

**DANBURY TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING MINTUES
MAY 4, 2017**

The Special Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall on May 4, 2017, was called to order at 6:00 p.m. by President Charles B. Scott.

The pledge of allegiance was recited.

At the conclusion of pledge of allegiance, the roll was called and the following members were present: Mr. Charles B. Scott, Ms. Dianne M. Rozak, and Mr. David M. Hirt.

Also present were, Fiscal Officer Shelley Seamon and Zoning & Planning Administrator Kathryn A. Dale. Visitors in attendance were Joe Boss, Sherry Roberts, Alice Randolph, Jodi Kopanski, Judy & Tom Dayton, Jim & Rita Mahler, Russell Merckens, Rich Ohrstrom, Don Boss, Arlene Angyal, Cheryl Schlotterer, Lloyd Dayton, Brady Wolf, Lisa Dayton, Chris Burlingame, Bruce Brockert, Ted Dayton, Bruce & Mary Boss, Richard Kracer, Kevin Scarpino, John Englebeck, Leonard Evans, Kelsey Keller, Josh Adkins, Ryan and Brian McGillivray.

Mr. Scott announced that this public hearing is a continuance of the following zoning case.

**Public Hearing Continuation
ZC-2017-019
418 S. Bridge Road**

Request for a Map Amendment from "A" Agricultural to "C-2" General Commercial for PIN# 0141174815711001 (11.537 ac.) and PIN# 0141174815711003 (5.105 ac.) for a total of 16.642 acres. Catawba Island Armory, LLC Applicant, Bruce Brockert, Owner.

Mr. Scott asked Mrs. Dale to give an overview of where we are with the application and hearing process. Mrs. Dale stated to recap what was shared previously, this hearing tonight is the final decision and hearing of essentially a 3-step process. A rezoning application, which this is, is a request to change the classification a property is designated and in this case, from Agricultural to Commercial. The Ohio Revised Code requires that an application for a rezoning is first submitted to the County Regional Planning for a recommendation and Ottawa County held that hearing in March and recommended denial based upon our land use plan for the Township. The current Land Use Plan calls for the first 600' on either side of SR 269/S. Bridge Road to be Commercial and because this property under review extends further than 600' from the road, the County recommended denial. The zoning Commission then heard the request which is the second hearing in the 3-step process. They ultimately recommended approval to the Board of Trustee's. This brings us to today, which is a continuation from April 26th, but at the conclusion of this hearing, the Board of Trustees will need to render a decision for either approval or denial of the request being made.

Ms. Rozak asked for validation that the Zoning Commissions recommendation was not unanimous. Mrs. Dale said that was correct, their recommendation was not unanimous. It was a 3-1 vote, the one dissention vote was the Chair, Mr. John Paul Dress. Mrs. Dale stated that her understanding from him was that he felt there wasn't any other commercial property on that side of SR 269/S. Bridge Road that extends as far west as this applicant is asking. The rest of the Zoning Commission felt it was appropriate and majority rules. Appropriateness; that is what this Board needs to determine is whether or not the request is an appropriate location for commercial use. These applicants are asking for C-2 General Commercial, and while these applicants have shared are their intentions for an indoor shooting range and potentially an outdoor shooting range long-term, those reviews and approvals are determined later. What the Board of Trustees is deciding is whether or not this property is appropriate for commercial use. Commercial use would be any of the 29 uses listed as permitted uses in the zoning resolution under "C-2" General Commercial. An indoor range building would be subject to the underlying zoning requirements, should the rezoning be approved and an outdoor range would require a Conditional Use application with review by the Board of Zoning Appeals before it's even allowed to apply for a permit. These applicants could decide not to move forward with a shooting range, indoor or outdoor at all, and if the Board agrees to rezone the property, then these applicants could do any of the uses listed in the zoning resolution for the C-2 district, not just what they shared they are thinking about at this point in time. Mrs. Dale stated that it was to her understanding that these applicants are in contract to purchase the property from Mr. Brockert and if their offer falls thru and someone else purchases the property, then Mr. Brockert or another buyer could use the property for any of the uses listed in C-2, again if it is approved. Mrs. Dale stated this is why the Board needs to decide if the property should be used for commercial development and is an appropriate location for commercial. This hearing really is not about how these applicants have shared how they want to use the land but whether or not this particular piece of land should be used for any of the commercial uses listed in C-2.

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Mr. Scott said they would open the floor to comments from the public, he asked them to clearly state their name & address, but asked that those who already had an opportunity to speak at the hearing April 26th to refrain for now and allow others the opportunity to speak and if time allows, they will come back to those who previously spoke if there is something more they wish to comment on.

