

RECORD OF PROCEEDINGS

Minutes of

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

January 12,

22

Held _____ 20 _____

Trustee Rozak 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 were present. Ms. Hirt moved approval of the December 22, 2021, records commission meeting minutes, December 22nd, regular meeting minutes, and the December 29th special meeting minutes to accept temporary appropriations. Ms. Rozak seconded the motion, all voted aye.

Roads

- Sackett Cemetery three funerals, one full service and 2 cremation burials.
- One minor snow event

TruGreen renewal was discussed. A year ago, the Trustees had curbed the services somewhat. The Department reported the service is working well at the current level. Mr. Dress moved renewal of the contract at current service levels, seconded by Ms. Rozak. All voted yes.

- The street light at Regatta Passage has been installed and operational.
- Trustees accepted and signed the Department inventory.
- Annual Equipment Maintenance continues.
- Township Clean Up dates will be decided by the Maintenance Department
- Trustees accepted the Annual Condition Bridge Report from the Ottawa County Engineer's Office.

Police

Chief Meisler submitted the December 1st through December 31, 2021. The Department responded to 290 incidents. The 10-hour shifts, started December 11th, are going well with adequate coverage. The annual 4th grade D.A.R.E. doughnut party will be held January 21st. Possible 2022 Police Vehicles could to be hard to find. If one is not purchased this year, two will be needed 2023. Trustees reviewed request for an update on policy manual.

Trustees accepted and signed the Police department Inventory.

Fire

Trustees discussed the CDC guidelines currently used by the Township for Employees testing positive for COVID -19. The consensus was to continue the policy.

Ms. Rozak moved approval of the annual service on the Hurst Tool in the amount of \$2944.03. Mr. Hirt seconded the motion. All voted yes.

The Ohio Fire Chiefs Association are conducting a two-week Officer 1 training course. Chief Kahler recommended T.J. Almendinger to attend this training. Trustee Rozak moved to authorize the training and travel expenses incurred seconded by Mr. Hirt Roll call all voted yes.

Chief Kahler provided the Trustees with the 2021 incident report:

		Fire & Ems Run Details				
	EMS	Fire	MVC*	Alarm**	CO***	Mutual Aid
12-31-2021	825	43	17	78	10	7
Year to date %	84%	4%	2%	8%	1%	1%
Total	980					

*Motor Vehicle Crash(s)

** Alarm Activation(s)

***Carbon Monoxide Investigation(s)

Chief Kahler provided the Trustees with the 2022 incident report:

		Fire & Ems Run Details				
	EMS	Fire	MVC*	Alarm**	CO***	Mutual Aid
01-12-2022	23	0	2	1	1	0

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Year to date %	85%	0%	7%	4%	4%	0%
Total	27					

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

Zoning

Permits

15 permit applications were processed for the month of December totaling \$2,193.29 in collected fees.

Accessory Building:	2
Addition	
Commercial:	
Residential:	4
Appeals:	
Area Variance:	
Conditional Use:	
Deck:	1
Dock:	
Fence:	3
New SF Home:	1
New Commercial Structure:	
Other:	
Refusal:	3
Signage:	1
Swimming Pool:	
Text/Map Amendment:	
Total:	15

Board & Commission Activity

The BZA held adjudication hearings December 15, 2021, on the following cases:

- a. **BZA-2021-267**
Approved as Presented
5677 E. Bayshore Road. Request for a Conditional Use in accordance with Section 3.5 & 4.2 to permit the use of the structure as a Bed & Breakfast. **Daniel J. Jadwisiak, Owner; John & Carrie Thucholitic, Agents/ Applicants.**

- b. **BZA-2021-269**
Approved as Presented
2149 Willow Cove. Request for an Area Variance from Section 5.1.7 to allow for a new house to connect to an existing garage with a 4' east, rear-yard setback where 5' is required and to Section 3.5 to allow more lot coverage than permitted (43.8% proposed/ 40% required). **David Wider & Mary Ann Pressler, Owner/ Applicant.**

- c. **BZA-2021-270**
Approved as Presented
423 Maple Avenue. Request for an Area Variance from Section 3.5. to allow for an addition onto the existing house to encroach into the north, side-yard setback (2' proposed/ 3' required). **George & Diann Tyler, Owners/Applicants.**

The Board of Zoning Appeals held their elections officers following the hearings. They have a two-year limit on officer positions, so Loretta Grentzer was elected as Chair, Lisa Bauer for Vice-Chair and Clyde Shetler for Secretary. Ms. Bauer will be requesting a reconsideration of her elected position at the next meeting because she has expressed, she would not be comfortable running the meeting in Ms. Grentzer's absence.

The Board has asked for Training to be provided again sometime in 2022. Much of this will depend on the Covid variants and if we can meet in person for such a thing or if we'll have to organize a Zoom event.

The Zoning Commission -

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The Zoning Commission met December 1, 2021 to approve minutes from October and to hold their election of officers for the 2022 year. Officers will remain the same with Mike Brown as Chair, Susan Dress as Vice-Chair and Robert Strauss as Secretary.

