

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

June 12 19

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, June 12, 2019 and called to order at 6:30 p.m. by President Dianne Rozak.

The pledge of allegiance was recited the roll was called and the following members were present: Mr. John Paul Dress, Ms. Dianne M. Rozak and Mr. David M. Hirt. Also present were, Fiscal Officer Carolyn Adams, Road Superintendent Brett Waldron, Police Chief Mike Meisler, Fire Chief Keith Kahler, Zoning & Planning Administrator Kathryn A. Dale and Susan Dress.

APPROVAL OF THE MINUTES

Mr. Dress moved and Mr. Hirt seconded the motion to approve the May 22, 2019 Zoning Amendment Hearing minutes. Roll call was unanimous and motion carried. Mr. Dress moved and Mr. Hirt seconded the motion to approve the regular meeting minutes for May 22, 2019 as presented. Roll call was unanimous and motion carried

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

RESOLUTION #9-2019

A RESOLUTION IN OPPOSITION TO A PROPOSED ROUNDABOUT ON STATE ROUTE 163 PROJECT #OTT-163-33.85 PID 109637

WHEREAS, the intersection of North Shore Blvd., Englebeck Road and State Route 163 in Danbury Township is a heavily-traveled and dangerous intersection in dire need of a traffic signal; and

WHEREAS, while the Danbury Township Board of Trustees, Fire Chief, Police Chief and Road Superintendent are not inherently opposed to the roundabout concept, they all oppose the plan for a roundabout at this intersection; and

WHEREAS, a survey conducted by the Danbury Township Board of Trustees, exclusive of year-round residential traffic, resulted in vehicular traffic at this intersection as follows:

Lakeside	125,000 visitors annually
Marblehead Lighthouse	1.2 million visitors annually
Fire/EMS vehicles	700+ runs annually
Danbury Schools	600 children/school buses/student drivers/parent drivers
LaFarge Quarry	7,450 stone hauling trucks arriving & departing annually
Hotels/Motels/Campsites	250
Private docks for rent	400
Mazurik Access	176 spaces for boats w/ trailers + 56 single parking spaces
Dempsey Access	144 spaces for boats with trailers
Retail businesses	Dollar General & Mutach's Market on opposing sides of SR163
Kelleys Island	Direct access to Kelleys Island Ferry is through this intersection;

and

WHEREAS, The Danbury Township Board of Trustees has been asked by residents for decades for a traffic signal at this intersection and, the Trustees have repeatedly requested a traffic signal from ODOT at this intersection and, the Trustees have offered to fund the entire cost of the signal equipment and the request has been continuously denied by ODOT;

NOW THEREFORE BE IT RESOLVED THAT:

The Danbury Township Board of Trustees opposes ODOT's plans for a roundabout and requests ODOT to abandon plans for said roundabout at the intersection of North Shore Blvd.,

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Englebeck Road and State Route 163 due to the immense volume of traffic at this intersection, and the Trustees request installation of a traffic signal at this intersection at Danbury Township expense OR request ODOT to leave the intersection in its current state.

This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken open meetings of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including by not limited to ORC 121.22, except as otherwise permitted thereby.

This resolution shall take effect and be in force from or after the earliest period 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: Ms. Rozak YES Mr. Dress YES Mr. Hirt YES

ROADS-BUILDINGS-GROUNDS

Road Superintendent Brett Waldron reported one cremation burial at Sacket Cemetery. The department is asking for a TRQ (survey) to determine the location of the Road Right of Way on N. Buck Road at the curve near 2170 & 2188 N. Buck. Department has been very busy mowing the parks and road right of ways. The Athletic fields are being used nightly. Masonry Construction revised quote for the additional concrete recycling pad is \$6676.00. Mr. Dress motion acceptance of the revised cost, seconded by Mr. Hirt. All voted yes. The Solid Waste District grant will reimburse \$4900.00 of the cost. Road department to do prep work on the project. Quotes have been received for meeting room heat/air systems, to be discussed further at the June 26th. meeting.

POLICE

Mr. Dress read the report submitted by Police Chief Mike Meisler that listed the department responded to 330 incidents in the month of May and 157 to date in June. Officer Vikki Fritz a CIT Certification.

Officer John Belcher has completed firearms instructor training and has become the new instructor for the Township.

Officer Carolyn DeMore has completed her probationary period. Chief Meisler requested a \$2.00 per hour raise in accordance with past practice. Ms. Rozak motioned to increase Officer DeMore's wages to \$24.50 per hour. Mr. Hirt seconded the motion. Roll call, all voted yes. Chief Meisler also commented on problems with the hand held radios.

