

Township Board of Trustees Regular Meeting

January 8, 20

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, January 8th, and called to order at 6:30 p.m. by Chairman Dress.

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. Guests were Stacy and Conner Gillum, additionally Douglas and Jeff Karns.

APPROVAL OF THE MINUTES

The December 23rd regular meeting minutes, reorganizational and zoning hearing minutes were approved on a motion by Ms. Rozak and second by Mr. Hirt. Roll call all voted in the affirmative.

CORRESPONDENCE

- Mr. James Bemer wrote a letter indicating his concern of excessive speed limit on N. Buck Road. Road Superintendent Waldron will follow up.
- Trustee Rozak to meet with Chris Waterfield from ODOT on Thursday, January 23 at 10 a.m. at township hall to begin discussions regarding the future of additional roundabouts. Since this will not be a public meeting the only people present will be Brett, Chief Meisler, Chief Kahler, Chris Waterfield (and anyone else from ODOT who Chris may bring) and me.
- A rendering of "Rainbow Ridge" memorial area for at Meadowbrook Marsh was discussed. Further information is available on the Township website.

ROADS-BUILDINGS-GROUNDS

Brett Waldron reported one full service burial was held at Sackett Cemetery. The department attended to one minor snow event. Work continues on service and maintenance on equipment. Additionally ditch and catch basin cleaning continues. Cle experienced one winter snow event. Winter service and maintenance on equipment continues. The Township Bridge condition report was received from the County Engineer. The DOT Clearinghouse program launched January 6th. The Township Cleanup date are as follows April 13-17, July 20-24, and October 19-23. Trustees approved a bid from Universal Farms for brush grinding at the Brush Collection site, on a motion by Ms. Rozak and seconded by Mr. Dress for \$6762.00. Roll Call all voted yes.

POLICE

Mr. Dress read the report submitted by Police Chief Mike Meisler that listed the department responded to 201 total incidents in December. To date the report indicated 54 incidents. Chief Meisler extended an invitation to the Board to attend Ms. Lavelle's 4th grade class completion of the first step from the D.A.R.E program. Celebration. Chief presented the Trustees with the 2019 Police Activity Report.

FIRE

Ms. Rozak motioned approval of replacing 1000 feet of 3" fire hose that has passed the age requirements for safe usage. The cost is \$4823.60 plus shipping. Mr. Hirt seconded the motion. Roll all voted yes.

Mr. Hirt read the report submitted by Assistant Chief Tim Almendinger. Details are listed below:

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	Fire & Ems Run Details					
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
Month of Jan.	7	0	1	1	0	0
As of 1-8-2020	7	0	1	1	0	0
Year-To-Date	9					

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

ZONING

Permits

14 permit applications were processed for the month of **December** totaling \$1,482.11 in collected fees.

Accessory Building:	4
Addition	
Commercial:	
Residential:	2
Appeals:	
Area Variance:	
Conditional Use:	
Deck:	
Dock:	
Fence	
New SF Home:	3
New Commercial Structure:	
Other:	3
Refusal:	
Signage:	1
Swimming Pool:	
Text/Map Amendment:	1
Total:	14

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held adjudication hearings December 18, 2019 on the following cases:

- a. **BZA-2019-217** **Approved** as
Presented
9935 E. Bayshore Road. Request for an Area Variance from Section 5.1.1.A.ii to allow for the cumulative square footage of all accessory structures to exceed the 1,200s.f. limitation (2,448s.f. existing/ additional 24' x 36' [864 s.f.] proposed/ 3,312s.f. total). **Thomas Boytim, Owner/Applicant.**

- b. **BZA-2019-225** **Partially**
Approved
447 Lynn. Request for an Area Variance from Section 7.9.3.A to allow multiple residential additions to exceed the 20% square footage onto a nonconforming structure (214.2s.f. allowed/ 741s.f. [69%] proposed) and Section 5.2.4.A to allow for 2 on-site parking spaces to be 17.75' long where 18' is required. **Pete & Kathleen Schabo, Owner/Applicant.**

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The BZA held election of officers for 2020. Mr. Joseph Fetzer will serve as Chair, Ms. Loretta Grentzer Vice-Chair and Ms. Lisa Bauer Secretary. The Board also accepted the by-laws and meeting schedule.

