

## **Township Board of Trustees Regular Meeting**

**August 14, 19**

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, August 14, 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 Assistant to the Fiscal Officer Susan Dress.

### **APPROVAL OF THE MINUTES**

The regular meeting minutes for July 10, 2019 were approved on a motion by Ms. Rozak and seconded by Mr. Hirt. Both voted in the affirmative. The July 24th meeting minutes were approved on a motion by Mr. Dress and seconded by Ms. Rozak. Both voted in the affirmative.

### **CORRESPONDENCE**

- Ottawa County Farm Bureau Legislative Reception, September 15, at Old Zim's Wagon Shed.
- Medicount 2nd. Quarter 2019 Review
- Experience Ottawa County August 22, 2019
- Marblehead Chamber of Commerce upcoming events
- OSS Joint Solid Waste District Farm Tire Recycling
- Ottawa County Historical Society's annual picnic August 21st

### **ROADS-BUILDINGS-GROUNDS**

Brett Waldron reported two cremation burials at Sackett Cemetery. The Cemetery fence project is complete The site is cleaned up and looks great. Fremont Fence gave an estimate of \$800.00 to install the old cemetery fence around ball diamonds located at the Township facility. Motion by Ms. Rozak and seconded by Mr. Dress to recycle the old fence. All voted yes. The dike at Meadowbrook Park has been repaired. Mr. Waldron will work with East Harbor State Park officials to get the road right of way on Buck Road. Pre construction meeting was held for Kirk Road improvements. Work is estimated to begin toward the end of September. Chip coat and fog seal will be applied.

### **POLICE**

Mr. Dress read the report submitted by Police Chief Mike Meisler that listed the department responded to 445 incidents in the month of July, with 180 to day in August. The drug-use prevention grant has been received. Danbury School is providing the Department with a new office at the school. The Police Department has been awarded \$10,300.09. The award period is 9/1/2019-8/31/2020. Budget talks continue. The need for a more funds was further discussed A meeting will be set with the Auditor and other to gather more information.

### **FIRE**

Ms. Rozak read the report submitted by Chief Keith Kahler. Details are listed below:

	Fire & Ems Run Details					
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
Month of August	36	1	5	2	1	1
As of 8-14-2019	474	26	28	44	3	18
Year-To-Date	593					

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

EMS billing for 2019 to date, \$87,586.74 Chief Kahler requested the appointment of Kim McNeal and Mary Pat Bishoff "Auxiliary/Support Personnel" as needed at \$10.00 per hour. Ms. Rozak motioned the hiring and Mr. Hirt seconded the motion. All voted yes. Ms. Rozak moved and Mr. Hirt seconded the resignation of Mark Strickland. All voted yes. The Department has received an EMS Grant in the amount of \$3448.00 from the State of Ohio. App Architecture made a presentation of their past fire station projects, and answered questions of the Trustees.

**ZONING**

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

**RESOLUTION NO. 11-2019**

**A RESOLUTION DECLARING THE PROPERTY OWNED BY VIRGIL HEBERT, LOCATED AT 0 S. CHURCH ROAD (PIN# 0140379118573000) IN DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO, A NUSIANCE AND ORDERING ABATEMENT**

**PREAMBLE**

**WHEREAS**, the Danbury Township Board of Trustees (the "Board") has found the property owned by Virgil Hebert, and located at 0 S. Church Road, Lot 2 of Mahler Subdivision (PIN# 0140379118573000), to be littered with weeds, debris and uncontrolled vegetation (the "Vegetation and Debris"), exceeding 12", and;

**WHEREAS**, pursuant to §505.87 of the Ohio Revised Code, the Board is authorized to determine that the maintenance or vegetation, debris upon a property constitutes a nuisance and order the property owner to remove such vegetation and debris within seven (7) days, and if the owner fails to remove the vegetation and debris or make arrangements for the removal within the allotted time period, the Board may proceed to remove the vegetation and debris and enter the cost of such removal upon the tax duplicate for the property; and

**WHEREAS**, Ohio Revised Code Section 505.87 provides that, if the Board of Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage refuse, or other debris on the same land in the township constitutes a nuisance, at least four days prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

**WHEREAS**, it is in the best interests of Danbury Township (the "Township") and its residents to proceed under §505.87 of the Ohio Revised Code in order to remove, or have removed the Vegetation and Debris from the Property.

