

BOARD OF COUNTY COMMISSIONERS WARREN COUNTY, OHIO

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BOARD OF COUNTY COMMISSIONERS WARREN COUNTY, OHIO

MINUTES: Regular Session - January 5, 2016

The Board met in regular session pursuant to adjournment of the December 29, 2015, meeting.

David G. Young – present Pat Arnold South – present

Tom Grossmann – present Tina Osborne, Clerk – present

Minutes of the December 22, 2015 and December 29, 2015 meetings were read and approved.

16-0001	A resolution was adopted to designate Family and Medical Leave of Absence to David Purkey, HVAC Technician I, within the Facilities Management Department. Vote: Unanimous
16-0002	A resolution was adopted to Remove Probationary Employee from Employment within the Emergency Services Department. Vote: Unanimous
16-0003	A resolution was adopted to Rescind Resolution #15-2102 which authorized the hiring of Ava Campbell as Emergency Communications Call Taker within Warren County Emergency Services Department. Vote: Unanimous
16-0004	A resolution was adopted to approve moving Lucian Hatfield from Part-time Customer Advocate, to Full-time Customer Advocate within OhioMeansJobs of Warren County. Vote: Unanimous
16-0005	A resolution was adopted to accept Resignation of Danielle Doctor, Unit Support

Worker II, within the Warren County Job and Family Services Department, Human Services Division, effective January 8, 2016. Vote: Unanimous

16-0006	A resolution was adopted to authorize the posting of the "Unit Support Worker II" position, within the Human Services Department, in accordance with Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous
16-0007	A resolution was adopted to approve Amendment to Agreement between the Warren County Commissioners, on behalf of the Warren County Juvenile Court Mary Haven Youth Center Division, and Preble County Department of Job and Family Services, Children Services Division. Vote: Unanimous
16-0008	A resolution was adopted to enter into Contract with Stauffer Site Services LLC for FY12 Union Township - Riley Street Storm Sewer CDBG Project. Vote: Unanimous
16-0009	A resolution was adopted to approve various Refunds. Vote: Unanimous
16-0010	A resolution was adopted to approve a Street and Appurtenances Bond Release for Charwood, LLC for completion of improvements in Charleston Woods of Turtlecreek situated in Turtlecreek Township. Vote: Unanimous
16-0011	A resolution was adopted to approve Triple Creek Court, Carol Court and Glendale Court in Charleston Woods of Turtlecreek for public maintenance by Turtlecreek Township. Vote: Unanimous
16-0012	A resolution was adopted to approve a Street and Appurtenances Bond Release for Todd Development Co., Inc for completion of improvements in the Trails of Greycliff, Section Two situated in Franklin Township. Vote: Unanimous
16-0013	A resolution was adopted to approve a Sidewalk Bond Release for Todd Development Co., Inc. for completion of improvements in the Trails of Greycliff, Section Two, situated in Franklin Township. Vote: Unanimous
16-0014	A resolution was adopted to approve Greycliff Trail, Running Deer Trail, and Greycliff Court in the Trails of Greycliff, Section Two for public maintenance by Franklin Township. Vote: Unanimous
16-0015	A resolution was adopted to continue Public Hearing to consider Text Amendments to the Warren County Rural Zoning Code to Amend Article 3, Chapter 6 Sign Standards and Requirements and Article 4 Definitions. Vote: Unanimous
16-0016	A resolution was adopted to approve the Stage 2 Planned Unit Development Application of 22three Firearms Outfitters, Jeff Monroe, Agent, subject to certain conditions. Vote: Unanimous

16-0017

A resolution was adopted to Deny the Vacation of a Portion of Ward Road in Salem Township, Warren County, Ohio. Vote: Unanimous

DISCUSSIONS

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

PUBLIC HEARING

CONSIDER TEXT AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE TO AMEND ARTICLE 3, CHAPTER 6 - SIGNAGE AND ARTICLE 4 – DEFINITIONS

The public hearing to consider amendments to the Warren County Rural Zoning Code to amend Article 3, Chapter 6 – Signage and Article 4 – Definitions, was convened this 5th day of January 2016, in the Commissioners' Meeting Room.

