

RECORD OF PROCEEDINGS CLEARCREEK TOWNSHIP TRUSTEES

Minutes of Regular Meeting November 8, 2021

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 a motion to suspend the regular meeting to hold a Public Hearing on Resolution 5337 – A Resolution to approve/modify/deny the zone change request to amend the Zoning Resolution and Map for 71.458 acres (property identified as Lytle Five-Points, parcel number 05-20-100-005 and account number 0300837), in Clearcreek Township from Township Residence Zone “TR-1” to Suburban Residence Zone “SR-1,” and dispensing 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 rezoning to the Board and audience. Mr. Wade then asked for the applicant’s representative to come forward. Mr. Adam Sweeny, Development Manager for Design Homes, located at 8534 Yankee Street, described the project and introduced their attorney, Dave Reed from Taft, Stettinius & Hollister located at 40 N Main Street, Dayton, Ohio. Mr. Reed presented information on the proposal along with zoning history on an adjacent property that has already been developed. Mr. Wade then opened the Public Hearing to public comment. Mrs. Colleen Penquite, 2846 East Lytle Five Points Road, came forward to inquire about greenspace requirements for the rezoning. Mr. Palmer noted that the SR-1 zoning classification does not require greenspace allocations. Mr. Wade stated that a prior rezoning request did have green space allocated but was a much denser development. Mr. Wade thanked Mrs. Penquite for her input. Mr. Ed Vorrasi, 8560 Black Oak Ct, came forward to state his desire to keep the current TR-1 zoning for the property. Mr. Vorrasi stated his view that Lytle Five Points Road was a natural buffer to stop denser property located to the south of the road. Mr. Wade noted that this rezoning request was for fewer homes than the previously denied request. Mr. Vorrasi stated that this was significant density for the area. Mr. Wade asked Mr. Palmer what the minimum required lot size for sanitary sewer property. Mr. Palmer stated that half acre lots are the smallest minimum lot size for a sanitary sewer-serviced property in Clearcreek’s SR-1 zoning classification. Mr. Vorrasi hearing this information asked if 140 homes would be placed on the property. Mr. Gabbard stated that the current estimate was for 122 homes to be built. Mr. Vorrasi iterated this was still very dense housing. Mr. Wade stated that his intention was to get the lowest houses per acre the Township could get for a sanitary sewer zone. Mrs. Penquite came forward again and asked if the developer could choose how much green space was set aside with an SR-1 zoning classification. Mr. Wade and Mr. Gabbard stated that the SR-1 zoning classification allowed the developer to choose how much green space to set aside. Mr. Petticrew, 2395 East Lytle Five Points Road, came forward to ask what type of housing would be placed on the lots. Mr. Wade along with Mr. Palmer stated that single family detached homes are the standard set for zoning classification SR-1. Mr. Gabbard added the minimum home size would be 1,250 square feet. Mr. Petticrew restated his support for keeping the current zoning TR-1. Mr.

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Petticrew also stated his concern over the additional traffic that would result from the development and asked the Board to consider the precedent being set by the rezoning request. Mr. Burkett, 8576 Black Oak Ct, came forward and discussed his issues with the proposed zoning. Mr. Burkett was concerned about the possible storm water runoff onto his property from the development. Mr. Wade asked the zoning applicant's group for comment about Mr. Burkett's concerns. Mr. Lisle from the Reinke Group, 64 Rhoads Center Drive, Centerville, addressed several issues. Mr. Lisle stated that with storm water retention ponds, easements, streets, etc., estimated that around 100 lots would be built. Mr. Lisle also stated that concerns about setting zoning precedents were offset by the fact that geography and the need for a political agreement for extending sewer service would set a limit at this development. Mr. Lisle then stated that the development would have to meet Warren County drainage requirements. Mr. Lisle stated that the development would reduce runoff. Mr. Lisle then addressed the traffic issue noting that an estimated 67 cars per hour would be added during peak morning hours and 77 cars per hour during peak evening hours. Mrs. Clark, 2274 East Lytle Five Points Road, came forward to discuss her concerns about the noise her adjacent farming operation would create during planting and harvest. Mrs. Clark asked the Board if they would protect her right to farm the land. Mr. Wade stated that he thought Ohio Revised Code had some protections for her rights. Mr. Wade also stated that the current Board would understand the issues of running grain dryer vents during harvest and would support her right to continue her farming business. Mr. Muterspaw related his experience with a storm water runoff issue with a resident off Pekin Road. Mr. Muterspaw noted the adjacent farm caused the runoff and how this new development would lessen issues with runoff. Mr. Wade also stated that the development must follow Warren County Engineer's office rules but cautioned that the Engineer's office is independent from the Township and that issues with drainage have been a source of contention over the years. Mr. Gabbard related his positive experience with the Engineer's office in resolving a drainage issue to the satisfaction of all parties. Mr. Wade asked if anyone attending wished further discussion. Hearing none, 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.