Department Updates

- At the December 8, 2021 Board of Trustee meeting, Clyde Shetler was re-appointed as a regular member on the BZA for a term to expire 12/31/2026. Also, Jodi Kopanski was re-appointed as a regular member on the ZC for a term to expire 12/31/2026.

Office Activity

During the month of December, the Department went on 80 site visits, responded to 610 calls, e-mails and in-person inquiries as follows:

- Outgoing 67
- Incoming 96
- Other 84
- Emails 363
- Violation Letters 4

Permits

To-date this month there have been 10 permit applications submitted/processed totaling \$ 309.36 (\$1,400 for BZA applications was collected in 2021) collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold adjudication hearings Tuesday, January 18, 2022 and Wednesday, January 19, 2022, on the following cases via Zoom:

Tuesday:

a. BZA-2022-002

311 Steele. Request for a Conditional Use in accordance with Section 3.5 and Section 4.2 to permit the use of the structure as a Bed & Breakfast. **Lorrie Hedges Owner/ Applicant.**

b. BZA-2022-003

1906 Jeannie Drive. Request for an Area Variance from Section 5.2.1.C.i. to allow for an accessory structure to exceed the maximum 20' building height (23'6" proposed). **Anthony Puckett, Owner/ Applicant.**

c. BZA-2022-004

9335 Northern Avenue. Request for an Area Variance from Section 5.1.7 to allow for an addition to encroach into the west, front-yard setback (18'-8" proposed/ 20' required). **Lee Short, Architect, Agent; Jim & Susan Hackbarth, Owners/ Applicant.**

d. BZA-2022-006

8534 E. Harbor Road. Request for an Area Variance from Section 5.2.1.A.ii to allow for a 50' x 80' accessory structure which will exceed the cumulative square footage of all accessory structure space allowed (1,200s.f. allowed/ 5,360s.f. proposed) and to Section 5.2.1.C.i to allow said building to exceed the maximum allowable building height (20' allowed/ 23'5" proposed). **Theresa & Brian Bahm, Owners/ Applicants.**

Wednesday:

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425 Walnut. Request for an Area Variance from Section 5.5.8. to allow for a 6' high privacy fence along the south, side property line where 4' is the maximum height allowed. **John & Carol Slager, Owner/Applicant; Zimmerman Construction, Agent.**

b. BZA-2022-001

351 Cedar. Request for an Area Variance from Section 7.12.C to allow more than 75% of a nonconforming structures floor area to be structurally altered and restored (100% proposed). **William & Connie Nicholson, Owners /Applicant; Terry Ross, Architect & Strecker Construction, Agents.**

c. BZA-2022-005

177 Kenton Row. Request for an Area Variance from Section 7.12.C to allow more than 75% of a nonconforming structures floor area to be structurally altered and restored (100% proposed). **Andrew & Jennifer Gehrlein, Owners/ Applicant; Feick Design Group & Dearth Construction, Agents.**

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- 288 permits issued (300 in 2020; 12 less)
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- 7,952 Calls, emails, office visits
- 1,120 site visits (Inspections and Violation follow-ups)
- 57 Violation letters
- 5 abatements for tall grass and 2 Municipal Court proceedings.

Violations/ Complaints:

ILLEGAL RENTAL:

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

CLOSED

A "Status Hearing" was scheduled for January 7, 2022, at 1:15p.m. A 2-year diversion was offered where they cannot have any other similar violation at this property or other property they own or the charges from this case will be reopened. If we had simply pursued the charges, it would have resulted in a fine and the case closed. We still need to monitor them, but this will be hanging over them under the diversion option. The Prosecutor's office still needs to send over the diversion stipulations and agreement.

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. 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. We continue to get calls and emails about this property. The owner has removed a large portion of their online listing and indicated that a college-aged daughter of one of the other co-owners is occupying the one unit this summer while working locally. When the property was posted 05.13.21, there was no one in either of the units. Received another complaint from someone different indicating fisherman were on the property at the time the message was received. I immediately drove to the property to observe, and again, there was no one on the property. Dianne has received concerns too regarding this property and the noise. The complainants have been advised to contact the police regarding noise. 06.18.21 Outreach has been made with the prosecutor's office. Conference call was held 06.21.21 with the Prosecutor's office to discuss next steps. We received email and phone call complaints again over the 4th of July weekend regarding the continued renting of the units at this property. Advised the complainants that it was actively being pursued with the County Prosecutor's office. Prosecutor's office was supposed to conduct a knock at the property the weekend of 07.10.21 but did not, so they are filing charges based on inquiries made on availability. Complaint was filed with Municipal Court on 07.20.21. Case # CRB2100684A. Arraignment Hearing scheduled for 08.18.2021 @ 8:30am. Received a phone call from Rich Gillum 08.06.21 who will apparently be representing the defendant and indicated that they may waive arraignment and ask for a bench trial. 08.12.21 Defendant entered written Not Guilty Plea, filed a request for discovery, to waive arraignment appearance and requested a pre-trial and jury. Arraignment for 08.18.21 was cancelled. 09.27.21 a neighbor reported that renting of the unit is still occurring despite charges being filed with the Court. The Prosecutor's Office has been made aware. A Pre-Trial Hearing has been scheduled for 10.22.21 at 9:30a.m. Pre-Trial Hearing was held 10.22.21. The defendant was late to the hearing, no actual 'hearing' per se took place, but rather negotiations between the Defendant's lawyer and Prosecuting Attorney. Ultimately a second pre-trial will be held. A date has not been established yet. A "Change of Plea" hearing was scheduled for 12.10.21 at 10:45a.m. The Prosecutor's Office said it wasn't necessary for me to be there. After a week asking for an update, it sounds as though there was no plea change and new court date for a "Status Hearing" is now scheduled for January 7, 2022, at 1:15p.m. I will make sure I attend this time to see what is happening firsthand.

