

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
Minutes of Regular Meeting
February 13, 2023

Mr. Wade asked for a motion on Resolution 5412. Mr. Gabbard moved to table the Resolution for consideration at the March 13th meeting. Mr. Muterspaw seconded the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Carolus, Fiscal Officer, noted that the Annual Financial Report for 2022 was finished and would be presented to the Board at the next meeting. Mr. Carolus then noted the minutes from December 30, 2022 had an error of omission and requested that the Board amend the minutes as presented. Mr. Wade asked for a motion to amend the December 30th minutes as presented to the Board. 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 opened discussion on the recommendation to authorize the Township Administrator to enter into an electric aggregation agreement with an electric generator whose charges do not exceed 7.5 cents per Kilowatt Hour for all customers in the township's Duke territory. Mr. Clark, Township Administrator advised that market conditions were such that locking in rates before the next Duke rate increase would benefit Township residents. Mr. Clark noted the rate lock for two years along with the potential to save about \$20 per month under the projected Duke rate. Mr. Wade asked for a motion to authorize the Township Administrator to enter into an electric aggregation agreement with an electric generator whose charges do not exceed 7.5 cents per Kilowatt Hour for all customers in the township's Duke territory. 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 then read Resolution 5413 – A Resolution authorizing Clearcreek Township to renew as a member of the Coalition of Large Ohio Urban Townships (CLOUT) in 2023 as part of the Ohio Township Association and dispensing with the second reading. Mr. Clark gave a short explanation for 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.

Mr. Wade then read Resolution 5414 – A Resolution authorizing the Township Administrator to execute a contract with the Warren County Engineer's Office for the Warren County 2023 Resurfacing Project, dispensing with the second reading, and declaring an emergency. The emergency being the need to meet the deadline as set by the Warren County Engineer's Office. Mr. Jones, Road Superintendent, noted the large increases in the amount of asphalt and salt. 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 then read Resolution 5415 – A Resolution authorizing the Township Administrator to enter into a contract with the Warren County Engineer's Office for public bid and purchase of road salt for the 2023-2024 winter season and dispensing with the second reading. Mr. Jones and Mr. Clark noted that last year's bid using SWOP4G was over \$100 per ton and that this bid opportunity would enable the Township to hopefully get a better price for salt later this year. Mr. Wade asked for a motion to

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incompatible with current zoning regulations and Master Land Use Plan. Ms. Mellon stated her concerns about the nature of the business. Ms. Mellon stated that the proposed development would open a door for future development in the area and give Clearcreek Township a reputation for allowing zoning changes.

Ms. Jerilyn Barnett, 180 Turner Road, came forward to state her approval of the development. Ms. Barnett stated that she is a long-time resident, grew up with Amanda Ramsey, and feels the Ramsey's would be an asset for the area. Ms. Barnett stated that if this development doesn't happen that it might get replaced by something larger and noisier. Mr. Wade asked for any further Public Comment on the application. No other people came forward.

Mr. Wade then stated he was sure the Ramseys were great people, but that he couldn't approve the project. Mr. Wade added that the zoning process would require any other use of the property to go through the same process and would also be scrutinized with the same criteria. Mr. Wade stated his concern that the proposed development would open a door for further development to the north.

Mr. Muterspaw stated that if the commercial building was moved back as described earlier, that he would have no problem with the development. Mr. Muterspaw stated that if the property was developed as residential with six or eight residences, that it wouldn't be desirable for the people on Turner Dr.

Mr. Gabbard stated he would like to see updated drawings that would meet the 100-foot setbacks as described earlier. Mr. Gabbard stated he has a different opinion for the current zoning regulation evolution and that the current regulations are 20 years old, and a lot has changed in the area during that time. Mr. Gabbard suggested tabling the resolution to allow an updated drawing to be done. Mr. Muterspaw offered his input to move the layout of the buildings. It was noted that the applicants agreed to submit drawings to the Township with the commercial building moved in time for the next meeting. Mr. Gabbard stated that someone would put six or seven houses in that area even with the large number of trees and that he would like to table the resolution.

A discussion between Mr. Pacheco, Law Director, and the Board ensued on how to go forward procedurally. After discussing the process with the applicants, Board, Mr. Palmer, and Mr. Pacheco, Mr. Gabbard asked for a motion to continue the Public Hearing one month from now on March 13th at 5:30. Mr. Muterspaw seconded the motion. 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 suspend 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.

The regular meeting resumed at 6:34 p.m.

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The regular meeting resumed at 5:35 p.m.

