



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

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***TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG***

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

MINUTES: Regular Session – April 4, 2017

The Board met in regular session pursuant to adjournment of the March 28, 2017, meeting.

Tom Grossmann – present

Shannon Jones – present

David G. Young – present

Tina Osborne, Clerk – present

- 17-0501 A resolution was adopted to accept resignation of Justin Chapman, Protective Services Caseworker, within the Warren County Department of Job and Family Services, Children Services Division, effective March 31, 2017.
Vote: Unanimous
- 17-0502 A resolution was adopted to hire Emmaline Ritchie as Emergency Communications Operator, within the Warren County Emergency Services Department. Vote: Unanimous
- 17-0503 A resolution was adopted to designate Family and Medical Leave of Absence to Kirsten Stover, Protective Services Supervisor, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 17-0504 A resolution was adopted to designate Family and Medical Leave of Absence to Roy Lutz, Alternative Response Caseworker II, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 17-0505 A resolution was adopted to approve change order #1 with Brown Construction and Paving Corp for the Warren County Fairgrounds Post Frame Barn H Project.
Vote: Unanimous

- 17-0506 A resolution was adopted to post for bid of the sale of various scrap metal for the Water and Sewer Department. Vote: Unanimous
- 17-0507 A resolution was adopted to approve emergency repair to the generator at the Meijer's Lift Station. Vote: Unanimous
- 17-0508 A resolution was adopted to enter into a Temporary Construction Easement with Benny Harrison for the Old 122 and Township Line Road Roundabout Project. Vote: Unanimous
- 17-0509 A resolution was adopted to approve agreement and addendum with rite of passage 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
- 17-0510 A resolution was adopted to authorize President of Board to sign the Task Completion Reports with TriTech Software Systems on behalf of Warren County Telecommunications. Vote: Unanimous
- 17-0511 A resolution was adopted to approve amendment to agreement with Fiber Technologies Networks on behalf of Warren County Telecommunications. Vote: Unanimous
- 17-0512 A resolution was adopted to enter into agreement with OARrnet on behalf of Warren County Telecommunications. Vote: Unanimous
- 17-0513 A resolution was adopted to approve and authorize Director of Emergency Services to sign Local Support Agency Memorandum of Understanding with Lebanon Correctional Institution. Vote: Unanimous
- 17-0514 A resolution was adopted to approve various refunds. Vote: Unanimous
- 17-0515 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.419(D) (1). Vote: Unanimous
- 17-0516 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 17-0517 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement release for M/I Homes of Cincinnati, LLC for Regency Park Section 1B in Hamilton Township. Vote: Unanimous
- 17-0518 A resolution was adopted to enter into Erosion Control Bond Agreement for Robert C. Rhein Interests, Inc. for completion of improvements in The Enclave at Long Cove situated in Deerfield Township. Vote: Unanimous

- 17-0519 A resolution was adopted to approve the following record plats. Vote: Unanimous
- 17-0520 A resolution was adopted to approve appropriation decreases within various funds. Vote: Unanimous
- 17-0521 A resolution was adopted to approve operating transfers from Water Revenue Fund 510 into Water Revenue Project Fund No. 583-3202 for the St Rt 73 Water Main Extension/Interconnect and Sewer Revenue Fund 580 into Sewer Revenue Project Fund 583-3375 for the Massie/Wayne Sewer District system improvements. Vote: Unanimous
- 17-0522 A resolution was adopted to approve supplemental appropriation into Fairgrounds Construction Project Fund #498. Vote: Unanimous
- 17-0523 A resolution was adopted to approve supplemental appropriation into Fairgrounds Construction Project Fund #498. Vote: Unanimous
- 17-0524 A resolution was adopted to approve subfund adjustment with County Fairgrounds Construction Fund #498. Vote: Unanimous
- 17-0525 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
- 17-0526 A resolution was adopted to approve appropriation adjustments from Commissioners General Fund #101-1110 into Detention- Sheriff's Fund #101-2210. Vote: Unanimous
- 17-0527 A resolution was adopted to approve appropriation adjustments within Facilities Management Fund #101-1600. Vote: Unanimous
- 17-0528 A resolution was adopted to approve appropriation adjustments from Common Pleas Court- Pretrial Services Fund #101-1222 into Common Pleas Court Fund #101-1220. Vote: Unanimous
- 17-0529 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Probation Services Fund #101-1223. Vote: Unanimous
- 17-0530 A resolution was adopted to approve appropriation adjustment within Common Pleas Court- Community Corrections Fund #101-1224. Vote: Unanimous
- 17-0531 A resolution was adopted to approve appropriation adjustments within Juvenile Detention Fund #101-2600. Vote: Unanimous
- 17-0532 A resolution was adopted to approve appropriation adjustment within Grants Administration Fund #265. Vote: Unanimous

