

RECORD OF PROCEEDINGS

Minutes of

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

Meeting

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

March 9,

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 Assistants Susan Dress and Lynne James, Fiscal Officer Carolyn Adams and Fire Chief Kahler. Mr. Hirt moved approval of February 23rd meeting minutes, Mr. Dress seconded the motion, all voted aye.

Roads

- Sackett Cemetery – waiting on Progressive claims department
- 1 snow and 1 ice events
- Interviews are being conducted as applications received.
- Floor Project timeline: Brett is working with the Architect for the meeting room floor. During construction/repair of floor, Trustee meetings will be held at the new fire station, once completed. Waiting for Fire Chief to give completion date.
- Obtaining prices on Meadowbrook Marsh Dyke repair.
- Dog park: Installed new sign. Shelter discussion.
- Installed decking system on playground set at the TWP Hall.
- Townhall windows: Done before June. Radiant Windows.
- Regular equipment maintenance continues.

New backhoe Streaker, discussion. Planned to purchase. Estimated cost of \$79,424. Brett will have more information at next meeting. Ms. Rozak moved to approve, Mr. Dress seconded motion, all voted aye.

LaFarge will be installing an electronic and solar powered flow meter at Lake Point Park to measure quarry discharge into the park and Lake Erie. When LaFarge has more information, Jeff will attend an upcoming meeting.

The Dog Park new shelter will bridge the two sections of the park, with seating on both sides. Cost will be 2790.00. for the shelters. Ms. Rozak motioned to approve with additional 2 benches and 2 concrete slabs; Mr. Hirt seconded motion, all ayes.

Ms. Rozak moved the adoption of the following resolution:

RESOLUTION 04-2022 A RESOLUTION FOR ROAD PAVING

WHEREAS, The Danbury Township Board of Trustees agree to hot mix paving on the following roads effective March 9, 2022 and now therefore;

Ebert Ct.	TR#1243	\$18,760
Parkview Ct.	TR#1250	\$27,157
Rockport Dr.	TR#1249	\$37,731
TOTAL:		\$83,648

BE IT ORDAINED BY THE BOARD OF DANBURY TOWNSHIP TRUSTEES, that the Danbury Township Board of Trustees authorize Ottawa County to bid, award and contract these projects on our behalf.

Motion seconded by Mr. Dress. Resolution was passed on this 9th day of March, 2022

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

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Mr. Dress introduced and moved for adoption of the following resolution:

**RESOLUTION 05-2022
A RESOLUTION ADOPTING THE 2022 ROAD STRIPING PROGRAM**

WHEREAS, The Danbury Township Board of Trustees deem it in the best interest of the public safety and general welfare of said Township and its residents to stripe the roads in the Township.

NOW THEREFORE BE IT RESOLVED by the Danbury Township Board of Trustees, Ottawa County, that the following roads be striped:

- 1 Center lines only on Meter Road, Channel Grove Road and Buck Road-139A
- 2 Center and edge lines on Buck Road-139, Hartshorn Road, Marblewood Drive, Englebeck Road, Quarry Road and North Shore Blvd., to include stop bars and turning island at the intersection of North Shore Blvd.
- 3 Center and edge lines on Erie Beach Road to include School zone and crosswalk markings.
- 4 Center and edge lines on Lightner Road to include Rail Road Crossing, and additional lines on the overpass, with half of the cost for Lightner Road to be shared with Portage Township.

Mr. Hirt seconded the Resolution and 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

ADOPTED this 9th day of March, 2022.

Police

Chief Meisler submitted the incident report: 2/1/22 to 2/28/22 the department responded to 213 calls. 3/1/22 to 3/9/22 the department responded to 63 calls.

Annual 6th Grade D.A.R.E. pizza party is on Friday, March 18th with Graduation Ceremony on April 1st.

The Department has received two quotes for cleaning the Police Department. Ms. Rozak motioned the approval of All Star Professional Cleaning for the initial cleaning for \$300-\$400 and bi-weekly after for \$150. Mr. Dress seconded the motion, all voted aye.

Ms. Rozak motioned approval of replacing 2015 Ford Taurus with 2022 Ford Police Interceptor SUV from Montrose Ford in Akron at a cost of \$32770.00. Mr. Dress seconded the motion, all voted aye.

