

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2309
Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held February 11th, 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 requested a moment of quiet reflection to honor the memory of Clearcreek Township Police Officer Jerrid Lee. It was with tremendous sadness that we learned of the untimely death of one of our own, Police Officer Jerrid M. Lee, the evening of January 28, 2019, in an automobile accident in Clermont County. Jerrid had been with us since August 2017, and he served our community honorably. We would like to take a moment and silently reflect upon his life and contributions to our community here in Clearcreek as an officer, as an MP in the United States Air Force, but mostly for his role as a husband, father, and friend and protector of mankind to his last Earthly act, the giving of his life to protect the lives of others. Godspeed Jerrid M. Lee, 1992 – 2019.

Mr. Wade administered the Oath of Office to Stacey Tipler as an alternate member of the Zoning Commission.

Mr. Wade asked for a motion to recess the regular meeting to hold a public hearing on Resolution 5145 – A resolution to approve/modify/deny the Stage 1 Planned Unit Development (PUD) application of Oberer Land Development for Parcel 08-11-100-067, Account number 0660278, from Suburban Residence “SR-1” to Residential Planned Unit Development (R-PUD). Mr. Gabbard moved to recess the regular meeting to hold the public hearing. 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. Palmer, the Township’s Director of Planning & Zoning, gave background information on the proposed rezoning request.

Mr. Greg Smith, AICP, Developer for Oberer Companies, gave a short update on the proposed development of Woodgrove Estates. He stated the new PUD was at eighty five lots with corresponding larger lot sizes along with the retention of the open space area. Mr. Gabbard asked about the distance from the development entrance to the emergency access lane. Mr. Smith stated that the emergency access was approximately eight hundred feet from the primary access.

Mr. Wade advised that the board and administration had received several emails regarding the development. He stated that all emails would be part of the permanent record but would not be part of the minutes of this board. Mr. Gabbard also advised that a petition would be part of this permanent record as well.

Dr. Suzie Grau, 5911 Red Lion-Five Points Road, stated that her property abuts the northern section of the proposed development. She gave a short presentation on how other local development lot sizes were larger than the proposed development. She urged the Board to deny the PUD application.

Mr. Roy Felts, 1783 Oakland Hills Court, stated that he had twenty five signatures from the Oakland Hills development in opposition to the proposed rezoning. He also stated that allowing the proposed rezoning would set a dangerous precedent for future developments.

Mr. Joe Pyle, 2182 Estates Court, stated that the Township’s Master Plan was one of his primary reasons for moving from Liberty Township to Clearcreek. He stated that he wanted to create a homestead farm with land he had purchased and was concerned about how the proposed development would affect the nature of the State Route 741 corridor.

Mr. David Henry, 5987 North State Route 741, stated he wanted to maintain the rural character of Clearcreek Township as defined in the Township’s Master Plan. He also stated

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that surrounding properties were compliant with the Master Plan and were part of a petition that was presented earlier to the Board.

Mr. Brad Johnson, 1941 Oakland Hills Court, stated that he moved to Clearcreek Township after an exhaustive home search. He stated the rural setting with the conveniently adjacent amenities along with the supporting Master Plan made Clearcreek Township his choice. He stated that Clearcreek Township was an aspirational place to live. He asked the Board to maintain the current Zoning for the property.

Mr. Dana Gross, 5757 North State Route 741, stated he was a long time resident of the Township. He stated he was active in the community and was a pharmacist for twenty five years in the community. He stated that his decision to buy his current property was based on the Master Plan's goal of maintaining the Township's rural character by setting half acre minimum lot sizes. He presented the board with another petition from the property owners from the State Route 741 and Red Lion Five Points Road area in opposition to the proposed rezoning. In closing, he stated that he wanted the board to maintain the rural character of the community and to deny the current rezoning to keep Clearcreek Township an aspirational place to live.

