

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, July 8th and called to order at 6:00 p.m. by President John Paul 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. Mr. David M. Hirt is self quarinteing after return from out of state trip.. Also present were, Fiscal Officer Carolyn Adams, Assistant Susan Dress and Fire Chief Keith Kahler. and resident Michael Turinsky.

APPROVAL OF THE MINUTES

Mr. Dress moved and Ms. Rozak seconded the motion to approve the regular meeting minutes for June 24, 2020 as presented. Roll call was unanimous and motion carried

FIRE DEPARTMENT BUILDING LEVY

Trustees were provided with Financial Worksheets for the period 2016 through 2019 on Fire Department revenue and expenditures. After discussion the Trustees moved to pass a Resolution of Necessity for a Bond Levy for a new Fire Station.

RESOLUTION 11-2020

The Board of Township Trustees of the Township of Danbury, Ohio, County of Ottawa, State of Ohio, met in regular session at the Danbury Township Hall at 6:00 pm on July 8, 2020, with the following members present: Mr. John Paul Dress, Ms. Dianne M. Rozak. Mr. David M. Hirt was excused.

Trustee Rozak moved the adoption of the following Resolution and Trustee Dress seconded the motion.

A RESOLUTION DECLARING THE NECESSITY OF LEVYING A PROPERTY TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE BUILDINGS AND SITES, FIRE APPARATUS AND OTHER EQUIPMENT AND APPLIANCES AND THE PROVISION OF EMERGENCY MEDICAL SERVICES OPERATED BY THE DANBURY TOWNSHIP FIRE DEPARTMENT AND THE PAYMENT OF OTHER RELATED COSTS

WHEREAS, the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of this Township for providing and maintaining fire buildings and sites, fire apparatus and other equipment and appliances and the provision of emergency medical services operated by the Danbury Township Fire Department and the payment of other related costs, and an additional tax is needed to meet these requirements;

WHEREAS, Ohio Revised Code Section 5705.19(I) authorizes the submission of the question of an additional tax for such purposes to the voters; and

WHEREAS, Ohio Revised Code Section 5705.03 requires this Board, by a vote of two-thirds of all members elected thereto, to request, from the County Auditor, certification of the total current tax valuation of the Township and related matters before proceeding with the submission of the question to the voters.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES, at least two (2) members of the Board concurring, that:

Section 1. The amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of this Township, and it is necessary to levy an additional tax in excess of the ten-mill limitation upon the entire territory of the Township for the purpose of

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

providing and maintaining fire buildings and sites, fire apparatus and other equipment and appliances and the provision of emergency medical services operated by the Danbury Township Fire Department and the payment of other related costs, as authorized by Ohio Revised Code Section 5705.19(l), at a rate not exceeding three-fourths of one mill (0.75 mills) for each one dollar (\$1.00) of valuation, for a continuing period of time, beginning in tax year 2020 and to be first collected in calendar year 2021.

Section 2. The Auditor of Ottawa County, Ohio, is hereby requested to certify to this Board, within ten (10) days of receipt of this Resolution, the total current tax valuation of the Township of Danbury and the dollar amount of revenue that would be generated by three-fourths of one mill (0.75 mills).

Section 3. The Township Fiscal Officer is hereby directed to file a certified copy of this Resolution with the County Auditor upon approval.

Section 4. Upon the adoption by this Board of a resolution to proceed with the levy and submit the question of the tax to the voters, the question of the tax shall appear on the ballot at the November 3, 2020 election, and the ballot measure shall be submitted to the entire territory of the Township of Danbury in Ottawa County, including the Village of Marblehead, which is the only county in which the Township has territory.

Section 5. It is hereby found that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall become effective immediately upon its adoption.

