

Held

December 14

2020

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.

At 5:31 p.m., Mr. Wade asked for a motion to suspend the regular meeting to hold a Public Hearing to rezone 4.40 acres commonly known as 1694 State Route 73 from R-1 to NR-PU.D. Mr. Muterspaw moved to suspend the regular meeting and 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. Palmer gave an initial, detailed presentation of the project to the Board. During the presentation, Mr. Wade advised those in attendance of several properties in the area under discussion that had asked for rezoning requests that were rejected. Mr. Wade also provided some history on that address as well. Mr. Palmer finished the initial presentation. Mr. Wade stated that allowing development further to the east into residential areas wasn't permitted under the Township's current Land Use Plan. Mr. Gabbard stated that for the time being, with the current Land Use Plan, he likewise felt the current request moved development too far east. Mr. Gabbard also stated that this request didn't meet these parameters for approval. Mr. Palmer then asked the petitioner for their presentation. Mr. Wayne Beyerlein of Jones Warren Consultants, attending via internet, extolled the virtues of the request and felt that the project should move forward. Mr. Shawn Campbell, President of Jones Warren Consultants, attending via internet. While acknowledging that the proposed rezoning did not comply with the current Land use Plan, he still advocated for it, noting the location being on the edge of the Land Use Plan, good screening via landscaping, and market research showing good growth potential. Mr. Shawn Burden (owner), 564 Hickory Point, Clearcreek Township, attending via internet, advised that he would take good care of the property and that he has no issues with another similar facility that he owns in Hamilton Township. Mr. Wade asked for Board comments or questions at the end of the petitioner presentation. Mr. Muterspaw asked for clarification on the structures. Mr. Burden supplied the requested information. At this time, the Public Hearing was opened for Public Comment. Mr. Palmer summarized a letter from Mr. Stephen Dalton, 7670 State Route 48, who is an adjacent property owner, stating his opposition to the rezoning. Mr. Wade stated his objection was based not on the specific land use being proposed or how the facility would be maintained, but was based on the expansion of the commercial district further to the east, and that any business or development expansion in the area did not comply with the current Land Use Plan. Mr. Charles Edgar, 1732 East State Route 73, who is an adjacent property owner, attending via internet, asked about the time frame of the project along with the height of the structures, how the maintenance of the retention pond and chain link fence would be accomplished, storm water issues, along with his desire to not see the structures from his adjacent property. Mr. Beyerlein stated that the height of the structure would be 14 feet. Mr. Beyerlein noted that the process of approval was lengthy and that market forces would dictate how fast the structures would be built. Mr. Campbell then confirmed the height of the structure and stated the screening elements selected would be over 20 feet tall and would satisfy Mr. Edgar's concerns. Mr. Campbell also stated that the project timeline would be dictated by the market. Mr. Burden stated that the plant being used for screening would have an eventual diameter of 20 feet and 50 feet tall and grow three feet per year. Mr. Muterspaw asked what size the initial plant would be. Mr. Burden stated seven feet. Mr. Muterspaw then asked if the height of the structures, presented earlier as 14 feet, was the entrance height for each unit or the total height of the structure. Mr. Burden stated the entrance was 14 feet. Mr. Muterspaw then noted that the structure would be at least 18 feet tall. Mr. Beyerlein stated that storm water issues were considered and wouldn't be an issue, but a retention pond was

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Mr. Wade then asked for a motion to resume the regular meeting. Mr. Muterspaw so moved. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

The regular public meeting resumed.

Mr. Wade then read Resolution 5275 – A Resolution to approve/modify/deny Exhibit 2020-1, an amendment that refines standards for agricultural structures on parcels less than five acres and clarifies non-conforming use authority and roles in Chapters 5.5, 5.75, 6, 6.5, 7, 21 and 27, of the Clearcreek Township, Warren County, Ohio, Zoning Code. Mr. Wade asked for a motion. 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. Carolus, Fiscal Officer, noted that today's payment list total was very large due to the co-terminus agreement payment to Springboro and the CARES Act payments.

No Public Comments were noted.

At 6:23 p.m., Mr. Wade asked if the Board wished to go into executive session pursuant to Ohio Revised Code 121.22(G)(1) to consider the compensation of public employees. Mr. Muterspaw moved to suspend the regular meeting and enter executive session. 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 6:42 p.m., Mr. Wade asked for a motion to resume the regular meeting. Mr. Muterspaw so moved. Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

The regular public meeting resumed.

Mr. Wade asked for a moment of silence to recognize Township resident Logan Fisher who passed away from COVID-19 after being sick for only five days.

Mr. Wade read Resolution 5276 - A Resolution approving the Agreement by and between the Board of Clearcreek Township Trustees and Ohio Patrolmen's Benevolent Association (OPBA) - Police Officers - concerning their compensation and other terms and conditions of their employment, dispensing with the second reading, and declaring an emergency. Mr. Gabbard moved to approve Resolution 5276. 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 then asked for a motion to approve a memorandum of understanding with the OPBA and Clearcreek Township regarding the Corporal's assignment. Mr. Muterspaw so moved. 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 read Resolution 5277 - A Resolution approving the Agreement by and between the Board of Clearcreek Township Trustees and the OPBA - Sergeants - concerning their compensation and other terms and conditions of their employment, dispensing with the second reading, and declaring an emergency. Mr. Gabbard moved to approve Resolution 5277. 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 read Resolution 5278 - Resolution approving the Agreement by and between the Board of Clearcreek Township Trustees and The International Association of Fire Fighters Local 4207 concerning their compensation and other terms and conditions of their employment, dispensing with the second reading, and declaring an emergency. Mr.

RECORD OF PROCEEDINGS
Clearcreek Township Trustees

2503
Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ December 14, 2020, _____ (YEAR)

With no further business to conduct, Mr. Muterspaw moved to adjourn the meeting at 6:57 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 _____