Ted Dayton, 4850 E. Harbor Road. Distributed written statement he would be reading from. Also distributed a 58 page document titled "Range Design Criteria" produced by the U.S. Dept. of Energy, Office of Health, Safety & Security dated June 4, 2012. A previous occupation I held before I became a pilot at UPS, was an U. S. Army Ordnance Officer. As an Ordnance Officer I dealt with ammunition, weapons, maintenance and training. One of the additional duties I had was Firing Range Officer and Firing Range Safety Officer. The first priority on any range is safety. I'd like to point out the Surface Danger Zones of any range. Surface Danger Areas are established to contain all ammunition fired. Range Surface Danger Areas must be in remote areas and not cross public roads or private property. Surface Danger Areas consist of three parts; impact area, ricochet area, and secondary danger area. The impact area or primary danger area extends 5 degrees to the side of the left and right limits of fire and to the maximum range of the ammo to be used. The ricochet area is 5 degrees beyond both sides of the impact area and again down range to the maximum range of the ammo used. The secondary danger area is the area paralleling and 100 yards outside of the ricochet area and downrange to the extent of the maximum range of the ammo. So for this particular proposed range, on the south side all the homes along Wohlers Avenue will be in the Surface Danger Area. It will extend out to Port Clinton Eastern Road and beyond Lightner Road past Route 53 and envelope African Safari Park, Bassett's shopping center, the Homeland Security facility and the Erie Ottawa International Airport. On the north side it will meet route 163 around the bend near Cyrus Sherry's house and go out beyond Mon Ami. Depending on the ammunition used, such as a 50 caliber, its range could extend out to the Kroger store. For a 22, its range would extend to Lightner Road. Another area to consider is that this range is under the final approach to an airport. So an overhead range danger area could not even be established. Some examples of the range of small arms ammo:

22 1,550 yards or better the 3/4ths of a mile that would take it to Lightner Road

38 2,000 yards or a mile and a quarter, past Bassett's up to route 53

45 1,700 yards or a mile, past Lightner Road

44 magnum 2,500 yards or a mile and half, we are now into the airport and McDonalds

9 millimeter 2,000 yards or a mile and a quarter, past Bassett's up to route 53

.357 magnum 2,350 yards or a mile and a third, past Bassett's and into Homeland Security

5.56 millimeter rifle 3,400 yards or 2 miles, now into the airport

7.62 millimeter rifle 5,000 yards or almost 3 miles, close to Kroger

And a 50 cal 7,000 yards or almost 4 miles, now past Kroger's & getting into Port Clinton

With this information, the range of the ammo and the noise associated, there is no way that a range could be set up anywhere in Danbury Township. Thank You.

Kelsey Keller, 267 S. Lightner Road, representing African Wildlife Safari. Distributed written statement she would be reading from. Stated this was written by employees of African Wildlife Safari, including Holly Hunt and Josh Adkins. We oppose the indoor and outdoor gun range for the following reasons:

1. A shooting range would forever alter the dynamic and character of our community – we are known as a vacationland all around the Midwest. Bringing in a gun range is not consistent with the identity of the town as a friendly, resort, destination location for families.
2. This overall reputation of our community could be instantly ruined by a barrage of overwhelming noise and the looming inevitability of stray bullets from rifles, as the last gentleman said, his information was amazing; to shotguns, and even powerful assault rifles.
3. Our community, Port Clinton, Ohio, is NOT an appropriate place for a pseudo-military complex. The development of this kind of attraction, shooting powerful weapons indoors and outdoors, not only goes against the image Port Clinton is trying to portray as a quaint, vacation town, but also as an example of unrestrained growth. This gun range would lead to an expansion in destinations within the community, yes, however, this expansion is without concern for its own consequences. There has been little thought to what this project would mean to the community, it is the start of a slow and perilous path, and sets an extremely dangerous precedent for future development. Overall, this is called "unrestrained growth" and is damaging to a community in terms of quality of life, lacks long-term vision, and often results in a community slowly dying.
4. We believe you should have the right to shoot guns, to hunt, and enjoy being outdoors, but it's completely irresponsible to place a gun range near where children play, Bald Eagles raise their young, and where families want to simply enjoy a quiet, yet safe evening in their town.

