

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
Minutes of Regular Meeting
November 13, 2023

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 the Board if any item needed to be removed from the Consent Agenda. No requests for removal were noted.

Mr. Wade asked for Public Comments. No comments were noted.

Mr. Wade asked for a motion to suspend the regular meeting and start a Public Hearing on RESOLUTION 5459 – A Resolution to approve/modify/deny the zone change request of Corey Edward Cummings to amend the Zoning Resolution and Map for a total of 2.209 acres from Suburban Residence Zone “SR-1” to General Business Zone “B-2” and dispense with the second reading. 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. Palmer, Planning and Zoning Director, gave background information on the request. Mr. Wade asked for the applicant to step forward. Mr. Corey Cummings, 9959 Bunnell Hill Road, came forward and informed the Board that he was looking to move in a different direction with his business. Mr. Wade asked if Mr. Cummings wished to withdraw his request. Mr. Cummings stated that he would proceed forward with the request. Mr. Wade asked if anyone else was interested in discussing the request. Ms. Gina Crawford, 15 Juniper Court, came forward to oppose the request.

At 5:36 p.m., Mr. Wade asked for a motion to close the Public Hearing and 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.

Mr. Wade asked for a motion to approve/modify/deny the rezoning request in Resolution 5459. Mr. Muterspaw moved to deny the request 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 a motion to suspend the regular meeting and start a Public Hearing on RESOLUTION 5467 – A Resolution to approve/modify/deny exhibit 2023-1, a revised text amendment that establishes rental definitions, updates home occupation regulations, removes terms and prohibits short-term rentals in the Clearcreek Township, Warren County, Ohio, Zoning Code, and dispense 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 gave background information on the Resolution. After a short discussion with the Board, The Board wished to have additional time to review the material. Mr. Wade asked if anyone present in the audience wished to offer testimony. Hearing none, Mr. Wade asked for a motion to close the Public hearing and resume the Regular Meeting. Mr. Muterspaw so moved with Mr. Gabbard

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seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea, Mr. Gabbard-yea, and Mr. Wade-yea.

At 5:45 p.m., Mr. Wade asked for a motion to continue the Public Hearing on Resolution 5467 at the December 11th 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.

Mr. Wade asked for a motion to suspend the regular meeting and start a Public Hearing on RESOLUTION 5468 – Resolution to approve/modify/deny the request of Amanda & Nathan Ramsey for a Stage Two Preliminary Site Plan Review for the Mixed Use Planned Unit Development “MU-PUD” and dispensing with the second reading. 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. Palmer gave background information on the Stage Two request. Mr. Wade asked the applicants to come forward. Mr. Josh Lyles, Apex Engineering, along with Amanda and Nathan Ramsey came forward. Mr. Lyles informed the Board that dirt that was being excavated for the pond could be used to level and raise some of the area in front of the Barn. The purpose being to allow the required trees to be raised within one foot of the foundation of the Barn. Mr. Palmer asked if the moving of the dirt would be an additional condition to the State Two request. The Board stated the dirt movement could be added at this time. Mr. Wade asked if there were any comments regarding the request from the audience. Hearing none, Mr. Wade asked for a motion to close the Public Hearing and 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.

At 6:03 p.m., Mr. Wade asked Mr. Palmer about parking spaces at the barn. After a short discussion with Mr. Palmer, Mr. Wade was satisfied that a sufficient number of spaces were allocated. Mr. Wade then asked for a motion to approve, modify, or deny the request. Mr. Gabbard initially moved to approve the request with Mr. Muterspaw seconding the request. Upon roll call the vote was as follows: Mr. Gabbard-yea, Mr. Muterspaw-yea, and Mr. Wade-yea.

Mr. Palmer, and Mr. Pacheco, Law Director, noted that to include the dirt moving in the Stage Two request, the Resolution needed to be amended first. The Board unanimously indicated that moving the dirt should be an additional condition, number 13, for approval. Mr. Wade then asked for a motion to amend Resolution 5468 to add condition 13 which would change the elevation of the dirt moved to the north and east of the barn/warehouse to be not less than 963 feet. Mr. Gabbard moved to amend Resolution 5468 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 approve amended Resolution 5468 with condition 13 added. 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.

