

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2345
Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

July 8th

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. Muterspaw moved to suspend the regular meeting to conduct a public hearing for the Modification request to Villages of Winding Creek, Boulevards at Winding Creek, Section 7, Stage 2, to remove 'Condition 23(a)' from Trustee Resolution #3632. 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. Jeff Palmer, Planning Director, outlined the purpose of the resolution. Mr. Wade then asked for comments from those attending.

Mr. David Oakes, 3601 Rigby Road, Miamisburg, owner and developer of Winding Creek Subdivision came forward. He stated the purpose was to relocate two building lots into an area designated as open space. The request would maintain the minimum open space requirement and not exceed the maximum lot count for the R-1A Planned Use Development (PUD). He was working with adjacent property owners who are not part of the subdivision to work a deal that would allow those two lots to have buildings placed on them.

Mr. David Tritch, 1974 East Lytle Five Points Road, came forward as one the affected adjacent property owners. He stated his desire to work a deal with Mr. Oakes to allow the transfer of property, free and clear, to him in consideration for his support for the two additional lots.

Mr. Palmer and Mr. Wade then discussed the various aspects associated with the proposed resolution. Mr. Palmer stated his concern that the deal being proposed with Mr. Tritch by Mr. Oakes would not be resolved by the resolution.

Mr. Oakes came forward and stated his view that the proposed resolution would still meet the greenspace requirements of the original PUD.

Mr. Palmer explained that all land must be categorized into classifications included in the PUD. The deal being proposed between Mr. Oakes and Mr. Tritch would create a new classification that is not defined in the current PUD. The land transactions being discussed would either create a new category or require the modification to the boundary of the PUD which would require a different method of approval.

A general discussion with Mr. Palmer, Mr. Bryan Pacheco (Law Director), the Board, and Mr. Oakes then ensued in an effort to understand the nuances of the request.

Mr. Michael Krumnauer, 2200 East Lytle Five Points Road, came forward as an affected property owner with questions about the development and to address a drainage issue with the developer. Mr. Oakes answered Mr. Krumnauer's questions and stated he would attempt to resolve the drainage issue.

Mr. Tritch returned to the podium to ask about unresolved issues with road construction abutting his property. Mr. Oakes responded to Mr. Tritch.

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Mr. Pacheco then asked the Board if they wanted to amend the legislation with a condition to designate the portion of land being deeded to Mr. Tritch as open green space under a minor modification provision of the PUD.

Mr. Tritch came forward and said that he wanted the land free and clear of any restrictions. This included allowing him to use the land in any way, not just green space.

Mr. Pacheco advised that the Board should allow the parties to resolve their issues prior to any legislation being passed.

The Board discussed the issues with Mr. Pacheco and Mr. Palmer. The consensus was, with the need to have that portion of the land Mr. Tritch desired to be open use, it would require a change in the PUD boundary or an additional category that would require a different process than the one proposed.

Mr. Pacheco advised the Board that they might table the Resolution for a couple weeks to allow the parties to resolve their differences.

Mr. Krumnauer added some additional information on his situation in regards to the proposed deal.

Mr. Mike Kohli, 9644 Linden Brook Drive, came forward to ask some questions about the PUD and green space calculations. Mr. Palmer answered those questions.

Mr. Gabbard moved to end the Public Hearing on the Modification request to Villages of Winding Creek, Boulevards at Winding Creek, Section 7, Stage 2, to remove 'Condition 23(a)' from Trustee Resolution #3632. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

The regular meeting was resumed.

Mr. Muterspaw moved to table Resolution 5176 until the July 22nd 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. Carolus, Fiscal Officer, advised the Board that our property tax advance would be available July 22nd. This enables the Township to gain interest on the tax proceeds. Good money management is important in helping our residents know our proceeds are used wisely.

