

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held \_\_\_\_\_ May 26 <sup>20</sup> 2021

Trustee Hirt called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited. Roll call: Trustee Dress, Trustee Rozak, and Trustee Hirt, Fiscal Office Assistant Susan Dress, Fiscal Officer Carolyn Adams. and Fire Chief Kahler, all present. Mr. Dress moved approval of the May 12 meeting minutes, Ms. Rozak seconded the motion, all voted aye.

### Correspondence

- Mineyahta Allotment Association annual meeting June 6 @10 A.M.
- Communication regarding the new fire station from County Prosecutor VanEerten
- Thank You to the Police Department from Tonya & Alaynah Salyers
- Ohio Township Association update

### Roads

- Sackett Cemetery two cremation burial
- Preparation of parks, cemeteries and road for the upcoming Holiday has been the primary goal

Ron Eckel has completed his 6 month probation May 24<sup>th</sup>. He has done a fantastic job and Mr. Waldron indicated he is an asset to the Township. Mr. Hirt motioned an increase of \$1.00 per hour raise. Ms. Rozak seconded the motion. Roll call all voted yes.

### Police

All officers were recertified with their assigned Taser May 21<sup>st</sup>. thanks to Catawba Township Officer Devin Pollock.

Chief Meisler requested approval of a quote from D. R. Ebel for \$18,442.59, to outfit (Light bars, sirens, etc.) the new 2021 Tahoe cruisers. Ms. Rozak motioned approval of the purchase, seconded by Mr. Hirt. Roll Call all voted yes.

Ms. Rozak motioned approval of hiring 2 part time seasonal officers, not to exceed 24 hours per week at \$18.00 per hour. Mr. Dress seconded the motion. Roll Call all voted yes.

### Fire

Fire & Ems Run Details						
EMS	Fire	MVC*	Alarm**	CO***	Mutual Aid	
05/26/2021	62	1	2	5	2	0
Year to date	278	10	6	27	2	3
Total	326					

\*Motor Vehicle Crash(s)

\*\* Alarm Activation(s)

\*\*\*Carbon Monoxide Investigation(s)

Chief Kahler reminded Trustees of the ground breaking for the new Fire Station June 7<sup>th</sup>, at 7:00PM.

ISO (Insurance Services Office) re-certification will begin June 15<sup>th</sup>.

Chief presented an estimate for an additional drive at the rear of the new Fire Station. Trustee Rozak motioned option B at a cost of \$89,000.00, Mr. Dress seconded the motion. Roll call all voted yes.

### Zoning

#### Permits

To-date this month there has been 20 permit applications submitted/processed totaling \$918.53 collected in fees and BZA balances.

#### Board & Commission Activity

##### The Board of Zoning Appeals –

The BZA held adjudication hearings May 19, 2021 via Zoom on the following cases:

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a. **BZA-2021-052**

**Approved as Presented**

**2071 Lattimore.** Request for an Area Variance from Section 5.2.1.A.ii to allow for a garage addition resulting in the cumulative square footage of all accessory structures to exceed the allowable 1,200s.f. (2,196s.f. proposed). **Anthony Cesaespada, Owner/ Applicant.**

b. **BZA-2021-076**

**Denied**

**237 Elm.** Request for an Area Variance from Section 3.5 to allow a porch addition to encroach into the west, front-yard setback (1'10" proposed/ 5' required), and to exceed the maximum lot coverage (57.5% proposed/55% required). Also requesting a variance from Section 7.12.3.A to allow more square footage added onto a nonconforming structure than allowed [20% (348.6s.f) allowed/ 159% (2,765s.f.) proposed] and Section 7.12.3.C to allow more than 75% of the floor area contained in the nonconforming structure to be demolished, removed, or structurally altered. **Yvette VanRiper & Anthony Mavrinac, Owners/Applicants; Terry Ross, Architect/Agent.**

c. **BZA-2021-087**

**Approved as Presented**

**5601 E. Bayshore.** Request for an Area Variance from Section 5.2.1.A.ii to allow for a pole resulting in the cumulative square footage of all accessory structures to exceed the allowable 1,200s.f. (1,596s.f. proposed). **Daniel Jadwisiak, Owner/ Applicant.**

**The Zoning Commission -**

The Zoning Commission will hold a work session on June 2, 2021 to continue discussions on the rezoning study from "R-C" to "R-3" of residential subdivisions located in commercial zoning.