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Fire

	Fire & Ems Run Details					Mutual Aid
	EMS	Fire	MVC*	Alarm **	CO***	
January	59	0	2	3	2	1
February	52	0	0	4	1	1
March as of 3/9/2022	16	0	0	0	0	0
Year to date	127	0	2	7	3	2
Total	141					

*Motor Vehicle Crash(s)

** Alarm Activation(s).

***Carbon Monoxide Investigation(s)

Trustees moved the approval of High Pressure firefighting pump from Kimtek Corp for \$6,575.00, on a motion by Ms. Rozak and seconded by Mr. Hirt, all voted aye.

He discussed four recent change orders 011-014, resulting in a net increase of \$3511 to contract sum.

Stove and convection ovens, paid 100% upfront, called, requesting delivery. Company said estimated delivery September 5, 2022.

Bariatric Equipment: Ordered bundle of 5 hover mats at a cost of \$650, and reusable pump \$842. Recent calls involving bariatric person(s) have caused \$1980.00 in man hours and at least two worker's comp claims. Researching monies available and grants available for additional/upgraded equipment.

Ms. Rozak motioned approval of payment of \$4555.00, to Jason Sales for trailer superseding other approval. Mr. Hirt seconded the motion, all voted aye.

Radios: Discussed MARCS radios; whether there will be a state mandate, cost per radio, user fees and monies or grants available for their purchase, and ability, or lack of ability of departments to communicate.

Zoning

DANBURY TOWNSHIP ZONING DEPARTMENT FEBRUARY 2022 MONTHLY REPORT

To: Honorable Trustee's

From: Kathryn A Dale, AICP, Zoning Inspector

Date: February 28, 2022

Permits

23 permit applications were processed for the month of February totaling \$2,239.58 in collected fees.

Accessory Building:	6
Addition	
Commercial:	
Residential:	2
Appeals:	
Area Variance:	4
Conditional Use:	
Deck:	

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Dock:

Fence:	3
New SF Home:	3
New Commercial Structure:	1
Other:	1
Refusal:	2
Signage:	1
Swimming Pool:	
Text/Map Amendment:	
Total:	23

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held an adjudication hearing February 16, 2022 on the following case:

- a. **BZA-2022-017** **Approved as Presented**
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.

Department Updates

- None.

Office Activity

During the month of February, the Department went on 112 site visits, responded to 683 calls, e-mails and in-person inquiries as follows:

- Outgoing 46
- Incoming 53
- Other 30
- Emails 554
- Violation Letters 1

DANBURY TOWNSHIP ZONING

March 9, 2022 Trustee's Meeting Report

To: Honorable Trustee's

From: Kathryn A Dale, AICP, Zoning Inspector

Date: March 7, 2022

PERMITS

To-date this month there have been 1 permit applications submitted/processed totaling \$ 82.50 collected in fees and BZA balances.

BOARD & COMMISSION ACTIVITY

The Board of Zoning Appeals –

The BZA will hold an adjudication hearing Wednesday, March 16, 2022 at the Township Hal on the following cases:

- a. **BZA-2022-021 526 E. Second Street.** Request for an Area Variance from Section 3.5 to allow for a front porch addition to encroach into the east, front-yard setback (0' proposed/ 5' required). **Lawrence & Nancy Gerbetz, Owners/ Applicants.**
- b. **BZA-2022-030 214 Margaret.** Request for an Area Variance from Section 5.2.1.A.ii to allow for a 36' x 36' accessory structure which will exceed the cumulative square footage of all accessory structure space allowed (1,200s.f. allowed/ 1,296s.f. proposed) and to Section 5.2.1.C.i to allow said building to exceed the maximum allowable building height (20' allowed/ 24' proposed). **Doug Caldwell, Owner/Applicant.**
- c. **BZA-2022-033 0 Bayshore Road (PIN#0141129715134001) (West of 7699 E. Bayshore).** Request for an Area Variance from Section 3.5 to allow a lot-split of

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property where the new lot will be 123' wide (150' required). **Stefini Gregus, Trustee/ Owner.**

