

RECORD OF PROCEEDINGS

2301

Minutes of

CLEARCREEK TOWNSHIP TRUSTEES

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

January 14

Held 2019

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 requested a moment of silence to honor the memory of the late James A. Dalton, who was the Township's fiscal officer from 1989 until 2008. He will be remembered as a teacher, principal, and Fiscal Officer who served the Township he lived in with distinction.

Mr. Wade requested nominations for the office of President of the Clearcreek Township Board of Trustees. Mr. Gabbard nominated Mr. Wade to be President of the Board. Mr. Muterspaw seconded the nomination and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Wade requested nominations for the office of Vice President of the Clearcreek Township Board of Trustees. Mr. Muterspaw nominated Mr. Gabbard to be Vice President of the Board. Mr. Wade seconded the nomination and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Wade-yea; and Mr. Gabbard-yea.

Mr. Gabbard moved to approve the meeting minutes of December 27, 2018. 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. Wade asked for a motion to recess the regular meeting to hold a public hearing on Resolution 5148 – A Resolution establishing the Soraya Farms, Section 4 and 5 Lifestyle Community Street Lighting District. 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. Wade and Mr. Clark, Township Administrator, requested comments or testimony. No comments or testimony were noted during this public hearing.

Upon hearing no comments, Mr. Gabbard moved to close the public hearing. 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.

The regular public meeting session was resumed at this time.

Mr. Muterspaw moved to approve Resolution 5148. 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. Wade asked for a motion to recess the regular meeting to hold a public hearing on Resolution 5145 – A resolution to approve/modify/deny the Stage 1 Planned Unit Development (PUD) application of Oberer Land Development for Parcel 08-11-100-067, Account number 0660278, from Suburban Residence "SR-1" to Residential Planned Unit Development (R-PUD). Mr. Gabbard moved to recess the regular meeting to hold the public hearing. 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. Wade then requested that anyone wishing to offer testimony in the matter to stand and offer their sworn testimony by oath to tell the whole truth. The Oath was administered and the public hearing began at this time.

Mr. Palmer, the Township's Director of Planning & Zoning, gave background information on the proposed rezoning request.

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Mr. Greg Smith, AICP, Developer for Oberer Companies, gave a presentation on the proposed development to be named Woodgrove Estates. Mr. Wade asked about the cost of improving roads at the site of the development and who would be responsible for that cost. Mr. Smith stated that he wasn't asking the Township for money at this time. Mr. Wade replied that that he would not look favorably upon such a request.

Mr. George Oberer, Jr., Chief Executive Officer for Oberer Companies, came forward and clarified that representatives from the Ohio Department of Transportation, the Warren County Engineer's Office, the City of Springboro, and the Township had discussed the traffic issue at a prior meeting. He indicated that Warren County might offer help to solve the traffic issues.

The Board asked Mr. Smith several other questions and then asked for testimony from those attending the meeting.

Mr. Kirk Meadows, 5933 Red Lion-Five Points Road, stated his concern for young drivers turning onto a state route with oncoming traffic going fifty-five miles per hour.

Mrs. Pamela Weimer, 5891 North State Route 741, came forward to state she has similar concerns along with issues with accidents in front of her address. Another concern was the amount of traffic that would come from the new development.

Mr. Smith came forward and stated that a traffic study did not warrant a traffic signal at the intersection of State Route 741 and Red-Lion Five Points Road.

Mr. Michael Hemmert, 50 Royal Highlands, was concerned with the proposed zoning change and smaller lot size. He was also concerned that the proposed density would set a bad precedent for future development. He handed out a couple pages from the Township's Comprehensive Land Use Plan that emphasized the rural characteristic of housing development. He requested that the Board keep the current zoning SR-1 and table the proposed resolution.

Mrs. Kathleen Ferguson, 5556 Red Lion-Five Points Road, came forward and reiterated her concerns with young drivers, traffic, housing density, and rural characteristics with the advent of the proposed development.

Further discussion between the Board, Mr. Smith, and Mr. Hemmert clarified several points about access point options and lot sizes.

Dr. Suzie Grau, 5911 Red Lion-Five Points Road, stated that her property abuts the northern section of the development and that she is concerned about how the developers will protect the boundary between her property and the development.

Mr. Palmer and the Board discussed property density along with a reduction of the planned units to 85, a second access point, and the retention of the open space wetlands.

With no further comment from the attendees, Mr. Muterspaw moved to close 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.

The regular public meeting session was resumed at this time.

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Mr. Gabbard moved to table Resolution 5145 until the first meeting in February, due to the January 28, 2019 Trustee meeting being scheduled for 9:00 a.m. 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.