On December 23, 2019 the Board of Trustees appointed Clyde Shetler from an Alternate Member on the BZA to a Regular Member, fulfilling Sharon Michael's term which is set to expire 12/31/2021.

The Zoning Commission -

The Zoning Commission met December 4, 2019 on the following case and recommended **Approval** with minor modifications:

- a. **ZC-2019-210 Request for Text Amendments** to create new Section 2.3 dedicated to just Sign Definitions, create new Section 3.4 Use Matrix eliminating the need to have multiple pages dedicated to each zoning district and duplicating information, move the
- b. end of Article 3 (General Regulations) to Article 5, Alphabetize the uses & Sections of Article 4 & 5, add new Section 5.8 about Landscaping and Buffering, make Article 6 dedicated strictly to signage, combine old Article 6 & 7 into Article 7 regarding all processes and board duties. **Danbury Township, Applicant.**

The Board of Trustees also met December 23, 2019 on this case and voted to adopt the amendments as presented.

Department Updates

- Notice of Termination was sent to ClearZoning 12.17.19.
- Record Commission RC-1 form was signed and turned into the Ohio Historic Preservation office to transfer records to the Village of Marblehead.

Office Activity

During the month of December, the Department went on 58 site visits, responded to 387 calls, e-mails and in-person inquiries as follows:

Outgoing	44
Incoming	76
Other	63
Emails	204
Violation Letters	5

January Report

Permits

To-date this month there has been 1 permit applications submitted/processed totaling \$50.00.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA meeting for January has been cancelled as there are no cases to be heard.

The Zoning Commission -

The Zoning Commission meeting for January was cancelled since it was scheduled for New Year's Day. The next meeting is February 5, 2020 and there is a case to be heard. The Commission will also conduct their organizational meeting. This same case, a rezoning request at the corner of SR 163 & Sunnydale will be before the OCRPC January 21, 2020.

On December 24, 2020, Alternate Member Jack McGrew unexpectedly passed away. The Commission sent a card to his family and donated \$75.00 to his charity of choice.

We have an Alternate position opening now on both the BZA & ZC.

Department Updates

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- Enclosed is a copy of the Zoning Departments Annual report for 2019. Highlights include:
 - 31 BZA Cases (25 in 2018)
 - 6 ZC Cases (4 in 2018)
 - 239 permits issued (256 in 2018; 17 less)
 - 27 New SF Home permits (30 in 2018)
 - 11 New Commercial Structures & Additions for a total of 50,984s.f. (8 and 58,216s.f. in 2018)
 - 7,119 Calls, emails, office visits
 - 885 site visits (Inspections and Violation follow-ups)
 - 63 Violation letters
 - No abatements and 2 Municipal Court proceedings.

Violations/ Complaints:

DILAPIDATED STRUCTURES:

7597 E. Harbor Road (*Mazur Barn*)

Open

Certified letter delivered or signed for on 12.27.19.

Prior Info: Certified letter sent to the property owner 11.15.19 as a courtesy notice that this structure is being investigated and requests for inspection sent to Fire Chief and CBO for determinations. Fire Chief has responded that the structure is on their "Do Not Enter" list. Owner signed for the letter 11.18.19 and called 11.20.19. Stated he needed until May to deal with the barn because he will be in Florida for the winter. Advised him this was a decision to be made by the Trustees and discussed the process. Next step is to set an Evidentiary Hearing for the owner to attend, request a lien holder report and send any notice to them as well. Certified Letter was sent to the property owner 12.13.19 notifying them of the hearing 01.08.20. Lien Report was also requested. (Certified letter still not delivered or signed for as of 12.19.19)

7857 E. Harbor Road (*Karns House*)

Open

Certified letter was not signed for and is being returned. Letter sent via regular mail was responded too by the son, Doug who will be in attendance at the hearing.