Mike Yetter, Zoning Supervisor, stated that the Rural Zoning Commission and the Regional Planning Commission Executive Committee reviewed the proposed text amendment and recommended approval.

Daniel Geroni, Regional Planning Commission, stated this proposed text amendment is necessary to amend the signage regulation in order to clarify rules. He then presented the attached presentation and reviewed the following policy changes:

1. Exempting Government Buildings – in the current zoning code, all government signs are exempt from zoning regulations. This proposed amendment would only exempt signs that enforce regulations rather than all government signs. All other signs would be required to comply with the sign standards within the Zoning Code.

Commissioner Young stated his concern relative to the ability of one governmental body controlling what another is permitted to due through zoning. He stated his opinion that the governmental agency answers to their taxpayers, just like this Board, and therefore, we should not be restricting their actions through our zoning regulations.

Commissioner South questioned the exemption of government and stated her concern for political subdivisions to be treated differently than everyone else. She cited the ability for a government to erect a billboard but the taxpaying business next door not being permitted.

Mr. Geroni reviewed a graphic that would be added to the zoning code relative to a sample for each type of sign. He then reviewed the following additional proposed changes:

- 2. Prohibits signs that emit any flames, smoke, fumes, vapor, or any similar substance
- 3. Allows arch signs over driveways
- 4. Requires LED signs to follow the same limits on off-site light pollution as outdoor lighting

There was discussion relative to the desire for additional discussion relative to this text amendment.

Upon further discussion, the Board resolved (Resolution #16-0015) to continue this public hearing to January 26, 2016, at 9:30 a.m.

ADMINISTRATIVE HEARING

STAGE 2 PUD FOR 22three FIREARMS OUTFITTERS IN TURTLECREEK TOWNSHIP

The administrative hearing to consider the Stage 2 PUD for 22three Firearms Outfitters, Jeff Monroe, Agent for Ben G. Duran, President of Sherrington Foods, Inc., owner of record, was convened this 5th day of January 2016, in the Commissioners' Meeting Room.

Robert Ware, Regional Planning Commission, reviewed the location of the property, current zoning and the proposed re-use plan to reuse the existing garden store (formally Marvin's Organic Gardens) to a gun shop and construction of an addition to the current building for an indoor gun range. He then stated that the composting permitted on this site would be eliminated, however, in the event Marvin's Organic Gardens has product currently on site that has not finished processing, it will be permitted to remain until completed and be required to comply with EPA regulations.

Mr. Ware reviewed the proposed landscaping plan, parking plan and elevations for the facility. He then stated the recommendation of the Regional Planning Commission Executive Committee to approve the Stage 2 PUD subject to seven conditions including the condition of no outdoor firearms shooting range.

Jeff Monroe, applicant, reviewed how they plan to soundproof the facility and the safety procedures they will have that includes concrete walls with added tiles. He stated there will be no escape of bullets possible with this type of construction.

Commissioner Grossmann questioned if there is an expert that will build the facility to ensure safety compliance.

Mr. Monroe stated that they have hired an expert out of Wisconsin that works in the industry and also consults with the US Navy to construct these types of facilities.

Scott Snale, area resident, stated his initial concern was with the possibility of an outdoor shooting range but that concern has been addressed.

Diana Ray, area resident, stated her concern with traffic flow along US 42. She then questioned why the need for future parking.

Mr. Monroe explained that he was questioned by staff where he would place additional parking, if needed. He then stated he does not anticipate any traffic concerns relative to his facility.

Commission Young stated he feels blessed to live in Warren County and is pleased that the ability to compost on this site will be going away.

Upon further discussion, the Board resolved (Resolution #16-0016) to approve the Stage 2 PUD subject to seven conditions.

PUBLIC HEARING

CONSIDER THE VACATION REQUEST FROM THE SALEM TOWNSHIP TRUSTEES TO VACATE A PORTION OF WARD ROAD IN SALEM TOWNSHIP

The public hearing to consider the request by the Salem Township Trustees to consider the vacation of a portion of Ward Road in Salem Township was convened this 5th day of January 2016, in the Commissioners' Meeting Room.