The regular meeting resumed at 6:15 p.m.

Mr. Wade asked for a motion on Resolution 5337 – A Resolution to approve/modify/deny the zone change request to amend the Zoning Resolution and Map for 71.458 acres (property identified as Lytle Five-Points, parcel number 05-20-100-005 and account number 0300837), in Clearcreek Township from Township Residence Zone “TR-1” to Suburban Residence Zone “SR-1,” and dispensing with the second reading. Mr. Gabbard moved to approve the Resolution 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 5338 – A Resolution providing for changes in the Clearcreek Township Street Lighting System by establishing Legacy Landing Street Lighting District and dispensing with the second reading. Mr.

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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 information on the Resolution. Mr. Gabbard inquired about the timing on the Resolution and was assured by Mr. Palmer that the Resolution was appropriate. Hearing no Public Comment on the Public Hearing, Mr. Wade asked for a motion to end the Public Hearing and to immediately resume the Regular meeting. 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.

The Regular Meeting resumed at 6:18 p.m.

Mr. Wade asked for a motion to approve or deny Resolution 5338 – A Resolution providing for changes in the Clearcreek Township Street Lighting System by establishing Legacy Landing Street Lighting District and dispensing with the second reading. Mr. Muterspaw moved to approve the Resolution 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 Public Comments. No comments were noted.

Mr. Wade read Resolution 5339 – A Resolution declaring personal property as surplus and approving an internet auction, direct sale, donation, disposal, or destruction of said personal property, and dispensing with the second reading. This will enable the Parks Department to trade-in a John Deere Z950R zero turn mower to purchase a new mower. 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 asked for a motion to trade-in the surplus John Deere Z950R zero turn mower and purchase a new John Deere Z950R ZTrak for a net cost of \$7,932.82. 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 read Resolution 5340 (First Reading) – A Resolution Approving the Permanent Budget Appropriations for Fiscal Year 2022. Mr. Carolus, Fiscal Officer, noted that this budget included \$642,000 in road repaving for next year.

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

- 1 Approval of Minutes – October 25, 2021, Regular Meeting.
- 2 Current Bills and Financial Report.
- 3 Authorize permission to apply for the FEMA Fiscal Year 2021 Assistance to Firefighters Grant (AFG).




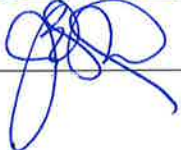
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- 4 Accept the Road and Parks, Planning and Zoning, Police, and Fire District's May 2021 monthly reports.
- 5 Approve Ryan Jones be moved from probationary status to permanent, full-time status effective November 16, 2021.

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. Gabbard congratulated Mr. Wade and Mr. Muterspaw on their re-election to the Board. Mr. Gabbard also wished to thank the Township employee Veterans for their service. Mr. Agenbroad, Fire Chief noted that the Township had received a check for \$5,500 for pre-payment of the fire apparatus ordered earlier in the year. Mr. Carolus and Mr. Wade thanked Chief Agenbroad for good management of Fire's resources.

With no further business to conduct, Mr. Wade asked for a motion to adjourn the meeting at 6:20 p.m. 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.

FISCAL OFFICER  _____
TRUSTEE  _____
TRUSTEE  _____
TRUSTEE  _____