FIRE

Mr. Hirt read the report submitted by Chief Keith Kahler. Details are listed below:

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		Fire & Ems Run Details				
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
Month of June	25	3	0	4	0	0
As of 6-12-2019	294	21	16	26	2	17
Year-To-Date	376					

*Motor Vehicle Crash(es)
 ** Alarm Activation(s)
 ***Carbon Monoxide Investigation(s)

EMS billing for 2019 to date, \$50,009.06.

ZONING

Permits

To-date this month there has been 11 permit applications submitted/processed totaling \$ 605.14.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold an adjudication hearing June 19, 2019 on the following case:

- a. **BZA-2019-075**
2380 N. Buck Road. Request for an Area Variance to Section 3.5.7 to allow for a new single-family home to encroach into the east, front-yard setback (16' proposed/ 20' required). **Jennifer Brown & Thomas Beercheck, Owners/ Pete Johnson, Agent.**

- b. **BZA-2019-083**
1530 S. Danbury N./ SR 269 (The Watering Hole). Request for a Conditional Use in accordance with Section 3.1.10.C.vii & Section 4.16 to allow for the expansion of a Commercial Amusement Enterprise. **North Coast Zoological, LLC owner/applicant, Michael Prosser, Agent.**

- c. **BZA-2019-084**
8345 Joann. Request for an Area Variance to Section 3.5.7 & 5.1.B to allow for an addition onto the existing home and a detached garage to encroach into the east, front-yard setback (20' required/5' proposed) and Section 7.9.3.A to allow for the addition onto the nonconforming home to exceed 20% of the original square footage (211.2s.f allowed/564s.f; 53.4% proposed). **James & Cynthia Fish owner/applicant, Michael Prosser, Agent.**

The Board of Zoning Appeals has asked, and Lisa Bauer has agreed to fulfill her late husband's position on the BZA should the Trustee's so approve such appointment. Brad was reappointed with a term set to expire 12/31/2023. Typically the next alternate moves up, but Ms. Bertovich indicated she was not interested due to her own health issues at this time.

The Zoning Commission -

The Zoning Commission met June 5, 2019. Since there were no cases, it was a short work session to discuss zoning code updates. There is one rezoning application scheduled for July. The meeting date has been changed to Monday, July 1, 2019 since the regular meeting is the evening before July 4th.

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Department Updates

- On May 23, 2019 we received a "Notice of Appeal" from the applicants in the BZA case regarding 194 Strause Lane B & B request that was denied. The Board's decision was finalized April 17, 2019 and the Appeal with the court was filed May 20, 2019 which was not timely. All information has been forwarded to the County Prosecutor's office. A motion to dismiss was filed May 29, 2019 for inappropriate venue because it was filed in Lucas County and not Ottawa County. Awaiting decision from the Court.

Violations/ Complaints:

JUNK & DEBRIS:

321 Sackett (*Junk & Debris – Garner*)

OPEN

2nd Notice to Comply sent out 06.05.19 because owners have reinstalled now 3 carports without a permit and have more items then ever out in the front yard. They were given warnings in June 2018 and February 2019. They will have 7 days upon receiving their letter to get the carports and miscellaneous junk & debris removed from the yard.

10038 E. Bayshore (*Multiple issues– Matusiczky*)

OPEN

Complaint received 05.29.19 about a dilapidated shed on the property, two junk vehicles and lots of overgrowth. The house has been abandoned for a while. Certified letter was sent to the owner of record on 06.06.19.

TALL GRASS:

0 E. Harbor (*Tall grass – Parkrest, LLC*)

OPEN

Emailed property owners attorney 05.21.19 after not hearing more from them after a phone conversation had 05.16.19. The ground is apparently still too saturated to get in to cut the heavy overgrowth, but they will reevaluate this weekend and get back to me around 05.28.19. On-going rain has been an issue.

Prior Info: Received a letter 04.29.19 from the property owners attorney indicting there is a civil issue with the neighbor and no date-certain to have the overgrowth taken care. KAD called the attorney 04.30.19 and explained what is being asked along with some other matters he touched upon in the letter. Everything was very saturated last week, so attorney agreed to check back in, in 2 weeks.

9518 E. Bayshore Road (*Tall grass – Stevens*)

OPEN

Complaint received 06.03.19. Letter was sent to the property owner via certified mail 06.05.19. Given 7 days to cut upon receipt of letter. Repeat offender.

E. Bayshore Road/Harborview (*Tall grass – Costa & Smith*)

OPEN

Complaint received 06.04.19. Letter was sent to both property owners via certified mail 06.05.19. Given 7 days to cut upon receipt of letter. Repeat offenders.

