

**TOWNSHIP BOARD OF TRUSTEES REGULAR**

**September 9, 20**

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, September 9, 2020 and called to order at 6:00p.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 and Mr. David M. Hirt. Also present were, Fiscal Officer Carolyn Adams, Assistant Susan Dress, Fire Chief Keith Kahler, and Zoning & Planning Administrator Kathryn A. Dale. Community resident: Holly Hunt

**APPROVAL OF THE MINUTES**

Mr. Hirt moved and Ms. Rozak seconded the motion to approve the regular meeting minutes for August 26, 2020 as presented. Roll call was unanimous and motion carried

**CORRESPONDENCE**

- Danbury Township Fall Newsletter
- Certificate from Ottawa County Safety Council for the 100% effort in preventing accidents and injuries in the workplace.
- Reminder Ottawa County Soil and Water Conservation District annual meeting and banquet, September 23rd.
- Monthly recap from State Senator Theresa Gavarone.

**ROADS-BUILDINGS-GROUNDS**

Road Superintendent Brett Waldron reported the following:

- Mowing and maintaining the parks and road right of ways for the upcoming holiday.
- Lightner Road scheduled to begin paving next week weather permitting.
- Continue to install new street signs throughout the Township.

**POLICE**

Mr. Dress read the report submitted by Police Chief Mike Meisler that listed the department responded to 336 incidents for the month of August and 86 to date in September. A Thank- You was received from Robin Bugenske, complimenting Officer Vikki Fritz for her professionalism.

**FIRE**

Chief Kahler and Assistant Chief Almendinger discussed recent testing of the SCBA bottles, after reviewing the results, the decision was made the cancel an order for new at this time. Ms. Rozak motioned authorized purchase of up to ten new bottles if needed. Mr. Hirt seconded the motion. All voted yes. Motion by Ms. Rozak to approve an over the limit purchase from Zoll Medical for \$3367.05 for EMS equipment supplies. Motion seconded by Mr. Hirt. Roll Call all voted yes. Chief Kahler submitted for following report:

	<b>Fire &amp; Ems Run Details</b>					
	<b>EMS</b>	<b>Fire</b>	<b>MVC*</b>	<b>Alarm **</b>	<b>CO***</b>	<b>Mutual Aid</b>
September	15	1	0	1	0	0
Sub-total- Sept.	492	30	24	53	6	3
Year-To-Date	608					

\*Motor Vehicle  
Crash(es)

\*\* Alarm Activation(s)

\*\*\*Carbon Monoxide

ZONING

Ms Rozak introduced the following resolution and moved its adoption:

RESOLUTION NO. 18 - 2020

**A RESOLUTION DECLARING  
JUNK AND DEBRIS ON THE  
PROPERTY LOCATED AT 280 SPRINGCREST,  
DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO,  
AS A NUISANCE.**

**WHEREAS**, the Danbury Township Board of Trustees (the "Board") has found the property owned by Randal D. Snyder, and located at 280 Springcrest (PIN# 0141178815756060), Marblehead, Ohio (the "Property"), to contain vegetation, garbage refuse, junk and debris consisting of multiple and miscellaneous household items scattered within the yard, and;

**WHEREAS**, pursuant to §505.87 of the Ohio Revised Code, the Board of Township Trustees (the "Board") is authorized to determine that the maintenance of vegetation, garbage, refuse or other debris upon a property constitutes a nuisance and order the property owner to remove such vegetation, garbage, refuse or other debris within seven (7) days, and if the owner fails to remove the vegetation, garbage, refuse or other debris or make arrangements for the removal within the allotted time period, the Board may proceed to remove the vegetation, garbage, refuse or other 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**, on September 8, 2020, the following items are located on the Property:

- Large pile of grass clippings
- Mattress & box springs
- Shopping Cart
- Dressers & drawers
- Television
- Grill
- Plastic totes
- General garbage & refuse

**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 to order to remove, or have removed the vegetation, garbage, refuse or other debris from the Property.

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

The Board of Trustees of Danbury Township, Ottawa County, Ohio has found that the property owned by Randal D. Snyder, and located at 280 Springcrest (PIN# 0141178815756060), in Danbury Township, Ottawa County, Ohio contains vegetation, garbage refuse, junk and debris, specifically the items aforementioned, and the Board hereby determines that the maintenance of 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, garbage refuse, junk and debris, or make arrangements for the removal within seven (7) days after receipt of notice of this Resolution;

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**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 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 the vegetation, garbage refuse, junk and debris and abate the nuisance, 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, garbage refuse, junk 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

ADOPTED this 9<sup>th</sup> day of September, 2020.

**Permits**

To-date this month there has been 5 permit applications submitted/processed totaling \$652.81 collected in fees and BZA balances.