Scott Solloman, attorney for the Salem Township Trustees, stated that this vacation request was submitted as a result of a settlement agreement. He stated that the vacation of this road (he stated he is using the term road loosely) will formalize the vacation for a roadway that is tough to hike, let alone drive a vehicle on.

Rob Kaufman, attorney for Reading Terraqua Club (plaintiff in litigation previously mentioned), adjacent property owner, stated that Ward Road has been closed by the Township for a long time.

He explained the location of his client's property and stated that they cannot access their property that is adjacent to the Little Miami River without crossing ODNR property. He presented a picture of a "tunnel" that is Ward Road which goes under the bike trail and stated it is no longer anything that resembled a road but rather a creek bed. Mr. Kaufman stated that the reason the litigation was filed was to gain the ability to gain access to their property. He then stated that they are requesting the vacation of a certain portion of Ward Road in order to settle this matter.

Mr. Kaufman stated that due to the "doctrine of accretion, his client would be granted access to their property

Commissioner Grossmann questioned how this concern all came about and if someone was policing this roadway, preventing their client from accessing their property.

Mr. Kaufman stated that the Sheriff Deputies are not policing this. He then stated that members of the Reading Terraqua Club have reported that they were stopped by an ODNR Officer and told that if they rode their ATV's under the bike trail through this culvert, they would confiscate the vehicles.

There was discussion relative to if this is vacated, ODNR would retain ownership.

There was discussion relative to vacated vs. abandonment of a road.

Bruce McGary, Assistant Prosecutor, reviewed the process of roadway dedication and stated that there is no evidence that this road was ever established. He then stated that there is a question of if the county has any rights and also stated his opinion that the best this Board could do is vacate any easement interest.

There was then discussion relative to the doctrine of accretion being a "common law" rule and not a statutory regulation.

Mr. McGary stated the requirement for the County Engineer to present a report on the requested vacation request. He then stated that, in his opinion, if this vacation is approved, there will be no property to be granted in this action.

Mr. Kaufman stated his legal opinion that if the road is vacated, his clients would retain the right to access their property through the vacated area.

Gerald Daily, Ohio Attorney General representing Ohio Department of Natural Resources, stated that they have no problem with Reading Terraqua Club going under the bike trail through the "culvert", they just cannot go over the paved trail. He then stated the State has no objection to the use of ATVs under their trail but they are not willing to maintain the culvert in order to guarantee their access. He then stated that the State has no objection to the vacation petition but will not maintain the culvert.

Mr. Daily stated that ODNR has offered to grant a 20 year easement to the Reading Terraqua Club to access their property but they have declined to accept.

There was discussion relative to DAC Ohio, LLC being landlocked if this vacation request is approved.

Mr. Daily stated that DAC Ohio, LLC has an easement to cross the bike trail to bail hay on their property twice a year, therefore, they are not landlocked.

There was discussion relative to the right of Reading Terraqua Club to legally access their property if this vacation is approved.

Mr. Daily stated they are in agreement that they can maintain access but it would be the responsibility of Reading Terraqua Club to maintain that access, not the State of Ohio. He stated that the State would not have obligation of perpetual repair and maintenance of the area.

Mr. Sollmann stated that the Salem Township Trustees are not willing to grant access to Reading Terraqua Club to utilize the unimproved roadway due to a concern with potential liability. This vacation request was Salem Township's attempt to settle the litigation with Reading Terraqua Club.

Glen Anderson, C & S Contractors, Inc. (DAC Ohio, LLC), adjacent property owner, stated that if this vacation is approved, they will no longer have a legal access to do anything with their property other than agricultural use. The easement from ODNR only grants permission for bailing hay so they would not be permitted to develop the property anytime in the future. They would be totally landlocked.

Neil Tunison, County Engineer, presented a report on the vacation request and stated that this roadway is by prescription and was never establish. He stated that he has no recommendation for approval or denial of this request. He then stated the concern for loss of legal connection for properties on the opposite side of the bike path.