- d. **BZA-2022-040 531 Cedar.** Request for an Area Variance from Section 3.5 to allow for a front porch addition to encroach into the west, front-yard setback (2.2' proposed/5' required) and south, side-yard setback (1.7' proposed/ 3' required). **Carolyn Becker, Owner/Applicant; Steve Becker, Agent.**

The Zoning Commission -

The Zoning Commission met March 2, 2022, and held a worksession to begin discussing accessory building sizes on property over 1 acre. The Commission has decided that they would like to hear from the Chief Building Official regarding rules and regulations these types of buildings need to follow as well as some contractors specific in this industry before they decide how changes to the language should be set-up. The Commission does not want to propose language that is unattainable, or unreasonable.

DEPARTMENT UPDATES

- Will be speaking before the Ohio House State & Local Government Committee regarding HB 563.
- Appeals for the 2 Lakeside cases regarding the Board of Zoning Appeals decision on February 16, 2022, to deny requests for variances have been filed with the Ottawa County Court of Common Pleas. The requirement to have a transcript submitted by a Court Reporter has been ordered. We have until April 13, 2022, to submit a copy of that transcript and a copy of the BZA case file with the Court.

VIOLATIONS/COMPLAINTS

Illegal Rentals:

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

CLOSED

The owner has advertised the rear building for commercial use and has had multiple people reach out to him with interest. Since only one space in the front building is currently occupied as a residence, there is no longer a violation actively occurring on the property.

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. 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:

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.

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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

I followed up with the Prosecutor's office, Sanitary Engineer's Office and Building Department on February 28, 2022 to see if any of the departments had ever heard from Mr. Audiano after he visited my office January 28, 2022. No one had. I then asked that the Prosecutor's office proceed with preparing the necessary documents to file charges on behalf of Danbury Zoning. I was asked to provide a copy of my file to the Prosecutor's Office so that an Assistant Prosecutor could prepare the charges. That was all completed February 28, 2022 and I have yet to hear anything more and nothing has been filed on our behalf to-date.

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. 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.

Demo Updates:

Nothing new to report.

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

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Old Business

Employee evaluations continue.

New Business

- Discuss Ohio EMA Mitigation Assistance Grant Pre-Application Spoke with Fred Petersen, Generators and the Tornado Shelter already partially paid for. Grant must be applied for prior to payment.
- Motion to approve Kathy Dale's mileage and dinner for Columbus trip 3/9/2022 regarding House Bill #563. Mr. Hirt motioned to approve, Mr. Dress seconded motion; all voted aye.
- Ms. Rozak made motion to approve increase in Kathy Dale's allowance for use of her personal vehicle in conducting zoning department business to \$125 per pay period. Mr. Dress seconded; all voted aye.

Fiscal Business

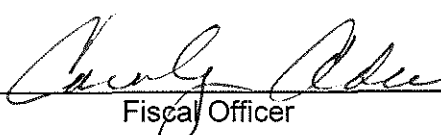
A motion by Mr. Hirt and seconded by Mr. Dress to approve the payroll and bills totaling \$214,893.25 for the period 2/24 – 3/9/2022. Roll call was unanimous and motion carried.

Comments and Concerns

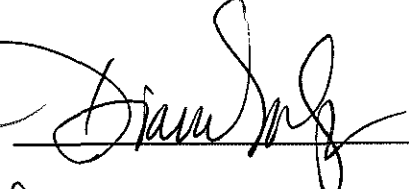
- Spectrum upgrade concerns voiced by Police Chief. Mr. Dress will send email to Fiscal Officer Assistant to look into matter.
- Resolution 03A-2022 designated certain projects which qualified as permitted uses of ARPA funds. Ms. James will contact Baker and Dublikar for a review and opinion regarding purchase request received from Chief Meisler.
- Newsletter should go out next week.

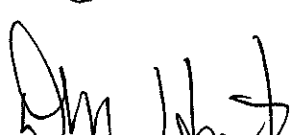
Adjourn

There being no further business before the Board, Mr. Dress motioned and Mr. Hirt seconded to adjourn at 7:18 pm.



Fiscal Officer





Danbury Township Board of Trustees

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