Mr. Wade asked for a motion to approve Resolution 5411 – A Resolution to approve/modify/deny the application for Don't W8, LLC Stage Two, Preliminary Site Plan Review for the nonresidential Planned Unit Development "NR-PUD," and dispense with the second reading. 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 suspend the regular meeting to hold a Public Hearing on Resolution 5412 – A Resolution to approve/modify/deny the zone change application of Amanda and Nathan Ramsey, 4023 State Route 48, Parcel ID 08-04-476-004, for rezoning 23.199 acres from Open Space Rural Residence Zone "OSR-1" and Residence Zone "R-1" to Mixed-Use Planned Unit Development "MU-PUD," and 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 gave background on the requested zone change application. Mr. Wade and Mr. Muterspaw discussed the option of moving the commercial structure further west to allow a 100-foot buffer to the property lines. Mr. Wade opined that he wasn't sure that this development was a good match to the property. Mr. Wade acknowledged that there are other business properties close by that are non-residential but grandfathered in. Mr. Wade then stated that he might be more tolerant if the commercial portion of the PUD was further off the road. Mr. Muterspaw added that perhaps moving the commercial portion behind the residential structure leaving the area next to State Route 48 as green space would be more aesthetically pleasing. Mr. Gabbard acknowledged the value of moving the commercial building but thought that he would like to see it moved even further into the interior of the property to be less intrusive of the surrounding area.

Mr. Wade then asked the applicants to come forward. Amanda and Nathan Ramsey, 798 Farview Avenue, Lebanon Ohio 45036 came forward to discuss the development. Mrs. Ramsey stated they agree with the 100-foot setback proposed earlier and would be willing to move the commercial building behind the residence. Mrs. Ramsey stated that moving the commercial building further back into the wooded section of the property would be cost prohibitive due to the large number of trees. Mr. Ramsey stated that the business hours would be limited to 5:30 p.m. and that the business would not cause "all kind of noise." Mr. Wade asked if the business would cause a considerable amount of noise. Mrs. Ramsey stated that the current location uses sandblasting outside and does cause noise. Mrs. Ramsey then stated that the new location would not hear anything outside. Mr. Gabbard then asked if the business used water cutting for the stones. Mrs. Ramsey stated no. Mrs. Ramsey stated that the current business location had fielded no complaints from neighbors for noise.

Mr. Wade then asked if anyone would like to come forward to comment on the rezoning application. Sarah Mellon and Mike Nemire, both of 4059 North State Route 48, Lebanon, Ohio 45036 came forward to state their opposition to the development. Ms. Mellon stated that the project was

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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. Wade asked for Public Comment on issues not related to the forthcoming public hearings. No comments were noted.

Mr. Wade invited Major Steve Arrasmith, Commander of the Warren County Drug Task Force to step forward and give a presentation. Mr. Arrasmith thanked the Board for their participation in the Task Force and acknowledged Police Chief John Terrill's role in the Task Force administration. Major Arrasmith briefed the Board on the Task Force and noted that fentanyl and methamphetamine are the major illicit drugs being used in the county and that Warren County's location between Cincinnati and Dayton make Warren County a busy place for drug trafficking. Mr. Wade thanked the Task Force for a great job in a never-ending battle.

Mr. Wade asked for a motion to approve the 2023 annual contribution to the Warren County Drug Task Force in the amount of \$17,176. 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 suspend the regular meeting to hold a Public Hearing on Resolution 5411 – A Resolution to approve/modify/deny the application for Don't W8, LLC Stage Two, Preliminary Site Plan Review for the nonresidential Planned Unit Development "NR-PUD," and dispense with the second reading. 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. Palmer, Planning and Zoning Director, gave background on the requested Stage Two development to the Board and audience. The Board had no questions for Mr. Palmer. Mr. Wade asked for the applicant's representative to come forward. Ms. Ashley Fowler, from Mannik & Smith Group, Inc., 1160 Dublin Rd, Columbus, Ohio 43215 came forward to answer questions associated with the request. Mr. Gabbard asked when the vegetation would be phased in. Ms. Fowler stated that this would be one of the first steps taken. Mr. Wade asked how long it would take to build out the project. Ms. Fowler stated the buildout would depend on funding availability of the owner.

Mr. Wade asked for Public Comment on the application. No comments were noted.

Mr. Wade asked for a motion to end the Public Hearing and to 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.

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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.


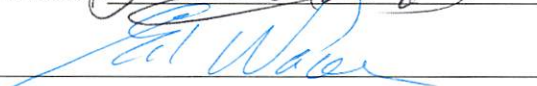

Mr. Wade asked for a motion to approve the Consent Agenda. Mr. Muterspaw moved to approve the Consent Agenda as presented to the Board:

- 1 Approval of Minutes – January 23, 2023, Regular Meeting.
- 2 Current Bills and Financial Report.
- 3 Authorize the annual payment to the Miami Valley Regional Crime Lab for certain services in 2023 in the amount of \$8,036.
- 4 Authorize the 2023 annual subscription fee for Lexipol for software in the amount of \$10,265.09.
- 5 Approve the chemical lawn care application bid for 2023 for Patricia Allyn Park (\$16,500.00) to Buckeye EcoCare.
- 6 Approve the annual appointments to the Warren County Regional Planning Commission, term April 1, 2023 to March 31, 2024.
- 7 Accept the Road, Planning and Zoning, Police, and Fire District’s January 2023 monthly reports.

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 gave a short update on the Police building progress. Mr. Clark noted that he would be bringing a proclamation to the next meeting for Board approval.

With no further business to conduct, Mr. Wade asked for a motion to adjourn the meeting at 6:42 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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