

MINUTES

July 5, 2016

The minutes of the Fairfield County Regional Planning Commission meeting held at the Fairfield County Courthouse, Commissioners' Hearing Room, 210 East Main Street, Lancaster, Ohio.

Presiding: Bill Yaple, President

Present: Betsy Alt, Zack DeLeon, Tammy Drobina, Todd Edwards, Jim Hochradel, Kent Huston, Lonnie Kosch, Dean LaRue, Harry Myers, Larry Neeley, Jerry Rainey, Jason Smith, John Snook, Phil Stringer, Ira Weiss, Jeffrey White, Dave Levacy (County Commissioner), Jeremiah Upp (County Engineer), Holly Mattei (Executive Director), James Mako (Senior Planner), Loudan Klein (Planner), and Gail Beck (Adm. Asst).

ITEM 1. MINUTES

The Minutes of the June 7, 2016 Fairfield County Regional Planning Commission meeting were presented for approval. Kent Huston made a motion for approval of the minutes. Ira Weiss seconded the motion. Motion passed with Tammy Drobina abstaining.

ITEM 2. PRESIDENT'S REPORT

Bill Yaple welcomed everyone to the meeting.

ITEM 3. PRESENTATION

Holly Mattei gave a presentation on the Fairfield County Transportation Improvement District.

ITEM 4. SUBDIVISION ACTIVITIES

Loudan Klein presented the following report:

ITEM 4a. SUBDIVISION: Violet Meadows–Revised Preliminary Plan–
Section 5 and 6-Submittal #2

OWNER/DEVELOPER: Violet Meadows Inc. c/o Jim Cotugno

ENGINEER/SURVEYOR: EMH&T., c/o Rick Harkless

LOCATION AND DESCRIPTION: The Violet Meadows Subdivision is located along SR 204 in Violet Township, Sections 23 and 24, Township 16, Range 20. A preliminary plan for this subdivision was approved in 1998 and amended in 2000. Another revised preliminary plan was approved in July of 2002 and extended to July 2, 2007. At the time lot widths were averaging around 100' but have continued to grow. This resulted in a revised preliminary plan for Section 5 and reconfiguration into Section 5 and 6. Lot widths will now average 120' and there will be 41 lots in total. Utilities will continue to be provided by Fairfield County Utilities and access will be from SR 204.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the Violet Meadows Revised Preliminary Plan Sections 5 & 6, subject to the following conditions:

1. As noted, the removal of the gas well, tanks, lines, and any appurtenances associated with this structure must be completed prior to approval of Section 6.2 construction drawings. We must receive approval from ODNR or other applicable agency that this has been completed to their standards.
2. The developer must obtain a letter from the owner of Lot 18 indicating they are willing to sign the final plat for Section 5.2 which will replat the street as Bianca Drive.
3. All 4 final plats must include language notifying lot owners there is existing oil and gas well to the west of Section 5.1 that will be abandoned prior to the construction of Section 6.2. Further determination will be made regarding the language on Section 6.2 plat at that time.
4. Combined utility and storm sewer easement dimensions must be approved by both the County Engineer and South Central Power.
5. Preliminary drainage calculations must be submitted to evaluate how the existing pond and new layout will function.
6. The Subdivision Regulations Committee is recommending approval of the following variances:
 - a. Pavement width variance on Bianca Court to 24';
 - b. Continuation of the 175' centerline radius on Optimara Drive;
 - c. Thirty (30') front yard setback to match the remainder of the development;
 - d. Intersection radius at the NW corner of Optimara Drive and Bianca Court;
 - e. Pavement width variance on Drucilla Street NW 26'
7. The preliminary plan must be revised to comply with the requirements of the Technical Review Committee, the Fairfield County Engineer's Office, the Fairfield County Utilities Department, the Fairfield Soil and Water Conservation District, Fairfield County GIS and Violet Township Zoning.

SUBDIVISION: Violet Meadows – Revised Preliminary Plan – Section 5 and 6 - Submittal #2 –
Continued

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation. Jerry Rainey seconded the motion. Motion passed with Harry Myers and Phil Stringer abstaining.

