

Held _____ August 10 _____, 2020
(YEAR)

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 asked if the Board members had any consent agenda item or items that they wished removed. No removal from the consent agenda was requested.

Mr. Carolus, Fiscal Officer, advised that the 2019 audit was completed. Two deposits, made into the wrong fund were corrected and the additional month end procedures had been initiated to identify and correct these types of errors in the future. Mr. Carolus also informed the Board that the Township had received a four star (highest) rating from the Ohio Auditor of State for compliance with Sunshine Laws and best practices for transparent and open government. Mr. Carolus thanked Mr. Clark, Township Administrator, along with the Staff and Board, with helping the Township to achieve this honor.

Mr. Carolus noted that the next item on the Agenda was a supplemental appropriation to purchase an excavator and trailer. The excavator would be used immediately upon receipt to help with construction back logs and time critical construction. With that in mind, the legislation needed to be amended in order to pass as emergency legislation. This allows the appropriation to take effect upon passage of the amended legislation. Mr. Wade asked for a motion to amend the legislation to add emergency language. Mr. Muterspaw moved to amend the legislation. 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. Wade then read amended Resolution 5239 – A Resolution approving supplemental appropriations to the Permanent Budget Appropriations for Fiscal Year 2020, dispensing with the second reading, and declaring an emergency. Mr. Gabbard moved to approve the resolution. Mr. Muterspaw seconded the motion, and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Carolus presented the 2021 Street Lighting assessment to the Board. No questions were noted. Mr. Wade read Resolution 5240 – A Resolution levying special assessments on lands in Clearcreek Township for funding street lighting districts in calendar year 2021, and dispensing with the second reading. Mr. Muterspaw moved to approve the legislation. Mr. Gabbard seconded the motion, and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

No Public Comments were noted.

Mr. Clark presented the Board with quotes on purchasing an excavator and associated trailer for use on road and construction projects. Mr. Wade asked for a motion to approve the purchase of a Bobcat E85 excavator in the amount of \$89,657 from Clark Equipment Company, and a PJ trailer for \$19,500 from Midway Trailer Sales at a combined cost not to exceed \$110,000. Mr. Gabbard moved to approve the purchase. Mr. Muterspaw seconded the motion, and 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 suspend the regular meeting and commence a public hearing on the rezoning request regarding the property commonly known as 9175 State Route 48, parcel ID #05-27-300-014, from B1-PUD to NR-PUD. Mr. Muterspaw moved to begin the public hearing. Mr. Gabbard seconded the motion, and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

At 5:37 p.m. the regular meeting was suspended and the public hearing began. Mr. Palmer, Planning and Zoning Director, initiated an internet conference for anyone who wished to attend. Mr. Palmer then gave background information on the property and its zoning history in relation to building a “Store-and-Lock” at this location. One of the information points was

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the approval of the Warren County Zoning Commission with eight conditions of approval. A general discussion ensued with the Board agreeing that the conditions set forth by the Zoning commission were acceptable. The Board then discussed needing to set "hours of operation" into the Resolution. The applicant, John Kopilchack, 3500 Pentagon Blvd, Suite 500, Beavercreek Ohio, entered the discussion remotely. Mr. Kopilchack advised that he had met with a neighbor to the project, the Clanin's, who live at 9205 North State Route 48. Mr. Kopilchack stated that some modifications were made to the design and hours of the facility to allay their concerns. Specifically, Mr. Kopilchack added some mounding and trees to the plan and requested to have the hours where tenants may access the facility set from 6 a.m. to 8 p.m. Mr. Clanin, 9205 North State Route 48, who was attending the Public Hearing remotely, was asked for his comments. Mr. Clanin stated he was fine with the project with the above stated conditions. Mr. Gabbard then asked Mr. Kopilchack if their tenant lease would allow a business to be run out of the facility. Mr. Kopilchack stated that he wasn't sure about the specifics of the lease, but that he would ensure that running a business from the facility would be prohibited. The Board unanimously stated they wanted the hours of operation set from 6 a.m. to 8 p.m. Mr. Wade asked for a motion to end the Public Hearing. 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.

At 5:52 p.m., Mr. Muterspaw moved to resume the regular meeting. 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. Wade read Resolution 5241- A Resolution to amend the zoning resolution and map to rezone the property commonly known as 9175 State Route 48, parcel ID #05-27-300-014, from B1-PUD to NR-PUD, and dispensing with the second reading.

