

RECORD OF PROCEEDINGS  
Clearcreek Township Trustees

2411  
Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 13, 2020  
(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. Wade administered the Oath of Office to Mr. Russell Carolus as the elected Fiscal Officer for the term ending March 31, 2024.

At 5:33 p.m., Mr. Wade asked to recess the Regular Meeting to resume a Public Hearing on Zoning Text Amendment 2019-2 as defined by Resolution 5215 – A Resolution to approve/modify/deny an amendment that refines standards for home occupation in Chapter 3, Definitions; Chapter 5.75, Residence Zone ‘R1;’ and Chapter 7.5 Residence Zone ‘R-2,’ in the Clearcreek Township, Warren County, Ohio Zoning Code, and dispensing with the second reading. Mr. Muterspaw moved to recess the Regular Meeting to hold the Public Hearing. 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. Jeff Palmer, Zoning Director, advised the Board on the updates included in the revised Resolution. The Resolution being discussed is how to define a “Home Occupation.” The Board and Mr. Palmer discussed the various options for handling traffic concerns. Mr. Palmer asked if the current Resolution as written was what the Board wished to implement. The Board had no further changes to the proposed Resolution.

No other comments were noted during the Public Hearing.

At 5:39 p.m., Mr. Gabbard moved to close the Public Hearing and to resume the Regular Meeting. 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 resumed at this time.

Mr. Muterspaw moved to approve Resolution 5215 as written with the changes requested by the Board. 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. Carolus, Fiscal Officer, updated the Board on first half property tax collections. He noted that the General Fund collection was the same as 2019 and that the Police and Fire Funds were below 2019 collections. The Road and Bridge Fund was slightly below last year’s collections. Mr. Carolus stated he would be monitoring the situation and would update the Board as information became available.

Mr. Gabbard moved to approve Resolution 5218 – A Resolution approving a transfer of funds from the General Fund to other funds in amounts equal to investment income generated by first quarter (2020) earnings, and dispensing with the second reading. 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.

No Public Comments were noted.

Mr. Muterspaw moved to approve Resolution 5219 – A Resolution to amend and restate Clearcreek Township’s participation in the Warren County Drug Task Force Council of Governments contract, and dispensing with the second reading. This replaces Resolution 5213 with the addition of another entity (Carlisle) to the contract. The motion was seconded

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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, asked the Board for permission to purchase three vehicles if they become available. He discussed how the new Dodge Durango and the Ford Explorer on the Agenda are replacements for existing units that are nearing or are at the end of their planned life cycle. Chief Terrill then updated the Board on the purchase of a Polaris Ranger for use in rugged or limited access terrain using funds as designated and supplied by the Loeb Grant. Chief Terrill updated the condition of the current units and why they were being scheduled for replacement. Mr. Muterspaw stated his objection to the purchase of the Polaris and felt the money could be used for a better purpose. Mr. Wade and Mr. Gabbard stated they supported the Polaris purchase as proposed. Mr. Gabbard said that, although expensive, the vehicle cost isn't excessive for what it's designed to do. Mr. Muterspaw asked if there was an alternative project request in the current application for the Loeb Grant funds. Chief Terrill advised that his application normally includes three possible projects for funding: 1.) the aforementioned Polaris, 2.) a portable drug testing device, and 3.) updates for Safety Town. Chief Terrill said that the evolution of the drug trafficking market in the recent past meant that the second option wasn't as useful as originally thought since the type of drugs being sold illegally has changed in the last year. In addition, court mandated procedures and the need for Officer safety precluded the use of the equipment. Mr. Muterspaw requested that each vehicle be called separately, and Mr. Wade asked for a motion to approve each vehicle separately.