**Department Updates**

- None to Report at this time.

**Violations/ Complaints:**

**ILLEGAL RENTAL:**

**242 Worthy** (*Illegal Rental – Erie Shores Ventures*)

**Open**

The properties were posted 05.13.21 and the owner called 05.14.21. Owner said they would correct the situation and remove the reservations from their website. As of 05.25.21 more complaints were received regarding the usage of the property and the website still needs work. Owner was called and told to get it done immediately. If we continue to get more complaints, then a citation may need to be issued with the Court.

**Prior Info:** Certified Letter sent 04/26/21 to owners notifying them to cease & desist renting the duplex for less than 30 days as advertised. To-date the letter has not been claimed despite notice being left by the post office. It is due to be returned as unclaimed starting 05.12.21. Once it is returned, the property and owners' local residence will be posted with the notice.

**ILLEGAL CAMPERS:**

None.

**JUNK & DEBRIS:**

**6380 E. Port Clinton Eastern** (*Junk & Debris/Junk Vehicles – Lange*)

**Open**

Trustee Rozak left a note for me on my desk following your last meeting to send a "clean it up" letter to this property. I have not received a formal complaint from anyone about it, and will send a letter.

**1365 Englebeck** (*Junk & Debris – Carr*)

**Open**

A complaint was received last year regarding the multiple junk vehicles on this property, which were promptly removed once they received our letter. We recently received an anonymous letter asking why the rest of the junk & debris that was uncovered once the junk cars were removed has not been removed yet. I will send another letter addressing junk & debris.

**TALL GRASS:**

**7426 E. Bayshore** (*Tall Grass – Smecker*)

**Open**

All interested parties have been notified and signed for their certified letters. The property maintenance company responsible for upkeep emailed Carolyn asking why we posted the

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property. Clearly no one took the time to read the letter that was posted on the sign and to-date, the grass also has not been cut. They have until 05.26.21 to get it cut, otherwise Printy has already been made aware that it will be ready to cut thereafter.

Prior Info: Complaint received 04/27/2021. Staff left a message with the property preservation company on 05.04.21. No response was received and the law firm who has filed a foreclosure action against the owner was contacted 05.06.21. The firm indicated they would be in touch with the property preservation company. Mr. Smecker passed away in October 2021 and the property is in limbo until the property is sold. This property and interested parties to it, were notified with their 1<sup>st</sup> & 2<sup>nd</sup> Warning last July and September. According to our violation policy, if there is a repeat offense within 6-12 months, the notices will not be repeated, and we can continue on with the violation steps where we left off. Since this would be the 3<sup>rd</sup> offense, the Trustee's have the ability to formally declare it a nuisance. If that is done, a title exam will be ordered, then all interested parties and lien holders will receive notice that they have 7 days from the date of receiving their letter to get the grass cut. If it is not cut within that timeframe, then we would be permitted to enter the property and cut the grass.

### 9955 E. Bayshore (Tall Grass – Burton)

#### Open

All interested parties have been notified and signed for their certified letters. I ordered the cut 05.19.21 by texting, emailing, and sending Printy a letter in the mail. Printy didn't call me about it until 05.22.21 and as of 05.25.21 isn't sure he'll be able to get to it anymore this week.

Prior Info: This property we assessed 2 times in 2020 because Mr. Burton passed away, no heir received the property and it is currently in a foreclosure proceeding and scheduled to be sold via Sheriff auction this month. The notice of the sale is included for your review. If the property is not sold to a private party and is conveyed back to the bank, it could take weeks for the property to get through their system and onto a property preservation company's regular schedule. Should the Trustees pass the resolution declaring it a nuisance, all interested parties and lien holders will receive notice that they have 4 days from the date of receiving their letter (because it is a repeat offense) to get the grass cut. If it is not cut within that timeframe, then we would be permitted to enter the property and cut the grass. After June 24, 2021, if there is further offenses, the notification process has to start over because it's been 1 calendar year since the initial resolution was passed.

### 1935 Ellsworth (Tall Grass – Brown)

#### Open

The initial certified letter came back as undeliverable. A 2<sup>nd</sup> certified letter was sent to another address we had available for the property owner. That letter also came back as undeliverable. The property was then posted 05.17.21 and to date has yet to be mowed. A resolution is enclosed for your consideration. Since the letter came back as undeliverable, we will likely be required to include a notice in the newspaper as well.