Prior Info: Certified letter sent to the property owner 11.15.19 as a courtesy notice that this structure is being investigated and requests for inspection sent to Fire Chief and CBO for determinations. Fire Chief has responded that the structure is on their "Do Not Enter" list. Owner signed for the letter 11.18.19. Next step is to set an Evidentiary Hearing for the owner to attend, request a lien holder report and send any notice to them as well. Certified Letter was sent to the property owner 12.13.19 notifying them of the hearing 01.08.20. Lien Report was also requested. (Certified letter still not delivered or signed for as of 12.19.19)

ILLEGAL CAMPER:

94 Hidden Beach (*Illegal Occupancy of Camper – Cragel*)

CLOSED

Letter was sent 12.09.19 to property owner regarding possible illegal occupancy of a camper on the property that has an extension cord running from it to the house. Owner called 12.18.19 and stated that the extension cord is being used for a battery tender and no one should be living in the camper.

TALL GRASS:

8557 Williams (*Nuisance Vegetation – Beckowitz*)

CLOSED

Owner called 12/27/19 and said a crew was on-site removing the overgrowth from around the house and that the property was going to be put up for sale.

Prior Info: Complaint received 08.23.19 regarding vegetation overgrowth around the property. Certified Letter sent 08.23.19. Owners have not signed for letter to-date. Owner signed for letter 09.11.19 and called 09.13.19. As of 09.23.19 Owner has been in contact with lawn service companies but also demolition contractors and is waiting on quotes. Owner indicated they will call back 1st week of October to let us know what they decide to do. Owner has received lawn service company quotes

and is waiting on demo quotes. Once those are received she'll let us know what her & her siblings have decided. Owner is expecting last demo quote to come in 11.08.19. Owner has received all quotes & given her siblings until 12/13/19 to get back to her. If they don't then she's indicated she's ready to make a decision independently. KAD called owner to follow-up on 12/19/19, but VM was full and was unable to leave message. KAD called again 12/20/19 and was able to leave message.

CONSTRUCTION WITHOUT PERMITS:

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

Open

To-date the attorney representing this homeowner has failed to follow thru and submit the necessary paperwork to Ottawa County Municipal Court requesting mediation. He has assured me for over a month that this was being taken care of. A certified letter has been sent out to both the property owner and attorney requiring that the bridge/deck be removed by February 1, 2020.

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 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. Awaiting decision by the association. Association emailed over 09.28.19 weekend and stated that the bridge had been denied and asked the homeowner to remove what of the structure was in place by November 1, 2019. Will monitor to see if that work takes place before pursuing any zoning action further. 11.07.19 spoke with homeowner and they indicated that they have been in touch with their attorney over this issue. Spoke to homeowner's attorney on 11.12.19 regarding the matter. Homeowners & their Atty met 12/3/19. As of 12/5/19 they are going to request mediation with the Association. They are giving the Association until 12/23 or 12/30 to respond. Received an email from the Association 12/16/19 indicating that they have not heard anything from the Henderson's or their attorney regarding this matter. Follow-up was requested from the Attorney, he indicated he got behind in some of his paperwork and intends to file the mediation request 12/23/19.

2408 Knobhill (*Shed w/out Permit – Kettel*)

CLOSED

Owner submitted necessary paperwork and received permit 12/31/2019.

2665 Amherst (*Covered Porch over Patio w/out Permit – Hughes*) **CLOSED**

Owner submitted necessary paperwork and received permit 12/26/2019.

At 7:10 pm. Trustees called the hearing to order to consider the removal of the unsafe structures.