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5644 E. Harbor Road (Illegal residence – Former Shepherd Canvas)

Open

Nothing new to report. Since only one space in the front building is currently occupied as a residence, there really is no longer a violation actively occurring on the property. Nonetheless, we still want to make sure that the buildings are set-up for proper, future use.

Prior Info: This is not an illegal rental in the traditional sense of short-term. 09.01.21 the CBO and I inspected the former Shepherd Canvas per the request of a tenant. The shop at the back of the property has been converted illegally into an apartment. Certified letter was sent to the property owner 09.07.21. Property owner picked up their letter 09.22.21 and contact the zoning office immediately. Staff is working with the owner to get the necessary paperwork, reviews and inspections in order to make the property legal. Owner had inspection with Building Department 10.01.21 to find out what was needed to make the unit a legal residence. The property owner was scheduled to have a second inspection conducted 10.20.21 of the upstairs unit in the front building. Owner also said that as of 10.07.21, the tenant in the rear structure and unit that was created illegally was to move out within a few days, however, to-date, it appears as though someone is still living in the unit. As of 10.27.21 the owner was trying to get an electrician to come out and quote what it would take to bring the rear building into compliance with the Building Code for residential. The tenants in the meantime are to be completely moved out by November 5, 2021. The owner still needs an inspection of the upstairs unit in the front building. Owner reported 11.18.21 that the residential tenant from the rear building is gone and he is marketing that the space is available for commercial use. He has not had the front units inspected yet by the building department, but the upper unit is currently vacant. Nothing new to report. Since only one space in the front building is currently occupied as a residence, there really is no longer a violation actively occurring on the property. Nonetheless, we still want to make sure that the buildings are set-up for proper, future use.

311 Steele (Illegal Rental – Hedges)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals asking for a Conditional Use to operate a Bed & Breakfast. This will be decided at the Board's January 18th hearing.

Prior Info: Certified letter was sent to the property owner 10.07.21 regarding illegal conversion of garage attic space into a dwelling and then renting it via AirB&B. Notice left 10.09.21 that letter can be picked up. Owner claimed letter 10.12.21 and reached out via email the next day. Owner also received a violation letter from the Building Department and had some paperwork she needed to file with them, which she has submitted to them, but has not been back in touch in regards to the zoning matters. 11.02.21 owner was contacted and asked to provide an update since nothing has been done on the zoning side. Inspection with Building Department is scheduled for 11.05.21. As of 11.12.21 owner stated the inspection had been completed and she was waiting on the "punch list" from the Building Department as far as what would be needed to bring the space into compliance with the Building Code. The owner reached out 12.02.21 and stated she had received her "punch list" from the County on what was needed to make the unit comply with Building Code and she has been provided what she needs from the zoning end to make it legal also.

ILLEGAL CAMPERS/TRAILERS:

JUNK & DEBRIS:

122 Strause (Junk & Debris, Junk Vehicles & Boat - Hurst)

Open

The vacant lot continues to be worked on. Some brush has been cut on the house lot to be able to access where the junk & debris are at the back of the lot. Some items have been cleared in front of the house. Still a lot of items that need to be addressed. As long as they continue to show some progress, I don't plan to ride them hard thru the winter months.

Prior Info: Complaint received 09.13.21 regards the junk and debris on this property. Certified letter was sent to the property owner 09.17.21. I met with the Ottawa County Health Department that day also to determine if any joint effort could be taken on the condition of this property. There are certain items they said that would kick EPA into joining in, but this property didn't have those items. Also, the OCHD representative said that they tend to be more willing to go after properties where someone is living on it as opposed to vacant and abandoned properties. Certified Letter was returned as unclaimed. Letter was resent via regular mail 10.07.21. Owner called 10.19.21 and said he was coming up 10.25.21 to work on cleaning the property up. Told him I expected to see a lot accomplished, and we would touch base again by 11.01.21 to see how far he gets and what more needs to be done. Owner contacted 11.01.21 since he did not show up when he said he'd be there. Apparently had some medical issue and now says he will be coming 11.11.21. Some grass on the vacant lot across the street was mowed 11.08.21. As of 11.12.21 the vacant lot had been mowed and cleared better in order to access the junk, but all of the junk and vehicles are still on both properties. Nothing more appears to have been accomplished, and certainly not as much as he said would get done. Owner stated 11.19.21 he was still in the area and would be continuing to work on over the weekend. 12.08.21 Nothing major to report. They

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have not made as much progress as I had hoped but as of 12.01.21 there is a bobcat on the property that appears to be assisting in some clearing of the vacant lot and loading junk into. As of 12.07.21 there has been 1 vehicle removed from the vacant lot and nothing has been done to the house lot

TALL GRASS:

7291 Applewood (Tall Grass – Huddleston)

Monitor

Nothing new to report. This is going to be one to monitor. The occupant seems to work at her own pace and refuses to answer the phone when I call or even return calls. The grass at this point is a non-issue, but the partial dilapidated fence still needs some work.