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**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Board of Trustees of Danbury Township, Ottawa County, Ohio has found that the property owned by Virgil Hebert, and located at 0 S. Church Road, Lot 2 of Mahler Subdivision (PIN# 0140379118573000), in Danbury Township, Ottawa County, Ohio is littered with weeds, debris and uncontrolled vegetation, exceeding 12", and the Board hereby determines that the maintenance of the Vegetation and Debris on the Property constitutes a nuisance and, pursuant to §505.87 of the Ohio Revised Code, orders the following actions:

**Section 1.** The Board orders the owner of the Property to remove the Vegetation and Debris or make arrangements for the removal within seven (7) days after receipt of notice of this Resolution;

**Section 2.** The Board authorizes the Zoning Inspector or their designee to notify the record owner and lienholders of the Property as provided in §505.87(B) of the Ohio Revised Code;

**Section 3.** If the record owner does not remove the Vegetation and Debris or make arrangements for the removal within seven (7) days from the receipt of notice hereof, the Trustee designated as the Zoning Department liaison is authorized to order Township employees, or enter into contract with any persons with adequate materials and equipment to be used to remove and abate the Vegetation and Debris, and all costs and expenses so incurred shall, when approved by the Board, be paid out of the unappropriated monies in the general fund;

**Section 4.** The Fiscal Officer shall report all expenses that the Township incurs in the removal of the Vegetation and Debris to the Auditor of Ottawa County, Ohio for entry upon the tax duplicate as a lien upon the Property and for collection and reimbursement of the Township's general fund as provided in §505.87 of the Ohio Revised Code;

**Section 5.** This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in 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 but not limited to, Ohio Revised Code Section 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

**Permits**

To-date this month there has been 9 permit applications submitted/processed totaling \$ 714.04.

**Board & Commission Activity**

**The Board of Zoning Appeals –**

The BZA will hold adjudication hearings August 21, 2019 on the following cases:

- a. **BZA-2019-122 171 Laser.** Request for an Area Variance to Section 3.5.7 to allow for a covered porch/deck to encroach into the west, front-yard setback (11.5' proposed/ 20' required) and the south, side-yard setback (3.5' proposed/5' required). Also requesting a variance to Section 7.9.3.A. to allow for the addition onto a nonconforming structure to exceed the 20% addition limitation (104s.f. allowed/ 203.34s.f.; 39% proposed). **Timothy & Jennifer Gremling, Owners/Applicants.**

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- b. **BZA-2019-125 4733 E. Harbor Road.** Request for a Conditional Use for a Limited Home Based Business (Golf Cart Rental) in accordance with Section 3.1.1.C.iv and Section 4.19. **Patrick Lyons, Owner/Applicant.**
- c. **BZA-2019-129 48 Riedmaier.** Request for an Area Variance from Section 3.1.4.D to allow for a carport addition to be 2' from the north, side property line where 5' is required. **Thomas deHass, Owner.**
- d. **BZA-2019-130 9370 Northern Avenue.** Request for an Area Variance from Section 7.9.3.A. to allow for an addition onto a nonconforming structure to exceed the 20% addition limitation (301s.f. allowed/ 836s.f; 56% proposed). **Carl & Cynthia Eyman, Owners/ Safe Harbor Development, Agent.**
- e. **BZA-2019-131 5856 Sweetbriar.** Request for an Area Variance from Section 3.5.7 to allow for an addition to encroach into the front-yard setback (20' required/ 16' proposed). **William & Cynthia Marconi, Owners/ Applicants.**

**The Zoning Commission -**

The Zoning Commission's meeting scheduled for August 7, 2019 was cancelled. The Commission will have a rezoning hearing at their September 4, 2019 meeting.

**Department Updates**

- None at this time.

**Violations/ Complaints:**

**JUNK & DEBRIS:**

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

**Open**

As of 08.05.19 both junk vehicles have been removed. A lot of overgrowth and brush that has been cut down still remains piled in the yard and needs removed. Said pile is blocking access to be able to address the shed. KAD talked to owner 08.09.19 and he hopes to have the brush and shed taken care of by August 21<sup>st</sup>.

Prior Info: 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. Owner's brother called 06.14.19 and is going to begin working on the clean-up of the property. Much of the brush has been cleared. They are hoping to have the shed knocked down and cars out by the end of June. The brother (Brian) has been very good about staying in contact since receiving the letter. As of 07.09.18 vehicles and shed are still there. Working with Shrock Excavating and sort of hung-up on a date certain due to their schedule. Vehicles will be out by end of July. The owner would ideally like to have shed taken care of by then too. Will touch base again once vehicles are removed to get a more concrete date on the shed. Received 2<sup>nd</sup> complaint 07.18.19. No progress on vehicles or shed. Owner has until end of month to show progress.