Prior Info: This property is a regular, annual repeat offender. A Warning Letter was sent in July 2020. A 2<sup>nd</sup> Notice has been sent via certified mail on 05.07.21.

### 10038 Bayshore (Tall Grass – Matusiczky)

#### CLOSED

Grass was cut as of 05.12.21.

Prior Info: In 2019 we worked with the family to get some junk vehicles off the property, a dilapidated shed removed and some general clean-up of the property. However, the grass is now over 12" now and a Warning Letter was sent to the descendants of the property 05.07.21.

### 140 Tibbels (Tall Grass – Wowk)

#### CLOSED

Certified letters were sent 05.13.21 after the resolution was passed and grass was cut as of 05.20.21. If a repeat offense, they will only receive 4 days notification next time.

### 246 Arman (Tall Weeds – Benko)

#### Open

Complaint received 05.25.21. Letter will go out later this week.

### 1500 S. Heritage (Tall Weeds – Bailey)

#### Open

Received a phone inquiry about the property on how to complain. Complaint form was sent to person. Even if complaint is not received, I will likely send a letter cause it's a vacant property and every bit as bad as the Burton & Smecker properties.

### CONSTRUCTION WITHOUT PERMITS:

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

#### Open

Letter is going to have to be sent to the owner asking them to remove the shed.

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. Owner is actively working on getting the necessary paperwork in order. As of 11.18.20 Owner has made an offer to purchase the additional land he needs for the shed from the family business. Awaiting to see if they will accept the offer and allow the transfer to go through. The owner called 01.11.21 and said that his family is refusing to sell him the additional land needed for the shed. He is scheduled to meet with his attorney on 11.12.21 to see if they can come up with some sort of other agreement or temporary easement. Owner has reached an agreement with his family to essentially set up an easement agreement, which will allow him to use the land for the shed. According to his attorney is should all be signed and recorded by the end of 1/27/21 week. Nothing new at the time of reporting. KAD has called Mr. Tibbels & his attorney asking for an update, but neither have returned her call. Apparently, Mr. Tibbels siblings are refusing to agree to the latest agreement presented to them. I told Mr. Tibbels that we may need to just get the shed moved or removed so there is no longer an outstanding violation.

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

**A RESOLUTION DECLARING THE PROPERTY OWNED BY  
DONALD W. BROWN, LOCATED AT  
1935 ELLSWORTH (PIN# 0140277515360000)  
IN DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO,  
A NUISANCE AND ORDERING ABATEMENT**

**PREAMBLE**

**WHEREAS**, the Danbury Township Board of Trustees (the "Board") has found the property owned by Donald W. Brown, and located at 1935 Ellsworth, (PIN# 0140277515360000), 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.

**RESOLUTION 14-2021**

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

The Board of Trustees of Danbury Township, Ottawa County, Ohio has found that the property owned by Donald W. Brown, and located at 1935 Ellsworth, (PIN# 0140277515360000), 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;

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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 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. Dress 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

A estimate was received for the replacement of the Zoning Department Computer system for \$956.00 from Port Clinton Computer Products. After review Ms. Rozak motioned approval, Mr. Hirt seconded the motion. Roll call all voted yes.

### New Business

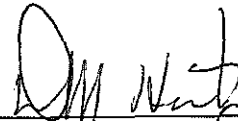
Ms. Rozak motioned, moving forward, Resolution will be read by title only. Seconded by Mr. Hirt Roll call all voted yes.

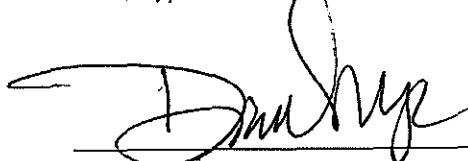
Department Heads have been excused from regular Trustee meetings during covid-19, unless they had specific issues that needed discussion with or action from the Trustees. The method has worked well and will continue. Department heads will be notified of this decision.

A motion by Mr. Hirt and seconded by Ms. Rozak to approve the payroll and bills totaling \$200,238.17 or the period 5/13 – 5/28. Roll call was unanimous and motion carried.

Ms. Rozak motioned acceptance of the April bank reconciliation, seconded by Mr. Hirt. Roll call was unanimous. There being no further business before the Board, Mr. Dress moved and Ms. Rozak seconded a motion to adjourn at 7:30 p.m.

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

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Danbury Township Board of Trustees

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