Prior Info: Certified Letter sent 07.13.21. Being returned with no forwarding address. Property was posted 07.21.21 because it was confirmed that a woman & child are living in the home. Will have until 07.28.21 to remove weeds & tall grass in rear yard. Letter also asked them to address their dilapidated fence. Occupant called 07.27.21 and stated she is on land contract to purchase the property. Discussed getting the grass & weeds dealt with over the weekend of 07.31.21 and will check back in by 08.06.21 to give her a chance to look into options for the fence. Upon reinspection 08.06.21, grass and weeds have all been addressed and there is a small dumpster on the property for other clean-up. Will recheck with occupant after Labor Day to see when fence repair will actually take place. Contractor told her he couldn't do it for 3-4 weeks. Owner called 08.07.21 and left a message for her to return my call. Owner returned my call 09.13.21 and asked for an extension on the fence until the end of October. I called her back and left a message with her that I would give her until October 1, 2021, to deal with the fence and if an extension is needed longer than that, then I want to speak to the person fixing/repairing her fence directly to have a better understanding of the timeframe they think they can get it taken care of and why it's taking so long. Occupant was called 10.05.21 since nothing has taken place with the fence. Occupant said someone was supposed to be out 10.06 & 10.07 to remove the old fence and install the new fence 10.08.21. As of 10.08.21 some fencing materials have been delivered to the property, but the old fence was not removed. Occupant was contacted again 10.22.21 asking for an update since nothing has taken place since 10.08.21 when fencing material was delivered to the property. As of 10.26.21 some of the dilapidated fencing has been removed. Some of the fencing was removed 10.26.21. New fencing has started to be installed. There is a section of fencing I'd still like to see be removed but there isn't enough material on the property to be removing it and replacing it. The owner/occupant refuses to answer the phone when I call to be able to discuss what her timeline is. Left message with occupant 11.18.21 asking for an update. East fence is complete. South fence facing Applewood still needs addressed but there isn't enough material on the property to indicate that it will be taken care of.

CONSTRUCTION WITHOUT PERMITS:

5686 E. Harbor Road, Unit C24 (Illegal Residential Occupancy – Audiano)

Open

On December 8, 2022 I received a copy of the letter that the Ottawa County Prosecutor's office sent to the property owner warning them if they do not contact us, charges will be pursued. They gave the owner until January 31, 2022 to make contact.

Prior Info: 09.27.21 we received notice from the Ottawa County Sanitary Engineer's office about a joint meeting with other County agencies to discuss a storage unit in Safe Harbor Development that has been illegally converted into a residence without proper permits. Joint meeting was held 09.30.21. Certified Letter was sent to the property owner 09.30.21. Notice left 10.04.21 that letter can be picked up. Certified Letter returned as unclaimed. Letter was resent via regular mail 10.19.21. The owner has not made any contact with us. Waiting on County to coordinate how this will proceed and if any action will be taken by the Prosecutor's Office on behalf of everyone. The Prosecutor's Office sent out a letter on behalf of the Building Department but told the Building Department that they wanted to send separate letters for the other departments. On December 2, 2021 I sent an email to the Prosecutor's office requesting that they also send a letter on behalf of zoning. I have not heard back from them.

425 Walnut (Fence w/out Permit – Slager)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals and will be decided at the Board's January 19th hearing.

Prior Info: Upon inspections in Lakeside 12.01.21 it was found that this property owner is installing a fence without proper zoning permits or Lakeside review and is in violation of many sections of the zoning regulations. Letter was sent to the property owner 12.03.21.

DEMO UPDATES:

Nothing new to report.

LAKESIDE MATTERS:

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177 Kenton Road (More than 75% removal, alteration of NC Structure - Gehrlein)

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Prior Info: Upon inspections in Lakeside 12.01.21 it was found that this house has voluntarily demolished, removed or structurally altered more than 75% of the floor area contained in the nonconforming structure. The entire second floor of the structure is being altered, which was not approved and specifically noted that said work was not covered under the permit issued. Additionally, a new garage footer has been poured without the necessary zoning permits and no Building permits have been issued for any of the work taking place at the site. A formal Stop Work Order letter was sent to the owner, architect and contractor 12.02.21. At this point, their only options are to move the entire house into compliance or apply for a variance to exceed the 75% and allow the house to remain where it is. The next available BZA hearing for them to get on isn't until January 19, 2021.

351 Cedar (More than 75% removal, alteration of NC Structure - Nicholson)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals. This will be decided at the Board's January 19th hearing.