- 17-0533 A resolution was adopted to approve appropriation adjustment within County Transit Fund #299. Vote: Unanimous
- 17-0534 A resolution was adopted to approve appropriation adjustments within Engineer's Office Fund #202. Vote: Unanimous
- 17-0535 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 17-0536 A resolution was adopted to accept the amounts and rates as determined by the Warren County Budget Commission and authorize the necessary tax levies and certifying them to the County Auditor. Vote: Unanimous
- 17-0537 A resolution was adopted to accept amended certificate for County Fairgrounds Construction Fund #498. Vote: Unanimous
- 17-0538 A resolution was adopted to approve annexation of 5.306 acres to the City of Mason, Richard A. Paolo, Agent, pursuant to Ohio Revised Code Section 709.022 [A.K.A Expedited Type 1 Annexation]. Vote: Unanimous
- 17-0539 A resolution was adopted to approve the Workforce Innovation and Opportunity Act Southwest Ohio Region strategic plan for Area 12 and Area 13, 2017-2021. Vote: Unanimous
- 17-0540 A resolution was adopted to continue the public hearing to consider amendments to the Warren County Subdivision Regulations to April 25, 2017, at 9:30 a.m. Vote: Unanimous
- 17-0541 A resolution was adopted to approve modifications to the text amendments to the Warren County Rural Zoning Code. Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0542 A resolution was adopted to adopt classification specifications and point factor assignments of staff technician within the Warren County Water and Sewer Department. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0543 A resolution was adopted to approve reclassification of Tom Barnes from Meter Reader II to the position of Staff Technician. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0544 A resolution was adopted to amend Section 7.21 Firearms, of the Warren County Personnel Policy Manual. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0545 A resolution was adopted to approve hiring of Temporary Employees for the Facilities Management Department. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea

- 17-0546 A resolution was adopted to approve hiring temporary employees for the Water and Sewer Department. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0547 A resolution was adopted to remove probationary employee from employment within the Emergency Services Department. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0548 A resolution was adopted to terminate employment of Anderson DeWine, within Warren County Emergency Services. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0549 A resolution was adopted to accept resignation of Afton Direnzi, Protective Services Caseworker, within the Warren County Department of Job and Family Services, Children Services Division, effective March 31, 2017. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea
- 17-0550 A resolution was adopted to approve an appropriation adjustment within Common Pleas Court Fund #289. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. Jones – yea

DISCUSSIONS

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

Adam Jones, Workforce Investment Board, was present to review the proposed Workforce Innovation and Opportunity Act Southwest Ohio Region strategic plan for Area 12 and Area 13, 2017-2021.

Mr. Jones discussed the necessity for the plan and upon discussion, the Board resolved (Resolution #17-0539) to approve and adopt the Workforce Innovation and Opportunity Act Southwest Ohio Region strategic plan for Area 12 and Area 13, 2017-2021.

PUBLIC HEARING

CONSIDER AMENDMENTS TO THE WARREN COUNTY SUBDIVISION REGULATIONS

Zach Moore, Regional Planning Commission (RPC), was present for the public hearing to consider amendments to the Warren County Subdivision Regulations.

