

City of Napoleon, Ohio
PLANNING COMMISSION MEETING AGENDA

Tuesday, February 08, 2022 at 5:00 pm

PC 22-01 – Subdivision Approval, Lot 1 German Mutual Subdivision

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes - December 14, 2021 (in the absence of any objections or corrections, the minutes shall stand approved)
- 4) **New Business**
PC 22-01 – an application for a public hearing has been filed by Steve Lankenau on behalf of German Mutual Insurance Company (Goodville Insurance Company). The applicant is requesting the approval of a subdivision as being part of the West ½ of the Northwest ¼ of Section 14, also known as Lot 1 of German Mutual Subdivision Town 5 North – Range 6 East, City of Napoleon, Henry County, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in a C-3 Local Commercial District.
- 6) Appointment to Housing Council
- 7) Closing Remarks
- 8) Adjournment.

Roxanne Dietrich

Roxanne Dietrich - Clerk

PLANNING COMMISSION MEETING MINUTES

Tuesday, December 14, 2021 at 5:00 pm

PC 21-11 – Subdivision Replat, 2950 Enterprise Avenue

PRESENT:

Commission Members	Tim Barry-Chair, Suzette Gerken, Larry Vocke, Marvin Barlow, Jason Maassel
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer Joel Mazur-City Manager Clayton O'Brien-Fire Chief Joel Frey-Assistant Fire Chief Kevin Garringer-Finance Director
Others	Brian Koeller-Northwest Signal Brad and Laura Hibbard, Attorney Kristin Wacha
Clerk	Roxanne Dietrich

ABSENT

Barry, Chairman of the Planning Commission called the meeting to order at 5:00 pm with a roll call noting all members were present.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the minutes of the September 14, 2021 Planning Commission meeting shall stand approved.

NEW BUSINESS

PC 21-11 – Replat of Lot A and Lot B of Replat of Mahnke Orchards – 2950 Enterprise

Barry read the background for PC 21-11. An application for a public hearing has been filed by Bradley and Laura Hibbard. The applicant is requesting the approval of a subdivision as being part of a Re-Plat of Lot A and Lot B of the Re-plat of Mahnke Orchards Plat No. 1, City of Napoleon, Henry County, in the State of Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings:

- 1) A Subdivision within the City Permit is for any Planned Development to be located in the C-4 Planned Commercial District as per 1145.01(a) table of permissible uses.
- 2) Scope of the Project: Proposed Re-Plat of Lot A and Lot B of the Re-Plat of Mahnke Orchards- Plat1. A portion of the SW ¼ of Section 5, Township 5 North Range 7 East, First Principal Meridian Re-Plat of Mahnke Orchards- Plat-1.

RECOMMENDED CONDITIONS

All revisions made to the plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs, prior to approval by the Board of Planning Commission.

LEGAL DESCRIPTIONS

- 1) 27.947 acres situated in the City of Napoleon, Liberty Township, Henry County, State of Ohio and being lot B of the Re-Plat of Mahnke Orchards, Plat No 1, Parcel No. 270500140000 in Liberty Township, owned by Bradley N. Hibbard and Laura J. Sills-Hibbard
- 2) 11.070 Acres situated in the City of Napoleon, Liberty Township, Henry County, State of Ohio and being a part of Lot A of the Re-Plat of Mahnke Orchards, Plat No. 1, Parcel No. 270596620020 in Liberty Township, owned by Bradley N. Hibbard and Laura J. Sills-Hibbard.

Schultheis stated as you can see, it would be the far east parcel actually, most of the parcel. Then there is a 60 foot easement right-of-way off to the north portion of that for access. Barry - so the access that I'm looking at is the 27 acres on the front side that connects to both Enterprise Drive Maassel - both A and B Barry continued it's 60' wide the access Schultheis - that's the new being proposed. Barlow said there are some dotted lines, do you