Prior Info: Upon inspections in Lakeside 12.01.21 it was found that this house has voluntarily demolished, removed or structurally altered more than 75% of the floor area contained in the nonconforming structure. Additionally, the entire roof has been removed from the structure. A formal Stop Work Order letter was sent to the owner, architect and contractor 12.02.21. At this point, their only options are to move the entire house into compliance or apply for a variance to exceed the 75% and allow the house to remain where it is. The next available BZA hearing for them to get on isn't until January 19, 2021. The only work they are being allowed to complete is the construction and installation of the roof and shingles by December 23, 2021 to protect the integrity of the structure's interior and work completed to this point.

OTHER:

9268 E. Bayshore (Red's Tavern/ Red's Summer House)

Formal permit application was filed 12.23.21. There are a few items they need to address before being able to release the permit. They have also filed permit paperwork to the County.

Prior Info: According to the property owner 12.03.21 they received their final kitchen plans 12.02.21 and have a few minor tweaks that will have to be made. They are now hoping to have the new plans into zoning by January. They have found that there was a major roof leak on the east end of the building that has resulted in considerable rot and damage to the roof on that end of the building that will need to be addressed immediately. Apparently, there was the original roof and a secondary roof built over top. Moisture build-up has caused it to be completely in need of being removed and a whole new roof system to be installed. Additionally, they are investigating any potential damage to the side walls of that part of the structure because water was trickling down the sides also. As of 12.07.21, I believe the architect has the parking situation worked out and he indicated they just need to finalize the detailing on the plans. The roof issue thru them all for a loop and was unexpected.

Permits January

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242 Worthy (Illegal Rental – Erie Shores Ventures)

CLOSED

A "Status Hearing" was scheduled for January 7, 2022, at 1:15p.m. A 2-year diversion was offered where they cannot have any other similar violation at this property or other property they own or the charges from this case will be reopened. If we had simply pursued the charges, it would have resulted in a fine and the case closed. We still need to monitor them, but this will be hanging over them under the diversion option. The Prosecutor's office still needs to send over the diversion stipulations and agreement.

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. 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. We continue to get calls and emails about this property. The owner has removed a large portion of their online listing and indicated that a college-aged daughter of one of the other co-owners is occupying the one unit this summer while working locally. When the property was

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posted 05.13.21, there was no one in either of the units. Received another complaint from someone different indicating fisherman were on the property at the time the message was received. I immediately drove to the property to observe, and again, there was no one on the property. Dianne has received concerns too regarding this property and the noise. The complainants have been advised to contact the police regarding noise. 06.18.21 Outreach has been made with the prosecutor's office. Conference call was held 06.21.21 with the Prosecutor's office to discuss next steps. We received email and phone call complaints again over the 4th of July weekend regarding the continued renting of the units at this property. Advised the complainants that it was actively being pursued with the County Prosecutor's office. Prosecutor's office was supposed to conduct a knock at the property the weekend of 07.10.21 but did not, so they are filing charges based on inquiries made on availability. Complaint was filed with Municipal Court on 07.20.21. Case # CRB2100684A. Arraignment Hearing scheduled for 08.18.2021 @ 8:30am. Received a phone call from Rich Gillum 08.06.21 who will apparently be representing the defendant and indicated that they may waive arraignment and ask for a bench trial. 08.12.21 Defendant entered written Not Guilty Plea, filed a request for discovery, to waive arraignment appearance and requested a pre-trial and jury. Arraignment for 08.18.21 was cancelled. 09.27.21 a neighbor reported that renting of the unit is still occurring despite charges being filed with the Court. The Prosecutor's Office has been made aware. A Pre-Trial Hearing has been scheduled for 10.22.21 at 9:30a.m. Pre-Trial Hearing was held 10.22.21. The defendant was late to the hearing, no actual 'hearing' per se took place, but rather negotiations between the Defendant's lawyer and Prosecuting Attorney. Ultimately a second pre-trial will be held. A date has not been established yet. A "Change of Plea" hearing was scheduled for 12.10.21 at 10:45a.m. The Prosecutor's Office said it wasn't necessary for me to be there. After a week asking for an update, it sounds as though there was no plea change and new court date for a "Status Hearing" is now scheduled for January 7, 2022, at 1:15p.m. I will make sure I attend this time to see what is happening firsthand.

5644 E. Harbor Road (Illegal residence – Former Shepherd Canvas)

Open

Nothing new to report. Since only one space in the front building is currently occupied as a residence, there really is no longer a violation actively occurring on the property. Nonetheless, we still want to make sure that the buildings are set-up for proper, future use.

Prior Info: This is not an illegal rental in the traditional sense of short-term. 09.01.21 the CBO and I inspected the former Shepherd Canvas per the request of a tenant. The shop at the back of the property has been converted illegally into an apartment. Certified letter was sent to the property owner 09.07.21. Property owner picked up their letter 09.22.21 and contact the zoning office immediately. Staff is working with the owner to get the necessary paperwork, reviews and inspections in order to make the property legal. Owner had inspection with Building Department 10.01.21 to find out what was needed to make the unit a legal residence. The property owner was scheduled to have a second inspection conducted 10.20.21 of the upstairs unit in the front building. Owner also said that as of 10.07.21, the tenant in the rear structure and unit that was created illegally was to move out within a few days, however, to-date, it appears as though someone is still living in the unit. As of 10.27.21 the owner was trying to get an electrician to come out and quote what it would take to bring the rear building into compliance with the Building Code for residential. The tenants in the meantime are to be completely moved out by November 5, 2021. The owner still needs an inspection of the upstairs unit in the front building. Owner reported 11.18.21 that the residential tenant from the rear building is gone and he is marketing that the space is available for commercial use. He has not had the front units inspected yet by the building department, but the upper unit is currently vacant. Nothing new to report. Since only one space in the front building is currently occupied as a residence, there really is no longer a violation actively occurring on the property. Nonetheless, we still want to make sure that the buildings are set-up for proper, future use.