Mr. Gabbard moved to authorize Resolution 5177 – A Resolution approving a transfer of funds from the General Fund to other funds in amounts equal to investment income generated by second quarter earnings, and dispensing with the second reading, and declaring an emergency. 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 opened the floor for public comment. Mr. Chris Meyer and Mrs. Lisa Meyer, 811 East Pekin Road, came forward to discuss drainage issues at his property. He noted that Clear Creek has caused numerous issues with his property. He asked the Board if there was anything they could do to help resolve problems associated

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with these issues. He presented the Board with pictures of the situation. Mr. Wade advised the property owner that he would give information to our Township Administrator, Matt Clark, to see if Matt could work with the County to help move forward the resolution to this issue.

Mr. Kohli came forward to complement the Board on the Electric Aggregation Program. He also asked the Board about the Township providing a single trash collector to enable cheaper rates. Mr. Wade informed Mr. Kohli that the Board had done that several years ago unsuccessfully with much resident disapproval, and was reluctant to look at it again for some time. Mr. Wade thanked Mr. Kohli for coming to the meeting and bringing his concerns to the Board's attention.

Mr. Muterspaw moved to enter into a street lighting agreement with Miami Valley Lighting, delegating the authority to execute the agreement to the Township Administrator. 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. Gabbard moved to support the City of Springboro's annual fireworks display by making a \$5,000 contribution to the program. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-nay; and Mr. Wade-yea.

Mr. Muterspaw moved to authorize Resolution 5178 – A Resolution declaring personal property as surplus and approving an internet auction, direct sale, donation, disposal, or destruction of said personal property, dispensing with the second reading, and declaring an emergency. Mr. Steve Agenbroad, Fire Chief, is disposing of an old unrepairable oven and surplus Audio Visual Cart that was unsold. Mr. Gabbard seconded the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Gabbard moved to make a conditional offer of probationary, fulltime employment to Colby Bloom, effective July 8, 2019, at a rate of pay of \$22.00 per hour. 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 authorize Resolution 5179 – 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 7823 Township Line Road, parcel #05-19-200-091, being 2.095 acres in size.
- 2 2786 Lucy Lane, parcel #05-19-200-094, being 1.7837 acres in size.
- 3 2889 Lucy Lane, parcel #05-19-200-097, being 1.9547 acres in size.
- 4 2503 Lucy Lane, parcel #05-19-200-104, being 1.7561 acres in size.
- 5 2556 Lucy Lane, parcel #05-19-200-105, being 1.7188 acres in size.
- 6 2612 Lucy Lane, parcel #05-19-200-106, being 1.7461 acres in size.
- 7 2664 Lucy Lane, parcel #05-19-200-107, being 1.8502 acres in size.
- 8 2722 Lucy Lane, parcel #05-19-200-108, being 1.8848 acres in size.

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. Gabbard moved to authorize Resolution 5180 – A Resolution determining that the maintenance of 367 Patton Drive, Parcel ID #05-32-193-001, constitutes a nuisance for vegetation, debris, and apparently inoperable junk vehicles; ordering their abatement and removal after sufficient notice, dispensing with the second reading, and declaring an

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emergency. 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 – June 24, 2019 Regular Meeting.
- 2 Current Bills & Financial Reports.
- 3 Recommendation to accept the Ohio Department of Public Safety’s EMS 2019-2020 Training & Equipment grant award in the amount of \$2,955.
- 4 Recommendation to reclassify Joshua Scott as a Fire Lieutenant, effective July 13, 2019 at the CBA rate of pay of \$28.45/hour.
- 5 Monthly Reports for Fire, Police, and Zoning.
- 6 Recommendation to accept the employment resignation of Geoffrey A. Getter effective July 8, 2019.

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. Scott Smith, Road Superintendent, asked the Board if they would allow a single bid for the curb and gutter program. Since the contract is very small, many vendors are not interested in the business and results in lost time awaiting bids that are too high. The Board and Law Director indicated that since the amount is small, it was ok to proceed with a single bid.

With no further business to conduct, Mr. Gabbard moved to adjourn the meeting at 6:55 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 _____

TRUSTEE *Ed Wade*

TRUSTEE *SK Muterspaw*

TRUSTEE *[Signature]*