Mr. McGary stated that the statue requires the petition to provide a legal description of the route and termini of the requested vacated area. It is his position that this petition does not provide that information.

Mr. Tunison confirmed that the information contained in the petition does not provide an adequate general description of the route and termini.

Mr. Grossmann stated his desire to reject this petition.

Mr. Young stated his hesitance to get involved in a pending court case. He then suggested that ODNR, Reading Terraqua Club and the Township work this out by agreement. He then stated that his first concern is for the citizens of the county and the concern that a property owner will be landlocked by approval of this vacation petition.

Upon further discussion, the Board resolved (Resolution #16-0017) to deny the vacation of a portion of Ward Road in Salem Township.

On motion, upon unanimous call of the roll, the Board entered into executive session at 10:59 a.m. to discuss acquisition of property pursuant to Ohio Revised Code Section 121.22 (G)(2) and union negotiations pursuant to Ohio Revised Code Section 121.22 (G)(4) and exited at 11:15 a.m.

The Board met this 5th day of January 2016, to consider the 1% increase in the Warren County lodgings tax pursuant to a request from the Warren County Convention and Visitor's Bureau and AM. Sub. H.B. 64 from the 131st General Assembly.

Commissioner Young discussed the restrictive language in HB 64 relative to the 1% increase being "for the purpose of paying the costs of constructing and maintaining county-owned facilities designed to host sporting events and paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities."

Commissioner Grossmann stated his opinion that the Board does not have the ability to approve an increase the lodgings tax because the proposed facility is not to be county owned. He stated the lack of authority to collect the increase without it being owned by Warren County.

Bruce McGary, Assistant Prosecutor, read aloud the language within the legislation approved by the General Assembly and the zoning law relative to the Otterbein PUD as it pertains to the transfer of title to the Warren County Convention and Visitor's Bureau.

Commissioner Young stated that, at this time, the facility will not be a county owned facility, it will be owned by the Convention and Visitor's Bureau.

Mr. McGary stated that the legislation adopted by the General Assembly did not include a definition of "county owned facility".

Commission Grossmann stated that either the legislation needs to be amended or the property needs to be deeded to the County. He then stated that the Board is not authorized the 1% increase for improvements to property they do not own because the legislation does not permit it.

Phil Smith, Executive Director of the Warren County Convention and Visitor's Bureau, stated that he will work on a solution to the concern.

Upon further discussion, the Board determined to table the request for the 1% increase in the Warren County lodgings tax until further notice.

Upon motion the meeting was adjourned.

David G. Young, President

fom 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 5, 2016, in compliance with Section 121.22 O.R.C.

Tina Osborne, Clerk

Board of County Commissioners

Warren County, Ohio

Proposed Signage Regulation Text Amendments

ART. 3 CH. 6 "SIGNAGE STANDARDS AND REQUIREMENTS" & ART. 4 CH. 1 "DEFINITIONS"

BOARD OF COUNTY COMMISSIONERS

Jan 5, 2016



Amendment Process

- RPC Staff propose text amendments for a more efficient code
- 2. Reviewed by a Zoning Commission subcommittee
- Initiated by the Zoning Commission
- Presented to RPC for action (approval, deny, modify)
- 5. Presented to RZC for action (approval, deny, modify)
- Presented to the BOCC for action (approval, deny, modify)

