

**DANBURY TOWNSHIP BOARD OF TRUSTEES  
SPECIAL MEETING MINUTES  
APRIL 26, 2017**

The Special Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall on April 26, 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, Zoning & Planning Administrator Kathryn A. Dale, and Police Chief Mike Meisler. Visitors in attendance were Chris Burlingame, Joe Boss, Bruce & Mary Boss, Bruce Brockert, Brady Wolf, Dan Monday, John Paul Dress, Robert Klippel, Carol Zoelbel, Richard Kracer, Susan Dress, Bill Coburn, Dick & Janis Barth, Lloyd Dayton, Phil Honsey, Lisa Dayton, Stacey Johannsen, Nancy Kihlken, Jim Chamberlin, Michael, Mitchell, Dava Neff, Shannon Peterse, Josh Didion, Holly Hunt, Jamie Taylor, Josh Adkins, Kelsey Keller, Tom Dayton, John Starcher, Paul Moon, Bill Coder, Mark Cahlik and Richard Ohstrom.

Trustee Charles Scott announced to those in attendance that if they wish to speak, when called upon, that they stated their name and address for the record. He said they will try to give everyone a chance to speak tonight, but they do have a regular meeting scheduled for 6:30, so if need be, they will continue the hearing and reschedule it for another date. Trustee Scott turned the floor over to Zoning & Planning Administrator Kathryn Dale. Mrs. Dale introduced the following case:

**Public Hearing  
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.**

Mrs. Dale stated the owner is requesting that two parcels totaling 16.642 be rezoned from "A" Agricultural to "C-2" General Commercial. There is no prior zoning history with the property and the property has always been zoned "A" Agricultural since zoning was enacted in 1975. The 2011 Danbury Township Land Use Plan states that only the front 600 feet would be appropriate for commercial along both sides of S. Bridge Road/SR 269. This would be only a portion of the panhandle part of the property. Mrs. Dale explained that there is a 60' wide strip that leads back to the bulk part of the property, and only a portion of this strip is called for "Commercial" according to the land use plan. The Township will be reviewing and updating the Land Use Plan in 2017. The land use plan is a guide and not a "set in concrete" document. If appropriate, deviations from the plan can occur. It is likely that the updated plan will be getting away from "hard-lines" of following property lines and rather have them "blend". In other words, the plan will promote some overlap and flexibility to extend beyond the "limits" recommended if the market demands additional land, in part so parcels don't end up with split zoning if it doesn't make good planning sense.

Surrounding this property is Agriculturally zoned land to the north, south and west with a mixture of single-family homes and farmland. To the east, it is zoned C-2, General Commercial with Boytim Fish Cleaning, Danbury Township Police Station, a Home Occupation/Jet Ski & Boat service.

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on February 28, 2017 and held a hearing on March 21, 2017. Enclosed in the Trustees packet was OCRPC's decision letter recommending Denial of the request because it deviated from the current Land Use Plan. Mrs. Dale explained for the public that a rezoning application requires three hearings, and she is sharing what the recommendations were from the prior two hearings. This hearing before the Trustees is the last of the hearing process and they ultimately make the final decision. The Danbury Township Zoning Commission, the second hearing, held a public hearing April 5, 2017 and recommended 3-1 Approval as Presented to the Board of Trustees. There were no neighboring property owners present who spoke in favor or opposition of the request, there were neighbors at that hearing, but none spoke. During the Zoning Commission hearing, the Applicant indicated that they plan to employ up to 12 people and construct an indoor shooting range (100' x 180' building) on the property. The facility will sell retail products in addition to having 10 (50yd) indoor range lanes. They also shared at the meeting that they would have to pursue a Use Variance to establish a small portion in the building for light manufacturing and assembly of parts. The applicant's long-term plans could include outdoor shooting activities for both archery and guns, but this did not come across in their presentation as an immediate need, but potentially a future use they would like to explore. Any outdoor recreational activity would require Conditional Use review & approval through the Board of Zoning Appeals should the map amendment request be adopted.

