

**RECORD OF PROCEEDINGS**  
**CLEARCREEK TOWNSHIP TRUSTEES**  
**Minutes of Regular Meeting**  
**September 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. Palmer, Planning and Zoning Director, asked for a Public Hearing to establish the Clearcreek Township Illicit Discharge Detection and Elimination Regulations, the Erosion Prevention and Sediment Control Regulations, and the Post-Construction Storm Water Runoff Control Regulations. Mr. Wade asked for a motion to suspend the regular meeting to hold the Public Hearing. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

The Public Hearing began with Mr. Palmer explaining the reason for the new regulations that allows Warren County to be the Township's agent for these regulations. Mr. Pacheco, Law Director, noted that Ohio Revised Code (ORC) 504.21(B) requires Public Notice for these regulations. The first notice was published on August 26<sup>th</sup> with the second notice published on September 2<sup>nd</sup>. Mr. Pacheco noted that the second public hearing was scheduled for September 27 during the next regularly scheduled meeting and that, upon passage, the regulations would take effect after thirty days.

Mr. Wade called for public comment for the Public Hearing of which, none was noted.

Mr. Wade then asked for a motion to conclude the Public Hearing and to 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 5:34 p.m., the Regular Meeting resumed.

Mr. Wade then read Resolution 5318 as a First Reading – A Resolution to adopt the Clearcreek Township Illicit Discharge Detection and Elimination Regulations, the Erosion Prevention and Sediment Control Regulations, and the Post-Construction Storm Water Runoff Control Regulations.

Mr. Carolus, Fiscal Officer, noted that the Board must adopt a resolution to accept the amounts and rates as established by the Budget Commission and certify them to the County Auditor as required by ORC. Mr. Carolus also noted that collections on property taxes exceeded 99% and that the County Auditor's office was projecting an additional \$200,000 in collections for the General Fund for Fiscal Year 2022.

Mr. Wade read Resolution 5325 – A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and dispensing with the second reading. Mr. Wade asked for a motion to approve the

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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 called for public comment. Mr. Driskoll 'Pete' Gibbs, 7328 Larkspur Court, came forward to discuss flooding issues at his property. Mr. Gibbs asked what the Township was doing to take care of the issue and stated his concern that the development at the Township campus would bring additional water to his property. Mr. Wade noted that Mr. Clark, Township Administrator, was home sick and wasn't available at this time for an immediate update. Mr. Gibbs noted that he had hired an attorney to help with the issue. Mr. Wade asked Mr. Gibbs to have his lawyer contact the Township's attorney to facilitate correspondence. Mr. Gibbs stated his attorney had contacted the Township's attorney. Mr. Pacheco noted no such correspondence. Mr. Gibbs stated he had proof of the correspondence with a letter he had in his possession. Mr. Wade asked if the Township could make a copy of the correspondence to Mr. Pacheco. Mr. Gibbs gave the letter to Mr. Pacheco. Mr. Pacheco glanced at the letter and noted that Mr. Gibbs letter was not directed to the Township, but to Mr. Gibbs directly and wasn't appropriate for him or the Board to discuss. Mr. Gibbs and the Board discussed the issue for a short time. Mr. Wade then informed Mr. Gibbs that Mr. Clark would be contacting Mr. Gibbs with an update on the issue. Mr. Gibbs thanked the Board for the update.

Mr. Palmer then asked the Board to approve independent testing and inspection service agreement of Alt & Witzig for oversight and testing work to be performed in the Facilities Project, estimated at \$38,800. Mr. Wade asked for a motion to authorize the Township Administrator to enter into the agreement for testing and inspection services. 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 5326 – A Resolution authorizing the Township Administrator to select the lowest, best bid of metal systems of American Steel at \$416,267 to furnish, fabricate and erect the structural steel package for the police station and vehicle storage building in our Facilities Project, 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 5327 – A Resolution authorizing the Township Administrator to select the lowest, best bid of concrete work of Signature Concrete at \$521,015 to furnish, excavate, place and finish the concrete for the police station and vehicle storage building in our Facilities Project, 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 read Resolution 5328 – A Resolution authorizing the Township Administrator to select the lowest, best bid of septic system installation of Dill's Dirt Work and Demolition, LLC, at \$43,200 to furnish and install the septic system for the police station in our Facilities Project, dispensing with the second reading, and declaring an emergency. Mr. Gabbard so moved with Mr. Muterspaw seconding

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

Mr. Pacheco noted that associated with Resolution 5328, there was an additional contract to design the septic system with SCS Engineers. The contract had a provision change that needed Board approval. The change was to remove a provision in the contract for collecting attorney fees. Mr. Wade asked for a motion to approve the SCS contract with the removal of the requested provision on attorney fees. 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. Gabbard then asked Mr. Pacheco about the amount approved in Resolution 5326. A short discussion with Mr. Pacheco and the Board about the contract amount was noted. Mr. Pacheco stated that there was an additional amended quote that matched the amount as used in Resolution 5326 and that the process and amount appeared to be correct.