Adding Graphics



Exempting Government Buildings

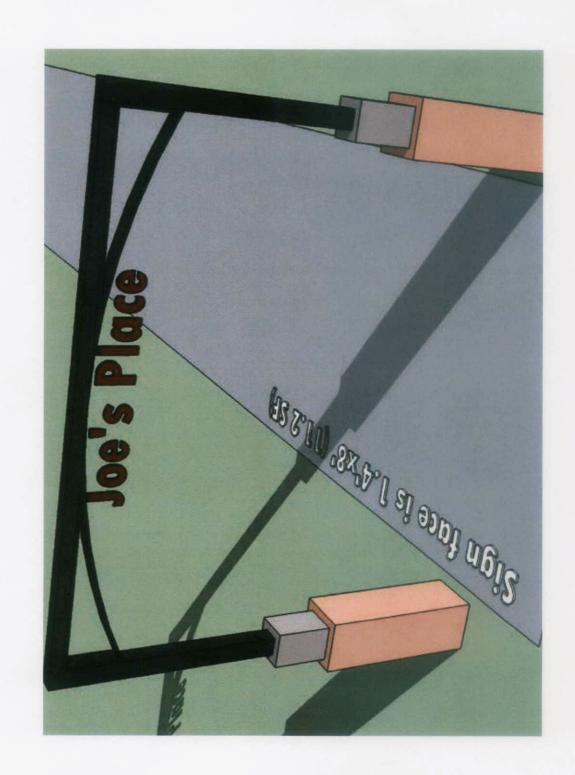
- Government signs enforcing regulations, rather than <u>all</u> government signs, are exempt from zoning.
- regulations pursuant to a government's function, ordinances, or regulation shall be excluded from the regulations of this Signs erected and maintained to enforce governmental section (pg 3).

Additional Prohibited Signs

- Adds the following to the list of prohibited signs:
- "Signs that emit any flames, smoke, fumes, vapor, or any similar substance" (pg 6).

Additional Permitted Sign

Allows arch signs over driveways (pg 9).



Dimming LED Signs

- Requires LED signs to follow the same limits on off-site light pollution as outdoor lighting.
- "The luminosity of the LED board shall be dimmed between dusk and dawn when the LED sign is adjacent to a residential district. The sign shall emit no more than 0.2 foot-candles at the property line" (pg 11).

Recommendation

Amend the Article 3 Chapter 6 "Signage Standards and Requirements" and Article 4 Chapter 1 "Definitions" as recommended by the RZC and RPC.

Regulating Type and Quantity

(A) Ouantity:

	Wall Signs	Pole, Arch, & Ground Canopy/ (including LED) Signs ¹ Awning 9	Canopy/ Awning Signs ¹		Projecting Signature Signs Wall Signs
Single Building with One User	Single Building One (1) per exterior with One User building wall, including side walls.	One (1) per street frontage One (1) per One (1) per building great- building front- age er than 45' in height on one wall that fronts	One (1) per building	One (1) per building frontage	One (1) per One (1) per building front- er than 45' in height on one wall that fronts
Multi-Tenant Building or Multiple Buildings on one Parcel	Multi-Tenant One (1) per business Building or Mul-tiple for multi-tenant buildings or one (1) per exterior building wall for buildings with one user	One (1) per street frontage or one (1) per multi-tenant building, or one (1) per street frontage per multi-tenant parcel; or one (1) per street frontage per comprehensively developed collec-	One (1) per business on ground level	per One (1) per on business on ground level	None

¹A building may have a pole sign OR an arch sign OR a ground sign as stated in the table above: it may not have some combination of the three types.

Arch Sign Standards

- (C) Arch Signs: An arch sign shall be subject to the following standards:
- (1) Maximum height for signage, including any structural elements: 25 ft. A height in excess of 25 ft. may be approved subject to site plan review.
- (2) Minimum clearance: 14 ft., 4 in.
- elements shall equal the width of the paved driveway or roadway that passes (3) Maximum width: The maximum width of the signage and any structural under the sign, plus 5 ft (2.5 ft. on both sides).
- (4) Maximum area of sign face: 2 ft. multiplied by the width of the span of the
- (5) Maximum number of sign faces: 2
- (6) Maximum number of poles (structural supports): 2; one on either side of the driveway/roadway.
- (7) Minimum setback from right-of-way: 10 ft.
- (8) Permitted materials: see Sec. 3.606 (A)
- (9) Prohibited materials: See Sec. 3.606 (1)