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Mrs. Dale explained what documents were in their packets and clarified that the colored map showing the two parcels under consideration are outlined in a light blue color. There has also been a recent recommendation to rezone almost 6 acres east of this property to commercial as well, which adjoins, but that is not the property under consideration tonight and it is noted as such on this map. Mrs. Dale concluded by reminding the Board that when they are considering a rezoning request, while the applicant has shared their intentions with the Township, it is not required, and the Board is only considering whether or not this particular property is appropriate for "C-2" General Commercial zoning. If these applicants and owner do not follow-thru with the plans they have shared, if the Board adopts the proposed change, the property could then be used for any of the commercial uses listed in the zoning resolution, not just the plan or intentions they have shared.

Trustee Scott opened the floor for public input, asked that if someone wished to speak to raise their hand, he would call upon them and asked again that they state their name and address for the record.

Lisa Dayton, 4850 E. Harbor Road, Port Clinton. She distributed the letter she would be reading from. She said the letter outlines 11 issues and concerns she has, some of which are questions the Board may not have answers too this evening. She stated they are concerned a gun range is being proposed in a heavily populated residential area on a busy travelled road. Once the property owner gets a permit for a gun manufacturing facility and an indoor range they will probably request approval for an outdoor range which will become a citizen nuisance. Her question to the Trustees is how do we safeguard through ordinances that an outdoor range can never be established in this heavily populated area for human safety? She went on through her 11 questions and concerns as follows:

1. What type of an organization inspects and regulates a gun range? If this business is not built to code and does not continue to be inspected after it is established there could be a safety concern regarding stray bullets. A bullet can travel up to two miles.
2. Noise ordinances. It is unfair to people who live in this area to have to put up with noise 24/7 where people are shooting high caliber weapons. Where we are located it is flat land, noise can travel up to five miles depending on weather conditions. What types of noise ordinances are in effect in Danbury Township?
3. The dog park is located near the proposed shooting range and many dogs are fearful of fireworks and gunshots. This is not fair to the owners who bring their pets to this area. Why are we allowing a gun range to be established near a dog park?
4. There is also a church near this property. Imagine sitting in church and listening to gun shots all spring, summer & fall when the windows are open.
5. Conservation concerns. There are bald eagles nests are located adjacent to this property and this is a migratory route for birds in the spring and fall months. They should not be permitted to even shoot skeet at this range. Referred to windmills being prohibited at other locations around the lake due to the bird migration and she feels this is a similar and just as important issue.
6. What types of codes are in place to make sure the building does not deteriorate a few years after it is built? This is a huge safety concern to all neighbors regarding stray bullets.
7. We are opposed to an outdoor facility ever being approved in this area. What types of ordinances do we have in the township? Do these ordinances need to be reviewed and updated?
8. Safety concern to human and animal lives. All you need is one accident to take a life.
9. The township needs to be proactive and make sure ordinances are written to ensure we do not have problems in the future with proposed businesses which could be a public nuisance

In closing, a gun range would be better suited in a rural area, not a heavily populated residential area where the potential for an accident. This is not a safe area for an outdoor gun range to be established. She said both she and her husband are gun owners, she has a CCW, and they are not opposed to gun ranges. What they are opposed to is the location this business is being proposed. She said she has a couple of other things she remembered just before this meeting, that were not in her written statement. When a range goes in they build up mounds of dirt that will change the topography of the land and cause erosion and all of the bullets will be going into the soil, which is a potential pollution problem and debris. Thank you for taking the time to listen to our concerns and I hope you take into consideration the residents of Danbury Township when you make your decision.

Chris Burlingame, 50 Jackson Street, Port Clinton. Stated he is with Artemis Arms and proposing the rezoning change. He said first of all, they are not sure if they will move ahead with an outdoor range that is future planning on their part and setting up the property so that if they do decide to do that, that they have space to do so. Since there have been a lot of concerns about the outdoor range part, they have put together some information to share with the Board to hopefully answer questions and eliminate some of the concerns so the Board understand if they did move forward with an outdoor range in the future, the Board knows what that would entail. He distributed to the Board photos of what is considered to be a "Tube Range". All the firing points, shown in the top picture,