Mr. Palmer then updated the Board on the next resolution involving nuisance complaints asking the Board for permission to proceed.

Mr. Wade read Resolution 5329 – A Resolution determining that the maintenance of the listed, specific tracts of land constitutes a nuisance, dispensing with the second reading, and declaring an emergency:

1. 6322 Fox Tail Dr., Lot 2 Hunters Crossing Subdivision, parcel #08-12-435-005, Account 0660287 and being 1.9493 acres in size.
2. 1117 Hunters Crossing, Lot 13 Hunters Crossing Subdivision, parcel #08-12-480-001, Account 0660298 and being 1.7799 acres in size.
3. 1095 Hunters Crossing, Lot 14 Hunters Crossing Subdivision, parcel #08-12-480-002, Account 0660299 and being 1.7712 acres in size.
4. Fox Tail Dr., Lot 16 Hunters Crossing Subdivision, parcel #08-12-480-004, Account 0660301 and being 1.7624 acres in size.
5. 6474 Bull Run Ct, Lot 2 Clearcreek Reserve Subdivision, parcel #08-12-415-001, Account 0660322 and being 1.6568 acres in size.
6. 6437 Bull Run Ct, Lot 6 Clearcreek Reserve Subdivision, parcel #08-12-405-002, Account 0660326 and being 1.5851 acres in size.
7. 6461 Bull Run Ct, Lot 7 Clearcreek Reserve Subdivision, parcel #08-12-405-001, Account 0660327 and being 1.6714 acres in size.
8. 6485 Bull Run Ct, Lot 8 Clearcreek Reserve Subdivision, parcel #08-12-252-006, Account 0660328 and being 1.1556 acres in size.
9. 6509 Bull Run Ct, Lot 9 Clearcreek Reserve Subdivision, parcel #08-12-252-005, Account 0660329 and being 1.2912 acres in size.
10. 1238 Hunters Crossing, Lot 14 Clearcreek Reserve Subdivision, parcel #08-12-475-048, Account 06603334 and being 1.7343 acres in size.
11. 1214 Hunters Crossing, Lot 15 Clearcreek Reserve Subdivision, parcel #08-12-405-004, Account 0660335 and being 2.5423 acres in size.

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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 to authorize the purchase of hydraulic tools for the new Engine and Quint at a total cost of \$23,030, as presented. 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.

Chief Agenbroad asked the Board for authority to expend Fiscal Year 2021 Loeb Foundation Grant funds for the purchase of the first half of the Knox Box security devices for all Engines, Ambulances, and Ladder Truck, and a mobile data computer for the 2021 ambulance on order, at a total cost of \$22,548.50, as presented. Mr. Wade asked for a motion to approve the purchases. 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 the Board to approve his recommendation to make application for the Loeb Foundation Grant for Fiscal Year 2022 to purchase the second half of the replacement of Knox Box security devices in staff vehicles and other ancillary vehicles, and to equip all ambulances with automatic ventilators, as presented. Mr. Wade asked for a motion to authorize the Chief to make the proposed application for 2022 Loeb Grant funds. 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 Agenbroad updated the Board on the fire that occurred at the Johnathon Wright homestead in Springboro. Chief Agenbroad noted that the main structure suffered minor damage with significant damage to the rear garage and contents.

Mr. Terrill, Police Chief, asked the Board to approve his recommendation to make application for the Loeb Foundation Grant for Fiscal Year 2022 to purchase exercise equipment for the new Police Building's exercise space, as presented. Mr. Wade asked for a motion to authorize the Chief to make the proposed application for 2022 Loeb Grant funds. 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. Jones, Roads Superintendent, noted that the department was using soil from the construction project to fix road shoulders and was stockpiling soil for future use. Mr. Jones also noted that the list for ditch work was down to ten projects. Mr. Wade asked about the roundabout project on Bunnell Hill Road. Mr. Jones noted that the county project was being paved today with a projected finish at the end of the month.

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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 – August 23, 2021, Regular Session.
- 2 Current Bills and Financial Report.
- 3 Accept the Road and Parks, Planning and Zoning, Police, and Fire District’s August 2021 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.

At 6:08 p.m., Mr. Wade asked for a motion to adjourn 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.

FISCAL OFFICER

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