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5. A quick Google search shows that indoor gun ranges across the country struggle with lead contamination, fires with toxic fumes, and noise complaints.
6. Just like you can't take back a bullet once it has been fired, the effect of lead contamination can cause a lasting and significant impact to children, the water supply, and wildlife. The proposed development is within 1,000 feet or less from a water source, a community park where children and families play, a residential neighborhood, and robust wildlife that includes a breeding pair of Bald Eagles. There are Federal Laws protecting Bald Eagles, with serious fines and the possibility of imprisonment if a Bald Eagle is shot or killed.
7. When asked about the risk of lead contamination it was suggested that we monitor it after the building is in place. To be a local parent to young children, waiting for the gun range to be tested and exceed recommended lead levels is too late. It puts the responsibility on victims rather than polluters. Proper rules surrounding lead safety to protect the environment and people who live nearby should be in place prior to building approvals. The American Academy of Pediatrics has said there is no safe level of lead exposure for children. Children age six and younger are especially susceptible. Having the contamination from the gun range be tracked out of the building on clothing and shoes, and washed into the nearby water sources is unacceptable. The damage to the water table, the fish, the Bald Eagles and other wildlife will be irresponsible and only apparent after the fact. Will the Port Clinton community be and Danbury community be willing to foot the bill for the cleanup and other various problems left behind?
8. Gun ranges, indoor and outdoor, also deflate property values of their surrounding residential and commercial neighbors. Both outdoor and indoor gun ranges have devalue property values by as much as 30%, with the County running the risk of losing hundreds of thousands of dollars in tax revenue every year. When claiming noise would not be an issue; that the sound of guns firing would be "no louder than a dog barking" - those living near the vicinity of the gun range do not want to hear a dog barking 8,000 times a day. As community members, the County should be listening to its residents as customers before making a decision about constructing a facility with as much controversy as a gun range would bring to the community.
9. Being a family-oriented vacation town, Port Clinton economically relies on tourism during the height of vacation time (Spring through Summer). Families and tourists from all across the USA, especially the Midwest, make the trip to the Port Clinton to experience the wildlife, entertainment attractions, and natural areas. Nobody wants to visit as a tourist to a new or favorite location and experience noise pollution and run the risk of being hit by a stray bullet from a nearby gun range.

I, Kelsey Keller, am here tonight representing one of these tourist attractions in Port Clinton, Ohio, African Safari Wildlife Park, that was opened to the public in 1969 and houses over 360 animals. There are also 2 residential homes at African Wildlife Safari. Over 100,000 families visit our Park each year to interact with wildlife and learn about global impact/conservation in a safe, family-oriented environment.

Bruce Boss, 2054 S. Danna Drive. Stated he would like to see an indoor range because on rainy days like this and come winter, it would be nice to have someplace close instead of having to travel so far to a place and he would like to see it approved.

Rita Mahler, 1491 S. Church Road. We have a farm on Church Road and we can sit at our barn and hear firing every day off Bayshore, Church and Englebeck roads and even from SR 163. Mrs. Mahler stated she thinks it would be much safer and nicer to have a gun range where people can go. There would be classrooms, training, everything that would be to the benefit of those who own guns. They would like to see it approved.

Kevin Scarpino, 50 Jackson Street, Port Clinton, Part Owner of Catawba Island Armory. Shared that he is the current Range Operations Specialist at Camp Perry where his entire job for the last 9 years has been ranges and outdoor ranges that cross a public waterway. He stated he is very familiar with SDZ's and is qualified to draw and get them approved. Yes, what the gentleman said earlier, the Xdistances of those rounds is correct, but that is on a perfect day with a round not being obstructed by a backstop. Working at Camp Perry, sitting right by the Lake, where he monitor's the Lake, monitor the danger zones, he has seen 9mm rounds that don't even leave installation because they have a backstop that will stop those rounds. In the indoor range, there is going to be a backstop. In regards to the lead contamination, they will be heavily regulated by the EPA to bring in fresh air and to put out air that is fresher than when it came in. Mr. Scarpino shared that he just recently had his own blood tested and it is at normal levels, working in an outdoor facility with no ventilation. He stated he feels he is living proof that one can be around lead for 9 years; 14 years in the Army and

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still have normal blood levels. As Mr. Burlingame shared at the last hearing, there was 1 nest with 3 Bald Eagles that has grown to 3 nests and 11 Bald Eagle's on the post at Camp Perry that are 50 feet from the firing lines out there. He feels that if they can survive there because of the measures they take, when they see a bird regardless of what kind, they stop firing to make sure they don't shoot an eagle.

The same would be applied to the site they are here this evening about, IF they decide to put an outdoor range in. There are a lot of regulations they would have to go through if they decide to do it, they won't just get to show up and decide one day to do it. Safety is their number one concern. They don't even want to do anything at Camp Perry or have to experience what would happen if they shot an eagle, let alone a person. Shooting has been happening at Camp Perry since 1907, there have been 2 deaths and those were not gun related, they were water/boat related and no bald eagles have ever been shot out there.

Mr. Hirt asked Mr. Scarpino if he knew what sort of aircraft restrictions would apply to an outdoor range or vice versa. Mr. Scarpino said that Camp Perry, due to it being Army and Air Force, they have restricted air space, but as far as he knows on the civilian side, which this would be he is not aware of a restriction. He said they are aware the airport is nearby and if they did do an outdoor range they would take what safety measure they would be required to do. He shared that they have looked into building a baffled system above the outdoor range so the rounds can't exit. There are technologies that have greatly advanced for outdoor ranges, to the point where they could build an outdoor range and it almost looks like an indoor range because there is concrete all down the sides and above, but it's still outside. Mr. Scarpino reiterated that it is all about safety for them. They would do their research, they draw up their SDZ's and if it's not going to work, then they aren't going to move ahead with an outdoor range because they are not going to put people's lives in jeopardy.