At 6:55 a short recess was called.

At 7:00 the regular meeting resumed.

Mr. Wade asked for a motion to recess the regular meeting to hold a public hearing on Resolution 5146 – A Resolution to initiate an amendment to refine standards for minimum lot sizes in multiple chapters of the Clearcreek Township Zoning Code. 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. Palmer gave the board a quick summary of the requested changes. After Mr. Palmer's explanation of the resolution, Mr. Wade requested comments or testimony. No comments or testimony were noted during this public hearing.

Upon hearing no comments, Mr. Gabbard moved to close the public hearing. 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.

The regular public meeting session was resumed at this time.

Mr. Gabbard moved to approve Resolution 5146. 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 warrants #28408 through #28477 and electronic fund transfers #1-2019 through #3-2019. 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. Gabbard moved to pass Resolution 5142 – A Resolution requesting the County Auditor to make tax advances during calendar year 2019, pursuant to Ohio Revised Code 321.34. 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 pass Resolution 5143 – A Resolution approving a transfer of funds from the General Fund to other funds in amounts equal to investment income generated by fourth quarter earnings. 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. Gabbard moved to pass Resolution 5144 – A Resolution of intent to dispose of unneeded, obsolete, or unfit personal property, including automobiles, by internet auction in calendar year 2019 with vendor GovDeals, Inc. 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. Wade opened the floor for public comment. Mr. Howard advised that Mrs. Blackburn, a longtime resident of the township, had passed away.

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Mr. Muterspaw moved to pass Resolution 5147 – A Resolution certifying the changes to Clearcreek Township road mileage during calendar year 2018. 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. A copy of the certification is attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Gabbard moved to pass Resolution 5150 – A Resolution declaring personal property as surplus and approving an internet auction, direct sale, donation, disposal, or destruction of said personal property. 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. A copy of the items being declared surplus are attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Muterspaw moved to approve the expenditure for long term care insurance premium to Continental Casualty Company for Elizabeth I. Hoffman in the amount of \$5,202.21. 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. This transaction is from a contract in return for the Hoffman Reserve land.

Mr. Gabbard moved to renew/initiate Blue Card training for paramedic and EMT personnel at an annual cost of \$6,479. 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 renew the annual online training subscription for FireEMS Academy at \$3,060. 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. Gabbard moved to adjust pay rates for Jordan Holbrook to \$21.59 per hour and Wade Easterling to \$20.56 per hour to reflect the earning of their Paramedic certifications through Ohio's Emergency Medical Services Board. 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. Steven Agenbroad, District Fire Chief, wished to recognize Firefighter/Paramedic Tony LeMaster and his wife's seventh year coordinating the Fire District's 'Adopt a Family' program. He also informed the Board that Firefighter/Paramedic Naveed Khan and his wife had completed the requirements to become naturalized, American citizens. Congratulations were passed along.

Mr. Muterspaw moved to extend the full-time, probationary period of Officer Jerrid M. Lee by three months, effective January 20, 2019 as allowed by Patrol Officers' Collective Bargaining Agreement, Article 8, Section 8.1. 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. Gabbard moved to make a conditional offer of full-time, probationary employment to Eric Peabody, pending acceptable final testing. 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 authorize the expenditure of \$20,000 from the Police Loeb Grant Fund along with \$4,430 from the Police Fund for a total expenditure of \$24,430 to purchase two speed monitoring trailers. The motion was seconded by Mr. Gabbard

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

Mr. Terrill, Police Chief, reported that the Township had received a tactical armor grant for \$21,372.64. He also updated the Board on the Department's effort to work with Immanuel Baptist Church School to ameliorate traffic issues, that the County had installed the 'School Zone' lighting and striping on Old State Route 122.

Mr. Gabbard moved to accept the resignation of Zoning Commission member Art Harden, and to appoint Stacey Tipler, Alternate Member, as a full member of the Zoning Commission to fill Mr. Harden's unexpired term, which expires March 31, 2020. 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. Clark congratulated Mr. Scott Smith, Road Superintendent, on doing a great job during the recent heavy snow storm.

Mr. Gabbard thanked Mr. Agenbroad for recognizing former Township Firefighters. Mr. Gabbard's father was a former firefighter and was touched by the recognition.

At 7:35 p.m. and with no further business to conduct, Mr. Muterspaw moved to adjourn the meeting. 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.

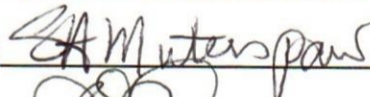
FISCAL OFFICER



TRUSTEE



TRUSTEE



TRUSTEE



DAYTON LEGAL BLANK, INC., FORM NO. 10148

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