

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2405

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

March 9

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.

Russell Carolus, Fiscal Officer, asked the Board to consider what balance in the General Fund should be held as a reserve. This could be a set dollar figure or percentage of the revenue depending on Board preference. This is for planning purposes only so the Township Administrator and Fiscal Officer can fashion an appropriate budget.

Mr. Larry Sims, Warren County Sheriff, came forward to give a presentation to the Board on the state of affairs at the Sheriff's Office. He noted several trends on drug enforcement along with a couple criminal case updates. He updated the Board on the status of the new jail construction and noted it was a couple months ahead of schedule. The Board thanked the Sheriff for his update and for the work done by the Sheriff's Office.

At 5:38 p.m., Mr. Wade asked to recess the Regular Meeting to hold 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 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, updated the Board and those in attendance on the background and history of the Resolution. The Resolution being discussed is to define how a "Home Occupation" is defined. After updating the Board, Mr. Palmer asked for input on the proposed Resolution. Mr. Wade stated he had some concerns with the Resolution. The first concern was the additional structure that could be considered as part of a home occupation. He stated that the additional building would be prohibitively difficult to enforce along with the fact that additional variances would be involved once put into place. He stated the best advice for those wishing additional structure(s) would be to ask for a property to be zoned business. Mr. Gabbard concurred with Mr. Wade's notion that the Resolution as proposed would attempt to fit business zoning into a home occupation and wasn't a good solution. Mr. Gabbard stated that there are a surprising number of people who work out of their homes. He asked the Zoning commission to follow Mr. Palmer's advice in this matter.

Mr. Wade then stated another concern was limiting the number of deliveries to a home occupation to once per day. Both Mr. Wade and Mr. Gabbard noted that there are numerous delivery services and that this provision was problematic.

Mr. Wade advised that the Township had dealt with home occupation issues as they became evident and that process had been successful for some time.

Mr. Gabbard then asked Mr. Palmer, who was driving the genesis of this zoning change. Mr. Palmer advised that a property owner who had purchased property within the Township and had not yet built a home, wanted to build a thousand foot additional structure for storage of Lamborghini parts, in addition to his home, and still be considered a home occupation which is not allowed under current regulations.

Mr. Palmer then asked the Board if the proposed resolution could proceed with guidance, was dead on arrival, or needed to be restarted in its entirety.

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Mr. Muterspaw stated he didn't want to open another can of worms and that he wanted to handle these types of issues as they come before the Board instead of creating additional methods for people to push the zoning boundaries.

Mr. Wade then asked Mr. Palmer to take into account any areas in the proposed legislation that should be addressed by the Board and to use his professional opinion and recommendations to bring back ideas for additional action.

Mr. Palmer advised he would do so and offered the Board a couple options. The first option was to table the Resolution and take the current product to refine it. The second option was to restart the process from the beginning.

Mr. Wade advised he wanted to refine the current Resolution since significant work had been done. He asked if tabling the resolution for four to six weeks would allow sufficient time to allow Bryan Pacheco, the Township's Law Director, along with Mr. Palmer, to bring forth items the Board could look at.

Mr. Pacheco asked the Board to consider a couple versions of alternative text in the proposed Resolution. This would assist him and Mr. Palmer with preparing the changes as requested by the Board. After a short discussion with the Board on these text alternatives, the Board gave Mr. Pacheco and Mr. Palmer some direction in how to proceed.

Mr. Palmer asked the Board if they wanted to continue the process at the next evening regular meeting on April 13, 2020. No objections to this date were noted.

Ms. Sandy Goche, 9209 Yankee Road, came forward during the Public Comment portion of the Public hearing to voice her opposition to the single delivery per day limitation.

No further comments were noted during the Public Hearing.

At 6:01 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 table Resolution 5215 until the Regular Meeting on April 13 at 5:30 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.

No Public Comments were noted.

Mr. Matthew Clark, Township Administrator, asked the Board for approval to accept a lowest and best bid estimate from Quality Home Improvement to make repairs to 6908 North State Route 48, which is a Township owned property, not to exceed \$16,720 (10% contingency on minimum bid). Mr. Clark advised nine vendors were contacted and two responded with written bids. Mr. Gabbard moved to accept the bid. 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 approve Resolution 5216 – A Resolution approving supplemental appropriations to the 2020 Permanent Appropriations Resolution, and dispensing with the second reading. The \$10,000 dollar additional authority in the General Fund will be used to pay for repairs to 6908 North State Route 48. The

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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. Scott Smith, Road Superintendent, asked the Board to accept the retirement resignation of Robert Caudill with our thanks, sincere respect, and profound gratitude for 24 years of dedicated service to Clearcreek Township and its people, effective May 31, 2020. The Board noted that Mr. Caudill was a talented individual and they would miss him. Mr. Gabbard moved to accept the retirement resignation of Mr. Caudill. 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. Terrill, Police Chief, advised that a major case involving child sexual abuse resulted in a successful prosecution and life sentence for the perpetrator.

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

- 1 Approval of Minutes – February 10, 2020, Regular Meeting.
- 2 Approval of Minutes – March 4, 2020, Special Meeting.
- 3 Current Bills & Financial Reports.
- 4 Approve recommendation to post employment position for Road Crewperson (Caudill).
- 5 Approve recommendation to hire Carl Chiles as a Park seasonal employee, effective March 21, 2020, at a rate of pay of \$11.50 per hour.
- 6 Approve recommendation to accept the resignation of part-time employee Austin Robbins, effective Friday, March 13, 2020.
- 7 Monthly reports for Police, Planning and Zoning, and the Fire District.

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 updated the Board with additional information on the “Safe Haven for Newborns” program as brought forth from the January 27, Regular Meeting. Mr. Muterspaw canvassed the other Board members on their position. Mr. Wade stated no opposition pending resolution of space and remodeling issues at an appropriate fire station. Mr. Wade asked Steve Agenbroad, Fire Chief, if he had any additional information. Chief Agenbroad advised the current configuration at existing fire stations is not conducive to this program, but that future designs or remodeling could take place at that time. Mr. Muterspaw indicated the timing is important to make sure that additional fire station construction or remodeling can include this program. Mr. Gabbard concurred. He also related that his wife was willing to come speak at any community forum meeting to talk about the program. Mr. Clark advised that furthering public knowledge on all elements of the program as offered by the State of Ohio would be advisable.

Lastly, Chief Agenbroad noted that the Fire District had a record number of runs last year and is already ahead of last year’s pace at the end of February.

With no further business to conduct, Mr. Gabbard moved to adjourn the meeting at 6:12 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 *E. Wade*

TRUSTEE *S. Muterspaw*

TRUSTEE *[Signature]*

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