

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2351
Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 12 2019
(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, noted that the second property tax advance had been received from Warren County and was in Star Ohio earning interest for the Township.

Mr. Wade opened the floor for Public Comment.

Mr. Alex Frueauf, 1132 Apple Blossom Lane, came forward and asked the Board for assistance with a storm water drainage problem. He described the issues with insufficient drainage causing numerous issues to his and neighbors' properties. He came forward and presented the Board with pictures showing some of the problems. He stated that Warren County had told him that the Township was ultimately responsible for drainage issues. Mr. Matthew Clark, Township Administrator, stated that he and Mr. Scott Smith, Road Superintendent, had looked at the drainage issues and described the attempts from the developer to alleviate the problem. There were several uncoordinated attempts to fix drainage issues. Mr. Frueauf stated that he felt like a ping pong ball being bounced back and forth between the developer and the County.

Mr. Gabbard said that the County was responsible for the storm water issues. He stated his and the Board's frustration with getting someone at the County Engineer's office to look at this and other related storm water issues. He offered to represent the Board in discussions with the County Engineer to advocate for resolution to drainage issues.

Mr. Frueauf then stated his fears that a large adjacent farm parcel would be developed and really cause a problem in the future. He asked the Board if, as part of a new development, the developer could be required to address drainage issues. Mr. Gabbard and Mr. Clark stated that new development addresses storm water management as part of the planning process.

Mr. Michael Payne, 1133 Apple Blossom Lane, came forward and stated that his entire back yard had been flooded in a recent rain event. He stated he was very concerned that his sanitary leech field was under water with all the attendant risks. He also stated that an electric transformer box was half way submerged during the same event. He also said that he had had several basement windows cracked due to water pressure from ponding water in his backyard and was concerned his basement wall might collapse.

Mr. Patrick Devine, 1144 Apple Blossom Lane gave Mr. Clark a number of pictures to use in his discussions with the County. He stated that his driveway needed to have mud removed after a flood.

Mr. David Tritch, 1974 East Lytle Five Points Road, came forward to update the Board on the negotiations between him and Mr. David Oakes, owner and developer of Winding Creek Subdivision. Mr. Tritch stated that both parties at the prior meeting had agreed to finish the requested changes thirty days after the County Engineer's approval to install the required culverts, etc. As of Thursday, prior to the meeting, no paperwork with County had been presented to the Engineer's Office for approval.

Mr. Jeff Palmer, Zoning Director, stated that he had spoken with Mr. Oakes the previous Friday and stated that Mr. Oakes represented that he would contact Mr. Tritch, and that the project would be completed within the next month.

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A general discussion ensued between the Board, Mr. Bryan Pacheco, Law Director, Mr. Palmer, and Mr. Matthew Clark. After some discussion, Mr. Wade asked the Board if they would like to table the Second Reading of Resolution 5176 to enable the Board to review language added to Second Reading. Mr. Gabbard moved to table the Second Reading of Resolution 5176 until the next public meeting on August 26th. The motion was seconded by Mr. Muterspaw and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Zack Clark, 1115 Apple Blossom Lane, came forward to discuss the drainage issues associated with storm water runoff from an adjacent farm property. Mr. Zack Clark stated his frustration with the County and property developer for not resolving these long-standing issues. He thanked the Township for trying to resolve the issues within the right of way, but felt additional solutions needed to be made. Mr. Wade stated the Board's frustration with the County and informed Mr. Zack Clark that a meeting would be set up with the County to help resolve this and other issues with storm water runoff.

No further public comments were noted.