Upon roll call on the adoption of this Resolution, the vote was as follows:

YES
Mr. Dress

YES
Ms. Rozak

EXCUSED
Mr. Hirt

ROADS

Road Superintendent Brett Waldron reported the following:

- Sackett Cemetery had one full service burial
- Department continues to install new signs as time permits
- Mowing and maintaining Parks and Road-Right of Way
- Productive meeting with representative from the US Fish & Wildlife, in early stages of teaming up to do repairs on the Meadowbrook Dike system
- Much time was spent preparing for the July 4th weekend.
- Meeting is scheduled with Jim Darr and the Director of the Joint Solid Waste District July 9th to discuss our current needs at the recycling area.

POLICE

Chief Mike Meisler reported the following:

- The department responded to 402 incidents in the month of June
- July 1-8 the Department responded to 160 calls.
- Officer Scott and K-9 Kalahan are doing very well with the transition

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

FIRE

The Fire Department has been approved for a Training & Equipment Grant in the amount of \$3242.35. Chief Kahler submitted the following report:

		Fire & Ems Run Details				
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
July	19	4	4	1	1	0
As of 7-08-2020	340	20	15	37	4	2
Year-To-Date	418					

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

ZONING

Permits

To-date this month there has been 5 permit applications submitted/processed totaling \$301.13 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold a Special adjudication hearing Tuesday, July 14, 2020, starting at 5:00p.m. via Zoom on the following cases:

- a. **BZA-2020-111**
186 Sunnydale. Request for an Area Variance to Section 3.5 to allow for a new deck to encroach into the east, front-yard setback (28' proposed/ 35' required). **Jeanne Pruitt, Owner/ Applicant.**
- b. **BZA-2020-117**
7618 E. Bayshore Road #26 (Maplewood Cove). Request for an Area Variance from Section 7.12 and Section 4.16 to allow for the removal and replacement of a nonconforming resort unit (RV Camper) to encroach into the required 55' rear-yard setback (20' proposed). **Beverly Kuenzli, Owner/Applicant.**
- c. **BZA-2020-126**
341 Willowdale. Request for an Area Variance from Section 5.2.1.C.ii to allow for a garage addition to encroach into the west, rear-yard setback (2' proposed/ 5' required). **River Roubaix, Owner/Applicant.**
- d. **BZA-2020-127**
327 Shrock. Request for an Area Variance from Section 5.2.1.C.ii to allow for a shed to encroach into the south, side-yard setback and east, rear-yard setback (0' proposed/ 5' required). **Dennis & Diane Pamer, Owners/Applicants.**
- e. **BZA-2020-128**
255 Hamilton. Request for an Area Variance from Section 5.1.7 to allow for a deck to encroach into the north, front-yard setback (7.05' proposed/ 20' required). **Cerny Family Association, Owner/Applicants; Kevin Clere, Agent.**

The BZA will hold their Regular adjudication hearing Wednesday, July 15, 2020, starting at 5:00.m. via Zoom on the following cases:

- a. **BZA-2020-129**

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

443 Walnut. Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [325s.f. (29%) proposed/ 223.8 (20%) allowed) and to Section 5.5.8 to allow a 6' high fence in the side-yard (4' high permitted). **Eugene & Nancy Jacob, Owner/Applicant.**

b. **BZA-2020-130**

177 S. Bridge Road (Lakeshore Canvas). Request for an Area Variance from Section 3.5 to allow for new commercial building to encroach in to the east, rear-yard setback (5' proposed/15' required) and south, side-yard setback (5' proposed/ 10' required). **Nate Schmitt, Owner/ Applicant.**

c. **Postponed from June 17, 2020**

BZA-2020-090

1696 Jeannie Drive. Request for an Appeal of the Zoning Inspectors Decision in reference to Section 7.2.4 regarding the refusal of a bridge/deck permit (Permit# 2020-020). **John & Dawn Henderson, Owner/Applicant; Michael Bassett, Esq., Agent.**

d. **BZA-2020-137**

9440 Northern Avenue. Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [2,008s.f. (115%) proposed/ 348s.f. (20%) allowed). **Clay & Becki Tice, Owners/Applicants; Pete Johnson, Agent.**

e. **BZA-2020-138**

432 E. 2nd Street. Request to for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, side-yard setback (0' proposed/ 3' required), east, side-yard setback (1'6" proposed/ 3' required), and to exceed the allowable lot coverage (58% proposed/ 55% required). Also requesting an Area Variance from Section 7.12.3.A to exceed the allowable addition square footage onto a nonconforming structure (705.04 s.f.; 38% proposed/ 394.2 s.f.; 20% required). **David & Meredith Workman, Owners/Applicant; John Feick, Agent.**

The Zoning Commission -

The next Zoning Commission meeting scheduled for July 1, 2020 was cancelled. The next meeting is scheduled for August 5, 2020.