**Board & Commission Activity**

**The Board of Zoning Appeals -**

The BZA will hold adjudication hearings Wednesday, September 16, 2020, via Zoom on the following cases:

- a. **BZA-2020-196**  
**5686 E. Harbor Road, Unit A-1 (Safe Harbor Development).** Request for Conditional Use in accordance with Section 3.4 and 7.11 to allow a kennel (doggie daycare). **Samantha Puckett, Applicant/ Agent.**
- b. **BZA-2020-205**  
**8582 Billings.** Request for an Area Variance from Section 5.1.7 to allow for a covered front porch to encroach into the north, front-yard setback (14' proposed/ 20' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [708s.f. (53.3%) proposed/ 288s.f. (20% permitted)]. **Fred & Julie Reinhart, Owners/ Applicant.**

**The Zoning Commission -**

The Board of Trustees held a public hearing September 9, 2020 at 5:45p.m. on the following case:

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- a. **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.**

The Zoning Commission meeting scheduled for September 2, 2020 was cancelled. The next meeting is scheduled for October 7, 2020, which will be held due to a rezoning application.

Ottawa County Regional Planning Commission will be considering a Map Amendment request on the following application at their September 15, 2020 meeting:

- a. **ZC-2020-206 0 E. Bayshore Road (SE Corner of S. Danbury N.).** Request for a Map Amendment from "A" Agricultural to "C-2" General Commercial for PIN# 0140828430281000 (Sec. 4, part of Lot 20) consisting of 5.311 total acres. **Timothy Feller, Owner/Applicant.**

**Department Updates**

- We hit 200 permits August 20, 2020. We did not have 200 permits last year until October 17, 2019. We had a total of 27 new homes last year and we are already at 22 for this year with more known applications on the way. Additionally, we had 31 BZA cases last year, we are already at 29 for this year. We've also already surpassed the number of fence permits issued in all of last year and will likely match or surpass items like additions, decks, sheds, etc.

**Violations/ Complaints:**

**ILLEGAL RENTAL:**

None.

**ILLEGAL CAMPERS:**

None.

**JUNK & DEBRIS:**

**280 Springcrest (Misc. household Junk & Debris – Snyder)**

**Open**

The first 'Warning' letter dated March 4, 2020 was sent via regular & certified mail. The second 'Notice to Comply' letter dated June 11, 2020 was sent via regular & certified mail. In both instances, the regular mail letter was received as it was never returned to us and the certified letters were returned to us unclaimed. A "Final Notice" was sent out August 27, 2020 via regular & certified mail as well. At least one of the certified letters is coming back unclaimed. We've received 3 written complaints and 2 verbal phone call complaints regarding this property. The owner of the property has been filed with a bankruptcy/ foreclosure action and has moved out to another location in Danbury, however, the owner's daughter & son-in-law have essentially moved in to the house with other acquaintances and are destroying the house from the inside-out. The furnace, hot water heater, cabinets, decks, etc. have been removed from the home. There has been multiple, documented emails, photos and phone calls with the bank, the banks attorney and property preservation team regarding all this. The bank indicates they cannot do anything until the premises is vacated. I've looked at other options also, such as the Sanitary Engineer's office to see if they are current on water & sewer billing, which they are, but even if they hadn't been shut-offs are not occurring with many of the utility companies due to Covid-19.

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Enclosed is a resolution for your consideration to declare the property as a nuisance. The occupants of the house are confrontational and the police have been to the property. Should we have to enter the property to clean it up, I will be coordinating the effort with Chief Meisler to have an officer on site the day of abatement.

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

**Open**

08.12.20 was the bench trial for this case. The judge issued a \$250 fine (\$500 was possible) suspending \$100 provided that the owner complies with the zoning requirements within 60 days (October 11<sup>th</sup>).

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. 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. Owner pled Not Guilty which is now causing this case to go before the Muni Court as a bench trial which is scheduled to take place August 12, 2020 at 9:00a.m. KAD will update Trustee Rozak following the proceedings.

**TALL GRASS:**

**8569 & 8581 Billings (Tall grass– Kowalski)**

**CLOSED**

All grass and weeds were cut as of 08.12.20.

Prior Info: Complaint was received 07.08.2020 regarding tall weeds around the trees and house and a couch out in the yard. Certified letter was sent later the same day. Owner signed for and received the letter 07.10.20 and called last week about it. Will be re-checked 07.24.20. Nothing has been done as of 07.29.20 despite yard being mowed. Second letter sent 07.31.20. Delivered 08.03.20.

**CONSTRUCTION WITHOUT PERMITS:**

**2869 Amherst (2<sup>nd</sup> story deck w/out Permit – Petroff)**

**Open**

Owner called September 4<sup>th</sup> and will be working on getting the proper paperwork in this week after Labor Day.

Prior Info: Owner constructed 2<sup>nd</sup> story deck over rear patio. Letter sent via regular mail 08.20.20 and has until 09.04.20 to respond.