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Mr. Wade read Resolution 5469 – A Resolution approving Supplemental Appropriations to the Permanent Budget Appropriations for Fiscal Year 2023, dispensing with the second reading, and declaring an emergency. Mr. Carolus, Fiscal Officer, noted that the Fire Engine Pumper approved at the October 23rd meeting required a purchase order. As a result, the money must be appropriated from the EMS fund to allow a purchase order to be created. Mr. Wade asked for a motion to approve the Resolution as presented. 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 5470 – A Resolution determining that the maintenance of a specific tract of land constitutes a nuisance and ordering the removal of debris and the removal of a junk vehicle after sufficient notice, dispensing with the second reading, and declaring an emergency. Mr. Palmer gave some background on the history of the property. Mr. Muterspaw and Mr. Wade stated their issues with the property under discussion. Mr. Wade asked for a motion to approve the Resolution as presented. 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 read Resolution 5471 – A Resolution dedicating a portion of Clearcreek Township’s share of funds from the American Rescue Plan Act to pay for various vehicles, equipment, and software and dispensing with the second reading. Mr. Clark, Township Administrator, gave information on items being purchased. Mr. Wade asked for a motion to approve the Resolution as presented. 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 5472 – A Resolution accepting the donation by bequest, devise, deed of gift, or otherwise, of real or personal property for any township use and dispensing with the second reading. Mr. Clark noted that the resolution covers a generous donation from the Enterprise TE Products Pipeline Company with Fire and Police each receiving \$1,000. Mr. Clark also noted that Mr. Muterspaw had negotiated with the River Valley Credit Union to gift the Township an electronic reader board. 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. Terrill, Police Chief, asked the Board for authorization to purchase wall signage from Hightech Signs for the south elevation of the new Police Headquarters building at a cost of \$7,130. Mr. Wade asked for a motion to approve the purchase. 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.

Chief Terrill asked the Board to accept a very generous grant award of \$12,000 from the Loeb Foundation for FY 2023-2024 to benefit the Police Department. Chief Terrill noted that this donation would be used to help offset the cost of night vision equipment for Township personnel. Mr. Wade

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asked for a motion to accept the donation. 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. Agenbroad, Fire Chief, asked the Board to accept a very generous grant award of \$12,000 from the Loeb Foundation for FY 2023-2024 to benefit the Fire District. Chief Agenbroad noted that the donation would be used to continue the Fire District's efforts to update and maintain Knox boxes. Mr. Wade asked for a motion to accept the donation. 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. Jones, Road Superintendent, asked the Board to accept the bid of A to Z Asphalt Contractors, Inc. of \$48,115 to install the asphalt pad for the new salt bin. Mr. Wade asked Mr. Jones some questions about the bid. Mr. Wade asked for a motion to accept the bid and install the asphalt pad for the new salt bin. 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 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 23, 2023 - Regular Session.
- 2 Current Bills and Financial Report.
- 3 Adjust Hunter Goodpaster's hourly rate of pay to \$23.71 (+\$1.00 per hour) for successfully obtaining his Commercial Applicator Pesticide and Fertilizer spray license effective November 11, 2023.
- 4 Remove Officer Kevin Hall from probation and accept him as a regular, fulltime employee, and adjust his hourly rate of pay to \$36.78 effective November 2, 2023.
- 5 Accept the resignation of employment for Firefighter/Paramedic Jordan Holbrook effective November 7, 2023.
- 6 Accept the Road, Planning and Zoning, Police, and Fire District's monthly reports for October 2023.

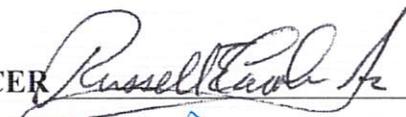
Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea, Mr. Muterspaw-yea, and Mr. Wade-yea.

At 6:25 p.m., Mr. Wade asked for a motion to enter Executive Session pursuant to Revised Code 121.22(G)(1) to consider the appointment and compensation of a public employee. 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.

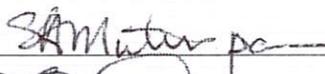
At 7:12 p.m., The Board returned from Executive Session.

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With no further business to conduct, Mr. Wade asked for a motion to adjourn the 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.

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