311 Steele (Illegal Rental – Hedges)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals asking for a Conditional Use to operate a Bed & Breakfast. This will be decided at the Board's January 18th hearing.

Prior Info: Certified letter was sent to the property owner 10.07.21 regarding illegal conversion of garage attic space into a dwelling and then renting it via AirB&B. Notice left 10.09.21 that letter can be picked up. Owner claimed letter 10.12.21 and reached out via email the next day. Owner also received a violation letter from the Building Department and had some paperwork she needed to file with them, which she has submitted to them, but has not been back in touch in regards to the zoning matters. 11.02.21 owner was contacted and asked to provide an update since nothing has been done on the zoning side. Inspection with Building Department is scheduled for 11.05.21. As of 11.12.21 owner stated the inspection had been completed and she was waiting on the "punch list" from the Building Department as far as what would be needed to bring the space into compliance

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with the Building Code. The owner reached out 12.02.21 and stated she had received her "punch list" from the County on what was needed to make the unit comply with Building Code and she has been provided what she needs from the zoning end to make it legal also.

ILLEGAL CAMPERS/TRAILERS:

JUNK & DEBRIS:

122 Strause (*Junk & Debris, Junk Vehicles & Boat - Hurst*)

Open

The vacant lot continues to be worked on. Some brush has been cut on the house lot to be able to access where the junk & debris are at the back of the lot. Some items have been cleared in front of the house. Still a lot of items that need to be addressed. As long as they continue to show some progress, I don't plan to ride them hard thru the winter months.

Prior Info: Complaint received 09.13.21 regards the junk and debris on this property. Certified letter was sent to the property owner 09.17.21. I met with the Ottawa County Health Department that day also to determine if any joint effort could be taken on the condition of this property. There are certain items they said that would kick EPA into joining in, but this property didn't have those items. Also, the OCHD representative said that they tend to be more willing to go after properties where someone is living on it as opposed to vacant and abandoned properties. Certified Letter was returned as unclaimed. Letter was resent via regular mail 10.07.21. Owner called 10.19.21 and said he was coming up 10.25.21 to work on cleaning the property up. Told him I expected to see a lot accomplished, and we would touch base again by 11.01.21 to see how far he gets and what more needs to be done. Owner contacted 11.01.21 since he did not show up when he said he'd be there. Apparently had some medical issue and now says he will be coming 11.11.21. Some grass on the vacant lot across the street was mowed 11.08.21. As of 11.12.21 the vacant lot had been mowed and cleared better in order to access the junk, but all of the junk and vehicles are still on both properties. Nothing more appears to have been accomplished, and certainly not as much as he said would get done. Owner stated 11.19.21 he was still in the area and would be continuing to work on over the weekend. 12.08.21 Nothing major to report. They have not made as much progress as I had hoped but as of 12.01.21 there is a bobcat on the property that appears to be assisting in some clearing of the vacant lot and loading junk into. As of 12.07.21 there has been 1 vehicle removed from the vacant lot and nothing has been done to the house lot

GRASS:

7291 Applewood (*Tall Grass - Huddleston*)

Monitor

Nothing new to report. This is going to be one to monitor. The occupant seems to work at her own pace and refuses to answer the phone when I call or even return calls. The grass at this point is a non-issue, but the partial dilapidated fence still needs some work.

Prior Info: Certified Letter sent 07.13.21. Being returned with no forwarding address. Property was posted 07.21.21 because it was confirmed that a woman & child are living in the home. Will have until 07.28.21 to remove weeds & tall grass in rear yard. Letter also asked them to address their dilapidated fence. Occupant called 07.27.21 and stated she is on land contract to purchase the property. Discussed getting the grass & weeds dealt with over the weekend of 07.31.21 and will check back in by 08.06.21 to give her a chance to look into options for the fence. Upon reinspection 08.06.21, grass and weeds have all been addressed and there is a small dumpster on the property for other clean-up. Will recheck with occupant after Labor Day to see when fence repair will actually take place. Contractor told her he couldn't do it for 3-4 weeks. Owner called 08.07.21 and left a message for her to return my call. Owner returned my call 09.13.21 and asked for an extension on the fence until the end of October. I called her back and left a message with her that I would give her until October 1, 2021, to deal with the fence and if an extension is needed longer than that, then I want to speak to the person fixing/repairing her fence directly to have a better understanding of the timeframe they think they can get it taken care of and why it's taking so long. Occupant was called 10.05.21 since nothing has taken place with the fence. Occupant said someone was supposed to be out 10.06 & 10.07 to remove the old fence and install the new fence 10.08.21. As of 10.08.21 some fencing materials have been delivered to the property, but the old fence was not removed. Occupant was contacted again 10.22.21 asking for an update since nothing has taken place since 10.08.21 when fencing material was delivered to the property. As of 10.26.21 some of the dilapidated fencing has been removed. Some of the fencing was removed 10.26.21. New fencing has started to be installed. There is a section of fencing I'd still like to see be removed but there isn't enough material on the property to be removing it and replacing it. The owner/occupant refuses to answer the phone when I call to be able to discuss what her timeline is. Left message with occupant 11.18.21 asking for an update. East fence is complete. South fence facing

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Applewood still needs addressed but there isn't enough material on the property to indicate that it will be taken care of.