Mr. Jeff Trick, 5411 Red Lion Five Points Road, came forward in favor of the proposed rezoning. He stated his wife was the daughter of the late Mr. Bob Montgomery and that they and Mr. Montgomery's son Ron lived at the two properties at the corner of Red Lion Five Points Road and State Route 741. He stated the farm, in its current capacity, could not make a profit and that the family had made the hard decision to sell the farm. He stated the proposed development was good for the community with its greenspace encompassing the wetland (as designated by the Army Corps of Engineers) along with proposed curb and sidewalks for resident safety. He related that the traffic at the corner was busy only a couple times per day per day when school begins or ends. He also stated that the intersection was not as dangerous as presented by previous speakers. In closing, he stated he was in favor of the rezoning.

Mr. Michael Hemmert, 50 Royal Highlands, was concerned with the proposed zoning change and smaller lot size. He requested that the Board keep the current zoning and deny the proposed rezoning request.

Mr Ed Sauer, 5742 Red Lion Five Points Road, stated he was opposed to the rezoning request and asked the Board to deny the rezoning request.

Mr. Wade asked for any last comments and Mr. Henry stepped forward to ask about visibility issues relating to his property. Mr. Wade stated that those issues would be addressed at a later date.

With no further comments, Mr. Muterspaw moved to close the public hearing at 6:24 p.m. 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.

The regular public meeting session was resumed at this time.

Mr. Wade commented that he was not in favor of the proposed rezoning and that he had no problem with the development at the current zoning requirements. He stated Mr. Oberer had done good work within the Township and had no issues in that respect.

Mr. Muterspaw stated he was in favor of keeping the current zoning classification for the development.

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Mr. Gabbard stated that he was in favor of retaining the current zoning for the development. He also stated that future development south of the current request will have sanitary sewer issues due to hills and other geographical issues.

Mr. Gabbard moved to deny the rezoning request as presented in Resolution 5145. 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 6:27 a short recess was called.

At 6:33 the regular meeting resumed.

Mr. Muterspaw moved to approve the minutes for the January 28th meeting. 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. Gabbard moved to approve warrants #28566 through #28644 and electronic fund transfers #5-2019 through #10-2019. 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. Wade opened the floor for public comment. No comments were noted.

Mr. Wade began discussion on Resolution 5151 – A Resolution Authorizing the Township Administrator to enter into a Coterminous Boundary and Recreation Agreement with the City of Springboro. Mr. Clark, Township Administrator, stated that he had been in contact with the Board and the City of Springboro in regard to the agreement with the result being to bring the agreement before the Board.

Mr. Muterspaw began the discussion by asking Mr. Wade to explain why the existing agreement needed changing. Mr. Wade explained the City of Springboro had requested that the current agreement, which expires in December, 2021, be modified. The current agreement, beginning in 2018, returned 25% of the money to the City which the Township collected from inside millage within the City of Springboro. Prior to that date, the inside millage returned to the City was 50%.

Mr. Wade gave some background for why the initial agreements, starting on May 22nd, 1989, were made. He stated that one of the intentions of the agreement was to insure that Township residents did not have to pay any additional park fees that they would have had to pay because they lived outside the City of Springboro. In addition, a very important provision was added to the agreement that would bar the City from annexing Township property without Board consent. Mr. Gabbard agreed this was an important provision of the agreement. Mr. Wade and Mr. Gabbard expanded their discussion on the recreation component of the agreement by stating that the Township has only one park with 108 acres of developed park land while the City has many parks and 400 acres of developed park land.

Mr. Muterspaw then asked Mr. Wade how much money the Township was walking away from by changing the current agreement. Mr. Gabbard stated around four hundred fifty thousand dollars.

Mr. Muterspaw then stated that the coterminous agreement also included Fire District services, which he stated was an important part of the agreement.

Mr. Wade then explained that the coterminous agreement also allows the Township and the City of Springboro to share Fire District expenses and prohibits the City from creating their

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own Fire Department by creating its own township. This saves the Township and City from duplicate administrative services and inefficient use of resources.

Mr. Muterspaw rebutted that the agreement was more important to the City in that respect.