**2468 Cook's Dock** (*Multiple issues– Nesser*)

**Open**

2<sup>nd</sup> letter was returned as unclaimed. 3<sup>rd</sup> & final notice sent 07.30.19 regarding the junk vehicles.

Prior Info: Complaint received 06.13.19 about three junk vehicles tall grass and misc. junk & debris. Certified letter was sent to the owner of record on 06.15.19 and signed for 06.18.19. Property will be re-checked July 2. Grass has been cut as of 06.24.19, but trimming still needed and vehicles remain. As of 07.03.19 grass has been cut and most trimming complete, but vehicles still remain. 2<sup>nd</sup> Letter – Notice to Comply sent via Certified Mail 07.10.19.

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**158 Hidden Beach** (*Multiple issues–Williams*)

**Open**

As of 08.05.19, owner has removed debris from the property, cut the grass and removed the tattered tarps from the boats. Owner called and indicated he plans to return by 8/23 weekend to work on clearing more of the brush & overgrowth. Will re-inspect 08.26.19.

Prior Info: Complaint received 06.21.19 about two junk boats and lots of overgrowth. Certified letter was sent to the owner of record on 06.26.19. Owner called and left message 07.01.19 that they would be in to cut grass over the 4<sup>th</sup> of July holiday weekend. As of 07.09.19 grass was cut, but lots of debris left behind and boats were not addressed. 2<sup>nd</sup> Certified Letter sent 07.11.19. 1<sup>st</sup> letter ended up not being returned as USPS website indicated and was signed for by the owner 07.13.19. 2<sup>nd</sup> letter was signed for 07.20.19. Reinspection to occur 08.05.19.

**ILLEGAL CAMPERS:**

**8416 Northshore Blvd.** (*Illegal Camper – Finger*)

**CLOSED**

Warning Letter sent 08.06.19. Owner called 08.08.19 and stated that the camper is only being stored and is being worked on, that no one is staying in it.

**6860 E. Bayshore Road** (*Illegal Camper – Tromler*)

**Open**

Warning Letter sent 08.06.19.

**TALL GRASS:**

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

**CLOSED**

As of 08.05.19 overgrowth was cut as requested.

**0 Church Road** (*Tall grass – Herbert*)

**Open**

1<sup>st</sup> letter was claimed 07.22.19. Upon reinspection nothing was done. 2<sup>nd</sup> letter was sent via certified mail 07.30.19 and returned as unclaimed. Resolution for declaration of nuisance and to abate being presented.

Prior Info: Complaint received 07.03.19 regarding tall grass on the property. Certified letter sent 07.05.19. Waiting for letter to be claimed.

**2425 Brook Circle** (*Tall grass – Calvert*)

**Open**

Letter was claimed 07.30.19. Reinspected 08.05.19 and grass cut. 08.06.19 KAD called owner who said that overgrowth around the house and garage were supposed to be cut also. Will get back with KAD about when that will occur.

Prior Info: Complaint received 07.17.19 regarding tall grass on the property. Certified letter sent 07.19.19. Waiting for letter to be claimed.

**5416 E. Port Clinton Eastern** (*Tall weeds – Best American, LLC*)

**Open**

Complaint received 08.02.19. Warning Letter sent 08.06.19 for weeds in ditch.

**1105 S. Bridge Road** (*Tall weeds – Swint, LLC*)

**Open**

Complaint received 08.02.19. Warning Letter sent 08.06.19 for weeds in ditch.

**CONSTRUCTION WITHOUT PERMITS:**

**1696 Jeanie** (*Deck/Bridge w/out Permit – Henderson*)

**Open**

Awaiting decision by the association.

Prior Info: Owner came in 07.01.19 after receiving letter. He provided a copy of letter sent to his association asking for approval of the bridge that may be in the private drainage easement. Association member came in 07.03.19 and 07.08.19 asking for clarification on what is and is not allowed. Awaiting decision by the

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association. Letter sent to the property owner 06.26.19 regarding a deck/bridge being constructed without proper permits which so happens to be over a drainage ditch easement.

**327 Laurel (Shed w/out Permit – Rosson)**

**Open**

Property owner has submitted all paperwork – but awaiting Lakeside HP-DRB decision.