CONSTRUCTION WITHOUT PERMITS:

5686 E. Harbor Road, Unit C24 (*Illegal Residential Occupancy – Audiano*)

Open

On December 8, 2022 I received a copy of the letter that the Ottawa County Prosecutor's office sent to the property owner warning them if they do not contact us, charges will be pursued. They gave the owner until January 31, 2022 to make contact.

Prior Info: 09.27.21 we received notice from the Ottawa County Sanitary Engineer's office about a joint meeting with other County agencies to discuss a storage unit in Safe Harbor Development that has been illegally converted into a residence without proper permits. Joint meeting was held 09.30.21. Certified Letter was sent to the property owner 09.30.21. Notice left 10.04.21 that letter can be picked up. Certified Letter returned as unclaimed. Letter was resent via regular mail 10.19.21. The owner has not made any contact with us. Waiting on County to coordinate how this will proceed and if any action will be taken by the Prosecutor's Office on behalf of everyone. The Prosecutor's Office sent out a letter on behalf of the Building Department but told the Building Department that they wanted to send separate letters for the other departments. On December 2, 2021 I sent an email to the Prosecutor's office requesting that they also send a letter on behalf of zoning. I have not heard back from them.

425 Walnut (*Fence w/out Permit – Slager*)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals and will be decided at the Board's January 19th hearing.

Prior Info: Upon inspections in Lakeside 12.01.21 it was found that this property owner is installing a fence without proper zoning permits or Lakeside review and is in violation of many sections of the zoning regulations. Letter was sent to the property owner 12.03.21.

DEMO UPDATES:

Nothing new to report.

LAKESIDE MATTERS:

177 Kenton Road (*More than 75% removal, alteration of NC Structure - Gehrlein*)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals and will be decided at the Board's January 19th hearing.

Prior Info: Upon inspections in Lakeside 12.01.21 it was found that this house has voluntarily demolished, removed or structurally altered more than 75% of the floor area contained in the nonconforming structure. The entire second floor of the structure is being altered, which was not approved and specifically noted that said work was not covered under the permit issued. Additionally, a new garage footer has been poured without the necessary zoning permits and no Building permits have been issued for any of the work taking place at the site. A formal Stop Work Order letter was sent to the owner, architect and contractor 12.02.21. At this point, their only options are to move the entire house into compliance or apply for a variance to exceed the 75% and allow the house to remain where it is. The next available BZA hearing for them to get on isn't until January 19, 2021.

351 Cedar (*More than 75% removal, alteration of NC Structure - Nicholson*)

Open

The owner has filed the necessary paperwork to the Board of Zoning Appeals. This will be decided at the Board's January 19th hearing.

Prior Info: Upon inspections in Lakeside 12.01.21 it was found that this house has voluntarily demolished, removed or structurally altered more than 75% of the floor area contained in the nonconforming structure. Additionally, the entire roof has been removed from the structure. A formal Stop Work Order letter was sent to the owner, architect and contractor 12.02.21. At this point, their only options are to move the entire house into compliance or apply for a variance to exceed the 75% and allow the house to remain where it is. The next available BZA hearing for them to get on isn't until January 19, 2021. The only work they are being allowed to complete is the construction and installation of the roof and shingles by December 23, 2021 to protect the integrity of the structure's interior and work completed to this point.

OTHER:

9268 E. Bayshore (*Red's Tavern/ Red's Summer House*)

Formal permit application was filed 12.23.21. There are a few items they need to address before being able to release the permit. They have also filed permit paperwork to the County.

Prior Info: According to the property owner 12.03.21 they received their final kitchen plans 12.02.21 and have a few minor tweaks that will have to be made. They are now hoping to

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have the new plans into zoning by January. They have found that there was a major roof leak on the east end of the building that has resulted in considerable rot and damage to the roof on that end of the building that will need to be addressed immediately. Apparently, there was the original roof and a secondary roof built over top. Moisture build-up has caused it to be completely in need of being removed and a whole new roof system to be installed. Additionally, they are investigating any potential damage to the side walls of that part of the structure because water was trickling down the sides also. As of 12.07.21, I believe the architect has the parking situation worked out and he indicated they just need to finalize the detailing on the plans. The roof issue thru them all for a loop and was unexpected.

Old Business

Mr. Dress moved the adoption of the following resolution:

RESOLUTION 01 -2022

A RESOLUTION TO APPROVE A PURCHASE AGREEMENT FOR THE PURPOSE OF A TOWNSHIP PROPERTY SALE TO MAWL PROPERTIES

WHEREAS, The Danbury Township Board of Trustees agreed unanimously on November 28, 2018 and November 22, 2021 to sell two parcels of township property, one of which is known as PIN #0141164115578008 for the amount of \$55,093, and one of which is known as PIN #0141164115578007 for the amount of \$50,796 plus the cost of all related closing fees to MAWL Properties; and,

WHEREAS, these approvals were made, respectively, by Resolution 16-2018 and Resolution 28-2021 and,

WHEREAS, today's Resolution reaffirms the terms of Resolution 16-2018 and continues to hold in force the terms of Resolution 28-2021;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES, that the Danbury Township Board of Trustees approve the sale of the above-referenced properties. Further, 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.

Motion seconded by: Mr. Hirt

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

Ms. Dianne M. Rozak Yes Mr. John Paul Dress Yes Mr. David M. Hirt Yes

This resolution shall become effective immediately upon its adoption.

Mr. Hirt moved the adoption of the following resolution:

RESOLUTION 02 -2022

A RESOLUTION TO DESIGNATE A SIGNATORY FOR THE PURPOSE OF A TOWNSHIP PROPERTY SALE TO MAWL PROPERTIES

WHEREAS, The Danbury Township Board of Trustees agreed unanimously on November 28, 2018 and November 22, 2021 to sell two parcels of township property, one of which is known as PIN #0141164115578008 for the amount of \$55,093, and one of which is known as PIN #0141164115578007 for the amount of \$50,796 plus the cost of all related closing fees to MAWL Properties; and,

WHEREAS, a signatory is required to represent the trustees for this transaction,

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NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES, that Trustee

Dianne M. Rozak is hereby designated as signatory for this township property sale transaction. Further, 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.

Motion seconded by: Mr. Dress

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

Ms. Dianne M. Rozak Yes Mr. John Paul Dress Yes Mr. David M. Hirt Yes

This resolution shall become effective immediately upon its adoption.

NECESSARY EXPENDITURES AND DESIGNATION OF A SIGNATORY FOR ACQUISITION OF PARCEL #0141149915391000 LOCATED AT 0 SR 163 (REAR)

WHEREAS, The Danbury Township Board of Trustees, by unanimous vote, agreed on January 27, 2021 to accept the donation from the Ahrens family of parcel #0141149915391000; and

WHEREAS, the Trustees agreed to utilize Hartung Title in Port Clinton, Ohio to process the transaction and to accept responsibility for all related closing costs from Hartung Title; and

WHEREAS, the Trustees agreed to designate Trustee Dianne M. Rozak as signatory for this township property acquisition;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES, that the Trustees agree to immediately move forward with the necessary actions to acquire this parcel. Further, 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.

Motion seconded by: Mr. Dress

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

Mr. David M. Hirt, Yes Ms. Dianne M. Rozak, Yes Mr. John Paul Dress, Yes

Ahrens Property: Trustees signed a donation agreement for the undeveloped real property 5.2 acres of land located in Section 4, Lot 1, Danbury Township.

Fiscal Office assistant job description was approved to be posted on the Township Website and social media platforms.

- Agent of Record Transfer for the Township employee healthcare was signed.
- ARPA Funds: Final rules have been issued for use.

New Business

- Trustees to follow CDC guidelines regarding length employees must be off work when diagnosed with COVID.
- Trustees will hold a Budget work session January 25th at 6:00 PM.

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- Trustees signed a FICA agreement with Standard for the tax reporting on disability payments.

Ms. Rozak moved approval of Microsoft 365 license billing, to annual pay to retain our current monthly rate. Seconded by Mr. Hirt, all voted yes.

Fiscal Business

A motion by Mr. Dress and seconded by Ms. Rozak to approve the payroll and bills totaling \$606,821.84 the period 12/22/2021 – 1/12/2022. Roll call was unanimous and motion carried.

Mr. Hirt motioned acceptance of the January bank reconciliation, seconded by Mr. Dress. Roll call was unanimous.

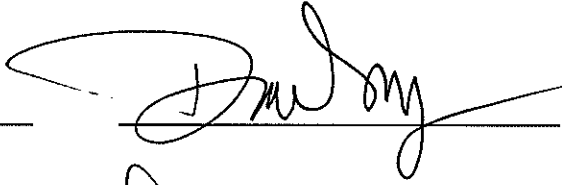
Ms. Rozak moved to enter executive session at 7:45 p.m. to discuss a complaint against a public employee. Second by Mr. Dress. All aye.

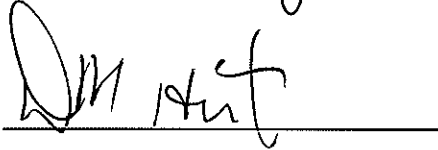
Mr. Dress moved to adjourn executive session at 7:59 p.m. Second by Mr. Hirt. All aye. No action taken.

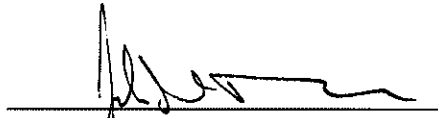
Ms. Rozak moved to adjourn the regular meeting at 8:00 p.m. Second by Mr. Hirt.



Fiscal Officer







Danbury Township Board of Trustees