

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
Minutes of Regular Meeting
October 14, 2024

The Clearcreek Township Trustees met in regular session at 5:30 p.m. with the following members present: Mr. Gabbard, Mr. Muterspaw, and Mr. Wade.

Mr. Wade opened the meeting and led in the Pledge of Allegiance.

Mr. Wade called for Public Comment.

Roger Gibbs from Mason, Ohio came forward to ask the Board to pass a Resolution in support of a Constitutional Convention.

Gary Weaver from Mason, Ohio came forward to ask the Board to pass a Resolution in support of a Constitutional Convention.

Mike Burrows from Cincinnati, Ohio came forward to ask the Board to pass a Resolution in support of a Constitutional Convention.

Shawn Warren, 5498 Spring Blossom Drive, came forward to request help in alleviating the allegedly loud music coming from Hidden Valley Orchards (HVO). Mr. Warren stated he can clearly hear the music inside his house, and feel the bass, and asked the Board to create a noise ordinance for himself and his neighbors.

Linda Roth from Mason, Ohio came forward to give additional information on the Constitutional Convention.

Rhonda Hale, 621 Stokes Reserve, came forward to complain about the music and noise at HVO and request a noise ordinance.

Charles Sweet, 653 Stokes Reserve, came forward to complain about the music and noise at HVO and requested a noise ordinance that can use decibel meters to objectively measure compliance.

Chris Hale, 621 Stokes Reserve, offered insight into the data being offered by the Constitutional Convention information offered earlier.

Mr. Wade asked Mr. Pacheco, Law Director, about how to address the noise issue. Mr. Pacheco advised that the Zoning Department could initiate discussions on how to address the concerns about HVO. Mr. Wade asked Mr. Palmer to bring something to the Board for consideration. Mr. Pacheco noted that the Board would need to move carefully to ensure that everyone's rights are respected, and that the solution is enforceable. Mr. Muterspaw asked that some communication be sent to HVO asking them to be good neighbors.

Mrs. Mary Anne Volleman, 5525 Spring Blossom Drive, came forward to ask for assistance with noise and traffic coming from HVO. She asked for help in maintaining the quality of life for the community. She also stated the problems with traffic at Spring Blossom Drive. Mr. Pacheco advised that ODOT

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is looking into the issue and that staff have been actively working with ODOT to address the citizens' concerns. Mr. Wade advised the audience about the process ODOT uses and how long it takes to make changes.

Mr. Wade then asked the Board for a motion to suspend the Regular Meeting and begin a Public Hearing on Resolution 5540 - A Resolution to approve/modify/deny the zone change request of David Montgomery (Pickrel Schaeffer and Ebeling) agent for WPB Enterprises, LLC, (Orville Wright) to amend the Zoning Resolution and Map for a total of 8.39 acres; parcel identified as Clearcreek-Franklin Rd (Wood Road), parcel number 04-15-101-008. The zone change request is from Suburban Residence Zone "SR-1" to Mixed Use Planned Unit Development "MU-PUD," and to dispense with the second reading. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Palmer, Planning and Zoning Director, gave background information on the request. The Board and Mr. Palmer discussed the property and the wording of the Resolution. Mr. Wade then asked for the applicant to step forward. Mr. Montgomery, Dayton, Ohio counsel for the applicant, came forward along with applicant, Mr. Wright, to state the merits of amending the zoning for the parcel to MU-PUD. Mr. Montgomery gave additional background information. Mr. Wade asked for public comments on the request. Mr. Williams, 9897 Clearcreek-Franklin Road, came forward and stated he is a neighbor and is in support of the request. Mr. Stafford, 9988 West Union Road, who owns an adjacent property to the north advised he was in support of the request. No further comments were noted.

Mr. Wade asked for a motion to close the Public Hearing and immediately resume the Regular Meeting. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade asked for a motion to approve, modify, or deny Resolution 5540. Mr. Gabbard moved to approve the rezoning request with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade asked the Board for a motion to suspend the Regular Meeting and begin a Public Hearing on Resolution 5541 - A Resolution to approve/modify/deny the zone change request of Jeff Ronningen of Straight Forward Storage, LLC, agent for property owners Guncreek Associates LTD and GCG Guncreek Associates LTD to amend the Zoning Resolution and Map for a total of 9.8323 acres. The parcel is identified as Route 122, parcel number 08-15-402-023. The request is to rezone 9.8323 acres (western segment) of the 20.3624-acre parcel. The zone change request is from Open Space Rural Residence Zone "OSR-1" to General Business Zone "B-2," and to dispense with the second reading. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Palmer, Planning and Zoning Director, gave background information on the request. Mr. Muterspaw asked about pictures of how the property would look. Mr. Palmer displayed some

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drawings of anticipated development. Mr. Palmer also noted that the B-2 zoning designation does not allow the Board to set aesthetics on property development. Mr. Wade asked the applicant to step forward. Mr. Ronningen gave a presentation regarding the proposed request. No Public Comments were noted. Mr. Wade asked for a motion to close the Public Hearing and immediately resume the Regular Meeting. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Wade asked for a motion to approve, modify, or deny Resolution 5541. Mr. Muterspaw moved to approve the Resolution with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Ronningen commented on Mr. Palmer's professionalism and skill, and thanked the Board.

Mr. Carolus, Fiscal Officer, gave background information on Resolution 5542.