Arlene Angyal, 5247 Lawrence, Catawba Island. Stated she is in favor of the request. She agrees safety is number one and these gentlemen know what they are doing and they have had a business operation in Port Clinton near Jet Express for a while now. Mr. Burlingame stated 2½ -3 years now. Ms. Angyal finished by stating she is in support.

Trustee Rozak asked the applicant if there is a range at their current location in Port Clinton. Mr. Burlingame stated there is not.

Tom Dayton, 1280 Sutton Place, Perrysburg. When Mr. Scarpino talks about Camp Perry, Camp Perry is situated on a very flat floodplain. The property they are looking at here is on top of a ridge, it goes downhill on both sides and the slope on the north side is substantial. He questions how big of a facility would have to go up to cover the grade change so one is not shooting in the air? He asked how much the topography would change from a rural farm use and residential use to this. Anything they build back there is going to be a major change in that small of territory. Also, Camp Perry, if he remembers correctly has over 400 acres and here we are talking maybe 15 acres. Mr. Scarpino said that was not correct, all of Camp Perry is 624 acres and the actual ranges are maybe 100 acres.

Lisa Dayton, 4850 E. Harbor Road. Distributed written statement she would be reading from. She stated she had several handouts for the Trustees in regards to research she did since the last meeting: The first handout talks about a woman being hit by a stray bullet while in her yard from an outdoor range and she lived a half a mile away. Shooting at a public outdoor range vs. someone shooting a few rounds of ammunition in their yard increases the chances of a stray bullet. This is very scary where we live among residential homes, State roads, an International airport, Homeland Security and an animal park as a bullet can travel up to two miles. The second article discusses the measure of decibels when firing guns. Last week it was stated that no gun fire would exceed 85 decibels on this gun range. The article shows in fact that every gun fire is over that amount in decibels. People firing on a range will have hearing protection. Neighbors in the area will not be wearing hearing protection in their homes. People can suffer permanent hearing loss from being exposed to 85 decibels or stronger for fifteen minutes a day. From the list I have supplied, most guns fire in the 130 to 150 decibel range. Neighbors will suffer permanent hearing loss if this outdoor range is allowed because we will be exposed to that at least 8 hours a day, 6 days a week, because they said they would be closed on Sunday. There are public shooting hours at the Camp Perry facility. I have attached a copy of the web site which states the public hours. Camp Perry is on much larger acreage than what is being proposed here and they are in a more rural area where there are not private residences and on the Camp Perry site they use air rifles, not live ammunition. It was also stated last week that the range was being built for Boy scouts. This is very concerning because they are young and inexperienced gun users and extra precautions would need to be in place to ensure public safety. One misfire when loading or cleaning a gun outside of the baffle areas is a real concern for neighbors in this area because it could travel as far as two miles and hit someone. The last article talks about bullets at outdoor ranges contaminating the soil with lead. Why do we want to purposefully

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allow our soil to be lead contaminated when we do not have any problems currently? The last point I would like to make is that we are currently a safe township and tourism area. When gun retail sales begin it could change the climate of our town and the type of people we are drawing into our environment here. I still have concerns regarding the noise in proximity to the dog park and the eagle nests in our area and being on the migratory route for birds. The African Safari Park, who also spoke tonight, is also downrange and the safety of their animals and the tourists who patronize their business is a huge concern. The gun range is being proposed on the final approach to an international airport which is less than a mile away is very concerning.

Brian McGillivray, 1683 N. Windward, Port Clinton. Stated he is a local business owner. Couple of the comments made earlier were talking about the decibels. That would be at where the shot is made, not necessarily downrange. His understanding of the law is that it is not to exceed 85 decibels prior to leaving the property, the sound. Other concerns about bringing guns and firearms into this area, it's a big part of this area already and the community's income. When Camp Perry runs their shoots every year, all the businesses have signs up that say "Welcome Shooters". They patronize all of our businesses locally. Mr. McGillivray said he doesn't think we're going to have a

major increase in people that aren't already coming to this area specifically for that. He stated he is in favor of the requested change, he is a sportsman and would appreciate the opportunity to have a safe place to go shoot.

Cheryl Schlotterer, 1111 Ottawa Drive, Port Clinton. Stated she is all for this. She has young kids and she would like to be able to teach them to shoot and what better way to do that than in a safe environment. It's a controlled environment. She agrees with the previous gentleman that every time Camp Perry has their shooting events, we get a lot of people, hotels profit from it, restaurants, and she doesn't see bad people coming in, only good & friendly people and they see what kind of environment this is and it's a wonderful place; wouldn't we like to keep it that way?

