



**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

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***TOM GROSSMANN  
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**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

**MINUTES: Regular Session – September 29, 2020**

The Board met in regular session pursuant to adjournment of the September 22, 2020 meeting.

David G. Young – present

Shannon Jones – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the September 8, 2020 and September 15, 2020 meetings were read and approved.

- 20-1353      A resolution was adopted to set public hearings to consider the adoption of Warren County Rules and Regulations for Erosion Prevention and Sediment Control, for Illicit Discharge Detection and Elimination and for Post Construction Storm Water Runoff Control. Vote: Unanimous
- 20-1354      A resolution was adopted to set public hearing to consider amendments to the Warren County Thoroughfare Plan. Vote: Unanimous
- 20-1355      A resolution was adopted to advertise for bids for Warren County Jail & Sheriff's Office Inmate Video Visitation System Project. Vote: Unanimous
- 20-1356      A resolution was adopted to authorize and accept the Administrative Service and Adoption agreements with Chard Snyder relative to Section 125 Flexible Benefits Cafeteria Plan (FSA) and Health Reimbursement Arrangement (HRA) Plans. Vote: Unanimous
- 20-1357      A resolution was adopted to approve rate confirmation relative to group life insurance with Minnesota Life Insurance Company effective January 1, 2020. Vote: Unanimous
- 20-1358      A resolution was adopted to authorize agreement and release with United Healthcare pertaining to overpayment of services not received. Vote: Unanimous

- 20-1359 A resolution was adopted to approve and authorize the President of the Board to enter into a Host Agency Training agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 20-1360 A resolution was adopted to approve and authorize President of the Board to sign Amended and Restated Warren County Drug Task Force Council of Governments; copy of said contract attached hereto and made a part hereof. Vote: Unanimous
- 20-1361 A resolution was adopted to approve Amendment #1 to the contract with Urban Institute. Vote: Unanimous
- 20-1362 A resolution was adopted to enter into a consulting agreement with Jonathan Marker, Weather Vue Pro LLC on behalf of the Warren County Engineer's Office. Vote: Unanimous
- 20-1363 A resolution was adopted to approve agreement and addendum with Youth Advocate Services as a child placement and related service provider for the Warren County Board of County Commissioners on behalf of Warren County Children Services. Vote: Unanimous
- 20-1364 A resolution was adopted to enter into a temporary entrance and work agreement with Charles J. Sullivan and Paula Jean Sullivan for the bridge maintenance project on Elbon Road. Vote: Unanimous
- 20-1365 A resolution was adopted to declare various items within Auditor's Office, Common Pleas Court-General Division, Drug Task Force, Engineer's Office, Facilities Management, Mary Haven Center, Sheriff's Office, Telecom, Water & Sewer and OhioMeansJobs as surplus and authorize the disposal of said items. Vote: Unanimous
- 20-1366 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 20-1367 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with Grand Communities, LLC for installation of certain improvements in Eagle's Pointe, Section four, situated in Hamilton Township. Vote: Unanimous
- 20-1368 A resolution was adopted to enter into street and appurtenances (including sidewalks) security agreement with Grand Communities, LLC for installation of certain improvements in Eagle's Pointe, Section Four situated in Hamilton Township. Vote: Unanimous
- 20-1369 A resolution was adopted to approve various record plats. Vote: Unanimous

- 20-1370 A resolution was adopted to approve operational transfers of interest earnings from Commissioners fund #11011112 into Water funds #5510, #5583, Sewer funds #5580, and #5575. Vote: Unanimous
- 20-1371 A resolution was adopted to approve operational transfer from Commissioners fund #11011112 into Children Services fund #2273. Vote: Unanimous
- 20-1372 A resolution was adopted to approve supplemental appropriation into Local Coronavirus Relief fund #2210. Vote: Unanimous
- 20-1373 A resolution was adopted to approve appropriation adjustment and supplemental appropriation into Local Coronavirus Relief fund #2210. Vote: Unanimous
- 20-1374 A resolution was adopted to approve supplemental appropriation (amendment) increase within the Clerk of Courts Computer 2303.201 fund #2282. Vote: Unanimous
- 20-1375 A resolution was adopted to approve supplemental appropriations into Common Pleas court Community Based Corrections #2289. Vote: Unanimous
- 20-1376 A resolution was adopted to approve supplemental appropriation into Common Pleas court Community Based Corrections #2289. Vote: Unanimous
- 20-1377 A resolution was adopted to approve appropriation adjustments from Commissioners General fund #11011110 into Telecommunications fund #11012812. Vote: Unanimous
- 20-1378 A resolution was adopted to approve appropriation adjustment from Telecommunications Department fund #11012810 into #11012812. Vote: Unanimous
- 20-1379 A resolution was adopted to approve appropriation adjustment within Economic Development fund #11011116. Vote: Unanimous
- 20-1380 A resolution was adopted to approve appropriation adjustment within Engineer's Office fund #2202. Vote: Unanimous
- 20-1381 A resolution was adopted to approve appropriation adjustment within Board of Developmental Disabilities fund 2205. Vote: Unanimous
- 20-1382 A resolution was adopted to approve appropriation adjustment within the Sewer Revenue fund no. 5580. Vote: Unanimous
- 20-1383 A resolution was adopted to approve appropriation adjustment within the Sewer Revenue fund no. 5580. Vote: Unanimous