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would be firing from the back side. He asked for their attention to the photo with a gentleman sitting with a rifle, he's looking through the square which is going down the tubes to the front. Mr. Burlingame explained that what this range does is it only allows someone to impact a certain area; based upon the range, the diameter and length of the tube dictates that point of contact. If anyone tries to fire too high, too far to the left or right, the tube takes the impact and doesn't allow the bullet to stray off. As far as the target at the end of the range, all that can be seen through the tube is the target backstop. He stated they will have bullet traps down there that are twice the size of the impact area so there isn't any worry about pollution or lead contamination. Another item he addressed was that according to the ORC, any new, live firing ranges or outdoor ranges are required to be under 85 decibels. He said as an example, this conversation is about 60 dbs. Mr. Burlingame then presented to the Board two 24" x 36" plans showing the site layout and the interior of the proposed building. At the firing line of the outdoor range, they have to have decibel meters in place and they cannot be above 85 decibels, per the ORC. Trustee Rozak asked if the range is facing west. Mr. Burlingame said yes, the targets are west and the firing line is east. Trustee Rozak asked for him to point out again where the indoor range is on the property.

Trustee Hirt asked how the 85 decibels would be enforced and what would happen if it got up to 100 decibels. Mr. Burlingame responded they would have to shut everything down immediately. Essentially local police would be the initial enforcer, but according to the ORC any new ranges have to have decibel meters on site, which he then brought up that the firing line/point is actually proposed to be enclosed with sound abatement material to help keep it quiet. He said if they go over 85 decibels then everyone is required to wear hearing protection and that he said is not feasible and it's against the law for a public range. Trustee Scott asked Mr. Burlingame if he knew what the penalties under the law are for that and if they are escalating, Mr. Burlingame said he thought it was probably complete shut-down of the facility and potentially no longer being able to use the outdoor range. Anyone right now though can walk out in their backyard and shoot.

Trustee Scott asked what the feasibility of this is, specifically is it the 5-year plan to get the indoor range up and running and then look to the outdoor range? Mr. Burlingame replied yes. He said as far as an outdoor range immediately, that would only include archery for the Boy Scouts. Trustee Scott asked Mrs. Dale if that would require a variance. Mrs. Dale stated that would require a Conditional Use for an outdoor recreational facility, for that particular use. Trustee Scott asked if that would cover them then if they wanted to do the outdoor gun range also. Mrs. Dale stated no, the BZA would only be considering what was presented at the time of application and that one use. Additional expansions of an outdoor recreational facility or different uses would have to come back before the BZA.

Trustee Rozak asked for both the indoor range and outdoor range what their anticipated hours and days of the week they would be open. Mr. Burlingame said Monday thru Saturday. The indoor range would be open during business hours of the store. Shooting activities outdoors will be dictated by requirements in place which is a half-hour after sunset and half-hour before sunrise. Trustee Rozak asked for more detail on the indoor, Mr. Burlingame said he doesn't know if it would be the same as their current shop at 8:00p.m. or if they will push it to 10:00p.m.

Trustee Rozak asked what they will be doing for safety & security for the other uses such as archery and fishing so none shoots a bow the wrong way or falls into the pond. Or what happens if someone decides they are tired of shooting through the tubes. Who will be policing that, and she doesn't mean Danbury Township Police. Mr. Burlingame said that will be the responsibility of the Range Safety Officer. She asked if they would be there at all times, he replied yes. Mr. Burlingame said they will have permanent range staff. A range officer will dictate everything occurring on the property. They will have a range officer physically present indoors and outdoors. Trustee Rozak said she is just thinking about the "what-ifs" and was wondering what happens if someone comes after hours to the property and if the pond will be fenced. Mr. Burlingame said he had not given that consideration because there is currently a pond on the property, but if the Township requires it to be enclosed, they'll enclose it. Trustee Rozak admitted that the Township does not require any other ponds to be enclosed and she was just curious about what they have taken into consideration.

Mr. Burlingame shared that between himself and Kevin Scarpino, they have 33 years' experience in the service and they have been running live firing ranges for pretty much their entire career. He stated they have zero safety violations and zero accidents. They take this very seriously and they know there has been talk about the outdoor range and that's why he wanted to share with the Board and show them that if they do, do an outdoor range, what he's shared is the only way they feel comfortable having an outdoor facility because it's the only way to guarantee nothing bad will happen.

Trustee Hirt asked how the building floor plan footprint fits on the property as a whole and asked for clarification on the location of the building. Mr. Burlingame pointed on the site plan where the building would be on the south side of the property. Mr. Burlingame stated that they plan on installing a dirt berm along the southern property line the length of the building with landscaping on top to add an additional buffer for the homes to the south.

