

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
Minutes of Regular Meeting
March 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. Clark, Township Administrator, read a Proclamation of Recognition to Mr. Bill Denlinger. Mr. Denlinger who turned 100 on March 8th and was a World War Two Navy veteran was in attendance to receive the Board's recognition. Mr. Denlinger's family was also in attendance and all audience members gave heartfelt applause for his accomplishments.

Mr. Wade asked for a motion to suspend the regular meeting to continue a Public Hearing on Resolution 5412 – 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. 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 on the requested zone change application. The Board and Mr. Palmer discussed the changes in the application. Mr. Wade asked for the applicants to step forward. Mr. Josh Lyles from Apex Engineering, 1068 University Boulevard, Middletown, Ohio 45042, along with Amanda and Nathan Ramsey, 798 Farview Avenue, Lebanon, Ohio 45036 came forward to discuss the development. Mr. Lyles discussed the changes in the application to mitigate some of the issues identified at the last meeting. Mr. Wade then asked if Sarah Mellon and Mike Nemire, both of 4059 North State Route 48, Lebanon, Ohio 45036 would like to come forward. Ms. Mellon stated that the project was incompatible with current zoning regulations. Ms. Mellon stated her concerns about the industrial nature of the business. Ms. Mellon stated that the proposed development would open a door for future development in the area and reduce her property value. Ms. Helen Koehler, 376 Turner Drive, Lebanon, Ohio 45036 came forward to state her opposition to the project. Ms. Koehler stated that allowing a manufacturing facility to be built would cause their property value being negatively affected. Mr. Palmer noted a letter from Diane and Gary Constance, 160 Turner Drive, Lebanon, Ohio 45036 supporting the project. Ms. Ramsey came forward and stated that she wanted to live at the location and be good neighbors.

Mr. Wade then asked for a motion to close the Public Hearing and 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.

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

The regular meeting resumed at 5:55 p.m.

Mr. Wade asked for a motion on Resolution 5412. Mr. Gabbard asked for clarification and amendments on several items in the resolution. Mr. Palmer and the Board discussed several items in the Resolution. The modifications requested were placed into the Resolution. Mr. Wade stated his opposition to the project. Mr. Muterspaw said he appreciated Mr. Wades comments but felt that the project wasn't opening further development and would not disturb the neighbors on State Route 48 and Turner Drive. Mr. Muterspaw stated he was leaning toward approving the modified Resolution. Mr. Gabbard moved to approve the modified Resolution 5412. Mr. Muterspaw seconded the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-nay.

Mr. Carolus, Fiscal Officer, asked the Board to authorize the termination of UAN as the Township's accounting software provider by signing the letter he'd drafted. Mr. Carolus also noted the County has been steadily advancing property tax money to the Township which allows the Township to gather interest on funds.

Mr. Wade read Resolution 5417 – A Resolution accepting a donation from the United States Pretrial Services Division to benefit the Clearcreek Township Police Department. Mr. Terrill, Police Chief, described how the items would be used to purchase new secondary weapons for officers once approved. After a short discussion, 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.

Chief Terrill then asked the Board to accept a grant award of \$70,247 from the Ohio Department of Public Safety to initiate a body-worn camera program for the Police Department. Chief Terrill noted that the current in-car video systems are reaching their end of life. Chief Terrill noted that the body worn camera would tie into the in-car system that would be replaced later this year. He noted how video evidence was critical in providing timely resolution for the incident where Officer Ney was injured. Mr. Muterspaw asked what additional costs the Township would have implementing body cameras. Chief Terrill noted that additional public information requests for video along with the need to have administrative backup at the new police building and administration building would require a new person. Chief Terrill stated that the position would fit within his current budget. Mr. Muterspaw asked if additional money was needed for body cameras. Chief Terrill stated the grant paid for 16 cameras so there should not be additional money needed for body cameras. Mr. Pacheco, Law Director, added that body cameras help exonerate police and fire personnel the vast majority of the time. Chief Terrill opined that having video evidence might help reduce personnel time for court appearances. Mr. Wade asked for a motion to accept the grant award. 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 5418 – A Resolution dedicating a portion of Clearcreek Township's share of funds from the American Rescue Plan Act to pay public safety construction obligations, dispensing with the second reading, and declaring an emergency. Mr. Clark noted that costs escalations from the

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

pandemic had exhausted the money available from the Port Authority. Mr. Clark stated that the total project cost was 9.9% over the money budgeted for the project initially. Mr. Clark said that the insurance replacement cost was set at \$7.5 million on a building that cost \$5.9 million to construct. Mr. Clark asked the Board to authorize the payment in Resolution 5418 and noted that an additional approximate amount of \$668,000 would be addressed in the future. 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. Palmer noted that a current zone change application needed to set a time for a Public Hearing. Mr. Palmer noted that since the applicant was Mr. Wade, that someone else would need to set the hearing. Mr. Gabbard moved to set a Public Hearing for a zone change application at 2815 Factory Road, to rezone 24.9236 acres from Suburban Residence Zone “SR-1” to Residence Zone “R-1” for April 11th at 5:30 p.m. Mr. Muterspaw seconded the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-abstain.

Mr. Agenbroad, Fire Chief asked the Board for authorization to apply for a Bureau of Workers’ Compensation grant to replace equipment. Mr. Wade asked for a motion to direct Chief Agenbroad to apply for the grant. 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 Agenbroad thanked the Road Department for helping them with a parking lot project at Station 22.

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

- 1 Approval of Minutes – February 27, 2023, Regular Session.
- 2 Current Bills and Financial Report.
- 3 Appointment of Bill Haynes as a Full Member of the Clearcreek Township Zoning Commission, term to expire March 31, 2028.
- 4 Appointment of Mike Smith as an Alternate Member of the Clearcreek Township Zoning Commission, term to expire March 31, 2025
- 5 Accept the Road and Parks, Planning and Zoning, Police, and Fire District’s February 2023 monthly reports.



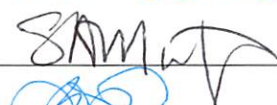
Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Clark updated the Board on House Bill 1. Mr. Clark asked the Board for date to have a ribbon cutting for the new Police building. After a short discussion with the Board, the Ribbon cutting was set for April 10th at 4:30 p.m.

Chief Agenbroad, updated the Board on progress with Station 24.

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

At 6:30 p.m., Mr. Wade asked for a motion to adjourn the meeting. 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.

FISCAL OFFICER 
TRUSTEE 
TRUSTEE 
TRUSTEE 