CONSTRUCTION WITHOUT PERMITS:

8146 Northshore Blvd. (*Deck w/out Permit & Illegal Rental – Thomas*)

OPEN

Deck was constructed onto the rear of the house without proper permits. Letter sent 06.12.19. Cease & Desist also sent for illegal rental.

Prior Info: Investigating some zoning violations to determine if violations are actively occurring and letters are warranted being sent. Need to coordinate with the Prosecutor's office.

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252 Riedmaier (*Construction w/out Permit – Schalk*)

OPEN

Letter was sent to the property owner 05.24.19 for adding onto an existing shed without the proper permits. The way they added onto it, the side-yard setback may not be met. Owner was given until 06.07.19 to get a permit application into the office.

165 Hamilton (*Construction w/out Permit – Thomas*)

CLOSED

Owner filed for and was issued appropriate permits with penalty fee (Permit 2019-095).

Prior Info: Letter was sent to the property owner 05.24.19 for constructing a patio cover/addition onto the house and installing fencing without the proper permits. Owner was given until 06.07.19 to get a permit application into the office. Owner called 06.05.19 and indicated the paperwork was being sent it.

5080 E. Port Clinton Eastern (*Construction w/out Permit – Blevins*)

CLOSED

Owner filed for and was issued appropriate permits with penalty fee (Permit 2019-092).

Prior Info: Stopped at the property 05.24.19 to let the owner know a permit is needed for the deck they are constructing on the front of the house. Followed-up with email after the holiday weekend and supplied all the necessary paperwork for them to file.

ILLEGAL OCCUPANCY OF CAMPERS:

1941 Willard (*Camper Occupied Illegally – Blodin/Ray*)

OPEN

Certified 2nd Notice to Comply was sent to the property owners 06.06.19 about illegal use of a camper on the property. Same owners were notified in 2018 about the violation. Part of the issue is a temporary electric pole was installed for new construction that has never taken place. Both the Ottawa County Building Department and Ohio Edison have been requested to remove the electric hook-up to the property.

607 John (*Camper Occupied Illegally – Elkington*)

OPEN

Complaint received morning of 06.10.19. Upon inspection, Mr. Elkington was in the unit on the property. He was directly contacted via telephone and told to remove the unit. Will reinspect 06.14.19.

OTHER ZONING VIOLATIONS:

312 Willowdale (*Storage Pod – James*)

OPEN

Municipal Court hearing was originally scheduled to be held 06.05.19 at 8:30a.m. but was pushed back until 06.12.19 at the request of the Defendant. Will report on the outcome at the Trustee meeting.

Prior Info: A Final Notice was sent 04.05.19. Owner has reached out and is getting permits renewed and inspections lined up with the Building Department. Gave the owner until 05.15.19 to get the POD out of the driveway since it contains remodeling material that they will be using now that permits have been reissued. A complaint was filed 05.21.19 with the Ottawa County Municipal Court after review & approval by the County Prosecutor. The owner has made no attempt to remove the POD or get the necessary inspections scheduled to finish the construction project needed to occupy the residence.

8390 Northshore Blvd. (*Disposal of Fish Offal – Little Ted's Cottages*)
Investigating

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Complainant was notified 05.23.19 about the process and steps that will be taken to correct the issue. The managers of Little Ted’s were also made aware of the complaint and process that will be followed should more complaints arise. Prior Info: Email complaint was received 05.21.19 regarding the smell of fish disposal at this address. A similar complaint was filed at the end of last September and a letter sent to the property owners. The Prosecutor’s office has been contact about this so we can have a plan of action/ be on the same page moving forward if this is becoming a regular issue. An inspection was conducted yesterday and there was no noticeable smell coming from the area of concern.

Regatta subdivision (phase one) plat was signed by Trustees. Regatta Passage Drive to be accepted as public Township road. Motion by Ms. Rozak and seconded by Mr. Dress. Roll call all voted yes.

Trustees discussed a replacement for Brad Bauer on the Board of Zoning Appeals.

OLD BUSINESS

The Township credit card policy has been reviewed by the county prosecutor and approved as compliant with State Law. Ms. Rozak motioned and Mr Dress Seconded the acceptance of the finalized policy. Roll call all voted yes.

The Cell Tower lease proposal with American Tower will be discussed further at the June 26th meeting.

Regional Planning will be providing the 2020 Census with new home construction updates.

NEW BUSINESS

The update for dual control of direct deposits and payments with Marblehead Bank has been completed.

FISCAL BUSINESS

A motion by Ms. Dress and seconded by Mr. Hirt to approve the payroll and bills totaling \$168,528.63. Roll call was unanimous and motion carried. There being no further business before the Board, Ms. Rozak moved and Mr. Hirt seconded a motion to adjourn, motion carried.

Fiscal Officer

Danbury Township Board of Trustees