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Mr. Burlingame said they are working with Action Target for the design of the indoor range and they are well recognized as one of the leading designers for indoor ranges in the United States. He said the building will have sound abatement so they do not anticipate any disturbances with the indoor building. The Board had no further questions for the applicant.

Bruce Brockert, 4860 Wohlers. Stated there is already a pond on the property to the east that has been back in the trees.

Mr. Burlingame said as far as who is responsible for regulating them, it would be local law enforcement, the ATF, the FBI, and the EPA who will come in and will do standard updates and inspections. He stated their profession is one of the most highly regulated in the civilian market right now.

Lloyd Dayton, 5080 E. Harbor Road, Port Clinton. This is a very narrow stretch of land that they have back there. For them to use this land even for an arrow range, he sure wouldn't want to be back there with someone who isn't familiar with shooting arrows. Something like this should be in a bigger area not in a narrow strip. Even if they have the range inside the building, which he is not against, but once they go outside, he sure wouldn't want my people outside near there. Something like this should be in a big area, not just a narrow strip and if you walk back there it's a narrow strip.

Susan Dress, 179 Elizabeth. Going back to 85 decibels, that's the sound of a garbage disposal. Are there any limits to how long you can maintain that 85 decibels? Because if you are listening to a garbage disposal for 10 hours, that can be pretty annoying. Mr. Burlingame stated to answer her question, it is 85 decibels at the first point where people can walk up onto the property without hearing protection on the property. By time the sounds leaves the property the decibel level will be much lower. Ms. Dress as how much lower it would be. Mr. Burlingame said he wouldn't know until its set-up. Ms. Dress said it could be 75 decibels then at the property line. Mr. Burlingame said he didn't know.

Joe Boss, 143 Laser Lane. Stated he is one of the partners in this endeavor. Mr. Boss said lawn mowers are a minimum of 90 decibels, and those can run for a while. Ms. Dress said, okay, but you are talking about something that is going to be open for hours. Mr. Boss said the indoor range will be concealed. Trustee Scott interjected and asked everyone to direct their comments to the Board and not to each other. Mr. Boss went on and said a car is 120 decibels, this conversation is 60 decibels and they intend to keep it below 85 decibels. He stated they have too. He stated the building will be 12" concrete block, filled, and then inside rimmed with bullet-absorbing material. There would be nothing with the building that is unsanitary at all. As Mr. Burlingame explained with the outdoor range, all the ammo will be contained also. He said they want to build a business and the property is 488' wide by almost 1,900' deep, and arrows of 7 to 8 year olds are not going to go that far. He said there is a lot of misconception. In regards to the eagles, Mr. Burlingame and Scarpino do range duty for the Army when they are shoot down at Camp Perry, and as soon as an eagle flies into the area, they shut the range down so the eagles are safe, until they leave, then they will resume the shooting activity. Mr. Boss said they feel the same way for this location and would anticipate they would take the same actions. Mr. Boss said they are taking efforts to try to conserve and capture the sound so it's not detrimental to the public. They are striving hard to be pleasing in that way. He said beside the agencies that Mr. Burlingame mentioned before, they will also have OSHAA checking them out. This is not going to be a place where anyone can just come and shoot like they can in their backyard with no concern of what is around or loudness. He reassured that they are going to stay within the law and the regulations they are subject to and the desires of the public. He said there is desire for this sort of business and they have received a lot of feedback. He said it will be a safe place and they will probably be taking more safety precautions than most people do on their own property. Mr. Boss said with the public being on the property they will have a lot of restrictions on them and they will be insured, trained officers at all the stations, they all have to be approved for that and licensed.

Dan Monday, 2450 Meter Road. Stated he's an avid shooter and travels over to B&B range in Lorain, which is downtown in a city block. It's indoor and when you are outside of the range, or building, it isn't any louder than like someone clapping their hands. He stated he felt something like this is needed in this area.

