

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2419

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

May 11

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.

At 5:32 p.m., Mr. Wade asked to recess the Regular Meeting to conduct a Public Hearing – To consider the application to rezone parcel 05-25-400-028, better known as 1555 East State Route 73, from “B-1 PUD” to “NR – PUD” as defined in Resolution 5222. 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, started an online conference to allow the applicants of the rezoning to give their presentation to the Board without being physically present at the meeting. He introduced the online parties at this time, via the monitor, as Mr. Brett Scott, owner of the parcel, along with Mr. James Agnew and Mr. Matthew Agnew as proprietors for the proposed distillery business named “Fighting Brothers Distillery”.

Mr. Palmer gave a brief history of the property’s zoning. Mr. Matt Agnew then presented the proposed business to the Board. Mr. James Agnew assisted in the presentation that provided information included in the application, along with personal information about the proposed proprietors.

After the presentation, Mr. Muterspaw asked Mr. Matt Agnew about his experience and what oversight of the business is being done to ensure the public’s safety as concerns the distillery. Mr. Matt Agnew responded that government oversight of the distillery process is extensive. He also stated the brothers have spent considerable time and resources to make the proposal a going business concern.

Mr. Muterspaw asked the presenters to describe additional safety preparations. Mr. James Agnew then advised the Board that electrical heating elements would be used in the distillery process, and there would be no open flames. A fire suppression system would be utilized and approved by the Fire Department. Mr. James Agnew then iterated that the entire distilled spirits process is monitored and audited by the state. This included formulation and process verifications that help to ensure product quality and safety.

Mr. Matthew Clark, Township Administrator, inquired about what proof (alcoholic content) would be produced. The brothers responded that, on average, the product would be 80 proof (about 40% alcohol by volume). The product could vary anywhere between 80 and 130 proof.

Mr. Wade thanked the brothers for their presentation and asked for a motion to close the Public Hearing and resume the Regular Meeting. At 6:07 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. Gabbard asked if the proposed resolution would set a precedent for other locations. Mr. Palmer advised that adding “brewpub” to the language would set a limited production cap for the amount of distilled product. The new “brewpub” definition allows the intention of allowing a general business instead of a large scale distillery. Mr. Gabbard stated his concern about the definition of “brewpub” and asked Mr. Wade his opinion. Mr. Wade

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stated that the cap on the gallons produced would keep the warehousing down to the proposed limit. Mr. Gabbard stated he wanted to make sure that the definition wouldn't broaden over time and allow for possible abuse of intent. Mr. Wade reported that the definition would keep the proposal "in the box" and would allow a case by case analysis of approval.

Mr. Muterspaw moved to approve Resolution 5222 – A Resolution to approve the Stage 1 PUD application to amend the Zoning Resolution and Map of parcel 05-25-400-028, 1.976 acres at 1555 East State Route 73, from 'B-1PUD' to 'NR-PUD,' and dispense with the second reading as written. The motion was seconded by Mr. Gabbard. Mr. Wade asked for any last comments before calling the roll. Mr. Muterspaw stated that although the proposal had lots of plusses, he was concerned that it would not be beneficial to some families within the Township. He stated his intention to vote no to represent those people. At this time, Mr. Wade requested the roll call and the vote was as follows: Mr. Muterspaw-Nay; Mr. Gabbard-yea; and Mr. Wade-yea.

No Public Comments were noted.

Mr. Clark introduced Resolution 5223 – A Resolution authorizing the Township Administrator to enter into a personal services agreement with Elite Computers, Inc. on behalf of the Clearcreek Township Board of Trustees, and dispensing with the second reading. Mr. Clark stated that Elite has provided good service to the Township since 2015 and continues to provide the service needed to keep our electronics running smoothly. Mr. Clark also stated that the structure of the contract has evolved to a flat rate per month with a slight increase in costs, to control overall expenses and to ease budgeting. Mr. Steve Agenbroad, Fire Chief, also stated his support for Elite. He stated the Township had saved \$5,000 to \$10,000 in costs by using Elite to install monitoring equipment at the Township's fire stations. Mr. Carolus also expressed his support for Elite's services. Mr. Gabbard moved to authorize the agreement and was seconded by Mr. Muterspaw. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. John Terrill, Police Chief, advised the Board of the many issues and challenges associated with the pandemic. He related several incidents where Township residents had reported violations of orders as defined by the State of Ohio Health Department. In addition, a vendor was requesting permits to allow 22 people to go door-to-door. The Township is investigating the request to make sure it is an "essential" business before allowing the permit to be processed.

Mr. Steve Agenbroad, Fire Chief, reported that the number of runs was starting to pick up again.

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

- 1 Approval of Minutes – April 27, 2020, Regular Meeting.
- 2 Current Bills & Financial Reports.
- 3 Approve the adjustment in hourly rate of pay for Patrol Officer Brian McWhorter from \$34.88 per hour to \$36.10 per hour effective May 20, 2020.
- 4 Remove from probationary status and assign to regular, fulltime status, along with adjusting their hourly rates of pay, for the following officers:
 - a. Patrol Officer, Taylor Armstrong from \$30.00 per hour to \$31.22 per hour, effective May 27, 2020.

RECORD OF PROCEEDINGS

2421

Minutes of CLEARCREEK TOWNSHIP TRUSTEES

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 11, 2020
(YEAR)

- b. Patrol Officer, Daron Williams from \$31.22 per hour to \$32.44 per hour, effective May 18, 2020.3. April 2020 Monthly Report
- 5 Monthly reports for Police, Fire, Planning and Zoning, along with Road and Parks.

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 advised the Board that an executive session planned for this meeting wasn't necessary since Township personnel had started to report back to work on May 4th.

With no further business to conduct, Mr. Gabbard moved to adjourn the meeting at 6:24 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 Taylor

TRUSTEE Ed Wade

TRUSTEE Sh Muterspaw

TRUSTEE [Signature]

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(YEAR)