

Held

NOVEMBER 9th

2020  
(YEAR)

The Clearcreek Township Trustees met in regular session at 5:27 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 removed item E (2) on the consent agenda dealing with the Annual Service Agreement for the Township's Automated External Defibrillators (AED's) for separate consideration by the Board. No other removals were requested.

Mr. Clark, Township Administrator, then ceremoniously presented a check to the Springboro Board of Education for \$100,000, which is the amount of the CARES act sub-grant to Springboro Schools to offset the effects of the COVID-19 pandemic. Superintendent Larry Hook, Treasurer Terrah Stacy, Assistant Superintendent of Instruction Andrea Cook, and Communications Coordinator Scott Marshall from Springboro Schools accepted the check and thanked the Board for their consideration in these difficult times.

Mr. Palmer, Director of Planning and Zoning, requested that:

1. Ms. Elizabeth Leisz be appointed a full member to the Clearcreek Township Board of Zoning Appeals with a term expiring November 30, 2025.
2. Mr. Steve Bond be appointed a full member to the Clearcreek Township Board of Zoning Appeals with a term expiring November 30, 2023. Mr. Bond was an alternate member prior to this appointment request.
3. Mr. Bill Danishek be appointed as an alternate member to the Clearcreek Township Board of Zoning Appeals with a term expiring November 30, 2022.

Mr. Wade asked for a motion. Mr. Gabbard moved to approve the requested appointments. 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 5:33 p.m., Mr. Wade asked for a motion to suspend the regular meeting to hold a Public Hearing on a Stage 2 Planned Unit Development (PUD) application for 9175 State Route 48, Parcel ID #05-27-300-014, with Five Point Investors, LLC as the agent. This is a request for a new 'Store and Lock' being constructed at that location. Mr. Muterspaw moved to suspend the regular meeting to hold the Public Hearing. 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. Palmer then opened the Public Hearing, which included public participation via internet access. Mr. John Kopilchack of Cor 310 LLC, who is an agent for Five Point Investors LLC, was in virtual attendance along with another unnamed person from the company. In addition, the Clanin family, owners of the adjoining property to the north was in virtual attendance as well. Mr. Palmer presented the initial presentation of the project to the Board giving a detailed analysis of the project. After the presentation, Mr. Wade asked the Board for questions on the project. The Board had no questions for Mr. Palmer. Mr. Palmer then asked for Mr. Kopilchack to enter the conversation. Mr. Kopilchack then updated the Board on landscaping elements, including the addition of a water feature, along with efforts to mitigate any concerns that the Clanin family might have. In addition, Mr. Kopilchack stated that they had received approval from the Warren County Health department and an implied approval from the Ohio Department of Transportation. Mr. Kopilchack stated he was working with further entities to keep the project moving. Mr. Kopilchack asked the Board if they had any questions. Mr. Gabbard then asked if the water feature had anything to do with the retention pond. Mr. Palmer explained that in this instance, they are one and the same. He further explained that a retention pond is designed to hold water at all times while a detention pond temporarily holds water during storm events. Mr. Gabbard then stated that the water feature or pond could go dry. Mr. Palmer stated that could happen with a drought. The Board had no further questions for Mr. Kopilchack. Mr. Palmer then asked if the Clanin family had any questions or comments. The family stated they had no questions at this time. No further public comment was noted. Mr.

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the increases are for additional Fire District personnel along with \$2.13 million in replacement Fire apparatus, which are at or beyond their life expectancy, being two engines, one medic, and two staff vehicles. Mr. Clark noted that about a half million was allocated for the lease agreement with the Port Authority with corresponding lease charges to Police. Mr. Clark also explained that about \$80,000 was budgeted in the Parks budget to replace the play surface on the main playground area. The new proposed surface would last significantly longer than the current surface, with a longer extended warranty.

Mr. Wade read Resolution 5267 – A Resolution directing the County Auditors of Warren County and Montgomery Counties, Ohio to Levy a Tax Outside Of The Ten Mill Limitation, As Authorized By A Vote Of The Electorate And Ohio Revised Code Section 5705.19(I), Dispensing with the Second Reading, and Declaring An Emergency. Mr. Clark explained this is a procedural task to implement the Fire Levy as passed by the Township voters. Mr. Muterspaw moved to approve the Resolution. 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 noted that every voting precinct passed the Levy.