Trustee Hirt asked Mr. Burlingame if there is anything that requires them to construct this particular outdoor range that they have share. Mr. Burlingame said no. Trustee Hirt said they could set-up hay bales and that's it. Mr. Burlingame said yes, but that the design they have shared is the only way they feel safe utilizing. He said it is the same set-up the National Guard and some conservation management people recognize. He said it's the only way you can guarantee the shot will go one direction and impact one spot because with an open range you do have the risk of human error and accidentally discharging. Those are all AR500 tubes, armored plate. Even if someone

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shoots into the side of the tube, they are not going to penetrate the tube. If someone shoots into the building, the building itself is going to be ballistic proof, it will stay confined. The only place these rounds can go is down to the traps with the multiple targets. Mr. Burlingame, referring to the photos submitted before said that even the outer perimeter shown is still within the trap. It basically takes the human factor out of it. Someone could go up to the tube, close their eyes and know it's still going to hit the target.

Holly Hunt, African Safari Wildlife Park, 267 S. Lightner Road, Port Clinton. We also have a farmhouse next door that we reside in for part of the year. We have been part of this community since 1969. We have over 390 animals on our property that is directly behind what they are proposing. We are very concerned about the safety of the over 100,000 families that visit us every year and our animals. An indoor or outdoor shooting range would forever alter the dynamic of our community. We are known as "Vacationland" and this is not an appropriate place for a shooting range. It can be put in other rural areas far away from the water, a pond, the dog park, and other family entertainment facilities. It's like a pseudo military complex, this is not the right place for it. Ms. Hunt stated she is not in opposition to weapons or guns, or gun ranges, it's just that this is not the right place for it. She expressed concern about deflating property values, reduce tourism, and there is a land use plan already in place, and the Trustees should just follow the plan already in place.

Janis Barth, 360 S. Bridge Road. To talk about the noise, she stated that she lives right next to the dog park, and she can guarantee that she hears dog barking higher than 85 decibels and its open from daylight to dark, but it doesn't bother her that much.

Phil Honsey, 316 Cedar. Just a reminder, which I think you all heard Ms. Dale say, this is about a zoning map amendment, it is not for approval of an outdoor range. It is nice that that information is shared, but that may or may not happen in the future, this is just for the indoor building as he understands it. Trustee Scott said he was correct.

Jamie Taylor, 5640 Port Clinton Eastern Road. She asked if the Board could put it on record of the largest caliber weapons they would be using on the property. She asked if they are talking 22's, or 100 caliber. Mr. Burlingame said 50 and below. Their range will be rated for it. Ms. Taylor said that is pretty high. She said the second thing she had was to ask if anyone has been to a place called "The Bullet Stop" in Elmore? She stated that they started out as these applicants and if anyone has been there recently, they have really let it go downhill. What's going to stop these gentlemen from that happening as well? Mr. Burlingame reiterated that according to the ORC any newly constructed range falls under a whole new set of guidelines. Ms. Taylor said that is good to know because she does not want that operation here. Mr. Burlingame said he didn't either and that's one of the reasons why they started looking into this because people do not want to go to those types of places. People want a nice, clean, safe place that they feel comfortable walking into to shoot. Ms. Dayton spoke out a said that's why Camp Perry is 15 minutes away. Mr. Burlingame said that is not open to the public.

Trustee Scott stated there is a list of items that Ms. Dayton presented that he does not personally feels qualified to answer at this time and he would like to do a little bit more research. Trustee Rozak concurred. Mr. Scott stated he would like to invite everyone back because he would like to continue this hearing, since they have a regular meeting to begin. Mrs. Seamon stated it needs to be rescheduled tonight so the public knows. Mrs. Dale stated that for legal requirements, if the board announces the continuation date tonight, it satisfies their notification requirements and it does not need to be republished and adjacent letters do not need to be resent because the announcement qualifies as notice, but if the Board decides to schedule it later and not tonight, they would have to give her enough time to be able to meet the 10 day notification period. Mr. Scott shared that prior to their next meeting May 10, 2017 they already have a text amendment hearing scheduled.

Discussion ensued and Trustees reviewed their calendars. Trustee Scott announced that this hearing would be continued to Thursday, May 4, 2017 at 6:00p.m. here in the Township Meeting Room. At that time the Board will address Ms. Dayton questions and take additional comments from those who did not get a chance to speak tonight. Trustee Scott said that the only order of business to be discussed during that meeting will be the continuation of this map amendment. Trustee Scott asked who may not have signed in to make sure they did so before they leave.

There being no further business before the Board, Mr. Hirt moved and Ms. Rozak seconded the motion to adjourn at 6:41 p.m. The vote was unanimous and motion carried.