Mr. Gabbard moved to authorize the purchase of a Dodge Durango for \$31,103 from Paul Sherry Chrysler Dodge Jeep (CDJ), with an upfit in the amount of \$5,231 from Parr Public Safety for a total cost of \$36,334 for Chief Terrill's vehicle. 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 the purchase of a Ford Explorer for \$35,961 from Lebanon Ford, with an upfit in the amount of \$16,895 from Parr Public Safety for a total cost of \$52,856 to replace a current cruiser. 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 the purchase of a Polaris Ranger Crew XP 1000 NorthStar, with upgrades, for \$33,132 from Polaris Sales, Inc. using Loeb Grant Funds. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-nay; and Mr. Wade-yea.

Chief Terrill advised that Safety Town for 2020 had been cancelled due to concerns from the coronavirus pandemic.

Mr. Muterspaw moved to accept a generous donation from Sandy Goche and Stephen Halstead in the amount of \$200 to benefit Safety Town 2021. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Chief Terrill advised that National Night Out was being moved to October due to coronavirus concerns.

Mr. Steve Agenbroad, Fire Chief, advised that 18 pairs of Firefighter boots were past their life cycle and were being donated to the Warren County Career Center to use for fire ground training. A Self Contained Breathing Apparatus bottle is past its life span and needs disposed (recycled).

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Mr. Gabbard moved to approve Resolution 5217 – A Resolution declaring personal property as surplus and approving donation or disposal of said personal property, and dispensing with the second reading. 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 accept a generous donation from Dr. Scott and Judy Swope in the amount of \$200 to benefit the Fire District, with the Township's sincere thanks. 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. Palmer asked the Board to set a public hearing to consider a Stage 1 Planned Use Development (PUD) application for 1555 East State Route 73, for Monday, May 11, 2020 at 5:30 p.m. at the Government Center. Mr. Gabbard moved to set the meeting at that time. 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. Scott Smith, Road Superintendent, asked the Board to purchase a Freightliner M2 106 dump truck, with upgrades, not to exceed \$138,000. This is the last of four trucks that were scheduled for replacement. Mr. Muterspaw moved to authorize the purchase. 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, Township Administrator, asked the Board to renew the Township's annual property and casualty insurance coverage with the Ohio Township Association Risk Management Authority at the same coverage levels for a cost of \$91,121 which was a 5.4% increase from 2019's premium. Mr. Gabbard moved to authorize the renewal. 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. Matthew Clark asked the Board for guidance on the renewal of a tenant farmer agreement at Hoffmann Reserve. After some discussion, the Board agreed to authorize Mr. Clark to negotiate with Mr. Jason Whitaker at \$110 per acre for a period of three years.

Mr. Matthew Clark asked the Board to accept the resignation of Eli Dandenault. Mr. Muterspaw moved to accept the resignation. 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 that he had received a request from Michael Fowler to purchase a parcel of land owned by the Township on Lower Springboro (parcel 0806100028). The Board advised Mr. Clark that they are not interested in selling this property.

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

- 1 Approval of Minutes – March 23, 2020, Regular Meeting.
- 2 Current Bills & Financial Reports.
- 3 Annual and Monthly Reports for Police and Fire.
- 4 Monthly Report for Roads and Parks and Zoning.
- 5 Accept the resignation of Probationary Firefighter/Emergency Medical Technician Benjamin Tabler, effective Friday, April 10, 2020.
- 6 Conditionally rehire former seasonal employees Irie Turner, at \$12.50 per hour, Lane Harshbarger at \$11.50 per hour, and Garrett Nemitz, at \$11.50 per hour as Parks Seasonal Laborers, effective April 14, 2020, assuming acceptable substance screenings and background checks.

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

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CLEAR CREEK TOWNSHIP TRUSTEES

Meeting

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At 6:18 p.m., Mr. Muterspaw moved to suspend the regular meeting to conduct an Executive Session per Ohio Revised Code 121.22(G)(1) to consider the compensation of public employees and officials. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

At 6:40 p.m., the Board returned from Executive Session and unanimously agreed to resume the Regular Meeting.

With no further business to conduct, Mr. Gabbard moved to adjourn the meeting at 6:40 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

*Russell [Signature]*

TRUSTEE

*Ed Wade*

TRUSTEE

*SM Muterspaw*

TRUSTEE

*[Signature]*