Joe Boss, 143 Laser Lane, Marblehead. There is a misconception he is picking up on. Guns aren't evil and guns don't just go off and kill people, or shoot planes out of the air, or shoot at dogs. People do that stuff. And it was mentioned about young kids learning how to shoot. Well, ask the troop leaders, the young men & women that are in the Boy Scouts and Girl Scouts, they qualify with guns. They are trained on how to use them responsibly and not to hurt anyone. To go out in the middle of a field and just start shooting, it happens all the time. If sort of talk makes guns look evil, then people shouldn't be able to shoot in their own yards because then they would have to have backstops, pick up all their shell casings and bullets. He stated he felt like its doomsday here. It's a sporting gallery here that they are going to construct with responsible leaders in that place who are responsible for the lives of people that come in there and well trained men here, that he respects as leaders and as men who have fought for this country. To sit here and make it look like it's some kind of – one lady made a comment last week "what happens if you sit around and start having a couple of beers" – beer is not allowed on the premises. You cannot shoot and have a beer in your hand. You can't even carry a gun and have beer on you. If one of the deputy's here stopped someone who had a gun in their car and they were drinking, they'd be arrested. And you think we'd want to have that on our property? No, not at all. We are responsible men trying to build a responsible business and do a service to the community. This whole doomsday thing he hears, they are not here to shoot animals, they are here to protect animals and people. It has nothing to do, when talking about an indoor range with block with material inside that block to stop bullets, from even penetrating the block. There will be Range Master's there making sure everything is orderly. It's not going to be some little building they just throw up. This building will be well constructed, attractive, presentable, and professional. It's not just a bunch of guys who want to go shoot guns anywhere we want too, because he personally would have nothing to do with the thing because he has his own business in this area. It's all about respect of everyone else, their property. As far as the depth they are looking at, there are commercial businesses in this Township that go back further than 900 feet. There are marinas that own property that take their boats and store them back hundreds of feet back. African Safari, is probably a 1,000 feet back off the road and that's a commercial place. So for us to want to go back a few hundred feet more than what the land use plan calls for is not out of character and he doesn't see why they would have to be stopped for that. Mr. Boss concluded by saying he doesn't want this to look like a doomsday place that's going to take away – this will bring more revenue into this Township.

Leonard Evans, 5105 Wohlers, Port Clinton. Stated he has mixed feelings about this. He is a lifetime member of the NRA and likes to shoot and has been doing it since he was a little kid. But his life savings is tied up in his home and property next to this property. He likes to shoot and would like to shoot at a range too, but he also needs to look out for his security and value of his home. He would prefer to see housing go in back behind him than any commercial property. He doesn't have any problem with a shooting range, but it would be right in my back yard.

Rita Mahler, 1491 S. Church Road. She stated she forgot to mention something. One of the big things she thinks this would be a draw for would be all of the police. Sheriff Deputy's, security

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guards and all those who need to practice to stay as good as they are. We depend a lot on our police, they are good and she would think they would appreciate having a place right across the street. As far as noise is concerned and levels, what about boats and jet ski's that can be heard running across the lake, trains, motorcycles – those are probably louder than these guns will be. One thing about African Safari, how many animals have we had roaming around when they got lost or out. How many times have we had baboons? Everything has potential for good and bad, and she thinks this would have much more good than there would be bad.

Kevin Scarpino said just wanted to clarify a few things after hearing a few more people speak regarding decibel levels. The Ohio Revised Code states that the sound from an outdoor range has to be under 85db when leaving the property of the outdoor range. Yes, a gun can make a loud sound, anywhere from 110db to 190 db, so they have to mitigate that sound so when it actually leaves the property, it's under 85 db. There are numerous ways to do this. Mr. Scarpino referred to parts of a sheet distributed by Mr. Boss prior to the start of the meeting about inverse square law. If their starting point is 156 decibels at 50 feet, the dog park is roughly 430 feet to the east of our proposed area, when calculated with the Inverse Square Law the decibel reading at the dog park is now 131 decibels. Knowing this information, I know that still have to cut the decibel levels down at least another 50 decibels to comply with the Ohio Revised Code. The only issue with the Inverse Square Law is that it only applies to open areas that has no sound abatement in place. Trees can cut the sound down by 23 db and they plan to have a concrete wall around their facility which will lower it another 23 db.

