

RECORD OF PROCEEDINGS
TOWNSHIP BOARD OF TRUSTEES REGULAR

Minutes of

Meeting

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

February 9, 22

Held _____ 20 _____

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, Trustee Rozak called the meeting to order at 6:00 p.m.

Roll call indicated Trustees John Paul Dress, Dave Hirt and Dianne Rozak, Fire Chief Keith Kahler, Susan Dress, Fiscal Officer Carolyn Adams and Melissa and Gabrielle Maringer

APPROVAL OF THE MINUTES

Mr. Dress moved and Mr. Hirt seconded the motion to approve the regular meeting minutes of January 26th as presented. Roll call all voted yes.

Roads, Buildings & Grounds:

- Sackett Cemetery- Accident on 163 damaged fence and headstones. Working with our insurance company, fence and headstone companies to access damage and schedule repair work.
- Department has been busy with four snow events

Mr Dress moved approval of the yearly lease of three Z mowers at a cost of \$5100.00. Ms. Rozak seconded the motion. Roll Call: Mr. Dress YES, Ms. Rozak YES, Mr. Hirt Abstained.

The Ottawa County Engineer's office has Trustees dates for the annual road tour. March 3rd 9 AM was preferred by Mr. Dress and Mr. Hirt.

POLICE

Chief Meisler presented the January 1st thru 31st report, 234 incidents were responded to. February 1st thru 9th a total of 52 incidents reported. Trustees approved seeking quotes for the cleaning of the Police Station. No problems during last weeks snow event.

FIRE

		Fire & EMS Run Details				
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
As of 2-09-22	13	0	0	1	1	0
Sub Total	72	0	2	4	3	1
Total	82					

Construction on the new Fire station is moving along nicely.

ZONING

JANUARY PERMITS

18 permit applications were processed for the month of January totaling \$1,101.02 in collected fees.

- Accessory Building:
 - Addition
 - Commercial: 1
 - Residential: 2
- Appeals:
 - Area Variance: 7
 - Conditional Use: 1
- Deck:
- Dock:
- Fence:
- New SF Home: 3
- New Commercial Structure:
- Other: 2
- Refusal: 2

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Signage:
Swimming Pool:
Text/Map Amendment:
Total: 18

Board & Commission Activity

The Board of Zoning Appeals –

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

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**
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.**

The Zoning Commission -

The Zoning Commission meeting scheduled for January 5, 2022, was cancelled.

Department Updates

- The 2021 Annual Report was completed and distributed. Highlights included:
 - 35 BZA Cases (39 in 2020)
 - 3 ZC Cases (5 in 2020)
 - 288 permits issued (300 in 2020; 12 less)
 - 34 New SF Home permits (31 in 2020)
 - 8 New Commercial Structures & 3 Additions for a total of 61,721s.f. (12 and 63,410s.f. in 2020)
 - 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.

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Office Activity

During the month of January, the Department went on 50 site visits, responded to 660 calls, e-mails and in-person inquiries as follows:

- Outgoing 124
- Incoming 84
- Other 54
- Emails 398
- Violation Letters 1

FEBRUARY PERMITS

To-date this month there have been 5 permit applications submitted/processed totaling \$ 744.88 collected in fees and BZA balances.

BOARD & COMMISSION ACTIVITY

The Board of Zoning Appeals –

The BZA will hold an adjudication hearing Wednesday, February 16, 2022 on the following case via Zoom:

- a. **BZA-2022-017**
9268 E. Bayshore Road. Request for an Area Variance from Section 3.5 to allow for a 6' x 46.5' pergola to encroach into the front-yard setback (32.5' proposed/50' required).
Knotty May's Bldg. Co., LLC (Andy Redinger), Owner/ Applicant; MPG Architects, Agents.

The Zoning Commission -

The Zoning Commission meeting scheduled for February 2, 2022, was cancelled. The next meeting is scheduled for March 2, 2022. The ZC will be focusing on new language to allow larger accessory buildings on larger lots (1ac. or more).

VIOLATIONS/COMPLAINTS

Illegal Rentals:

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.

Illegal Campers/ Trailers:

Junk & Debris:

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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

The owner of this unit made an unexpected visit into my office 01.28.22. He was advised that he also needed to be in contact with the County Prosecutor's Office, Building Department & Sanitary Engineer's Office. I was able to obtain a current contact number for him and shared with all the other departments. Essentially at this point, the County issues need to be resolved in order to resolve the zoning violation and the ball is in the County's court to ensure follow-ups with this gentleman.

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. 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.

8023 Terry (Shed w/out Permit – Masterson)

Open

Owner was sent a violation letter 01.21.22 for installing a shed without the proper permits. and turned in necessary paperwork 01.31.22. However, we're still waiting on payment for the permit.

Demo Updates:

Nothing new to report.