Prior Info: Letter sent to the property owner 06.25.19 regarding a shed being installed without proper permits. Owner reached out via email asking for copy of the letter electronically.

**445 Laurel (Shed w/out Permit – Sibbring)**

**Open**

Notice received from Lakeside that shed was installed without proper permits. Letter sent to property owner.

**ILLEGAL RENTALS:**

**8146 Northshore Blvd. (Illegal Rental – Thomas)**

**Open**

Nothing new to report. Will likely close. Believe the owners are now living in the house full-time

Prior Info: Certified letter unclaimed. Property Posted 07.05.19. As of 07.09.19 the signs on the property were removed. Cease & Desist sent 06.12.19 for illegal rental. Certified letter has not been signed for to-date. Sign will be posted on the property. Property owner was previously warned about this in 2018. Owner came in 07.17.19 and is exploring B&B or rezoning options.

**OTHER VIOLATIONS:**

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

**Monitor**

Complainant emailed 07.27.19 with multiple dates of observation. Only date that it was very strong was 4<sup>th</sup> of July. Most of the observations are taking place late afternoon. Have asked the complainant if people are actively cutting fish during these times and in the fish house.

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. 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. Complainant sent email 06.26.19 about their observations. Called again 07.02.19. KAD went out and documented observation. Did not seem to be coming from the dumpsters but rather the water or mayflies. Complainant came in 07.17.19 for other matters, but stated that overall it has been handled much better this year.

**7356 E. Harbor Road (Corner of Sunnydale) (General Property Complaint)**

**CLOSED**

Closed as of 08.12.19 – dirt mounds were knocked down.

Prior Info: Complaint was received 06.17.19 regarding multiple issues with the property. Complaint & photo's included. Email sent to the Prosecutor 06.24.19. No response to-date. Response from Prosecutor received 07.08.19 after resending initial request for thoughts. Certified Letter Sent 07.11.19. Letter signed for & received 07.13.19. Reinspection to occur 07.29.19. 2<sup>nd</sup> Certified Letter sent 08.02.19 thanking the owner for addressing the skirting issue but asking them to address the dirt mounds.

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

**RESOLUTION NO. 12- 2019**

**A RESOLUTION PERMITTING  
THE TOWNSHIP TRUSTEES  
TO ABATE ABANDONED OR VACANT  
BUILDINGS OR STRUCTURES**

**PREAMBLE**

**WHEREAS**, abandoned or vacant buildings or structures exist in Danbury Township that are unsafe, dangerous, a fire hazard and may devalue properties in close proximity; and

**WHEREAS**, the Danbury Township Board of Trustees wish to assume authority for declaring said buildings or structures abandoned or vacant; and

**WHEREAS**, the Danbury Township Board of Trustees wish to abate said structures, budget permitting, in accordance with the language and rules set forth in ORC 505.86; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Danbury Township Board of Trustees will set an annual budget specific to costs associated with abating abandoned or vacant buildings or structures and will, by motion and second of any two trustees, enter into public discussion regarding any abandoned or vacant building or structure, and will, by majority vote and budget permitting, authorize the Zoning and Planning Administrator to follow ORC 505.86 to accomplish the abatement of said abandoned or vacant building or structure.

**Section 1.**This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in 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 but not limited to, Ohio Revised Code Section 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

In accordance with Resolution 12-2019: Ms. Rozak moved the Township will move forward with the abatement of property located at 9297 E. Bayshore Road, Danbury Township, and owned by Barbara Grau-Hamman, 70 King Drive Marblehead, Ohio, 43440. Mr. Hirt seconded the motion. Vote Record: Ms. Rozak YES Mr. Dress YES Mr. Hirt YES

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**FISCAL BUSINESS**

A motion by Ms. Dress and seconded by Ms. Rozak to approve the payroll and bills totaling \$145,432.11 for the period of 7-25-19 thru 8-14-2019. Roll call was unanimous and motion carried. Mr. Dress motioned approval of the July the bank reconciliation, seconded by Ms. Rozak. All voted yes.  
There being no further business before the Board, Ms. Rozak moved and Mr. Dress seconded a motion to adjourn.

\_\_\_\_\_  
Fiscal Officer

\_\_\_\_\_  
Dianne Rozak

\_\_\_\_\_  
John Paul Dress

\_\_\_\_\_  
Dave Hirt

Danbury Township Board of  
Trustees