**1891 Tecumseh (Covered Patio w/out Permit – Wolf)**

**Open**

Second letter will go out this week if no contact is made.

Prior Info: Owner constructed an awning cover over the rear patio. Letter sent via regular mail 08.20.20 and has until 09.04.20 to respond.

**322 Gravel Bar (Shed w/out Permit – Steinkerchner)**

**CLOSED**

Owner applied for and received the necessary permits August 31, 2020.

Prior Info: Owner install a shed in the rear yard. Letter sent via regular mail 08.20.20 and has until 09.04.20 to respond.

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**319 Erie Beach** (*Covered front porch w/out Permit – Semmelroth*)  
**Open**

Second letter will go out this week if no contact is made.

Prior Info: Owner constructed covered awning over front existing deck. Letter sent via regular mail 08.20.20 and has until 09.04.20 to respond.

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

**Open**

Owner is actively working on getting the necessary paperwork in order.

Prior Info: 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.

**OTHER:**

None.

**OLD BUSINESS**

Mr. Hirt introduced the following resolution and moved for its adoption:

**RESOLUTION #19 - 2020**

**A RESOLUTION TO ENTER INTO A CONTRACT FOR SALE AUTHORIZED BY ORC 505.10(A)(6) PERMITTING THE SALE OF A PORTION OF TOWNSHIP PROPERTY KNOWN AS PIN #0140214231082001 LOCATED AT 0 HURON TRAIL CONSISTING OF A PORTION OF LOTS 15 & 17, AS DETERMINED BY A SURVEY, TO EQUAL MORE OR LESS 190' X 75' TO Kyra A. and John C. Veverka Jr. S & T, 5060 Wohlers Ave., Marblehead, OH 43440 Phone: (419) 341-9398**

**WHEREAS;** the Danbury Township Board of Trustees are the owners of a 3.66 acre parcel located at O Huron Trail known as PIN #0140214231082001 and;

**WHEREAS;** the contiguous property owner, Kyra and John Veverka, desires to purchase a 190' x 75' portion of this parcel contiguous to their property for \$1,500 plus the cost of all related survey, approval, recording and closing fees; and

**WHEREAS;** the Danbury Township Board of Trustees desires to complete this transaction; and:

**NOW THEREFORE BE IT RESOLVED THAT:**

The Danbury Township Board of Trustees, in accordance with ORC 505.10(A)(6), and by unanimous vote, agree to sell the above-referenced property portion, as determined by a survey, to Kyra and John Veverka for \$1,500 plus the cost of all related survey, approval, recording and closing fees.

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 but 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. Dress seconded the resolution and the roll being called upon the question of its adoption the vote resulted as follows:

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Vote Record: Mr. Dress YES Mr. Hirt YES Ms. Rozak YES

NEW BUSINESS

Motion by Mr. Hirt to declare as surplus the following items: resulting from old phone system replacement and cleanup of phone room.

- APC Battery Back-up Unit for Phone System Serial #4B1407P53437 1 \$ 205.00
- ShoreTel Phone System, Model Base Unit & 1 \$3,000.00


- UC Server MW5479 Serial #0107898914152167
- Zoning Phone: Serial #1318000373 (SHT10389000629)
- Zoning Charger: Serial #1303000079
- Assistant Phone: Serial #1303000247 (SHT10389008558)
- Assistant Charger: Serial #1303000247
- Fiscal Phone: Serial #1303000483 (SHT10389000839)
- Fiscal Charger: Serial #1303000483
- Westell 6100 DLS Modem Serial #058411528685 1 \$ 25.00
- Router MicroTik 75102 HnD Serial #36D4026A86A7/220 1 \$ 30.00

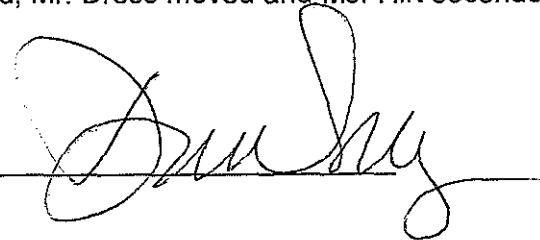
Mr. Dress seconded the motion. All voted yes.

FISCAL BUSINESS

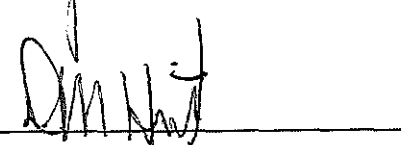
A motion by Ms. Rozak and seconded by Mr. Hirt to approve the payroll and bills totaling \$114,410.91, for the period 8/27 – 9/9/2020. Roll call was unanimous and motion carried. Mr. Hirt motioned and Ms. Rozak seconded the acceptance of the July bank reconciliation. Roll Call all voted yes.

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

  
 Fiscal Officer







Danbury Township Board of Trustees