- 20-1384 A resolution was adopted to approve requisitions and authorize County Administrator to sign documents relative thereto. Vote: Unanimous
- 20-1385 A resolution was adopted to

#### DISCUSSIONS

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

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On motion, upon unanimous call of the roll, the Board entered into executive session at 9:02 a.m. to discuss personnel matters relative to hiring within the Building and Zoning Department pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 9:16 a.m.

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#### PUBLIC HEARING

#### CONSIDER TEXT AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE

The Board met this 29<sup>th</sup> day of October, 2020, both virtually and in the Commissioners' Meeting Room, to consider text amendments to the Warren County Rural Zoning Code to amend Section 1.312(C) (Administrative Appeal Fees), Section 3.101(E) & (F) (Agricultural Use Regulations in Subdivisions) and Section 1.305, 2.5 (Planned Unit Development).

Michelle Tegtmeier, Chief Zoning Official, presented the proposed changes as follows:

1. Administrative Appeal Fees—Clarified that if the Zoning Inspector's interpretation is overturned in its entirety, the fees associated with the appeal of administrative interpretation will be fully refunded to the applicant.
2. Agricultural Use Regulations in Subdivisions—Limits the number of cats and dogs (animal husbandry) to five (5) on a lot that is greater than three (3) acres, but not more than five (5) acres in size.
3. Planned Unit Development—New language to outline the PUD initiations process, the time limits and extensions for PUD Stage 2, and the modification process of an approved PUD Stage 3. Also rewriting Chapter 5, Article 2 Planned Unit Development to outline

the approval process of three different PUD classifications: I. Interstate Highway Overlay, II. Overlay PUD, and III. New District PUD

Bruce McGary, Assistant Prosecutor, provided an explanation of the PUD amendment relative to the Creek Song development appeal to the Common Pleas Court. He stated that this modification allows for a clear interpretation of the Zoning Code.

Upon discussion, there being no one present to speak in favor of or in opposition to said amendments, the Board closed the public hearing and resolved (Resolution #20-1385) to approve amendments to the Warren County Rural Zoning Code.

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Commissioner Young requested a brief update relative to the building and development community.

Mrs. Tegtmeier stated that they are seeing a lot of activity.

Bruce McGary, Assistant Prosecutor, stated that he is receiving a lot of calls from the development community and stated his opinion that development activity is increasing.

Commissioner Jones stated she received a call from a constituent interested in a property along US Route 22-3 for development of a small density transitions housing project which is outside of the sewer service area. She stated the need to confirm the direction she provides the constituent is correct in that they need begin the process with the Hamilton Township Trustees requesting them to agree to amend the Urban Service Area prior to this Board considering the request.

Chris Brausch, Sanitary Engineer, discussed the location of the property, the past practice of the Board on how they have considered prior requests and stated that this particular property also has some physical barriers relative to sanitary sewer service.

Commissioner Young clarified that the sanitary sewer decision is a policy decision of the Board and even if the Township Trustees agree to the change, this does not mean this Board must approve it.

There was discussion relative to "opening the flood gate" relative to making any changes to the existing sewer boundary.

Upon further discussion, Commissioner Jones stated she will direct the constituent to begin the process of making the request to the Hamilton Township Trustees.

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Neil Tunison, County Engineer, was present to discuss the complaint from a resident relative to the placement of a Duke electric pole at Heritage Club Drive and Butler-Warren Road.

Commissioner Young provided a brief history of the roadway improvements in the area as well as the needed electric upgrades that feed the area hospitals.