Mr. Pacheco, Law Director, noted that a motion would be needed to amend Resolution 5241 to add the "hours of operation" be limited from 6 a.m. to 8 p.m. Mr. Gabbard moved to amend the legislation thusly. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade then asked for a motion to approve Resolution 5241 as amended. Mr. Muterspaw moved to approve Resolution 5241 as amended. 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 recommended approval of the Board to be authorized to enter into a consulting agreement with KZF Design for Phase 1 Final Programming and Final Concept Design Services for the Government Services Complex building project at a cost not to exceed \$29,750. This would give the Township rough sketches of the project, a list of requirements and processes, a timeline of milestones, identifying preconstruction issues with utilities and geotechnical issues, a floor plan that would enable a rough cost of construction estimate, and finally a final concept design package. No questions were noted by the Board and Mr. Wade asked for a motion to approve the expenditure. 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. Clark asked the Board to accept the endorsement of the Insurance & Benefits Committee, along with the assistance of the Township's health broker, Horan, to select Anthem's no-shop, +3% health insurance offer, provided we accept Anthem's 0% dental offer as a bundle. Mr. Clark explained the process began with an initial rate increase of 19.3% that was reduced to 8.3% upon a requested review from the

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Committee. The Committee then told Anthem that they would be shopping the business in order to reduce costs. Anthem then responded that they would further reduce the costs to 5%. In addition, Anthem proposed setting the final rate to 3% if the Township would elect to provide Anthem's dental services at the same cost as currently charged to the Township. Mr. Wade then asked if a motion of the Board was needed to proceed. Mr. Clark asked that the Board memorialize the permission to proceed with the knowledge that a formal resolution would be forthcoming. Mr. Muterspaw moved to proceed with a 3% raise in health insurance costs along with a zero percent dental insurance proposal from Anthem. 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. Agenbroad, Fire Chief, then asked the Board to accept the Fire District's request to make application for the annual grant administered through the Loeb Grant Foundation for various computers and associated hardware. Specifically, this would be used to update mobile computer hardware along with adding GPS (location) in conjunction with the County's dispatching software. No objections were noted. Mr. Gabbard moved to authorize the Fire District to proceed with the application. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Muterspaw moved to approve the Consent Agenda as presented to the Board:

- 1 Approval of Minutes – July 27, 2020, Regular Session.
- 2 Current Bills & Financial Reports.
- 3 Monthly reports for Road and Parks, Planning and Zoning, Police District and Fire District.
- 4 Accept Lieutenant Joel Logsdon designation from probationary status to fulltime Fire lieutenant, and to adjust his rate of pay to \$29.30 per hour, effective August 22, 2020.

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. Palmer updated the Board on a requested zoning modification for minimum setbacks required for agricultural structures on residential zoned properties of less than five acres in size. This relates to an email request from township residents Russell and Mandy Palmer who reside at 6123 North State Route 48, requesting that zoning code 5.752(i), relating to animal protection structures, be modified from the current 85 feet from any property line to 125 feet from any neighbor's dwelling. Mr. Palmer discussed various issues associated with the request and requested guidance on how to proceed. Mr. Wade noted that in this particular case, a large chicken enclosure could rival issues related with horse or cow barns. Mr. Palmer then asked if a temporary designation for 4H or other such projects would be useful to the discussion. Mr. Wade cautioned that he was wary of such a designation since these projects soon led to larger projects with additional issues. Mr. Muterspaw noted these 4H projects lasting 15 years as they metamorphosed from a single animal to larger projects. Mr. Wade suggested leaving the current zoning code in force. Mr. Gabbard related that if you have a one acre or half acre lot and a number of chickens, then your neighbors aren't going to be very happy. Mr. Gabbard suggested keeping the current zoning configuration. Mr. Wade and Mr. Gabbard then asked Mr. Palmer to present some sample diagrams and pictures that would allow the tweaking of setback distances.

Mr. Clark updated the Board on the Woodgrove Subdivision design. The Board stated its position that Township money for development of roads for housing is not acceptable.

Mr. Clark advised that the Township was participating with the City of Springboro in a document shredding event to be held on August 22, 2020. Township residents, with identification proving Township residence, could get documents shredded and disposed of free of additional cost. The website and Facebook site have been updated with the information.

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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With no further business to conduct, Mr. Gabbard moved to adjourn the meeting at 6:15 p.m. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

FISCAL OFFICER *Russell [Signature]*

TRUSTEE *Ed Wade*

TRUSTEE *SA Muterspaw*

TRUSTEE *[Signature]*