Mr. Muterspaw moved to approve Resolution 5182 - A Resolution determining that the maintenance of the following properties constitutes a nuisance for vegetation, ordering their abatement after sufficient notice, dispensing with the second reading, and declaring an emergency:

1. Lot 1, Orchard Meadows Subdivision; Parcel ID 09-35-200-078
2. 3494 State Route 741; Parcel ID 08-15-401-017
3. 3576 State Route 741; Parcel ID 08-15-252-008
4. Lot 16 Clear Spring Estates Subdivision; Parcel ID 09-28-180-002
5. Lot 17 Clear Spring Estates Subdivision; Parcel ID 09-28-180-003
6. Lot 20 Clear Spring Estates Subdivision; Parcel ID 09-28-180-006
7. Lot 21 Clear Spring Estates Subdivision; Parcel ID 09-28-180-007
8. Lot 27 Clear Spring Estates Subdivision; Parcel ID 09-28-180-013
9. 8492 Waynesboro Way; Parcel ID 05-20-351-009

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

Mr. John Terrill, Police Chief, advised the Board that two donations had been made and requested the Board accept the following:

1. A \$200 donation from John and Susan Davis for Safety Town.
2. A \$150 donation from Jason and Traci Gabbard for National Night Out.

Mr. Gabbard moved to accept the donations. The motion was seconded by Mr. Muterspaw and upon roll call the vote was as follows: Mr. Gabbard-abstain; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Terrill thanked the Board for its support of the Township's National Night Out. The event was a well-attended success regardless of the passing rain showers in the area.

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

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2353
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(YEAR)

- A. Approval of Minutes – July 22, 2019 Regular Meeting and financial reports.
- B. Recommendation to make conditional offers of probationary, part-time employment for the position of Police Officer for the following individuals, pending acceptable pre-employment testing, at an hourly rate of \$27.13 per hour (lateral hires):
 1. Jenna Fisher
 2. Kim Robinson
- C. Recommendation to accept the SWOP4G 2019/2020 rock salt bid of \$85.79 per ton from Cargill, Inc.

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

Mr. Matthew Clark advised the Board of a regular meeting conflict with the Chamber of Commerce's Annual Gala on October 14th. The regular meeting is currently scheduled for 5:30 p.m. with the Gala beginning at 5:00 p.m. Mr. Gabbard moved to reschedule the regular October 14th public meeting time from 5:30 p.m. to 3:00 p.m. The motion was seconded by Mr. Muterspaw and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

At this time Mr. Wade asked if the Board wanted to go to executive session to interview candidates for the Board of Zoning Appeals and Zoning Commission under Section 121.22 (G) (1) of the Ohio Revised Code. Mr. Matthew Clark advised an additional reason for the executive session would be Section 121.22 (G) (2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. Mr. Muterspaw moved to enter executive session at 6:06 p.m. for the above two reasons. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

At 6:55 p.m. the Board returned from executive session.

Mr. Gabbard moved to make the following appointments:

1. Re-appoint John Edelman to the Clearcreek Township Zoning Commission as a Full Member with the term to expire March 31, 2025.
2. Appointment of Dennis Pickett to the Clearcreek Township Zoning Commission as a Full Member with the term to expire March 31, 2024.
3. Re-appoint Stacey Tipler to the Clearcreek Township Zoning Commission as an Alternate Member with the term set to expire March 31, 2022.
4. Appointment of Bill Haynes to the Clearcreek Township Zoning Commission as an Alternate Member with the term to expire March 31, 2021.

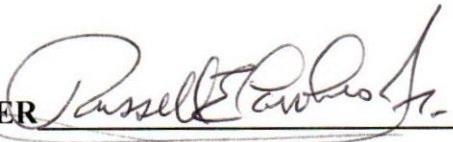
The motion was seconded by Mr. Muterspaw and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Muterspaw moved to make the following appointments:

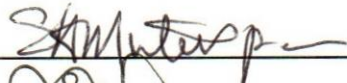
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1. Re-appoint Ronald Best to the Clearcreek Township Board of Zoning Appeals as a Full Member with the term to expire November 30, 2024.
2. Re-appoint Joe Ellis to the Clearcreek Township Board of Zoning Appeals as a Full Member with the term to expire November 30, 2021.

At 6:59 p.m., and with no further business to conduct, Mr. Gabbard moved to adjourn the meeting. The motion was seconded by Mr. Muterspaw and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

FISCAL OFFICER 

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