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

RESOLUTION NO. 01 - 2020

RESOLUTION TO PROCEED WITH THE REMOVAL OF THE UNSAFE, INSECURE AND STRUCTURALLY DEFECTIVE STRUCTURE FROM THE PROPERTY LOCATED AT 7857 E. HARBOR ROAD, DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO

PREAMBLE

WHEREAS, on or about November 15, 2019, the Board sent the owners of the Property, Ronald Karns ("Owner(s)"), a courtesy notice that the Property was being investigated by the Township for the possibility of exercising their authority in Ohio Revised Code Section 505.86 on what corrective measure should be taken with regard to the house structure (the "Structure"), including the possibility of demolition, located on the property at 7857 E. Harbor Road, Danbury

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Township, Ottawa County, Marblehead, Ohio 43440 (PIN# 0142088034267000) (the "Property") in the unincorporated area of Danbury Township (the "Township"), Ottawa County, Ohio; and

WHEREAS, on or about November 22, 2019, the Board received a letter from the Danbury Township Fire Chief finding the Structure to be unsafe and on the Fire Departments "Do Not Enter" list for firefighters entry; and

WHEREAS, on or about December 12, 2019, the Board sent notice via certified mail to the Owner of the Property, and lienholders of record, that the Board would be providing them an opportunity during its regular meeting on January 8, 2020, to be heard and provide any information as to why the Structure should not be removed; and

WHEREAS, during said hearing, January 8, 2020, owner(s), Ronald Karns, was present and entered into agreement with the Board, by this Resolution, that he would make arrangements to remove the Structure by demolition, and that the demolition would occur on or before April 7, 2020; and

WHEREAS, if the Owner(s) fail to remove the structure or make arrangements for such corrective measures by April 7, 2020, then pursuant to Section 505.86 of the Ohio Revised Code, it is the Board's intention and the Board is authorized to remove the structurally defective, insecure and unsafe structure thirty (30) days after April 7, 2020; and

WHEREAS, it is in the best interest of the Township and its residents to proceed under Section 505.86 of the Ohio Revised Code in order to remove the structurally defective, insecure and unsafe conditions of the Structure on the Property.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Trustees of Danbury Township, Ottawa County, Ohio hereby determines that the property owned by Ronald Karns, located at 7857 E. Harbor Road, Danbury Township, Ottawa County, Marblehead, Ohio 43440 (PIN# 0142088034267000), in Danbury Township, Ottawa County, Ohio contains a Structure that is structurally defective, insecure and unsafe pursuant to Section 505.86 of the Ohio Revised Code, and orders the following actions:

Section 1: The Board orders the Owners of the Property to remove the Structure on or before April 7, 2020.

Section 2: If the Structure is not removed by April 7, 2020, the Board authorizes the Zoning Inspector to enter into a contract thirty (30) days after such date, with a suitable person and/or entity to have the Structure removed at a cost not to exceed \$5,000.00.

Section 3: The Board hereby directs and orders that all expenses incurred in the removal of the Structure shall be paid from the unappropriated monies in the Township's general fund.

Section 4. The Fiscal Officer shall report all expenses that the Township incurs in the removal of the Structure 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 Section 505.86 of the Ohio Revised Code.

Section 5. The 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. Dress seconded the Resolution, and the roll being called upon the question of its adoption. Vote Record: Ms. Rozak –yes; Mr. Dress – yes; Mr. Hirt -

RESOLUTION NO. 02 - 2020

RESOLUTION TO PROCEED WITH THE REMOVAL OF THE UNSAFE, INSECURE AND STRUCTURALLY DEFECTIVE BARN STRUCTURE FROM THE PROPERTY LOCATED AT 7597 E. HARBOR ROAD, DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO

PREAMBLE

WHEREAS, on or about November 15, 2019, the Board sent the owners of the Property, James Mazur (“Owner(s)”), a courtesy notice that the Property was being investigated by the Township for the possibility of exercising their authority in Ohio Revised Code Section 505.86 on what corrective measure should be taken with regard to the barn structure (the “Structure”), including the possibility of demolition, located on the property at 7597 E. Harbor Road, Marblehead, Ohio (PIN# 0141099514687000) (the “Property”) in the unincorporated area of Danbury Township (the “Township”), Ottawa County, Ohio; and