Ottawa County Regional Planning Commission will be considering a Map Amendment request on the following application at their July 21, 2020 meeting:

ZC-2020-143 0, 419 & 479 S. Lightner Road. Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for PIN# 0141174415277000 (Sec. 4, part of Lot 16 NW Corner 70'x 125' Firelands Survey – 0.200ac.), 0141866525006000 (35.543acres) & 0141866525006001 (7.324ac.)(both Sec. 4, part of Lot 16 Firelands Survey) consisting of 43.067 total acres. **Francisco & Pamela Davis-Guerra, Owner/Applicant; R. Brian Hunt, Owner/Applicant; Holly Hunt, International Animal Exchange/ Agent; Rod Gillespie, BEC Associates/Agent.**

Department Updates

- Over the 4th of July weekend, I received a phone call about a property that had multiple campers parked on it on E. Bayshore Road. I was in the area and did see up to 5 campers on this property. As I headed further east on E. Bayshore, there was another property with a camper on it and there was a guy walking out to it with a pillow in hand. This got me thinking that I would like to try to work with the Police Department in some way to catch these violators in the act because once Monday comes around, most of them are gone. It doesn't mean anything to constantly put it in the newsletter if people are just going to snub their noses at us. We have to start taking more active measures.

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

Violations/ Complaints:

DILAPIDATED STRUCTURES:

7597 E. Harbor Road (*Mazur Barn*)

CLOSED

Late afternoon on June 29 Mr. Mazur had a crew on site removing all of the tires that were left behind at the barn site and the barn wood that someone wanted has also been removed. While there is quite a bit of overgrown left at the site and what appears to be a burn pile, overall the remnants of the barn are gone and I'm comfortable enough to close this case.

Prior Info: The barn was knocked down 2/20/20. KAD contacted Mr. Mazur 2/24/20 to get an update about the removal of the barn. He indicated that while he had someone lined up who wants the wood and to remove it, he did not have a set date for that to be completed and indicated it likely would not be done by the March 9, 2020 deadline. The owner still has a dumpster on the property. There are misc. piles of debris, including quite a few tires. Deadline has technically passed for the owner to complete this. Question of the Trustees is whether they wish to allow him to continue or proceed with entering the property. At your March 11, 2020 meeting, the Trustees asked that I contact Mr. Mazur and let him know the Board would be taking no further action until your next meeting. That didn't happen due to Covid-19. He has a pile of tires that he stated he plans to take to the County fairground tire recycling day which isn't scheduled until October 17, 2020 and they will only accept 10 tires per resident. There appears to be another smaller pile of debris still left and I do not recall what he said his intentions were with that, but it may be some of the wood from the barn that someone wanted to keep. Just let me know if any further action needs to be taken on this or if we can close the case. April 8, 2020, the Board of Trustees decided to give Mr. Mazur another 90 days to finish cleaning up the debris from his barn tear down. A resolution is enclosed for your consideration documenting that he has until a date certain that the Board sets to finish cleaning up the property. Staff would recommend July 1, 2020, but if you follow your initial 90 days, that would put him at July 7, 2020. Trustee Resolution 07-2020 passed 05.13.20 giving Mr. Mazur until July 1, 2020 to remove remaining debris.

JUNK & DEBRIS:

1265 Englebeck Road (*Multiple Junk Vehicles – Carr*)

Open

Complaint was filed 06.24.20. Due to office workload and amount of vehicles that had to be inventoried on this property (7 visible), a letter was delayed in going out. Certified letter was sent 07.07.2020. Owner will have 14 days to remove or conceal vehicles.