Mr. Scarpino stated they would open up an outdoor range to the Boy Scouts because he knows they earn badges for 22's, and they would like to give them the opportunity to do that. Having youth on the range would come down to safety and teaching them how to properly handle a weapon, clean it and how to check and make sure it's not loaded. Yes, there is human error, but that's why you begin training kids when they are kids. In regards to the reference of the clientele, he's sort of offended by the earlier comment to assume they would be bringing in riffraff. He feels that Port Clinton has prospered because of their location there. They bring in customers from Texas, Chicago; the Chicago Crime Lab is one of their biggest customers. They come to us for their stuff. The Ottawa County Sheriff's Department just currently received 18 of their rifles they hand-built for them, Kelly's Island is picking up some, and Sandusky County Sheriff's Office just ordered 17 new rifles. Mr. Scarpino stated they are known for good quality work, they are not a fly-by-night crew. They have brought business to Port Clinton, they are knowledgeable and he himself has lived in Port Clinton for 31 years. This is a business that can be open year round, not just seasonal. Port Clinton City Council is trying to find a way to keep up there, but we want to move out here.

Bruce Brockert, 4860 Wohlers, Port Clinton, property owner of application. When these gentlemen approached him about this, he never would have went in on it if he thought it was going to be a half-assed deal. He's been to a lot of half-assed places and seen things that he asked these guys to make sure never ever happens here. He's looking to increase the tourism, restaurants, hotels, bringing people in on weekends, and in the winter. This is something that can be done all winter long. He wouldn't spend the amount of money he would have invested in this if he didn't think it was going to be a good thing. He's been to Las Vegas and there is a place called the Gun Store that is all indoors inside a shopping mall. No one hears anything outside and that's exactly how our building will be. He stated they have to get the inside facility working first before they decide to do the outside range. Mr. Brockert said he's looking to make his property worth more, not less and he will continue to live at the back side of the range.

Chris Burlingame, 50 Jackson Street, Port Clinton, Part Owner of Catawba Island Armory. When they building the indoor facility, they will have at a minimum 12 new employees that will be full-time jobs. At a maximum they are projecting 23-28 potential jobs. The reason why there are EPA requirements and other requirements is because people have abused things before. He reiterated what he shared at the last meeting that they are one of the most highly regulated businesses in the private sector. The materials used for construction of such building is far superior then years ago. Everyone seems to be worried about the soil, no one will be shooting into the soil. They will not be hilling up a bunch of dirt and start popping rounds off into it. They make outdoor backstops that contain everything and that is what they would be utilizing. Same way with the indoor, everything will be state-of-the-art, everything will be clean and everything will be checked.

Russell Merckens, 1675 S. Church Road, Marblehead. Stated that he has been involved with weapons since 1974. It has been a tool of his in his work. He was a police officer, a park ranger and a security guard at Davis Bessie until retirement last year. I can't share the types of weapons we had there, but they were high caliber and backstops they used there and that these guys would use will stop the bullets. The technology is great. He's in favor of the request, thinks it would be a good thing for the Township and he gets asked all the time from people asking where they can shoot. There are a lot of shooters in the area that would use this and really look forward to it.

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Brian McGillivray, 1683 N. Windward, Port Clinton. Had one more follow-up item, and asked the Board if they would rather have people going out looking for a place in their back yard to shoot in a set of unsafe circumstances or in a controlled environment with professional supervisors? Yes, all it takes is one mistake, but it is less likely going to happen in a professional atmosphere than kids shooting up in a wooded area somewhere. Kids being trained – that's why my kids have shot since they were little, I shot when I was little, but I was taught the proper way to handle a gun so there wouldn't be a mistake, there wouldn't be an accident. The safest thing to do is to teach a kid about guns, especially if they are around that sort of environment, the best thing you can do is teach them gun safety.

Ted Dayton, 4850 E. Harbor Road. One more comment, this my backyard. His home is right at the edge of this property. He too grew up with weapons, guns, he was a Boy Scout/Cub Scout and in the Army. This is now a family-area atmosphere, if they want a range, why not in Port Clinton or Catawba? This is his home, his area, the people are his friends and family. It seems like many of the people here are from Port Clinton or Catawba; build it there. There are other areas, go there cause he really doesn't want it in his backyard, this is his backyard. He stated he is less than a ¼ mile away.

Trustee Scott shared information that he looked into since the last meeting. ORC Section 1533.83-85 deals with gun ranges in the State of Ohio. In his opinion it is the government's greatest deal of passing the buck because they do not – he read the first part:
"The chief of the division of wildlife, in accordance with section [1531.10](#) of the Revised Code, shall adopt rules establishing generally accepted standards for shooting ranges. These rules shall be no more stringent than national rifle association standards, and include standards for the limitation and suppression of noise, standards for the hours of operation of shooting ranges of the various types and at the various locations of ranges, and standards for public safety."

Trustee Scott said he felt this was kind of vague so he contacted Matt Newmeyer who is in charge of ranges for the Ohio Department of Natural Resources under the Division of Wildlife. They do not have a parameter for ranges, there are no permits for it, inspections or anything else for outdoor gun ranges. He reiterated this is just information he's learning. What they do is they have the local governing board, which in this case might be our Zoning Commission. They would meet with the Zoning Commission with a representative to go over the adoption of the "National Rifle Association Range Source Book". With that, they put together a team called the NRA Tech Team, who works with our local officials to establish the guidelines and standards of an outdoor range. We don't have any of that here, right now.