Mr. Moore reviewed the requirement of the Board to either reject or approve the amendments that were approved by the RPC Executive Commission. He reviewed the timeline for the adoption of the Amended Subdivision Regulations and stated that the Cincinnati Homebuilders are in favor of the proposed amendments as well as the Turtlecreek Township Trustees. He also stated the collaboration with the Prosecutor's Office on the language in the amendments.

Mr. Moore then reviewed the following proposed changes:

1. Electronic Plan Submissions – the ability to accept electronic documents
2. Sidewalk Design- Allows developers to match existing sidewalks and doesn't force the construction of a "sidewalk to nowhere"
3. Access Point Regulations

Chris Thompson, City of Springboro Manager and Regional Planning Commission Executive Committee member, spoke in reference to the access point regulation amendments. She stated that each subdivision should be looked at individually regarding access points and that the current regulations are very vague in regards to access point and connectivity requirements.

Ms. Thompson stated that the proposed amendments would require any subdivision over 50 lots to have two access points and any under 50 would only require one. She stated the public safety issue relative to only one access point. She then stated that the proposed language develops subjective standards for developers to follow and also provide a waiver process in the event the subdivision requires individual review.

Commissioner Young stated his concern with regard to requiring the construction of a "street to nowhere" in regards to undeveloped adjacent property.

Commissioner Grossmann stated that criminals do not like subdivisions that only have one access as they don't want to become "trapped". He then questioned the ability to transfer the burden from the developer to prove why he doesn't need to construct the access point to government needing to prove why it is needed.

Commissioner Jones stated her desire to know the discussion relative to what concerns were raised during the initial conversations with stakeholders.

Mr. Moore stated that the original proposal of amendments included a "connectivity index" for not only external connections with also the internal road networks with the subdivision.

There was discussion relative to the support from the townships as well as the developers through the Cincinnati Homebuilders Association Ohio Valley Development Council.

Mr. Moore reiterated that prior to this proposed amendment, there were no objective standards within the regulations.

There was discussion relative to the addition of a waiver condition relative to property values between adjacent subdivisions.

There was discussion relative to whether the required connections would be a "paper street" or would be required to be constructed during the development phase.

Mr. Moore confirmed that the developer would be required to construct the street stubs.

Commissioner Grossmann stated his desire to hear testimony from the developers relative to the proposed amendment.

Mr. McGary reviewed the options available to the Board relative to adoption of the proposed amendments relative to the inability to make amendments to the regulations.

Commissioner Grossmann stated his desire to reject the amendments and send it back to the Regional Planning Commission for the addition of the additional waiver factor.

Commissioner Young stated he does not necessarily want to reject the amendments but stated his concern with understanding the waiver process.

Mr. McGary informed the Board that the waiver process would require a quasi-judicial hearing of the Regional Planning Commission Executive Committee and the developer would be required to prove the factors required to obtain the waiver. He then stated that the regulations that are currently in place relative to the access points are legally indefensible.

Upon further discussion, the Board resolved (Resolution #17-0540) to continue this public hearing to April 25, 2017, at 9:30 a.m.

Commissioner Grossmann exited the meeting at 10:21 a.m.

PUBLIC HEARING

CONSIDER TEXT AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE

The public hearing to consider text amendments to the Warren County Rural Zoning Code was convened this 4th day of April 2017, in the Commissioners' Meeting Room.

Michael Yetter, Zoning Supervisor, reviewed the list (attached) of proposed amendments and stated the majority is "clean up" language. He then presented the proposed amendment to the Table of Uses relative to the removal of secondary living quarters and the addition of secondary dwelling unit and stated the requirements based upon the size of the property (more or less than 5 acres).