Mr. Tunison stated that he received the right of way application and upon review, determined that the application complied with the site distance requirement as well as all ODOT standards and issued the permit.

There was discussion relative to the concerns of the resident and upon discussion with the Assistant Prosecutor, it was determined that if the application complies with all standards, the County Engineer appropriately approved the permit.

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Tiffany Zindel, County Administrator, discussed the additional CARES funding being received. She stated that a portion can be utilized to reimburse law enforcement salaries relative to COVID-19 and questioned the desire of the Board relative to the balance.

There was discussion relative to the possibility of increasing the maximum allowances within the established grant program.

Commissioner Jones questioned the possibility of purchasing tech devices in order for the schools to provide internet service to students without.

There was discussion relative to the encumbrance deadline extension provided in the legislation.


Upon further discussion, the Board requested a work session with the Economic Development Department and County Auditor at the next meeting.

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Commissioner Young acknowledged that a copy of the letter being sent to Governor DeWine relative to questions related to the State's end goal relative to its COVID-19 directives will be available later today.

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Upon motion the meeting was adjourned.

  
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David G. Young, President

  
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Tom Grossmann

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Shannon Jones

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 September 29, 2020, in compliance with Section 121.29 O.R.C.

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



# **Warren County Rural Zoning Code Text Amendments**

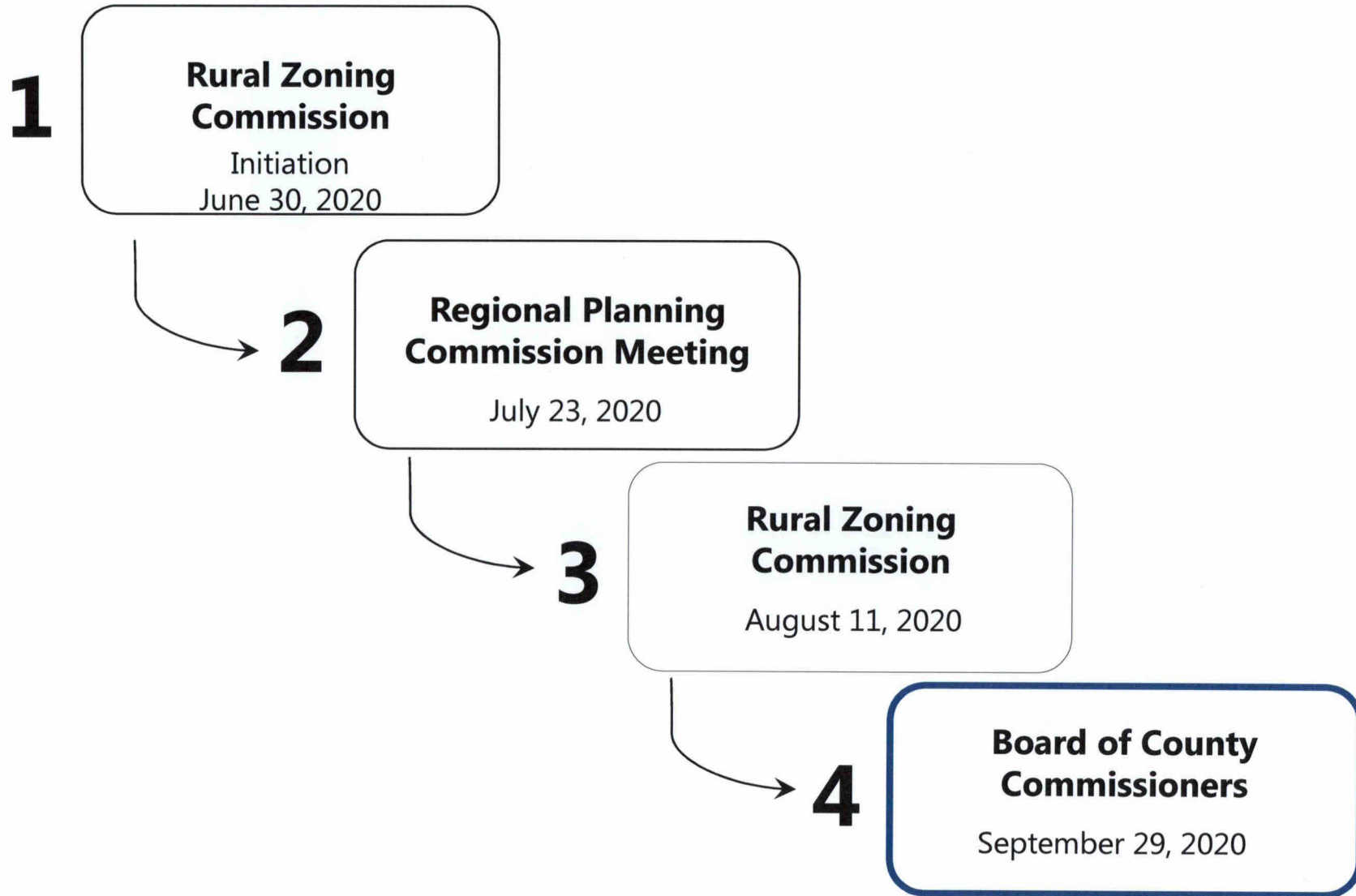


# Introduction



- Amendments to the Warren County Rural Zoning Code have been drafted by Planning/Zoning staff.
- Drafted language has been reviewed by the Prosecutor's Office.

# Text Amendment Process



# Amendment Topics



- 1) Administrative Appeal Fees
- 2) Agriculture Use Regulations in Subdivisions
- 3) Planned Unit Development

# (1) Administrative Appeal Fees

- The amendments for the required fee for zoning enforcement were mainly drafted by the Prosecutor's Office
- Item (C) Administrative Appeal Fees is added
- Clarify that if the Zoning Inspector's interpretation is overturned in its entirety, the fees, associated with the appeal of administrative interpretation will be fully refunded to the applicant.

## (2) Agriculture Use Regulations in Subdivisions

- Modifications to Agriculture Use Regulations in Subdivisions have been drafted by RPC staff and Zoning staff