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OLD BUSINESS

Mr Dress moved to rescind Resolution 03-2022 approving the Standard Allowance Revenue loss option. Mr, Hirt seconded the motion Roll Call all voted yes.

RESOLUTION 03A-2022
A RESOLUTION AUTHORIZING EXPENDITURE FROM THE AMERICAN RESCUE PLAN ACT

WHEREAS, the Township has received a distribution of monies (the "ARPA Funds") from the American Rescue Plan Act of 2021 ("ARPA" or the "Act"); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) generally provides that:

(1) **USE OF FUNDS.** Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services." [The "standard allowance"].

WHEREAS, the Rule further observes that:

The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund's smallest recipients. This change is intended to promote administrative efficiency and simply revenue loss calculation for smaller recipients.

WHEREAS, the Rule further clarifies that recipients can use:

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SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

WHEREAS, some common examples of "government services" expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, "Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;" and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or "rainy day" funds

WHEREAS, the Board of Trustees has identified projects which, in the judgment of the Board, qualifies as a permitted use of the ARPA Funds, in direct support of governmental services, which consists of the following:

Necessary repairs to the Township Hall Building, necessary repairs to the dike at Meadowbrook Marsh, upgrades and repairs to the public dog park, sick pay for full and part-time employees off work due to coronavirus, premium pay to essential workers and a donation to a non-profit organization in the County.

(the "Projects").

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. The Township elects to use the standard allowance and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services;
2. The Projects are hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed \$440,000;
3. The Projects described herein serve the objectives of the Act by providing services traditionally provided by a government, namely:
 - Police protection
 - Fire and emergency medical services
 - Road repair, maintenance and other transportation and safety services
 - Public infrastructure support
 - General government administration and administrative facilities
 - Land use regulations and enforcement
 - Parks and recreational facilities and programs
 - Other

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Other

4. Accordingly, the Projects are in the best interests of the Township and deemed a priority for the community.

5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Trustee Rozak moved and Mr. Dress seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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**

NEW BUSINESS

- Interviews for fiscal assistant to continue.
- Trustees discussed the starting wage for a road maintenance worker. The spring newsletter was reviewed prior to printing.

Mr. Hirt moved, Danbury Township Board of Trustees have agreed to share the cost of a real estate appraisal with David Ruby of Gemstone Properties for the 37 acre +/- parcel located at the intersection of SR 163 and SR 269N (999 N. Buck Road) for the purpose of obtaining a present market value of the land. Mr. Ruby, by email, agreed to share the cost of the appraisal to be conducted by Ohio Real Estate Consultants, the total cost of which is \$4,000. Danbury Township will pay the full cost up front then will send a statement to Mr. Ruby, Gemstone Properties, for his portion. A current appraisal is necessary in working to obtain possession of the Gemstone property with the assistance of The Nature Conservancy for the purpose of a public nature preserve. Mr Dress seconded the motion. Roll Call Ms. Dianne M. Rozak **YES** Mr. John Paul Dress **YES** Mr. David M. Hirt **YES**

FISCAL BUSINESS

Ms. Rozak motioned payment of bills for the period of 1/27/2022 – 2/9/2022 in the amount of \$110,617.07. Mr Dress seconded the motion. Roll Call all voted yes.

Ms. Rozak moved, Mr. Hirt second to enter executive session to consider the employment of a public employee at 6:58 p.m. All voted yes Mr. Dress moved at 7:07 p.m., Mr. Hirt second to adjourn executive session. All voted yes. Ms. Rozak moved at 7:08 p.m., Mr. Hirt second to re-enter regular meeting. All voted yes.

Mr. Dress moved and Mr. Hirt second to approve Det. Sgt. Mark Meisler's request to be rehired based upon the successful completion of the conditions set forth in the Danbury Township Rehiring of Retired Full-Time Employees policy. All aye.

7:10 p.m. Mr. Hirt moved to adjourn the regular meeting.

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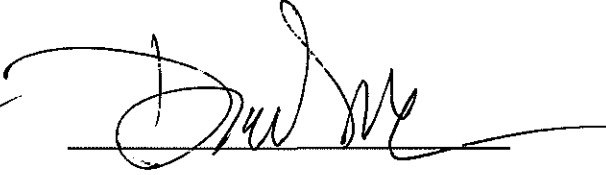
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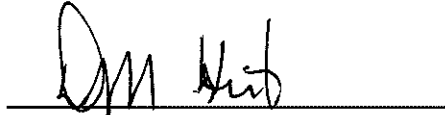
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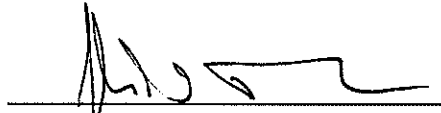
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Fiscal Officer







Danbury Township Board of Trustees