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TOM GROSSMANN
PAT ARNOLD SOUTH
DAVID G. YOUNG

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

MINUTES: Regular Session – January 20, 2015

The Board met in regular session pursuant to adjournment of the January 13, 2014, meeting.

David G. Young – absent

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the January 6, 2015 and January 12, 2015 meetings were read and approved.

- 15-0073 A resolution was adopted to approve and authorize the Vice President of the Board of County Commissioners to enter into an Agreement with Networkfleet, Inc. a service partner with Verizon, for the purchase of GPS Hardware and Monthly Service for the GPS Monitoring System. Vote: Unanimous
- 15-0074 A resolution was adopted to approve and authorize the President of the Board to enter into an On-The-Job-Training Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 15-0075 A resolution was adopted to approve and enter into Contract with Steve Hangen Consulting Services, LLC on behalf of the Warren County Auditor's Office regarding Data Processing Assessment RFP Creating and Response Evaluation. Vote: Unanimous
- 15-0076 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Edward W. & Christine E. Maag in order to Abandon the Section of Striker Road near US 22 & SR 3. Vote: Unanimous
- 15-0077 A resolution was adopted to Advertise for Bids for the Columbia Road Bridge #15-7.94 Rehabilitation Project. Vote: Unanimous

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- 15-0078 A resolution was adopted to Cancel Bid Opening for FY2012 Union Township - Riley Avenue Storm Sewer CDBG Project for the Warren County Grants Department. Vote: Unanimous
- 15-0079 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 15-0080 A resolution was adopted to approve the following Record Plats.
Vote: Unanimous
- 15-0081 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 15-0082 A resolution was adopted to approve Operational Transfer from General Fund #101 into Property and Casualty Insurance Fund #637. Vote: Unanimous
- 15-0083 A resolution was adopted to approve a Supplemental Appropriation into Motor Vehicle Fund #202. Vote: Unanimous
- 15-0084 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into Clerk of Court of Common Pleas Fund #101-1260. Vote: Unanimous
- 15-0085 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into Clerk of Court of Common Pleas Fund #101-1260. Vote: Unanimous
- 15-0086 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into Data Processing Center Fund #101-1400. Vote: Unanimous
- 15-0087 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / Communications Center Fund #101-2850.
Vote: Unanimous
- 15-0088 A resolution was adopted to approve Appropriation Adjustment within Common Pleas Court Fund #101-1220. Vote: Unanimous
- 15-0089 A resolution was adopted to approve Appropriation Adjustments within Pretrial Services Fund #101-1222 and Community Corrections Fund #101-1224.
Vote: Unanimous
- 15-0090 A resolution was adopted to approve Appropriation Adjustment within County Court Fund #101-1280. Vote: Unanimous

- 15-0091 A resolution was adopted to approve Expense Adjustments within the Workforce Investment Act Fund #258. Vote: Unanimous
- 15-0092 A resolution was adopted to approve Appropriation Adjustment within the Children Services Fund #273. Vote: Unanimous
- 15-0093 A resolution was adopted to approve Appropriation Adjustment within Common Pleas Court / Probation Improvement and Incentive Grant Fund #289-(2400)-1225. Vote: Unanimous
- 15-0094 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 15-0095 A resolution was adopted to authorize Request for Proposals for the Warren County Data Processing Assessment. Vote: Unanimous
- 15-0096 A resolution was adopted to approve Lump Sum Merit Payments relative to Commissioners Employees. Vote: Unanimous
- 15-0097 A resolution was adopted to approve a modification of a portion of the text amendments to the Warren County Rural Zoning Code to amend Article 1, Article 2, Article 3 and Article 4 and continue this public hearing to February 3, 2015, at 9:15 a.m., in the Commissioners' Meeting Room.
- 15-0098 A resolution was adopted to approve Amendments to the Warren County Subdivision Regulations. Vote: Unanimous
- 15-0099 A resolution was adopted to Cancel Regularly Scheduled Commissioners' Meeting of Thursday, January 22, 2015. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

PUBLIC HEARING

CONTINUATION OF THE PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO
THE WARREN COUNTY RURAL ZONING TO AMEND ARTICLE 1, ARTICLE 2,
ARTICLES 3 AND ARTICLE 4

Mike Yetter, Zoning Supervisor, was present for the continuation of the public hearing to consider amendments to Articles 1, 2, 3, and 4 of the Warren County Rural Zoning Code.

Mr. Yetter reviewed the discussions from the previous public hearing and stated his desire to table the discussion relative to composting facilities at this time.

Mr. Yetter presented the proposed amendments to 2.205 (Landscaping Service). He stated that the proposed amendment would allow landscaping services as a conditional use in the RU and R1A (minimum acreage requirement of 3 – 5 acres).

Upon discussion, the Board agreed to the proposed amendment.

Mr. Yetter presented the proposed amendment to 2.302.3 to provide clarification on the Conservation Design Option.

Mr. Yetter stated that the language would require the subdivision to follow the major or alternative subdivision process.

Upon discussion, the Board agreed to the proposed amendment.

Mr. Yetter presented the proposed amendments to 2.509 PUD Development Standards needed for clarification on Use Permission and Suburban Fringe.

Upon discussion, the Board agreed to the proposed amendments.

Mr. Yetter presented the proposed amendments to 2.607.3 Other Groundwater Protection Standards need to change the wording throughout the Zoning Code from wastewater treatment system to sanitary sewer.

Upon discussion, the Board agreed to the proposed amendments.

Mr. Yetter presented the proposed amendments to 3.102 Accessory Uses, Buildings and Structure Standards needed to incorporate what is considered accessory use by the courts.