- Provision was proposed to limit the number of cats and dogs to (5) on a lot that is greater than three (3) acres, but not more than five (5) acres in size

### **Delete the Current Definition for Commercial Kennel**

**Commercial Kennel:** Any property where a person, partnership, firm, company, or corporation professional engage in the business of breeding dogs for hunting or for sale. (955.02 ORC defines kennel owner)

### **Retain the Current Definition for Kennel**

**Kennel:** A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

### **Revise Section 3.101 Agricultural Use Regulations in Subdivisions to read as below**

**SEC 3.101 AGRICULTURAL USE REGULATIONS IN SUBDIVISIONS:** ORC Section 303.21 exempts certain agricultural practices from local zoning authority as specified in Section 1.103.7. **This section applies to non-exempt agricultural uses conducted as an accessory use to a residential use. The standards of Section 3.202.5 Kennels (non-exempt) or Section 2.205 Table of Uses are not applicable to agricultural uses developed under this section.** For the purposes of this Section, animal husbandry includes the raising or caring for any kind of animal, inclusive of pets. Non-exempt agricultural uses shall comply with the following requirements:

## **(4) Planned Unit Development**



- Modifications to the Planned Unit Development section under the Zoning Enforcement Chapter of Article 1 and under the PUD chapter of Article 2 were drafted by RPC staff and Zoning staff
- The drafted language for the two chapters has been reviewed and edited by the Prosecutor's Office.

## (4) Planned Unit Development

The modifications to Section 1.305 **Planned Unit Development** include the following:

- New language defines the **initiation process**
- New provision to define the **time limits and extensions** for PUD Stage 2
- A language that clarify the **review criteria** of PUD Stage 1 & PUD Stage 2
- New provision for minor modifications to clarify the modification process of an approved PUD Stage 3

## (4) Planned Unit Development

The proposed amendments to CHAPTER 5 **Planned Unit Development** include;

- New provisions define the **approval process** for three PUD classifications:
  1. Interstate Highway Overlay
  2. Overlay PUD
  3. New District PUD



## (4) Planned Unit Development

The proposed amendments to CHAPTER 5 **Planned Unit Development** include:

- Standards for each of the three PUD classifications **plus** general standards for all PUDS
- Three classifications of PUD to identify the nature of PUD on the Official Zoning Map:
  - A. PUD-IHO
  - B. PUD-O-Base Zoning Identifier
  - C. PUD-ND

# List of Sections by Topic (Cont.)

- ADMINISTRATIVE APPEAL FEE
  - Section: 1.312(C)
  
- AGRICULTURAL USE REGULATIONS IN SUBDIVISIONS
  - Section: 3.101(E) & (F)
  
- PLANNED UNIT DEVELOPMENT
  - Sections: 1.305, 2.5
  
- DEFINITIONS
  - Sections: 4.103