

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
Minutes of Regular Meeting
December 13, 2021

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.

Mr. Wade asked for a motion to reclassify Kimberly M. Robinson from part-time Police Officer to full time Police Officer, effective January 1, 2022, per the collective bargaining agreement, at Step 3, with a rate of pay of \$34.42 per hour. 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 then administered the Oath of Office to Officer Robinson.

Mr. Wade asked for a motion to suspend the regular meeting to hold a Public Hearing on Resolution 5343 – A Resolution to approve/modify/deny Exhibit 2021-1, an Amendment that refines standards for depth to width ratios for lots and updates side yard setbacks for the Clearcreek Township Zoning Code dispensing 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, Planning and Zoning Director, gave background on the requested amendment to the Board and audience. The Board had no questions for Mr. Palmer.

Mr. Wade asked for Public Comment on the Public Hearing. No comments were noted.

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

The regular meeting resumed at 5:37 p.m.

Mr. Wade asked for a motion to approve Resolution 5343 – A Resolution to approve/modify/deny Exhibit 2021-1, an Amendment that refines standards for depth to width ratios for lots and updates side yard setbacks for the Clearcreek Township Zoning Code. This Text Amendment involves chapters: 5.5, 5.75, 6, 6.5, 7, 7.5 and 8, in the Clearcreek Township, Warren County, Ohio, Zoning Code, and dispenses 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.

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
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Mr. Wade then noted that there were a couple citizens in the audience and revised the order of the agenda to allow Public Comments before the executive session. Mr. Wade asked for Fiscal Officer Business and then Public Comments followed by the Executive Session.

Mr. Carolus, Fiscal Officer, noted that he had found an error in the Coterminous Agreement invoice from the City of Springboro which reduced the invoice amount by \$23,305.20. Mr. Carolus also advised that he had identified another payment error from the City of Springboro for the JEDD district which will result in the Township receiving an additional \$31,542.68. Mr. Carolus then asked the Board to authorize the reallocation of appropriations in the General Fund and to authorize the payment of the coterminous invoice to the City of Springboro.

Mr. Wade read Resolution 5345 – A Resolution amending the 2021 Permanent Appropriations Resolution 5266 by reallocating funds, authorizing payment of funds due to the City of Springboro in the Coterminous Boundary Agreement, 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. Wade then asked for Public Comments.

Mr. Michael Howard, who owns property located in the Township on State Route 122, came forward to ask about the Red Lion sewer project. Mr. Wade noted that the project was on hold due to a couple of large landowners in the project area who didn't want to proceed with the project due to the cost. Mr. Palmer reiterated that the project was on hold and noted that the two large landowners had stated they might revisit the project at a later date when the economics were better. Mr. Howard then asked if certain phases of the project could go ahead regardless of the involvement of the two large landowners. Mr. Palmer replied that a large amount of the cost of the project is just getting connections to the Red Lions area. Mr. Gabbard noted that when considering the project spatially, that the Gunlock property would be easier to service than Mr. Howard's property. Mr. Gabbard then opined that the Warren County Commissioners were hesitant to proceed with the project and that Clearcreek Township could not proceed without their approval. Mr. Howard thanked the Board for the information given.

Mr. Driskoll 'Pete' Gibbs, 7328 Larkspur Court, came forward to report an issue with a neighbor putting leaves into a ditch line at Meadowview and Larkspur that ended up on his property. Mr. Ryan Jones, Road Superintendent, said he would investigate the issue and report back to the Board. Mr. Gibbs then asked for an update on the storm water issues associated with his property. Mr. Clark, Township Administrator noted that discussions with the County were ongoing, and that progress was slow. Mr. Wade then noted the Township was waiting to see what the County decided to do about the storm water issue. Mr. Clark offered to talk with the property owners of a new home being built further north on Larkspur, to discuss how to mitigate additional outflow from an existing, small retention pond on the property. After a short discussion about previous issues with his property, Mr. Wade told Mr. Gibbs the Township would get with him tomorrow.

RECORD OF PROCEEDINGS CLEARCREEK TOWNSHIP TRUSTEES

Minutes of Regular Meeting December 13, 2021

At 5:55 p.m., Mr. Wade asked for a motion to suspend the regular meeting to enter Executive Session to consider the discipline, employment, and compensation of public employees pursuant to Revised Code 121.22(G)(1). 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 6:28 p.m., the Board returned from Executive Session. Mr. Wade asked for a motion to resume the Regular Session. 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 Resolution 5344 – A Resolution approving pay rates for all non-bargaining employees and authorizing the Fiscal Officer to issue payroll payments in 2022 according to the approved rates, as well as issue payroll for employees included in the approved collective bargaining agreements, dispensing with the second reading, and declaring an emergency. Mr. Wade passed the corresponding wage sheet to the Fiscal Officer. Mr. Muterspaw moved to approve the Resolution and revised Exhibit A, 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 5346 – A Resolution authorizing Clearcreek Township to renew as a voting member of the Coalition of Large Ohio Urban Townships (CLOUT) as part of the Ohio Township Association (OTA), and dispensing with the second reading. 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 5347 – A Resolution amending and revising the Clearcreek Township Personnel Policies and Procedures Manual to govern management practices for all Township employees and elected officials and dispensing with the second reading. Mr. Wade and Mr. Gabbard thanked Ms. Tischler, Human Resources Coordinator, for her work on this policy. Mr. Clark noted that the process of updating the policy occurs as needed. Mr. Muterspaw moved to approve the Resolution 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 5348 – Resolution amending and revising the Clearcreek Fire District General Operating Guidelines with the Lexipol State Specific Fire Service Policy, dispensing with the second reading, and declaring an emergency. Mr. Agenbroad, Fire Chief, updated the Board on why it was being revised and that the Law Director, Mr. Pacheco, had approved of the policies within the document. Mr. Agenbroad noted the new policy will take effect on January 1, 2022. 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.

Chief Agenbroad asked for permission to approve payment for personal protective equipment (fire turnout gear) for the ten firefighters we hired in 2021 at a cost of \$29,620. Mr. Wade asked for a

RECORD OF PROCEEDINGS
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motion to approve the purchase. Mr. Muterspaw moved to approve the Resolution 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 to authorize the purchase of 23 Holosun Pistol Green Dot Sights from Primary Arms at a quoted expense of \$6,453.39. Chief Terrill explained the need for the equipment. 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 informed the Board that the Loeb Foundation awarded \$22,320 to be placed into the Police Loeb Grant Fund for expected costs to outfit the fitness room in the new Police Headquarters. Chief Terrill thanked the Foundation for the money.

Mr. Palmer asked for direction related to a request from a resident in Soraya Farms for property that abuts a non-maintained road called April Court. Mr. Palmer explained the request and the background to the Board. The Board, Mr. Palmer, and Mr. Pacheco discussed the specifics of the request. The Board advised Mr. Palmer that the Township would not get involved at this time.

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 – November 22, 2021, Regular Meeting.
- 2 Current Bills and Financial Report.
- 3 Accept the Road and Parks, Planning and Zoning, Police, and Fire District’s November 2021 monthly reports.
- 4 Accepted the resignation of fulltime employment position of Ryan Roach, effective December 7, 2021.

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

With no further business to conduct, Mr. Wade asked for a motion to adjourn the meeting at 6:45 p.m. 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.

FISCAL OFFICER _____

TRUSTEE _____

TRUSTEE _____

TRUSTEE _____