authorizing signing of two agreements and recordable Affidavit as to Facts to divide and transfer assets and provide for payment of debts of former Village of Amelia. Mrs. Batchler seconded the motion. On the roll being called:

Mr. Freeman	yes	
Mrs. Batchler	yes	
Mr. Kelly	yes	Motion carried

BATAVIA TOWNSHIP RESOLUTION 01-05-2020

Mr. Parsons motioned the Batavia Township Board of Trustees adopt **Resolution 01-05-2020**, a resolution providing for notice to potential claimants against the former Village of Amelia. Mr. Perry seconded the motion. On the roll being called:

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

PIERCE TOWNSHIP RESOLUTION 2020-005

Mrs. Batchler motioned the Pierce Township Board of Trustees adopt **Resolution 2020-005**, a resolution providing for notice to potential claimants against the former Village of Amelia. Mr. Freeman seconded the motion. Discussion followed. On the roll being called:


Mrs. Batchler	yes	
Mr. Freeman	yes	
Mr. Kelly	yes	Motion carried

CLOSING REMARKS

Mr. Sauls and Mr. Kelly thanked everyone for attending, and participating in this meeting.

ADJOURNMENT

With no further business to come before the Boards, Mr. Perry motioned to adjourn the meeting for Batavia Township. Mr. Parsons seconded the motion. Ms. Batchler motioned to adjourn the meeting for Pierce Township. Mr. Freeman seconded the motion. All trustees were in favor. Meeting adjourned at 8:40 pm.


Jim Sauls,
Batavia, Township, Chairman


Jennifer Haley,
Batavia Township Fiscal Officer