

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2349

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ July 22nd _____ 2019 _____
(YEAR)

The Clearcreek Township Trustees met in regular session at 9:00 a.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 (continued) 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. David Oakes, 3601 Rigby Road, Miamisburg, owner and developer of Winding Creek Subdivision, came forward. He updated the Board on the status of negotiations to deed small portions of the Planned Use Development (PUD) to adjacent affected property owners. The request before the Board would maintain the minimum open space requirement for the PUD.

Mr. Oakes further stated that legal documents were provided to the Township detailing how the Home Owners' Association (HOA) would release the proposed property parcels to the adjacent affected property owners while maintaining their PUD designation as open green space. Mr. Oakes stated that working with adjacent affected property owners would result in meeting their expectations to removing their objections to having the two parcels built as described in the proposed documents.

Mr. Wade asked Mr. Jeff Palmer, Zoning Director, whether the proposed agreement would meet the requirements of the PUD. Mr. Palmer stated that it would satisfy that requirement.

Mr. David Tritch, 1974 East Lytle Five Points Road, came forward as one the affected adjacent property owners. He stated that he was satisfied with the proposed timeline for doing the work negotiated with Mr. Oakes. He further stated that it appeared to him that the legal paperwork would remove his concerns with the HOA.

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. Palmer, along with Bryan Pacheco, Law Director, and the Board, discussed the issues associated with the proposed Resolution 5176. Mr. Palmer stated some adjustments would be made for the second reading at the next meeting to include the new open space agreement as proposed by Mr. Oakes.

Mr. Muterspaw moved to approve the first reading of Resolution 5176 – A Resolution to remove condition 23(a) from Resolution #3632 – a modification to the prior approved Stage 2 approval for 'Villages of Winding Creek R-1A PUD'. 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.

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Mr. Wade introduced Resolution 5181. Mr. Gabbard asked if there was anything the Board could do to stop the habitual issues associated with 1972 Ryan Road. He has fielded multiple complaints about the property from adjacent property owners and concerned citizens. Mr. Palmer stated that with some basic maintenance done to the roof, that the county Building Department was satisfied that the building was "secured". Mr. Pacheco stated that another avenue might be having citizens call the county Health Department to complain. The Board stated their frustration with the ongoing issues on Ryan Road.

Mr. Gabbard moved to authorize Resolution 5181 – 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. 1972 Ryan Road, Parcel ID #08-11-351-008
- 2. 119 Gertrude Avenue, Parcel ID #09-34-153-002
- 3. 6325 Township Line Road, Parcel ID #09-24-400-014

Mr. Scott Smith, Road Superintendent, asked that the Board authorize an additional \$15,000 to the Township's annual curb program. He stated that fixing the catch basins in Winding Creek would require the additional authority.

Mr. Muterspaw moved to set \$40,000 (formerly \$25,000) as the authorized expenditure for the annual curb program. 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. John Terrill, Police Chief, advised the Board on a recent drug bust on State Route 122 which involved multiple jurisdictions (FBI, Warren County, Middletown), as well as Clearcreek. A substantial amount of Fentanyl was seized and subsequent arrests in Middletown followed.

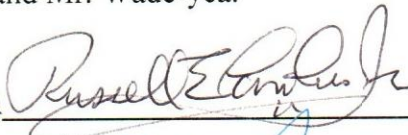
Mr. Gabbard moved to approve the Consent Agenda as presented to the Board:


- 1 Approval of Minutes – July 8th, 2019 Regular Meeting.
- 2 Current Bills & Financial Reports.

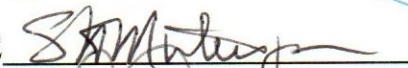
Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Matthew Clark, Township Administrator, updated the Board on forthcoming Red Lion Sewer Study. He advised the Board that the process was moving along and would include community engagement to ensure that all stake holders would be advised.

With no further business to conduct, Mr. Muterspaw moved to adjourn the meeting at 9:25 a.m. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

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