248 Erie Beach (*Misc. household Junk & Debris – Richards*)

Open

Complaint filed with Municipal Court 06.19.20 for 2 junk vehicles and exceeding allowable number of recreational vehicles on the property. Hearing is to be held morning of 07.08.20. Will give Trustee Rozak update of outcome.

Prior Info: Complaint was received 03/19/20 regarding the condition of this property. Letter was sent to the property owner via Certified Mail on 04/02/20. Letter attached for your review. Owner signed for and received his letter 04/08/2020. Upon reinspection 04/22/20 the yard has been slightly picked up, they have removed some recreational vehicles so they are in compliance with only 3 items on the property. They have not removed 2 junk vehicles and another letter was sent to them 04/24/20. This will be reinspected this week to see if any additional improvements have been made. Final Notice letter was sent via Certified Mail May 19, 2020. Owner is refusing to claim the letter at the post office. Letter sent via regular mail also. Next step if failure to correct will be filing a complaint with Municipal Court.

TALL GRASS:

129 S. Bridge (*Tall grass– Scott Thompson*)

Open

Complaint received 06.29.20. Certified letter sent same day. Owner still has not claimed.

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

312 Willowdale (Tall grass– James-Forkapa)

CLOSED

Complaint received 06.18.20. Certified letter sent 06.19.20 and owner signed for it 06.24.20. As of 07.02.20 grass had been cut.

140 Tibbels (Tall grass– Wowk)

Monitoring

Second Certified letter sent 06.11.20 and was signed for by the owners 06.13.20. Grass has been cut as of 07.02.20, but I can't tell if they have it on a regular schedule or if they are doing it after they receive a letter from us.

Prior Info: Complaint filed 05.15.20. Certified Letter sent 05.19.20 and signed for by owner 05.21.20. Grass has been cut, but was not as low as would be expected.

607 John Street (Tall grass– Vayda/Elkington)

Re-opened

Complaint received 07.06.20. 2nd formal notice – Order to Comply will be sent via Certified Mail this week.

Prior Info: Complaint received 05.12.20. Certified letter was sent to the property owner 05.12.20. Owner signed for Certified Letter 05.14.20 and called saying they would have it cut over Memorial Day Weekend. Upon re-inspection 05.26.20 grass had been cut but was not as low as would be expected. Owner was contacted again 06.08.20 and grass has been properly cut as of 06.13.20.

9955 E. Bayshore Road (Tall grass– Burton)

Open

Trustees passed Resolution 10-2020 on June 24, 2020. Certified letters were sent to the known interested parties June 29, 2020 via certified mail. The lien report came back from Hartung Title 07.01.20 and letters were sent out to additional interested parties that same day. It is anticipated that the property can be cut sometime the week of July 13.

Prior Info: This property is at the corner of Seneca Trail and Bayshore. We have not received a formal complaint, but the grass is waist high and needs to be addressed, especially at the corner for vehicular sight pulling out from Seneca Trail. The owner passed away in June 2019. Trying to find a good contact to send a letter to. Since sending the letter, which was received by the interested parties, we have received 2 formal written complaints and one phone call about this property. The grandson of the late Mr. Burton called and indicated that since he does not have possession of the property from the estate and bank (multiple mortgages were taken out), he has no intentions of maintaining it until he has rightful title to it. Tall grass resolution is included for the Board's passage.

1935 Ellsworth (Tall grass– Brown)

Open

Complaint received 07.05.20 regarding tall grass at this property. Had prior history of being a repeat offender. Certified letter will go out to the owner this week.

CONSTRUCTION WITHOUT PERMITS:

172 Elizabeth (Shed w/out Permit – Guy Tibbels)

Open

A replacement shed was installed without a permit. Located partially on property not owned solely by the lot owner. Letter was sent via regular mail 06.26.20. Owner called 06.29.20 and is trying to make sure property agreements with his siblings and family business are in place and have actually been recorded.

