Bethel TOWNSHIP
MIAMI COUNTY - OHIO

RESOLUTION #26-11-117

A RESOLUTION REGARDING THE STATUS OF ZONING TEXT AMENDMENT CASE ZTA-01-26 AND RESOLUTION #26-08-076

The Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio met in regular session on the 10th day of November, 2026 with the following Trustees being present: Kama Dick, Julie Reese, and Josh Wilkerson.

Trustee Wilkerson **moved for the adoption** of the following resolution:

WHEREAS, Resolution #26-06-059, adopted June 9, 2026, initiated zoning text amendment case ZTA-01-26 under Section 519.12 of the Ohio Revised Code, and Resolution #26-08-076, adopted August 11, 2026, purported to approve that amendment with an effective date of September 10, 2026; AND

WHEREAS, on October 21, 2026 the Board President informed Trustee Wilkerson-Bienick, and separately informed the Township Administrator and the Zoning Director, that the Township's zoning counsel had advised that ZTA-01-26 was not properly adopted because the amendment was not referred to the Miami County Planning Commission as required by Section 519.12 of the Ohio Revised Code, and had recommended that the amendment be returned to the Zoning Commission and the County Planning Commission; AND NOT TRUE, Sent June 9th

WHEREAS, the Township website continues to post the text approved by Resolution #26-08-076 as effective September 10, 2026, and Resolution #26-11-112 as presented recites that effective date, while the same website as of November 9, 2026 lists ZTA-01-26 as a proposed text change for a public hearing on December 8, 2026, and no action of this Board has authorized that referral; AND

WHEREAS, Resolutions #26-09-085 and #26-10-101 amended sections of the text approved by Resolution #26-08-076, and the effect of counsel's advice on those resolutions has not been determined; AND

WHEREAS, Resolution #24-06-063 provides that a legal opinion requested by any Trustee shall be provided to all Trustees and the Fiscal Officer. THEREFORE

BE IT RESOLVED by the Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio, that:

SECTION 1. The Township Administrator is directed to obtain and distribute to all Trustees and the Fiscal Officer, within seven (7) days, the written advice of Brosius, Johnson & Griggs, LLC regarding the adoption of ZTA-01-26 and Resolution #26-08-076, any advice received from Shipman, Dixon & Livingston on the same question, and counsel's advice on the effect of that determination on Resolutions #26-09-085 and #26-10-101; and

SECTION 2. The Planning & Zoning Department is directed to identify, for presentation at the December 1, 2026 workshop, every zoning certificate, denial, conditional use or variance decision, and enforcement action issued on or after September 10, 2026 that relied on text approved by Resolution #26-08-076; and

SECTION 3. The Township website shall be corrected to identify the text approved by Resolution #26-08-076 as not in effect pending counsel's written advice, and the Planning & Zoning Department shall administer the Zoning Resolution as it stood on September 9, 2026 until the Board acts on that advice; and

SECTION 4. The Board will not re-submit the ZTA-01-26 text for re-adoption in its current form, and no referral, notice, or public hearing concerning ZTA-01-26 shall be scheduled except by action of this Board at a noticed meeting; and

SECTION 5. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code; and

SECTION 6. This Resolution shall take effect and be in force from and after the date of its adoption.

no second

Trustee _____ **seconded** the motion and the Board voted as follows upon roll call:

Vote:

Trustee Kama Dick	_____	_____
Trustee Julie Reese	_____	_____
Trustee Josh Wilkerson	_____	_____

Attest: _____

Rhonda Ross, Fiscal Officer
Bethel Township, Miami County, Ohio