Mr. Clark presented information on the next four items of legislation. The legislation allows the Township to join the Warren County Energy Special Improvement District (ESID) which qualifies any resident or business within the Township to participate in energy efficiency projects including insulation, solar panels, and generators. The program being run by the ESID is called PACE (Property Assessed Clean Energy). The seminal project that the Township will proceed with is to replace the current emergency generator with a more energy efficient model. A \$500 special assessment will be placed on the Township to qualify for PACE.

Mr. Wade asked for a motion to approve Resolution 5268 – A Resolution Approving and Authorizing a Petition for Special Assessments for Special Energy Improvement Projects and a Plan for Public Improvements, Dispensing with the Second Reading, and Declaring an Emergency. Mr. Gabbard moved to approve Resolution 5268. 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. Wade asked for a motion to approve Resolution 5269 – A Resolution Approving a Petition for Special Assessments for Special Energy Improvement Projects and a Plan For Public Improvements; Declaring The Necessity Of Acquiring, Constructing, Improving, Installing, And Equipping Certain Public Improvements Described In The Plan For Public Improvements In Cooperation with the Warren County Energy Improvement District, Dispensing with the Second Reading, and Declaring an Emergency. Mr. Muterspaw moved to approve the Resolution. 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. Wade asked for a motion to approve Resolution 5270 – A Resolution Determining to Proceed with the Acquisition, Construction, Improvement, Installation, and Equipping of Certain Public Improvements in Clearcreek Township, Warren County, Ohio, in Cooperation with the Clearcreek Township, Warren County Energy Improvement District, Dispensing with the Second Reading, and Declaring an Emergency. Mr. Gabbard moved to approve the Resolution. 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. Wade asked for a motion to approve Resolution 5271 – A Resolution Levying Special Assessments for the Purpose Of Acquiring, Constructing, Improving, Installing, and Equipping Certain Public Improvements in Clearcreek Township, Warren County, Ohio, in Cooperation with the Clearcreek Township, Warren County Energy Improvement District, Dispensing with the Second Reading, and Declaring an Emergency. Mr. Muterspaw moved to approve Resolution 5271. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

**RECORD OF PROCEEDINGS**  
Clearcreek Township Trustees

2495  
Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held November 9th, 2020 (YEAR)

- 1 Approval of Minutes – October 26, 2020, Regular Session.
- 2 Current Bills & Financial Reports.
- 3 Approve the CARES sub-grantee application for CHESS School.
- 4 Schedule a public meeting on December 14<sup>th</sup> at 5:30 p.m. for a public hearing to address a Stage 1 PUD application for Anthony Richards Real Estate Holdings, LLC at 1694 State Route 73, 4.40 acres; to rezone the property from Residence Zone (R-1) to Non-Residential Planned Unit Development (NR-PUD), and to consider ratifications of Text Amendment 2020-1, refining regulations for agricultural activities (animals) on properties under five acres.
- 5 Conditionally rehire Stephanie Williams as a part-time, probationary Police Officer, at a rate of pay of \$27.94/hr., pending acceptable pre-employment screenings and reports, effective November 9, 2020.
- 6 Accept Road and Parks along with Planning and Zoning October reports.
- 7 Accept Fire District and Police Department October 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.

At 6:15 p.m., Mr. Wade asked if the Board wished to go into executive session pursuant to Ohio Revised Code 121.22(G)(4) preparing for and reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. Mr. Gabbard moved to suspend the regular meeting and enter executive session. 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 6:37 p.m., Mr. Wade asked for a motion to resume the regular meeting. Mr. Gabbard so moved. Mr. Muterspaw seconded the motion and upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

With no further business to conduct, Mr. Muterspaw moved to adjourn the meeting at 6:38 p.m. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

**FISCAL OFFICER** 

**TRUSTEE** 

**TRUSTEE** 

**TRUSTEE** 