562 Sycamore (Fence w/out Permit)

Open

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

Lakeside advised that a fence that has been removed for more than 4 years was being reinstalled in the road ROW. Letter was sent to the owners and posted at the property. All work has ceased for the time-being while the property owner goes through the Lakeside review process.

186 Sunnydale (*Deck w/out Permit - Pruitt*)

Open

Owner has submitted a variance application for the deck which will be heard in July.

Prior Info: Construction of a deck without a permit even after the owner emailed asking. When told they would need a variance, she had someone build the deck anyway. Certified letter sent 06/08/2020

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

Open

Applicant requested a postponement at the June BZA hearing with the intent to get the bridge removed before the July 15th BZA hearing. Owner called 07.01.20 and stated the bridge has been removed. Upon inspection, it has indeed been removed. I have not received official word from their attorney that they are withdrawing the BZA application, but would anticipate receiving that prior to the July 15th meeting.

Prior Info: 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. 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. 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. 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. Atty. & property owner received their certified letters 1/10 & 1/11 respectively. Atty. called 1/17 to say they have filed mediation paperwork. Court has confirmed this has been filed and the mediation date is to be held at 10:00a.m. on 1/28. On 01/27/20, the day before the scheduled mediation, the association's attorney called for background information and stated they refuse to sit at the table for mediation. I contacted the Prosecutor because this case could result in claims that I wanted to see if he would be able to pursue or represent the Township on. He in turn contacted the attorney on behalf of the property owner in question and the association's attorney and they are supposed to all sit down and meet together without the formal process of mediation. Henderson's attorney was made aware by the Prosecutor that the deadline to file an appeal is this Friday (2/28/20) at noon. If an appeal is not filed, then a citation will be filed with Municipal Court to have the bridge removed. February 28th the attorney for the property owner submitted a permit application for the bridge which was subsequently refused. It is anticipated that the attorney will be submitting an appeal application to the BZA for their consideration. The next deadline is March 27th for the April 15th hearing. March 27, 2020 the Henderson's have submitted their application to appeal my decision to deny their permit application to the Board of Zoning Appeals. Since

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020

this case is going to involve Attorneys, residents and likely a court reporter, we are going to hold off on having the hearing until we can meet in person. If restrictions do not lift for the State, then we will attempt to hold this hearing via Zoom. The Association President emailed 04/21/20 asking for a status update because he was surprised to have returned from Florida to still see the bridge in place. He was told that a permit application had been filed and refused and subsequently a BZA application has been received, but we are waiting until the Board can meet in-person for the hearing. He was also told that had the Association agreed to meet in mediation this could have been resolved sooner, but now these applications put a Stay on any further action, which will likely end up in court and further Stay any action on the bridge for possibly a year or more. Homeowners requested a 1 month continuance/ postponement because they intend to remove the bridge.

Case is scheduled before the BZA on June 17, 2020 at 6:30p.m. via Zoom.

OTHER:

5040 E. Port Clinton Eastern Road (*Chickens/ Fowl – Blaha*)

CLOSED

Verbal complaint made about chickens being kept on this property roaming freely onto neighboring properties. Complainant advised there are no containment laws or regulations. Courtesy notice sent to property owner and occupant asking them to be more cognizant of keeping the chicken on their own property.

1432 N. Buck Road (*So-Lucki Lodge - Solecki*)

OPEN

Owner was sent a letter 07.03.20 notifying them that according to their marketing material they are not operating their B&B Conditional Use as approved and risk having their permit revoked if they continue to operate illegally.

NEW BUSINESS

Ms. Rozak presented a Pandemic Safety Policy for review. The policy was tabled pending further review.

FISCAL BUSINESS

A motion by Ms. Rozak and seconded by Mr. Dress to approve the payroll and bills totaling \$116,221.27. Roll call was unanimous and motion carried.

There being no further business before the Board, Mr. Dress moved and Ms. Hirt seconded a motion to adjourn at 7:00 p.m. Motion carried.

Fiscal Officer

Danbury Township Board of Trustees

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 8, 2020