Upon discussion, the Board agreed to the proposed amendments.

Mr. Yetter presented the proposed changes to 3.102.1 (E)(3) and 3.102.1 (F)(3) need to amend the sewer language throughout the Zoning Code.

Upon discussion, the Board agreed to the proposed amendments.

Mr. Yetter presented the propose changes to 3.103.2 (C) Panhandle Lots.

There was much discussion relative to the proposed amendment relative to the width requirement to be continuous from the road right of way to the building setback line.

Homer Hendrickson, Turtlecreek Township resident, stated his opinion that the wording proposed needs additional clarification.

Upon discussion, the Board stated their desire to continue this portion of the text amendment to a later discussion.

Mr. Yetter presented the following amendments needed relative to clerical corrections:

- 3.202.1 Changes the wording relative to central sanitary sewer system throughout the Zoning Code
- 3.205.1 Changes to the numbering only
- 3.208 Removes the word dust and remains the word nuisance
- 3.311 (D)(1)(a) Corrects an incorrect reference in the Zoning Code

Upon discussion, the Board agreed to the proposed amendments.

Mr. Yetter then presented the following amendments relative to adding/amending definitions within the Zoning Code:

- Replacement Cost
- Suburban Fringe
- Yard Front
- Yard Side
- Protected Public Water Supply
- Agriculture Support Services
- Principal Permitted Use

Upon discussion, the Board agreed to the proposed amendments.

Mr. Yetter then stated his recommendation to approve the proposed text amendments and continue the public hearing to further discuss Composting Facilities and Panhandle Lots.

Upon discussion, the Board resolved (Resolution #15-0097) to approve a modification of a portion of the text amendments to the Warren County Rural Zoning Code to amend Article 1, Article 2, Article 3 and Article 4 and continue this public hearing to February 3, 2015, at 9:15 a.m., in the Commissioners' Meeting Room.

Stan Williams, Executive Director of the Regional Planning Commission (RPC), introduced the college interns working in the RPC to the Board of Commissioners.

Matt Obringer, RPC, provided an update to the Board relative to the Lebanon Turtlecreek Trails Initiative.

Mr. Obringer stated the goal of the initiative to plan a connection from the City of Lebanon to Armco Park and Union Village – Otterbein Home in Turtlecreek Township.

The continuation of the public hearing to consider amendments to the Warren County Subdivision Regulations was convened this 20th day of January 2015, in the Commissioners Meeting Room.

Stan Williams, Executive Director of the Regional Planning Commission (RPC) stated the request to amend the subdivision regulations relative to the following:

Section 301 (Concept Plan Process)
Section 904 (Variances)
Definitions (“Original Tract”)
Definitions (“Completely Subdivided”)
Strike the prior definition of “completely Subdivided” from Section 320 (A)(2)

Matt Obringer, Planner within the RPC, presented the proposed amendments to Section 301 (Concept Plan Process).

Mr. Obringer stated the Concept Plan Process amendment is needed in order to simplify the process by removing excess steps. He stated his belief that the amount of detail currently required in a concept plan is unnecessary and costly to the developer and at this stage should be a general land use design rather than include the details such as individual lot lines, etc.

Robert Ware, Senior Planner within the RPC, presented the proposed amendment to Section 904 Variances.

Mr. Ware stated that the amendment is needed in order to be clearer in describing the circumstances, criteria and procedures for submitting and addressing a variance request. He stated that the current language does not clearly state the circumstances and conditions which justify requesting a variance. He then stated that it does not currently specify the procedure for submitting and processing a variance request, nor cite the option for appeal in the event that a variance is not granted. He stated that the proposed language addresses all those deficiencies and has been reviewed and found acceptable by the Prosecutor's Office, provided that the word "extraordinary" is deleted in the reference to a hardship.

Mr. Ware then presented the proposed amendment to Definitions relative to "Original Tract".

Mr. Ware stated that the RPC staff and Prosecutor's Office discovered several opinions issued by the Ohio Attorney General's Office, the most significant being a 1964 opinion. The conclusion of the Attorney General's Office was that the "Original Tract" referenced in ORC Section 711.131 does not refer to the parcel that existed in October 1956, but rather the parcel that has not been platted by the exiting owner(s). He stated that the proposed text will bring this definition into conformance with the concept of original tract as understood by the Attorney General's Office and put the RPC on sounder legal grounds as staff administers the minor subdivision process.

Mr. Ware then presented the proposed amendment to Definitions relative to "Completely Subdivided".

Mr. Ware stated that RPC's legal counsel made two points regarding the definition of "completely subdivided":


1. The Ohio Revised Code does not clearly define completely subdivided. However, a consistent use of the term "completely subdivided" is necessary if RPC staff is to apply the Subdivision Code in a matter that is not arbitrary and capricious.
2. The existing definition found in the Subdivision Code conflicts with language describing "Original Tract" in the Ohio Revised Code. The existing reference to "completely subdivided" defined in Sec. 320 (A)(2) is the stricken language discussed in the amendment to the Concept Plan Process. It currently implies a parent parcel is not completely subdivided until all the original acreage has been divided into lots that are each less than five acres in size. This is problematic given that parent parcels that are not completely subdivided into lots less than five acres in size per the existing definition may have exhausted the permitted five lot splits less than five acres in size, requiring an alternative plat.

Mr. Ware stated the RPC recommendation to amend the Definitions to include the definition of "completely subdivided" and amend Section 320 (A)(2) by striking language that defines completely subdivided.

Upon discussion, the Board closed the public hearing and approved amendments to the Warren County Subdivision Regulations.

Upon motion the meeting was adjourned.

David G. Young, President




Tom Grossmann



Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on January 20, 2015, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio