

RECORD OF PROCEEDINGS

Minutes of

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10149

January 26

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. Mr. Dress moved and Mr. Hirt seconded the approval of the January 12th meeting minutes, all voted yes.

Correspondence

- Notice from Ottawa County Recorder Nathan Daniels referencing documents that need to be filed with the Recorders Office.
- Ottawa County Soil and Water District Breakfast

Roads

- Sackett Cemetery – car accident which caused damage to the fence and some tombstones. Working with the insurance company to replace and repair the damages.
- Four snow events
- The repair to the meeting room floor was discussed.

Trustee Dress moved the hiring of a full-time road maintenance worker, seconded by Mr. Hirt. The pay rate of \$17.00 per hour to start. Roll Call: All voted yes.

Trustees reviewed the two quotes received for the brush pile grinding. Barnes quote was \$14,900. Lake Erie Tree Service quote was \$5,500. Mr. Hirt moved Lake Erie Tree Service be awarded the contract at \$5500, Ms. Rozak seconded the motion. Roll Call all voted yes.

Police

Chief Meisler submitted the January 1st through January 26th. report. The Department responded to 174 incidents. Officer Chuck Shuff has been with the department for two months now and doing an excellent job. His 30+ years' experience is a great benefit to the department and community. Chief Meisler feels that he definitely deserves a past practice two-month wage increase of \$2.00 per hour. The annual 4th grade D.A.R.E. doughnut party was well attended and much appreciated by the Students, Staff and School Administration. Chief would like to accept quotes from local cleaning or housekeeping companies to clean the office on a regular basis, Trustees approved the request.

Fire

Chief Kahler provided the Trustees with the January 26th incident report:

		Fire & Ems Run Details				
EMS	Fire	MVC*	Alarm**	CO***	Mutual Aid	
01/26/2022	47	0	2	3	1	1
Year to date %	87%	0%	2	8%	1%	1%
Total	54					

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

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If you have tested positive for Covid and you are a full-time employee, your sick pay does not have to be used as long as you provide a doctor's statement with the details. We currently have federal funding available to pay you for the time you are off.

COVID-19 Guidelines

Approved by the Danbury Township Board of Trustees effective 1/12/22:

The guidelines for COVID-19 remain in place and were reaffirmed by the board effective January 12, 2022 as follows:

If you have symptoms or test positive for Covid-19 you shall not return to work until a total of 11 days have passed. This equates to the first day of experiencing symptoms and/or receiving a positive test plus 10 additional days. You shall return to work on day 12 or your next regularly scheduled workday if day 12 falls on your day off.

If you have been exposed to Covid-19 but are not experiencing any symptoms, monitor yourself and try to get a test after five days. Contact the Assistant Fiscal Officer, Susan Dress, for further direction: (419) 341-1125 during regular business hours or email her: assistant@danburytownship.com

Addendum approved 1/26/22:

Part-time employees who have tested positive for Covid will receive pay equal to their average daily pay (average to be determined by hours worked during the previous full month) for the 10 days they are required to be away from work. A doctor's statement with the details must be provided. This will be paid from federal funding we have available.

Mr. Hirt moved approval to purchase an all terrain vehicle for fire and rescue calls in areas with little or no access to conventional EMS or Fire equipment. Price not to exceed \$50,000.00 Price will include a skid unit for patient transport, and a trailer that will be towed to call locations by the current grass fire truck. Mr. Dress seconded the motion. Roll Call: All voted yes.

Zoning

Permits

To-date this month there have been 14 permit applications submitted/processed totaling \$ 690.41 (\$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 held adjudication hearings Tuesday, January 18, 2022 and Wednesday, January 19, 2022, on the following cases via Zoom:

Tuesday:

a. **BZA-2022-002**

Approved as Presented

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**

Approved as Presented

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**

Approved as Presented

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**

Approved as Presented

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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:

a. BZA-2022-007

Approved as Presented

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

Denied

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

Denied

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.**

Recently signed up for a subscription to a program that will convert meeting recordings to text to help ease the time spent on preparing meeting minutes. These 2 hearings lasted 10.5 hours. Not sure at this time if the cases that were denied will appeal or not to the Court, but if they do, would highly recommend and prefer to utilize Jeff Stopar as legal counsel. We will know more by mid-March if these are appealed.

The Zoning Commission -

The Zoning Commission meeting scheduled for January 5, 2022, was cancelled. The next meeting is scheduled for February 2, 2022 and will be cancelled since there are no cases to be heard. The ZC will be focusing on new language to allow larger accessory buildings on larger lots (1ac. or more), but until I get thru the hours of BZA minutes, I'm not prepared to present exact language for this just yet.

Violations/ Complaints:

ILLEGAL RENTAL:

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.

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311 Steele (Illegal Rental – Hedges)

CLOSED

The BZA approved the request to operate a B&B. Necessary permits will be able to be issued in mid-February.

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. 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.

ILLEGAL CAMPERS/TRAILERS:

JUNK & DEBRIS:

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

Open

Nothing new to report. 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. 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.

TALL GRASS:

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.

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425 Walnut (Fence w/out Permit – Slager)

CLOSED

BZA granted the variance and permits will be able to be issued in mid-February.

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

DEMO UPDATES:

Nothing new to report.

LAKESIDE MATTERS:

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

CLOSED

BZA denied the variance request. Violation is closed, but will update as needed if appeals are filed with the Court.

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

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

CLOSED

BZA denied the variance request. Violation is closed, but will update as needed if appeals are filed with the Court.

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

OTHER:

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

Permit was issued 01.13.2022 with conditions. There is a pergola proposed over the front door that is going to require a variance for front-yard setback. As opposed to holding up the whole project for that, we agreed they could start all other work and deal with the pergola separate. The owners are also in the process of purchasing Mike's Dockside building to the west. They want this area to be able to provide for additional parking and to be able to occupy a proposed roof top deck. This is another condition of the approval of the permit. The rooftop deck and dining area cannot be occupied until 10 additional parking spaces are identified.

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. 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.

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Old Business

Mr. Dress moved the adoption of the following resolution:

RESOLUTION 03-2022 A RESOLUTION TO SELECT ARPA STANDARD ALLOWANCE REVENUE LOSS

WHEREAS, The Danbury Township Board of Trustees desire to select the Standard Allowance Revenue Loss option under the final rule of the American Rescue Plan Act; and

WHEREAS, this option will permit the township to use federal funding for government services;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES, that the Danbury Township Board of Trustees approve the selection of the Standard Allowance Revenue Loss option under the final rule of the American Rescue Plan Act. 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

Fiscal Business

Audit exit conference went well, Trustee Rozak and Fiscal Officer Adams met remotely with Auditors.

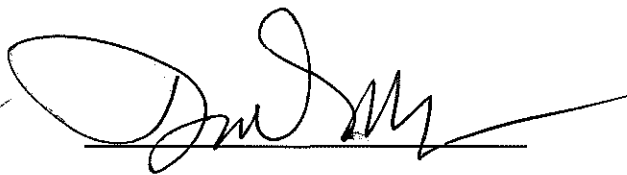
Trustee Dress motioned approval of a 5% pay raise for all full and part time employees. Effective pay period 04/02/22 – 04/15/22.

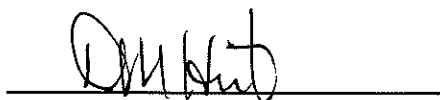
Township will begin processing payroll through PAYCHEX, implementation as feasible.

Trustees approved the



Fiscal Officer







Danbury Township Board of Trustees