Mr. Yetter reviewed the proposed amendment to Article 3 relative to height restrictions of residential accessory buildings. He stated that the proposed amendments base the maximum height allowed by the size of the parcel as well as the square footage of the main dwelling unit. He then stated that prior to this amendment; the maximum height allowed was 18 feet and, if approved, would go to 25 feet as well as additional setbacks based upon height. He stated the intent of the amendments in Article 3 is to reduce the number of requested variances and not infringe upon property owner rights. He then stated the addition of language that provides a remedy if someone objects to a decision of a zoning inspector.

Mr. Yetter reviewed the proposed language relative to historical evaluation relative to the adaptive reuse and associated restoration and/or rehabilitation of structures including barns and reviewed the allowed uses. He then clarified that the declaration is at the sole request of the property owner, not anything government would force upon a property owner.

Mr. Yetter reviewed the proposed language relative to secondary dwelling units. He stated the proposed amendment includes new modified language to allow units (connected or free standing) on the same parcel as the primary unit. He stated that the secondary unit cannot exceed 1500 square feet or half of the main structure square footage and will be permitted if it meets the standards including the minimum of a five acre parcel. He then stated that any parcel under five acres would require a variance from the Board of Zoning Appeals.

Mr. Yetter stated the need for the Board to approve an additional modification to delete the definition of "in-law suite" from Article 4 Definitions.

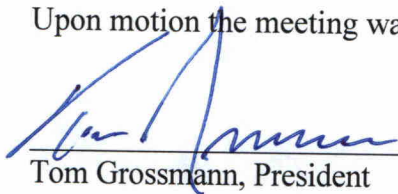
Mr. Yetter reviewed the proposed amendment to Article 3 relative to telecommunication towers. He stated this amendment is at the request of the County Engineer and would require a right of way use permit from the County Engineer.

Upon further discussion, the Board resolved (Resolution #17-0541) to approve a modification of the text amendments to the Warren County Rural Zoning Code to include the deletion of the definition of "in-law suite".

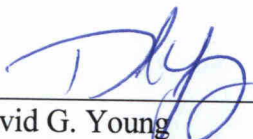
On motion, upon unanimous call of the roll, the Board entered into executive session at 10:50 to discuss personnel matters relative to specific personnel within the Water and Sewer Department and discipline within Emergency Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 11: 02 a.m.

The Board entered into private deliberations relative to the Warren County Sports Complex Stage 2 PUD (Union Village PUD) in Turtlecreek Township and exited at 12:20 p.m.

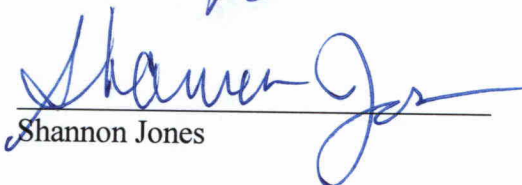
Upon motion the meeting was adjourned.



Tom Grossmann, President




David G. Young



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 April 4, 2017, in compliance with Section 121.22 O.R.C.



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

LIST OF TEXT AMENDMENTS

1.206.1(A) pg. 7 (added “any kind”)

1.303.2 Graphic pg. 5 (Removed “public hearing”)

1.303.3(B) (9), (C) (2) 4 places pg. 6 & 7 (Removed “public hearing”)

1.303.5(B) & (D) pg. 10 (Removed “public hearing”)

1.305.4(A) & (B) (4) pg. 18-19 (Removed “public hearing”)

1.306.6 pg. 28 (Removed “public hearing”)

1.307.7 pg. 30 (Removed “public hearing”)

1.310.4(C) & (D) pg. 37 (Removed “public hearing”)

2.205 Table of Uses - Secondary Dwelling Units (Removed secondary living quarters & added secondary dwelling unit – divided by more than 5 acres and less than 5 acres)

3.102.2 (Special Height Exceptions) (building height)

3.109 (D) (Historic Evaluation) (added)

3.203.5 Secondary Dwelling Units (newly added)

3.205.11 (15) (B) (3) (j) (added right of way use permit per warren county eng)

4.103 Definitions (modified secondary living quarters and changed to secondary dwelling units)