PRESENTATION TO BOARD OF COUNTY COMMISSIONERS WARREN COUNTY REGIONAL PLANNING COMMISSION

DURAN PUD STAGE 2 PLAN REVISION

January 5, 2016

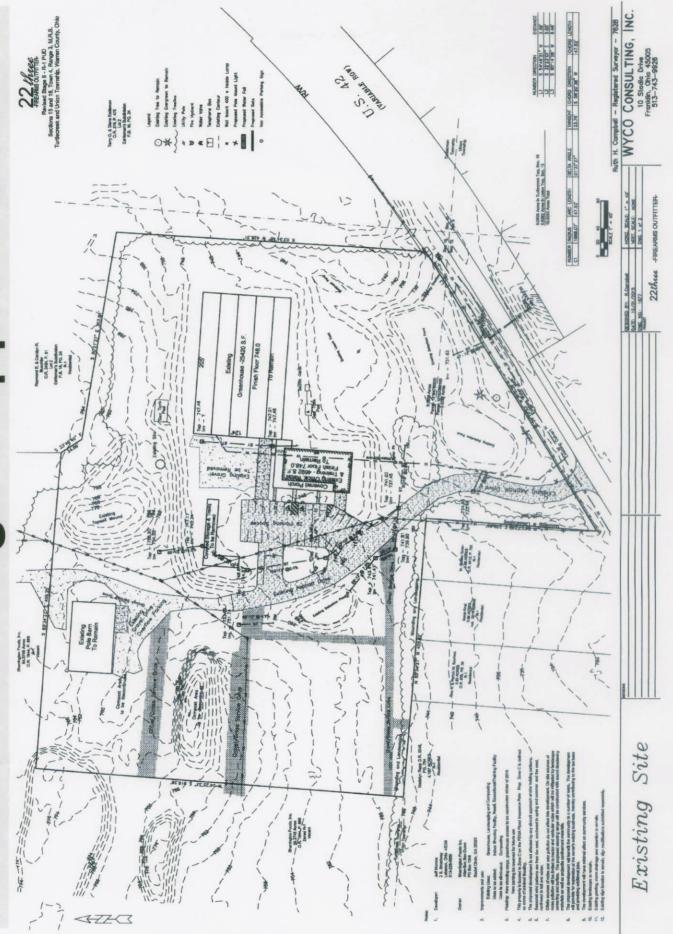
(2) TURTLECREEK TWP PUD (3) 7 Vicinity



Zoning



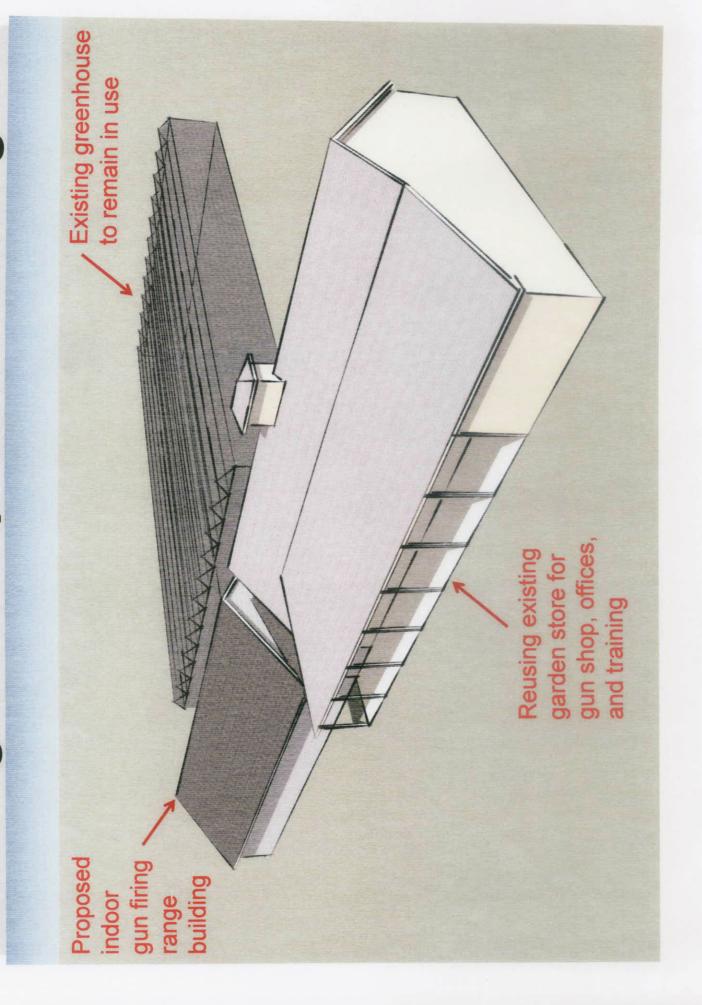
Initial PUD Stage 2 Approved Plan



WYCO CONSULTING, INC. 10 Stadio Drive Franklin, Chio 45005 513-743-9926 22 Mee. FREAMS OUTSTEE. Revised Stage I. R. P.U.D. Sections and 16 Town 4 Remys 3 M.R.S. Tuffecness and Union Township, Visions County, Otto Ruth H. Campbell - Registered Surveyor - 7528 of the control of the control hardens for a fine of the control hardens for the control hardens for the control of the control (WORTH WINDER CX CX 5. Terry O. & Clans Estiemer O.P. 276 P. 476 Lot 2 Estiemen's Subchildon P.B. 16, PO. 24 0.0006 Acres in Turtiocrasses Trap, Sec. 10 0.0002 Acres in Libbin Trap, Sec. 15 10.0000 Acres Total firing range building ▶ Adding indoor gun -FIREARMS OUTFITTER. Proposed Reuse Plan 22three offices, and gun shop, store for Reusing existing training. garden Greenhouse -25420 S.F. Finish Floor 748.0 Remard E. & Carolo R. Barotter O.R. 24M. P. 41 Carolo C. 24M. P. 41 Catalogue and September P. S. 19 P. 24 National Association ▶ Future Parking Reserve Area 766 168 170 GR 342 P 78 Existing Pole Barn To Remain Sherrington Foads, Inc. 54.3745 Acres O.R. 1844; P. 805 B-F S. RES 24.777 Plan composting Eliminated operation Site Surfages from the Surfage Reves Out Table, 7, 805 Tower Ruff Visioner Ru Vicinity Map Revised 477-03

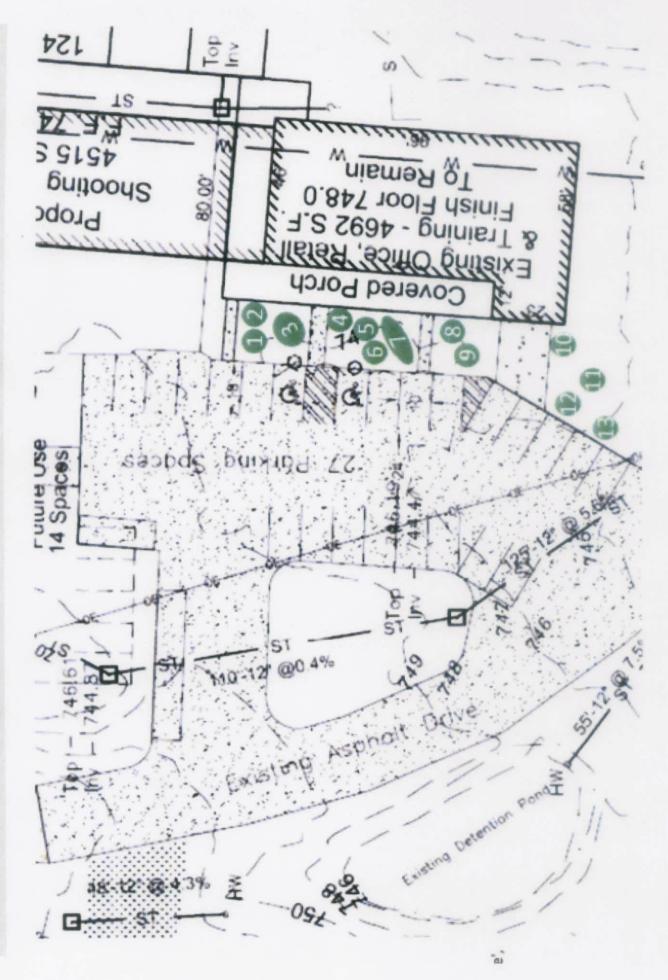
Existing and Proposed Buildings ARCHITECTURAL - FLOOR PLAN WEST ELEVATION Existing Existing EXISTING MERCANTLE SPACE MEW OVER-BURLT ROOF (3-12-9LOFE) PRIVATE WATTING Proposed Proposed PTR -ENGWESTED GOOP TRUBS (0-12 SLOPE) BEARTHS DRESCTLY ON FLEXI-CORE PLANK DECK Existing