ITEM 5. ZONING TEXT AMENDMENT

James Mako presented the following report:

ITEM 5a. Applicant: Liberty Township

Proposed Revisions: Liberty Township has submitted a list of text amendments to their zoning code. The amendments are on file at the RPC office and summarized below:

1. Article I, TITLE PURPOSE AND CONFORMANCE.
 - a. Reflects proposed district name change from C-1 Conservation District to PR-1 Park/Recreation District. Removes Article XII (Appendices).
2. Article III, DEFINITIONS. The township wishes to modify the following definitions:
 - a. Flood Insurance Rate Map
 - b. Open Space, RestrictedAlso under Article III, the township wishes to add the following definitions:
 - a. Flood Fringe
 - b. Floodway
 - c. Junk
3. Article IV, ENFORCEMENT, VIOLATIONS, AND FEES. Text has been revised for submittal requirements for a zoning permit application. The township wishes to change the number of applications required for submittal from five to one. The township is proposing to add a requirement for zoning permit applications to have a vicinity map for lots less than 5 acres be prepared by a licensed professional surveyor. The township wishes to change the number of site plans required for submittal for a zoning permit from five to one.
4. Article VI- ADMINISTRATIVE BODIES AND THEIR REPRESENTATIVES. Section 6.2 (F)(4) has been amended to read: Review and approve Development Plans for the Planned Residential ~~Conservation~~ Park/Recreation District.
5. Article VII- ADMINISTRATIVE PROCEDURES. Text has been revised for submittal requirements for a variance/appeal application. The township wishes to change the number of applications required for submittal from eleven to seven. The township also wishes to incorporate what is known as the “Duncan Factors” into their code. These are factors to be considered and weighed by the Board of Zoning Appeals to determine

Applicant: Liberty Township - Continued

whether a property owner has encountered practical difficulties when seeking an area variance.

6. Article IX- ZONING DISTRICTS. The township wishes to move language in Section 12.1 (Appendices) to Section 9.2 (Rural Residential Zoning District). This language sets standards for driveway requirements in the RR District. Section 9.3 (D) has been amended with the following change: ~~Conservation~~ Park/Recreation Development. Article 9.10 (Flood Plain Overlay District) has been amended which will allow residential houses in the Flood Plain Overlay District. Residential houses will only be permitted in the flood fringe and not the floodway. Language has been added that renames the C-1 Conservation District to the Park/Recreation District (PR-1).
7. Article X GENERAL DEVELOPMENT STANDARDS. Language has been added that will grant an exception for fencing requirements around private in-ground residential swimming pools. An exception to the fencing requirements would be granted if the pool owner has a power safety cover complying with ASTM (American Society for Testing Materials) F 1346.
8. ARTICLE XII – APPENDICES- Resolution 4-3-2015 that set new standards for driveway culverts will be deleted (moved to Article 9.2 H).

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff recommends modifying the proposed text amendments with the following comments:

1. Article III, DEFINITIONS, the township proposes the following amendment:

OPEN SPACE, RESTRICTED – Open Space within the Planned Rural ~~Conservation~~ *Park/Recreation* District that is of sufficient size and shape to meet the minimum zoning requirements, and that is restricted from further development according to the provisions of Section 9.3.

It appears that the district title is incorrect. Section 9.3 of the code is the Planned Residential Conservation Overlay District. In addition, it does not appear that the township wishes to change the name of the Planned Residential Conservation Overlay District in Article IX. RPC Staff recommends that the definition of the Open Space, Restricted be corrected to reflect the specific zoning district and recommend that no changes be made to this definition unless there is a uniform change throughout the code. The same comment will apply to the proposed change to Sections 6.2 (F)(4) and 9.3 (D).

2. Article IV, ENFORCEMENT, VIOLATIONS, AND FEES. the township proposes the following amendment:

“The Zoning Permit application *for new homes* shall be accompanied by the following information”

Applicant: Liberty Township - Continued

RPC Staff believes that this wording is unnecessary due to the fact that zoning permits are required for several types of development not just new homes.