With this in mind, Mr. Scott asked Mrs. Dale can Mr. Brockert shoot on his property anytime he wants to right now? Mrs. Dale stated she would think so. Mr. Scott asked if there are any restrictions of the caliber of weapon that he can shoot, from his property? Mrs. Dale stated there is nothing in zoning that would regulate this. Mr. Scott said there is nothing we could enforce, Ms. Dale said she does not know what State laws are with regard to these questions and how it relates to zoning. Mr. Scott stated that there is no noise ordinance; Mrs. Dale stated not in regards to zoning. Mr. Scott said there are no containment criteria at this time. Mrs. Dale repeated, not in regards to zoning. Mr. Scott stated this is his problem - this meeting is not about whether the Trustees are going to approve an outdoor shooting range. This is a rezoning request. The problem he has is this is something that we as a Township should be working on and that the Zoning Commission should be finding out what we need to do, because maybe this is the time and maybe it's not, to have something put together. If this goes thru, and these gentlemen are as successful as they hope to be and an outdoor range is in the future, that we at that time, already have some guidelines. Trustee Scott said Mr. Newmeyer told him we can set hours of operation, days, caliber and many other things that we can have input on if we choose to do that. If we don't, then there is nothing out there saying that these guys can't show up every other night shooting whatever they want with no restrictions. This is the problem he said he personally has with the Townships current situation. Mr. Scott said he's not against the shooting. Mr. Scott referred that Mr. Boss stated at the last meeting that someone could buy the field across the way and put a backstop out there, and if anyone knows where he lives, he too has a shooting backstop in his backyard now, so he is that example. Mr. Scott said the responsibility of it is what the Township wants and what the Zoning Commission – what he would like to see happen.

Mr. Scott looked to Ms. Jodi Kopanski, Vice-Chair of the Zoning Commission to respond. She stated that if that's what the Trustees want them to look into they can. She said the Township is currently looking to update the Land Use Plan and will be holding a Community Event for the public to share what they want to see happen in the Township and this could be one of those things brought up. Mr. Scott said as a Trustee and a resident, he would rather have some oversight over an outdoor range than none at all. That's what makes sense to him, but at the same time, this meeting is not about an outdoor range. This is about a request to rezone property.

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Mr. Hirt said to Mrs. Dale that she had mentioned some of the other uses for the land, and as Trustee Scott said, this is not about a shooting range, this is about going from Agricultural to Commercial. Can you go through the listing of uses that would be allowed? Mrs. Dale read through the listing in Section 3.1.8 of permitted and conditional uses in the C-2 zoning district. Mrs. Dale explained that Conditional Uses would require a public hearing before the Board of Zoning Appeals and may be required to follow additional standards in addition to the underlying district requirements. Mr. Hirt confirmed that the current Land Use Plan calls for any of those uses to go in the first 600' along the corridor. Mrs. Dale said yes, and again, the Land Use Plan is a recommendation based upon when it was created.

Ms. Scarpino asked that if the Board approves the C-2, they cannot do an outdoor range without the Board's approval again. Mr. Scott said, not this Board, but the Board of Zoning Appeals. Mr. Scarpino stated he understood and by that time the Township could have these additional requirements in place that Mr. Scott mentioned. Mr. Scott confirmed that in theory that could happen.

Tom Dayton asked if they would be grandfathered in by then because once they are approved, they are approved for the range. Mr. Scott said no because they would have to come back to the BZA to get a Conditional Use permit for the outdoor which would be separate from the indoor and what is being requested of this Board tonight. So if the BZA has the regulation by then, or if they don't....Mr. Scarpino said the BZA could just deny until the Township does have the regulations in place. Mr. Dayton said, or they could approve it with no regulation. Ms. Dale concurred.

Lisa Dayton asked Mr. Scott if he found out any information on what the average size of a gun range should be because what concerns her is the small amount of land that they are proposing in a residential area. Mr. Scott said there are no restrictions on size. He said what he did find out is that the guidelines Ohio Department of Natural Resources Division of Wildlife has adopted are not for the protection of the residents but rather the protection of the gun club or owners of a shooting range from civil harassment lawsuits. That's why he would like to be more proactive with the Zoning Commission and have guidelines in place to protect the residents. Ms. Dayton said she still thinks they would have to take into consideration the overhead too and the final approach into the airport. Mr. Scott said he agrees that there would have to be a lot of things that would have to be addressed, some of which the Township is not going to have any control over. EPA with the soils, ODNR with the Eagles, those are State or Federal regulations that the Township won't have any say over.