WHEREAS, on or about December 9, 2019, the Danbury Township Board of Trustees (“Board”) received a letter from the Ottawa County Chief Building Official finding the Structure to be insecure and unsafe pursuant to Section 505.86 of the Ohio Revised Code, with no protection preventing persons from entering the structure with the roof structure no longer providing protection from the elements and portions of the building collapsed; and

WHEREAS, on or about November 22, 2019, the Board received a letter from the Danbury Township Fire Chief finding the Structure to be unsafe and on the Fire Departments “Do Not Enter” list for firefighters entry; and

WHEREAS, on or about December 12, 2019, the Board sent notice via certified mail to the Owner of the Property, and lienholders of record, that the Board would be providing them an opportunity during its regular meeting on January 8, 2020, to be heard and provide any information as to why the Structure should not be removed; and

WHEREAS, during said hearing, January 8, 2020, the owner, James Mazur, or any lienholders of record, failed to appear before the Board and exercise their opportunity to be heard or enter into agreement with the Board of possible corrective measures; and

WHEREAS, it is in the best interest of the Township and its residents to proceed under Section 505.86 of the Ohio Revised Code in order to remove the structurally defective, insecure and unsafe conditions of the Structure on the Property.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Trustees of Danbury Township, Ottawa County, Ohio hereby determines that the property owned by James Mazur, located at 7597 E. Harbor Road, Marblehead, Ohio (PIN# 0141099514687000), in Danbury Township, Ottawa County, Ohio contains a barn Structure that is structurally defective, insecure and unsafe pursuant to Section 505.86 of the Ohio Revised Code, and orders the following actions:

Section 1: The Board orders the owner of the Property to remove the Structure on or before March 9, 2020.

Section 2: The Board orders the Zoning Inspector or their designee to send certified notice to the property owners and any lienholders of record of the Boards intentions to

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exercise Section 505.86 of the Ohio Revised Code of this resolution and thirty (30) days prior to entering the property should the property owner fail to remove the Structure.

Section 3: If the Structure is not removed by March 9, 2020, the Board authorizes the Zoning Inspector to enter into a contract thirty (30) days after such date, with a suitable person and/or entity to have the Structure removed at a cost not to exceed \$6,500.00.

Section 4: The Board hereby directs and orders that all expenses incurred in the removal of the Structure shall be paid from the unappropriated monies in the Township's general fund.

Section 5. The Fiscal Officer shall report all expenses that the Township incurs in the removal of the Structure 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 Section 505.86 of the Ohio Revised Code.

Section 6. 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 -

NEW BUSINESS

Motion by Ms. Rozak and seconded by Mr. Hirt authorizing expenses for Trustee Dress and Fiscal Officer Adams attending the OTA Conference February 5-8. All voted yes.

OLD BUSINESS

A motion by Ms. Rozak clarifying our new policy for physical examinations for all new hires and rehires (including part-timers) I have received the attached Excel document from Firelands Corporate Health that outlines the activities involved in the physical exam. Our pre-employment drug testing procedure will not change.

In addition to the physical itself (conducted by the physical therapy department at a cost of \$90) we have the option to have additional services performed. Below is the full cost breakdown:

PHYSICAL THERAPY: (\$90) (same as discussed above)

PHYSICAL EXAM WITH PROVIDER: (\$73) includes audio and vision, vitals and urinalysis

LAB TESTING: CBC \$30, CMP \$43, LIPID PANEL \$56 (this is bloodwork)

PULMONARY FUNCTION TESTING (PFT) (\$52)

CHEST X-RAY (2-VIEW): (\$127)

BMI: (\$8) (this is body mass index)

Total of above services: **\$479.00**

The County Prosecutor has approved all of this "as being reasonable as long as these requirements are reasonably related to the ability to perform the essential functions of the position". Mr. Hirt seconded the motion. Roll call all voted yes.

FISCAL BUSINESS

A motion by Ms. Rozak and seconded by Mr. Hirt to approve the payroll and bills totaling

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\$132,459.80 for the period of 12/24 – 1-8. 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 at 8:10 pm.

Fiscal Officer

Danbury Township Board of Trustees