3. Article IV, ENFORCEMENT, VIOLATIONS, AND FEES. the township proposes adding the following language:

“For lots less than 5 acres, this (a vicinity map) must be prepared by a Professional Surveyor licensed in the State of Ohio”

RPC Staff questions why a professional surveyor is being required for a vicinity map. Staff believes that a site plan, as required by Section 4.3 (B)(4), is a more appropriate document to be prepared by a professional surveyor.

4. RPC Staff believes that adding the Duncan Factor language to the zoning code is helpful for the Board of Zoning Appeals (BZA) when deciding area variance cases. Staff would note that the Duncan court opinion does not limit the analysis of the BZA to only the seven factors.
5. RPC Staff has safety concerns regarding the proposed change to Section 10.4 (B)(3) which would allow an exception to the fencing requirements around private in-ground residential swimming pools. While the proposed regulations reference safety standards, the covers do not act as a permanent barrier at all times (i.e. when the pool cover is off). A fence will serve as an additional safeguard when the cover is not over the pool.
6. Section 9.2 (H) will incorporate only part of the existing Article XII. The township may want to consider keeping the part of Article XII not being moved to Section 9.2 (H). If the Driveway Requirements are being added to the Rural Residential (RR) District, then Section 9.2 (H)(1) should be amended and have any reference to commercial drives deleted or moved to the appropriate zoning district since commercial uses are not a permitted use within the RR district.

A motion was made by Harry Myers to approve the RPC staff recommendation. Ira Weiss seconded the motion. Discussion followed regarding a swimming pool fence and swimming pool power cover. After discussion, a vote was taken and the motion passed.

Holly Mattei presented the following report:

ITEM 6. PROPOSED CONTRACT FOR ADMINISTRATION OF PAVING PROJECT

The County Commissioners' office has requested RPC assistance with project management of the 2016 Parking Lot Paving project. The services will be similar to those we provided last year. The proposed contract is for \$4,000. The RPC Director is recommending authorization to approve the contract.

PROPOSED CONTRACT FOR ADMINISTRATION OF PAVING PROJECT – Continued

**FAIRFIELD COUNTY, OHIO AND THE FAIRFIELD COUNTY REGIONAL
PLANNING COMMISSION CONTRACT TO PROVIDE SERVICES FOR THE
FAIRFIELD COUNTY 2016 PARKING LOT PAVING PROJECT**

This Contract is made and entered into on the _____ day of _____, 2016 by Fairfield County, Ohio, hereinafter referred to as the “County” and the Fairfield County Regional Planning Commission, hereinafter referred to as the “RPC”.

WITNESSETH THAT:

WHEREAS, Fairfield County intends to pave various County owned parking lots; and

WHEREAS, the County desires to engage the RPC to render and perform certain services in connection with the parking lot paving project to facilitate the administration of this project.

**SECTION I
PROJECT DESCRIPTION**

The Project includes the resurfacing and striping of the following County owned parking lots/drives:

1. Internal roadway network at Liberty Center (overlay);
2. Tussing Road Wastewater Plant (Overlay)
3. Little Walnut Wastewater Plant (Overlay)
4. Liberty Center Parking Lot (Sealing and Striping);
5. Tussing Road Government Services Center Parking Lot and Water Treatment Plant (Sealing and Striping)
6. County Utilities Administrative Building (Sealing and Striping)

**SECTION II
SCOPE OF SERVICES**

The RPC shall provide the COUNTY the following services during the term of this Contract:

1. **SERVE AS THE COUNTY’S DESIGNATED AGENT/ PROJECT MANAGER.** The RPC will serve as the county’s designated agent/project manager. All direction shall be by or through the county’s agent/project manager.
2. **PREPARE BID DOCUMENTS.** The RPC will be responsible for preparing the bid documents in accordance with state law including required advertising and prevailing wage rate requirements. The RPC will oversee the bid opening, including the reading of the bids, recording of bid amounts, and review the submitted bids for completeness. The

PROPOSED CONTRACT FOR ADMINISTRATION OF PAVING PROJECT – Continued

RPC will submit the bid information to the County and work with the County to prepare the Notice of Award.