Mr. Boss asked if what Mr. Scott was saying then is that property owners can't shoot within their own yard because there is an eagle's nest nearby? Mr. Scott said no, not at all. Mr. Tom Dayton spoke out and said, when you go to commercial, it's a whole different ballgame. Mr. Scott asked Mr. Boss to address the Board. Mr. Boss said everyone is so focused on the outdoor range and they are talking about doing an indoor range to start. Bullets are not going to leave the building nor sound. Not to the degree that many of those who are here tonight think. Mr. Scott said though, that the concern of the majority of people who have come to him and spoke to him, 99% are in favor of the indoor range, but the concern is the outdoor range. Everything that has been said in these hearings, safety, noise, etc. is what's been said to me. But that's not what this Board approves, it's just that simple.

Tom Dayton asked if everybody is in favor of an indoor range, then why aren't they just building it in a commercial zone? Why are we rezoning? Mr. Scott said his assumption is that Mr. Brockert, who owns the property, is involved and the property is zoned agricultural and an indoor range wouldn't be allowed. Mr. Dayton said, then isn't that why the Township sets up a plan to say "this is our commercial area, this is our agricultural area, residential area"? Mr. Scott agreed that is done through the Land Use Plan. Mr. Dayton said he doesn't understand then if the indoor is allowed and everyone thinks it's great why they aren't just moving ahead with putting it in a commercial area already zoned. Mr. Scott shared that he sits on the Regional Planning Commission, where this was denied, it was discussed that a previous request that recently came thru on another property had split zoning, the first 600' were commercial, and the back was agricultural. That property owner came forward and wanted it all commercial, and that was approved. This one was not approved by the Regional Planning Commission because of the depth of the property. The other property wasn't as deep. Mr. Scott shared that he thought the RPC may have approved this request had it been the front 5 acres, but he thought that the request for the additional 11 acres is why the RPC denied it.

Sherry Roberts, 5465 Constitution Blvd, Marblehead. She stated she is not in favor or opposed, but the only thing she would speak too is to the applicants, and if she were building this, she would certainly want to know if the long range plan is to eventually put an outdoor shooting range in, is to get that approved before starting the whole project. Mr. Burlingame said they have to take baby steps and start here.

Mr. Scott asked if there are any other comments. Rita Mahler stated that when it comes to agriculture in the Township, how many people are still "going into" agriculture? She said they have almost 40 acres, and they have trouble trying to get it farmed or someone who would want to farm it,

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so why not change some of the land for commercial property, especially right along SR 269? It would make sense to allow all those businesses along there to grow. She said she thinks it makes more sense to have commercial in this area because there are not that many farmers staying.

Mr. Scott asked if there were any other questions or comments at this time. There being none, he asked for a motion. Trustee Rozak stated that because of the recommendation of the Regional Planning Commission and that the current Land Use Plan does not recommend the back section of this property for commercial uses, her motion is to deny the rezoning request. Ms. Rozak read the following resolution:

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:00 p.m., on May 4, 2017, at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present: Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt.

Ms. Rozak introduced the following resolution and moved its adoption:

**RESOLUTION NO. 08- 2017
A RESOLUTION DENYING AN APPLICATION FOR
A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP**

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, Catawba Island Armory, LLC, in contract to purchase from Bruce Brockert, the owner of property, filed Case No. ZC-2017-019 requesting a Map Amendment from "A" Agricultural to "C-2" General Commercial for approximately 16.642 acres (PIN# 0141174815711001 & 0141174815711003) located at 418 S. Bridge Road; and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on March 21, 2017, and recommended 13-3 Denial of the proposed map amendment; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on April 5, 2017 and by motion and vote recommended 3-1 Approval of the proposed map amendment as presented, and

WHEREAS, on April 26, 2017 the Board of Trustees held a public hearing on said amendment, received public comment, and continued the said hearing, and

WHEREAS, on May 4, 2017 the Board of Trustees reconvened the public hearing on said amendment, received additional public comment and reviewed all pertinent documents, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to overturn the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be denied, finding that the Decision Criteria of Section 7.6.7.B of the Danbury Township Zoning Resolution is not satisfied and that the amendment would not be in the best interest of the Township and the public, and is not in keeping with good land use planning.

BE IT FURTHER RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board does hereby deny the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
- 2) That the property continue be subject to the regulations of Article 3.1.1 ("A" Agricultural) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking lot standards; and
- 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 4) That this Resolution shall be effective at the earliest date allowed by law.

Mr. Hirt seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows: Vote Record: Mr. Hirt: Yes Ms. Rozak: Yes Mr. Scott: No 2-1 vote, Motion carried.

There being no further business before the Board, Mr. Hirt moved and Ms. Rozak seconded the motion to adjourn at 7:15 p.m. The vote was unanimous and motion carried.