Existing and Proposed Buildings

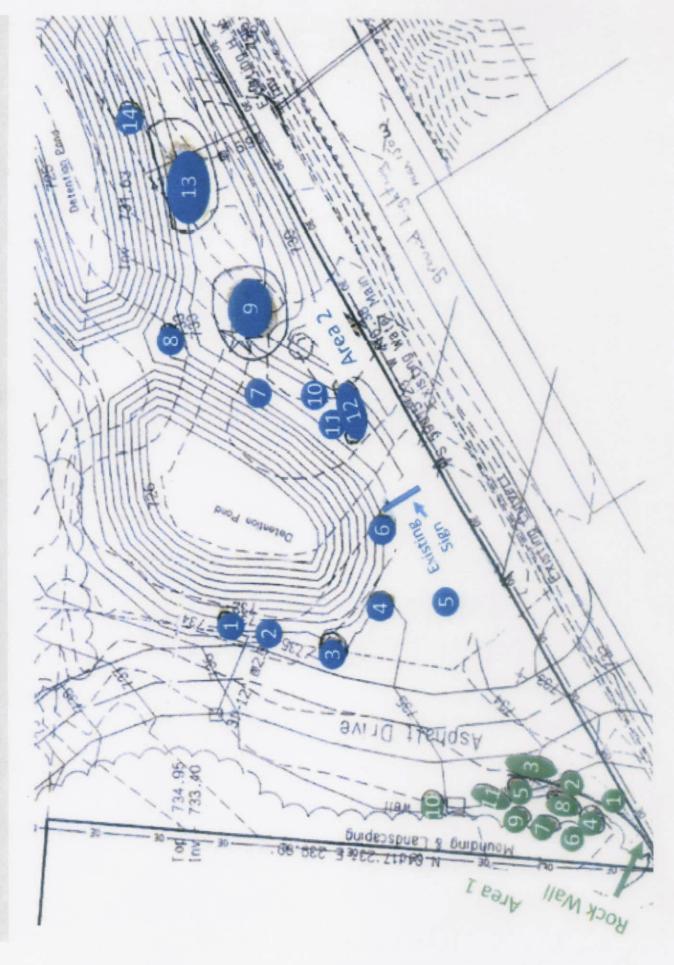




Building Landscaping



Entry Landscaping



RECOMMENDATION

Approve subject to the following conditions:

- to the development standards required by the Board of County Commissioners (BOCC) in the 1. The PUD Stage 3 Final Plan shall fully conform Warren County Rural Zoning Code unless as otherwise approved by the Warren County PUD Stage 2 Preliminary Plan.
- required by the ODOT prior to PUD Stage 3 2. Permitting and improvement of the site ingress/egress driveway intersection as Final Plan approval.

RECOMMENDATION (cont.)

- 3. Permitting of the onsite sewage wastewater disposal system by the OEPA prior to PUD Stage 3 Final Plan approval.
- of the Warren County Engineer's Office prior 4. Stormwater management to the satisfaction to PUD Stage 3 Final Plan approval.
- 5. Future reuses and/or additional uses shall be subject to BOCC approval of a revised PUD Stage 2 Plan.

RECOMMENDATION (cont.)

Conditions added by the RPC Executive Committee:

- 6. There is to be no outdoor firearms shooting range.
- 7. Composting eliminated, however in the event that they are not finished, allow it to remain until done and comply with EPA guidelines.