Mr. Wade read Resolution 5542 – A Resolution approving supplemental appropriations to the Permanent Budget Appropriations for Fiscal Year 2024, dispensing with the second reading, and declaring an emergency. The emergency was the need to transfer earned interest at the earliest time permitted by law. Mr. Wade asked for a motion to approve the Resolution. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade read Resolution 5546 – A Resolution approving a transfer of funds from the General Fund to other funds in amounts equal to investment income generated by those funds for the third quarter 2024 and dispensing with the second reading. Mr. Wade asked for a motion to approve the Resolution. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Wade read Resolution 5543 – A Resolution approving an annexation agreement between Clearcreek Township and the City of Springboro for 6315 N. St. Rt. 741 (Kaiser Property) and dispensing with the second reading. Mr. Clark, Township Administrator, gave background information on the Resolution. Mr. Wade asked for a motion to approve the Resolution. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade read Resolution 5544 – A Resolution declaring personal property as surplus and approving an internet auction, direct sale, donation, disposal, or destruction of said personal property and dispensing with the second reading. Mr. Clark noted that the Township was trading in an old trailer for a new trailer as well as donating SCBA equipment from the Fire Department to the Warren County Career Center. Mr. Wade asked for a motion to approve the Resolution. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

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Mr. Wade read Resolution 5545 – A Resolution dedicating a portion of Clearcreek Township’s share of funds from the American Rescue Plan Act to fund site improvements and equipment purchases, dispensing with the second reading, and declaring an emergency. The reason for the emergency is the need to purchase and utilize the electric service, lighting, and trailer at the earliest time permitted by law. Mr. Clark, Township Administrator, gave background information on the Resolution. Mr. Wade asked for a motion to approve the Resolution. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade read Resolution 5547 – A Resolution authorizing the Township Administrator to incur obligations greater than \$10,000 on behalf of the Township, dispensing with the second reading, and declaring an emergency. The emergency is the need to authorize and to approve immediate payment for the above obligations at the earliest time permitted by law. Mr. Clark noted the purchase is a three-year agreement with Kettering Health for a wellness program for Police and Fire personnel. Mr. Wade asked for a motion to approve the Resolution. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Wade read Resolution 5548 – A Resolution approving the Memorandum of Understanding by and between the Board of Clearcreek Township Trustees and International Association of Fire Fighters Local 4207, dispensing with the second reading, and declaring an emergency. The emergency need is the immediate preservation of the public peace, health, safety, and welfare of this Township and the need to authorize and approve this MOU so that the parameters of calculating time and wages can become effective at the earliest possible time. Mr. Clark, Township Administrator, gave background information on the Resolution. Mr. Wade asked for a motion to approve the Resolution. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Agenbroad, Fire Chief, asked the Board to authorize a promotional process for the position of Fire Captain due to a pending resignation. Chief Agenbroad noted that Captain Null had accepted an Assistant Chief’s position at the Miami Valley Fire District. Mr. Wade asked for a motion to approve the request. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Chief Agenbroad gave an update on Station 24 construction.

Mr. Gabbard complemented the Fire Department regarding a call on Crossley Road.

Mr. Wade read Resolution 5549 – A Resolution levying a special assessment on properties in Clearcreek Township to recover the costs of abating a nuisance and dispensing with the second reading. Mr. Palmer gave background information on the Resolution. Mr. Wade asked for a motion to approve the Resolution. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

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Mr. Wade read Resolution 5550 – A Resolution determining that the maintenance of a specific tract of land constitutes a nuisance and ordering the removal of a junk vehicle after sufficient notice, dispensing with the second reading, and declaring an emergency. The emergency measure is necessary for the immediate preservation of the public peace, health, safety, and welfare of this Township along with the immediate need to address and abate the nuisance conditions and junk vehicle on the property. Mr. Palmer gave background information on the Resolution. Mr. Wade asked for a motion to approve the Resolution. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Lt. Stacy, Clearcreek Police Department, asked the Board to accept a very generous donation of \$10,000 from the Springboro Fraternal Order of Eagles to benefit the Police Department's new drone program. Lieutenant Stacy expressed the Department's gratitude for the donation. Mr. Wade asked for a motion to accept the donation. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade asked for a motion to approve the Consent Agenda. Mr. Muterspaw so moved to approve the Consent Agenda as presented to the Board:

- 1 Approval of Regular Minutes – September 23, 2024, Regular Session.
- 2 Current Bills and Financial Report.
- 3 Accept the resignation of probationary employment of Human Resource Manager Randi Michael, effective October 10, 2024.
- 4 Accept the resignation of employment of the following personnel:
 - a. Captain Justin Null, effective October 12, 2024.
 - b. Firefighter/EMT Nick Logsdon, effective October 23, 2024.
- 5 Adjust the hourly pay rate of Officer Reggie Bronnenberg to the contractual Step 5 rate of \$39.64 per hour effective September 28, 2024.
- 6 Accept the Road, Planning and Zoning, Police and Fire monthly reports for September 2024.

Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Clark advised that he had spoken with a Duke Energy representative and that construction on a new power substation along State Route 122 would be forthcoming. Mr. Clark stated he hoped the new substation would enhance electric service within the Township.

Mr. Clark advised that Trick or Treat would be on Halloween night, October 31st, during the hours of 6 p.m. to 8 p.m.

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With no further business, Mr. Wade asked for a motion to adjourn the Regular Meeting at 7:07 p.m. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

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