

**RECORD OF PROCEEDINGS**  
**CLEARCREEK TOWNSHIP TRUSTEES**  
**Minutes of Regular Meeting**  
**August 8, 2022**

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 recognized the Honorable Judge Gary A Loxley and the Honorable Judge Robert S Fisher presence. Judge Loxley and Judge Fisher came forward and gave a short presentation on the status of various projects within the Warren County Court.

Mr. Wade asked for a motion to suspend the regular meeting to hold a Public Hearing on Resolution 5380 – A Resolution to approve/modify/deny the zone change application of Jon Stafford, 9850 Clearcreek Franklin (Wood) Road, Parcel ID 04-15-101-009, for rezoning 9.64 acres from Suburban Residence Zone “SR-1” to Non-Residential Planned Unit Development “NR-PUD,” 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, updated the Board and audience on the specifics associated with the request. Members of the Board discussed issues with Mr. Palmer associated with the request. Mr. Wade then asked for applicants to come forward to discuss the issues with the request. Mr. Doug Cash, 674 Grandview Court, Springboro, partner with John Stafford representing the DONT W8 LLC came forward to answer questions from the Board. A lengthy discussion between the Board, Mr. Cash, Mr. Vantilburg (engineer for the project), and Mr. Stafford ensued until no further questions were noted by the Board.

Mr. Wade asked if there were any comments from the audience. Mr. Steven Vogel, 9871 Clearcreek Franklin Road, came forward in opposition of the project due to additional traffic and having a business next to his residential area. Mr. Wade and Mr. Vogel discussed the issue of having a business next to a residential area.

Mr. Luke Brandon, 11381 Lonesome Oak, came forward as a representative of Oakwood Village to ask the applicant about the distance between the closest unit and Oakwood Village. After a short discussion with the Board, it was noted that the unit met the setback requirements for the project. Mr. Brandon also stated his concerns about construction noise.

Mr. Wade and Mr. Muterspaw discussed with the applicant concerns about construction time and traffic considerations. Mr. Gabbard asked the applicants if there were any issues with the Montgomery County zoning concerning the project. Mr. Cash stated that no issues were noted.

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Ms. Kristin Bailey, 9873 Clearcreek Franklin Road, stated her concerns about construction traffic and whether the road would be widened during the project. Mr. Wade stated that road width is a Warren County issue. Mr. Palmer stated no road improvements were associated with the project.

Ms. Amy Vogel, 9871 Clearcreek Franklin Road, stated her opposition to the project because she didn't want a business near her. She asked the Board to follow the recommendation of the Warren County Zoning Commission and the Clearcreek Zoning Board and reject the project and let residential development occur on the property. Ms. Vogel also stated her concern for traffic.

Mr. Palmer noted for the record that emails in opposition to the project were received and included in the Board's meeting packet from:

1. Kyle and Paula Zepernick, 9587 Clearcreek Franklin Road.
2. Ralph and Elizabeth Waldon, 9730 Clearcreek Franklin Road.
3. Kimberly Slone, 9746 Clearcreek Franklin Road.
4. Barbara Smith, 9821 Clearcreek Franklin Road.

Mr. Palmer also stated that he had contacted another neighbor, Scott Dorrough, and that Mr. Dorrough was in favor of the project if it was a quality development.

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.

At 6:34 p.m., the Regular Meeting resumed.

Mr. Wade asked for a motion to approve, modify, or deny the application. The Board discussed various options on how to proceed with Mr. Palmer. Mr. Palmer asked the Board to set conditions for the development if they wanted to modify Resolution 5380. A discussion on those conditions with Mr. Palmer and the Board ensued. Mr. Gabbard motioned for approval of Resolution 5380 with the conditions as discussed. Mr. Muterspaw seconded the motion. Mr. Wade asked the applicant if there were any conditions they wanted to change. Mr. Stafford asked to change the hours of operation from 6:00 a.m. to 8:00 p.m. After a short discussion, the Board modified the condition to reflect hours of operation from 9:00 a.m. to 8:00 p.m. With no further modifications requested, Mr. Wade asked the roll to be taken. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

At 6:50 p.m., Mr. Wade asked for a motion to suspend the regular meeting to hold a Public Hearing on Resolution 5381 – A Resolution to approve/modify/deny the zone change application of Amanda and Nathan Ramsey, 4023 State Route 48, Parcel ID 08-04-476-004, for rezoning 23.199 acres from Open Space Rural Residence Zone "OSR-1" and Residence Zone "R-1" to Mixed-Use Planned Unit Development "MU-PUD," and dispense with the second reading. Mr. Muterspaw so moved with Mr.

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

Mr. Palmer updated the Board on the specifics of the application.

Mr. Palmer then invited the applicants to come forward to make a presentation to the Board. Ms. Amanda Ramsey and Mr. Nathan Ramsey, 798 Farview Dr, Lebanon, along with Josh Lyles from Apex Surveying, 1068 N University Blvd, Middletown, approached the podium. Ms. Ramsey gave a presentation to the Board. Mr. Gabbard asked the applicant questions about the process for moving product from the proposed location. Ms. Ramsey noted that finished product would go directly to where the monument would be installed. Mr. Wade stated his concerns with the proposed project being a “spot zoning” issue. The Board then discussed various issues with the proposal and evolving use.

Mr. Wade then asked if anyone wished to speak on the issue. Ms. Helen Koehler, 376 Turner Drive, stated her concerns about the project with potential drainage issues and other issues from having a business next door. Ronald Cain, 394 Turner Drive, came forward to state his concerns about drainage. Ms. Anna Alexander, 4116 Springboro Road, came forward and said she had no objections with the proposed project. Ms. Sarah Mellon and Mr. Michael Nemire, 4059 N State Route 48, came forward to state their objection to the project based on their concerns for noise, environmental impacts, and privacy concerns. Ms. Mellon also stated her concerns about the industrial nature of the proposal and the lack of sanitary sewer at the location. Lastly, Ms. Mellon asked the Board to follow the Township’s Master Plan when making their decision. Mr. Wade asked if anyone else had comments for this hearing.