Mr. Wade gave some information about the history of the inside millage and how the City and Township co-operated to change how the millage was calculated to the Township's benefit.

Mr. Muterspaw stated his major concern was the fact that 58% of the fire district levy funds came from the Township while only 40% of the total fire emergency response calls were made to the Township.

Mr. Gabbard stated that he felt the numbers were skewed in that many Township residents use City services and may be in the City when a township resident needs fire emergency services. This is especially true of the schools that mostly reside within City limits.

Mr. Muterspaw then postulated that Township residents were paying more for services than City residents while receiving fewer services and that this was an indirect tax on Township residents. He also stated that the historical data from the auditor showed that the percentage of fire levy funds from the Township was increasing at one percent per year over the last 4 years. If the trend continued, Mr. Muterspaw thought that the Township would be paying 68% for Fire District services while using fewer resources. In addition, the next fire station to be built would probably be within City limits.

Mr. Gabbard rebutted this statement by noting that most of the future growth to the Fire District would come from property development in the south end of the Township. He postulated that future fire emergency run growth would most likely occur there.

Mr. Wade and Mr. Muterspaw discussed the potential of a new fire levy in the future and how the coterminous agreement relates to that future levy. Mr. Muterspaw related he felt the Township would be best served by waiting until closer to the end of the agreement to see how the future levy would shape the future agreement. They discussed the history of the levy and how the last fire levy request failed some years ago.

After some further discussion, Mr. Wade suggested that Mr. Muterspaw come up with an agreement that would be acceptable to the City and the Township.

Mr. Muterspaw then moved to remove Resolution 5151 from the agenda. 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. Gabbard suggested a timeline to get the agreement back to the Board. A sixty day limit was recommended.

Mr. Gabbard moved to pass Resolution 5152 – A Resolution Authorizing the Township Administrator to Execute a Contract with the Warren County Engineer's Office for the Warren County 2019 Resurfacing Project. 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 pass Resolution 5153 – A Resolution Authorizing the Township Administrator to Develop and Establish a Consent Agenda and Board of Trustees Meeting Procedures and Rules for Forthcoming Public Meetings. 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.

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Mr. Gabbard moved to accept the resignation of Anthony Marinelli, effective January 31st, 2019, and to request payout of qualifying paid time off, less applicable deductions and taxes, on the February 22nd, 2019 payroll. 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 authorize the Fire District to conduct a promotional process for the position of lieutenant. 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. Gabbard moved to renew participation in the Outdoor Warning Siren Annual Preventative Maintenance Inspection Agreement with the City of Springboro at our cost of \$2,337.50 for 50% of the preventative maintenance and reprogramming costs. 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 declare as surplus a deteriorated vacant Township owned single family dwelling as no longer having a public purpose and to accept a bid and authorize the Township Administrator to enter into a contract with Vickers Demolition, Inc. to raze the structure located at 6890 North State Route 48, Waynesville, Ohio 45068; Parcel ID #09302000031, account #0108227, at an estimated cost of \$8,850, less applicable deductions and taxes. 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. Gabbard moved to pay February's COBRA health insurance at \$860.91 and qualifying paid time off to the late Police Officer, Jerrid M. Lee's Estate, at \$5,896.18, when statutory requirements of ORC 2113.04 have been satisfied. 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 appoint the following individuals as representatives and alternates to the Warren County Regional Planning Commission, for the term effective April 1, 2019 through March 31, 2020:

1. Representative: Jeff Palmer
 - a. Alternate: Lori Burton
2. Representative: Steve Muterspaw
 - a. Alternate: Ed Wade
3. Representative: John Edelmann
 - a. Alternate: Jason Gabbard.

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. Clark advised the board that he would be bringing the occupied Township owned property at 6908 North State Route 48 before the Board for possible sale.

At 7:19 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.

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FISCAL OFFICER Russell Pauls
TRUSTEE Ed Wain
TRUSTEE SM Interpans
TRUSTEE JSQ