3. **CONTRACT MANAGEMENT.** The RPC will coordinate the execution of the agreement between the selected contractor and the County, including the collection of all information required in the agreement such as the bonds, insurance, contractor's certificate of worker's compensation and other similar information. The RPC will provide all required contract materials to the County Prosecutor's office for approval as to form. The RPC will also prepare the Notice to Proceed and the Notice of Commencement.
4. **PREVAILING WAGE COORDINATION.** The RPC will collect weekly payrolls from the contractor(s), review the contractor(s) payrolls to ensure compliance with prevailing wage requirements, and conduct any required on-site labor interviews. If there are no findings during the RPC's review of the payroll information, the RPC will forward the information to the County's Labor Standards Compliance Officer noting that all prevailing wage requirements have been met. If the RPC finds deficiencies in the contractor's payrolls, then the RPC will work with the contractor to ensure restitution is paid. The RPC will provide the restitution documentation to the County's Labor Standards Compliance Officer.

SECTION III
COUNTY RESPONSIBILITIES

The County's Facility Manager shall be responsible for answering any questions regarding the scope of work during the bidding process and shall also serve as the inspector of the project. The COUNTY will be responsible for the payment of all required advertising and permits. Any necessary property acquisition, boundary surveys, and easements will be obtained by the COUNTY.

SECTION IV
COMPENATION AND METHOD OF PAYMENT

The COUNTY shall pay the RPC a lump sum fee of \$4,000 for services 1-4 to be paid as follows upon the completion of the SCOPE OF SERVICES as identified in Section II.

SECTION V
CHANGES IN PROPOSED SERVICES

Any changes or modifications in the proposed SCOPE OF SERVICES as identified in SECTION II and fees for services shall be mutually agreed to in writing by the COUNTY and the RPC.

PROPOSED CONTRACT FOR ADMINISTRATION OF PAVING PROJECT – Continued

SECTION VI
TERMINATION OF AGREEMENT

This Contract shall terminate:

1. Upon the RPC's completion of the SCOPE OF SERVICES as identified in SECTION II.
2. By either party, upon written notices to the other for any reason, with or without cause.

In the event of termination, the RPC will be paid for services provided to the date of termination.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed this day and year first written above.

Fairfield County Regional
Planning Commission

Fairfield County
Board of Commissioners

Executive Director

County Administrator

Approved as to legal form:



Joshua S. Horacek
Assistant Prosecuting Attorney
June 23, 2016

A motion was made by Phil Stringer to authorize the RPC Director to sign the 2016 Parking Lot Paving Project Contract. Jim Hochradel seconded the motion. Motion passed with Dave Levacy abstaining.

ITEM 7. BUILDING DEPARTMENT APPLICATIONS UNDER REVIEW FOR BUILDING PERMITS

RPC staff presented a list of building permit applications under review.

Holly Mattei presented the following bills for payment:

ITEM 8. BILLS

561000	OFFICE SUPPLIES	\$	76.79
543000	CONTRACT SERVICES – REPAIR	\$	103.18
558000	TRAVEL & EXPENSES	\$	<u>192.76</u>
	TOTAL	\$	372.73

A motion was made by Jason Smith to approve the bills for payment. Zack DeLeon seconded the motion. Motion passed.

ITEM 9. OTHER BUSINESS

Holly Mattei reminded the RPC members that there will be a zoning training next month on public records prior to the RPC meeting. The RPC meeting and zoning training will be held at the Fairfield County Utilities Office in Carroll. Holly also talked about the Land Use Plan update. She stated that as part of the RFP, we are asking if any township would like to have a more detailed land use analysis for \$10,000. If not, each township will be part of the four quadrants at no cost to the township. An email was sent today to the townships requesting a response by July 29th on their preference of a more detailed report or being a part of the four quadrants.

There being no further business, a motion was made to adjourn the meeting by Todd Edwards and seconded by Jim Hochradel. Motion passed.

Minutes Approved By:

William Yaple, President

Mary K. Snider, Secretary