Mr. Palmer then read email responses on the issue. Mr. Matt Spies, 4098 N State Route 48, stated his opposition to the project. Mr. John Karnes, 3928 N State Route 48, stated his opposition to the project.

Mr. Lyles returned to the podium to address some of the issues presented earlier with drainage and privacy issues including retaining an existing tree line. Mr. Lyle stated a pond could be made to help with drainage. Mr. Wade asked about the pond size and Mr. Lyle said that no plans were set yet. Mr. and Ms. Ramsey said that there would be no wastewater involved with production. Mr. Wade and Mr. Gabbard asked about whether additional development would occur on the property. Ms. Ramsey stated the possibility of building additional housing for children in the future, but nothing firm at this time. Mr. Lyle also stated that as a Planned Unit Development, any changes would have to come before the Board. Ms. Mellon stated that zoning does not cover business growth and does not set restraints on the number of people who might eventually be employed. Ms. Mellon also stated the existing tree line mentioned by Mr. Lyle earlier was really three feet of honeysuckle. Ms. Koehler restated her concerns about drainage and runoff.

At 7:38 p.m. with no further comments noted, 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

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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, or deny Resolution 5381, dispensing with the second reading. Mr. Muterspaw moved to approve the Resolution with Mr. Gabbard seconding the motion. Mr. Palmer reminded the Board that this Resolution did not include several items that the applicant wanted done and was not in this version of the Resolution. He reminded the Board that they would have to modify the Resolution to get the applicant's additional conditions added to the request. Mr. Wade then asked Mr. Palmer if any of these requested changes had been to the County Planning Commission or the Township's Zoning Board. Mr. Palmer stated that the changes had not been reviewed by these entities. After a discussion between Mr. Palmer and the Board, Mr. Muterspaw withdrew his motion to approve. Mr. Gabbard then made a motion to deny Resolution 5381 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. Carolus, Fiscal Officer, asked the Board to approve the annual resolution for street lighting special assessments. Mr. Carolus advised the Board that the amounts being billed to homeowners are from 2021 and that the Township would receive the money in 2023 which results in a lag between when the Township pays the bills and when the money is collected in assessments.

Mr. Wade read Resolution 5382 – A Resolution levying special assessments on lands in Clearcreek Township for funding the 2023 street lighting districts and dispensing with the second reading. Mr. Wade asked for a motion to approve the Resolution. 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 5379 – A Resolution determining that the maintenance of 5477 Spring Blossom Drive, Parcel ID #09-35-326-007 constitutes a nuisance for vegetation, ordering the abatement thereof, dispensing with the second reading, and declaring an emergency. 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 read Resolution 5383 – A Resolution authorizing the Township Administrator to publish a Request for Qualifications for Architectural & Engineering services for the design and construction of the Clearcreek Fire District Fire Station 24 project and dispensing with the second reading. Mr. Wade asked for a motion to approve the Resolution. 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 5384 – 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. The item being declared surplus is a 1994 Pierce used by the fire

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department. 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. Agenbroad, Fire Chief, asked the Board for permission to purchase a Cres Guard Mobile Decontamination Unit at \$6,749.55. The unit will be used to clean fire apparel and other equipment. Mr. Wade asked for a motion to approve the purchase. 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 5385 – A Resolution allowing the Township Administrator to enter into an agreement for the use of right-of-way of unimproved Eshman Avenue and dispensing with the second reading. Mr. Clark and Mr. Palmer gave background on the issue. 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 read Resolution 5386 – A Resolution approving participation in Region 14 Governance Structure under the OneOhio Memorandum of Understanding, dispensing with the second reading, and declaring an emergency. Mr. Wade asked for a motion to approve the Resolution. 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. Terrill, Police Chief, asked the Board for permission to purchase cardio equipment for the new building's fitness room from Legend Fitness at a cost of \$12,542.80. Mr. Muterspaw asked if this was the last of the fitness equipment for the building. Chief Terrill stated that he believed this was the last of the fitness equipment for the new building. 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 then asked the Board for permission to purchase additional video monitors and wiring services for the new police building from Elite Computers at \$7,199.98. Mr. Wade asked for a motion to approve the purchase. 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 – July 25, 2022, Regular Session.
- 2 Current Bills and Financial Report.
- 3 Remove the following personnel from promotional probation and accept them as regular, fulltime employees in their current assignments, and adjust their rate of pay as stipulated in the collective bargaining agreement from \$40.98 per hour to \$42.90 per hour, effective August 14, 2022:


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- a. Sergeant Jason Bates
  - b. Sergeant Kevin Barton
  - c. Sergeant Charles Sweet
  - d. Sergeant Nicole Cordero
- 4 Remove Lieutenant Wallace Stacy from promotional probation and accept him as a regular, fulltime employee in his current assignment, and adjust his annual salary from \$100,002 to \$104,000, effective August 14, 2022.
- 5 Accept the Road and Parks, Planning and Zoning, Police, and Fire District's May 2022 monthly reports.


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. Clark updated the Board on progress with the new building construction.

Mr. Wade then asked for a motion to adjourn the meeting at 7:58 p.m. Mr. Muterspaw so moved with Mr. Wade seconding the motion. Upon roll call, the vote was as follows: Mr. Muterspaw-yea, Mr. Wade-yea, Mr. Gabbard-yea.

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