know what that was for? I thought maybe it was going to be re-platted or whatever. Barry - we have a question on the dotted line running through here with some pins and some marks found Schultheis - the dotted line will disappear because that was another parcel and they are making all that into Barry asked redoing all of it and now it's going to be this 27.9 acres and 11.07 acres? Scheultheis – yes. L. Hibbard - that's what it is right now but the replat actually puts um 29.02 acres um that we're selling and then we're keeping 10 acres so the access for the property that we would be selling would be on the north side of the property there is a drive there and then like halfway through um the property along enterprise Maassel-go back to the picture please on the screen please L. Hibbard – want me to show you if you guys put the old one up we can probably show you the mylar is over here too but the there's a rope there's an access road right here already going right to Enterprise that's the north side that's between us and Vorwerk's so there's a drive that goes all the way along this property then the other main entrance is right here so what it basically does is cut this in half and it goes along here so it goes along here and this is all farmed now and it basically gives us farmland to somebody else because we weren't farming it anyways we were doing crop-sharing with somebody so it keeps the orchard right here. All the way around this pole barn is the property that we would retain. Maassel-which is how large? L. Hibbard - it's um a little over 10 acres Maassel asked right now it's one big piece? L. Hibbard - yeah right now it's two pieces you've got this piece right here and then this piece right here and so these lines are going away Maassel - the dark lines are the retaining Barry noted this is in a C4 Commercial District, do we have any issues in the future? It's farm ground now but it is in a commercial district, if anything else was developed back there do we have any issues getting utilities, power? Schultheis- the utilities they should not have any utility problems, sewer I'm not sure that's why we've made the access road 60 feet wide. Barry - but that is part of the official plat on the mylar you have that we have Schultheis yes. Barry asked if there were any other questions? Gerken- was that part of this Barry - that's what they sold today yeah Gerken - did you sell this today then? L. Hibbard - we took it off and he if he has right in the offer paperwork that it has to be approved through the city and has to go through the normal process of the city. Gerken - so you auctioned it off before coming to Planning is what you're saying? L. Hibbard - right because just because of the schedule of how it fell. We actually originally had different surveyor hired but then he kind of like was MIA so we had to get a secondary surveyor to come in which was Justin Neise. He came in and did it as quick as he could get it done. Barry said so we do have an official document with the way they want it platted and as they sold it? Schultheis-yes. Barry noted we have to be cautious that we're not approving something that doesn't really exist yet or is not as being represented. Barlow said your land there if I understand that. you're going to retain kind of an L-shape? L. Hibbard – right. Barlow asked is there a reason that didn't square that other land off and L. Hibbard - the reason that we did it is because we have beehives and that is the way that our hives are situated on the property so it kept the hives availability and also next to the farmlands that continue do with that. Barry - it is zoned C4 commercial Gerken asked who bought it, are they going to use it as farm ground or will they develop it? Barry – we don't know, they can do either one. L. Hibbard – that property is in an agricultural district right now and has to be reapproved every five years by you. Barry - that's why they can farm it and be in the city limits until somebody else comes in and would want to do something if they wanted to just do a regular commercial building then I believe they would just go through the normal permitting process as long as they didn't have to do anything. That's the only reason I had to make sure that road is wide enough in case we have to run something in there we don't have to come back and ask them for 10 more feet. Maassel - it was farmed organically for a while, was that part of the condition of the sale it has to remain organic? L. Hibbard - um we talked to people today and they are they're considering going organic with it and they might let the current farmers that are currently farming it that live on Road S continue to farm it organically because it's three times as much money for input you know to them than it is if it is conventional farming. Maassel - you have a contingent offer is what we're hearing? L. Hibbard - right and before the auction started Mike Murray from Whalen did announce that it hadn't been approved through Council yet and hadn't been approved through the city yet and that was part of the auction. Barry – I don't know if it quite shows on there but, the 60-foot easement to come across the 11-acre lot that goes all the way to the 29 acre one are we still doing two separate plats here? Schultheis - no that would be all one plat. Barry confirmed that's all one plat with the Lot B1? Schultheis– yes Barry-it's because of the way it was platted before that it's got to read that way.

Motion: Vocke

Second: Maassel

to approve PC 21-11 Replat of Lot A and Lot B of Replat of Mahnke Orchards

Roll call vote on the above motion:
Yea-Barry, Barlow, Maassel, Gerken, Vocke
Nay-
Yea-5-, Nay-0.
Motion Passed.

Approved

February 8, 2022

Planning Commission Chair

DRAFT

City of Napoleon, Ohio
PLANNING COMMISSION MEETING MINUTES
Tuesday, December 14, 2021 at 5:00 pm

PC 21-12 – Change to Special Use Permit/Conditional Use Permit, 2950 Enterprise Avenue

PRESENT:

Commission Members	Tim Barry-Chair, Suzette Gerken, Larry Vocke, Marvin Barlow, Jason Maassel
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer Joel Mazur-City Manager Clayton O’Brien-Fire Chief Joel Frey-Assistant Fire Chief Kevin Garringer-Finance Director
Others	Brian Koeller-Northwest Signal Brad and Laura Hibbard, Attorney Kristin Wacha
Clerk	Roxanne Dietrich

ABSENT

PC 21-12 – Change to Special Use Permit/Conditional Use Permit – 2950 Enterprise

Barry read the background for PC 21-12. An Application for a public hearing has been filed by Bradley and Laura Hibbard, Honey Blossom Orchard, 2950 Enterprise Ave., Napoleon, Ohio. The applicant is requesting a change in use to the existing Special Use Permit/Conditional Use Permit and request an agritourism permit to turn the large barn into a special events such as wedding, bridal showers, parties, seminars and lecture hall primarily for agriculture uses for up to 250 people. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District.

RESEARCH AND FINDINGS

Schultheis stated I would like to make a correction that weddings and bridal showers are not considered agritourism at this point. My research and findings are:

- 1) The plat of development permit is for any planned development to be located in the C-4 planned commercial district as per 1145.01(a) Table of Permissible Uses.
- 2) Agritourism means an agricultural related educational, entertainment, historical, cultural or recreational activity including you pick operations or farm markets conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
- 3) Agritourism provider means a person who owns, operates, provides or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

RECOMMENDED CONDITIONS

- 1) Agritourism provider must provide financial documents where 50% or more of the gross income received from the market is derived from the produce raised on the farm owned or operated by the market operator in a normal crop year.
- 2) Must follow the fire safety at agritourism facilities to ensure those who are attending events at agritourism facilities. Ohio fire codes are not exempt from agritourism facilities. A fire suppression system is required in A2 occupancy more than 5,000 square feet or that has an occupant load of 100 or more. The fire inspector is here and he'll elaborate more on that here a little bit. The existing maximum occupancy within this structure is at this time 49. Exit signs must be visible and present at every entrance and exit of the building.
3. An agritourism provider shall post and maintain signs that contain the warning notices specified in the division. The providers shall place a sign in clearly visible locations near each entrance to the agritourism location or at the site of each agritourism activity. The warning signs shall consist of signs in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notices of warning: "WARNING" under Ohio law there is no liability for an injury to or death of a participant in the agritourism activity conducted at this agriculture location if that injury or death results from the inherent risk of that agritourism activity. Inherent risk of agritourism activities include, but are not limited to, the risk of the injury inherent to land, equipment and animals as well as the potential for you as a participant to act in a negligent

manner that may contribute to your injury or death. You are assuming the risk of participating in the agritourism activity.

4) Zoning requirements on agritourism operations may be imposed for: size of structure used primarily for agritourism, size of parking areas, setback building lines for structures used primarily for agritourism, and ingress or egress. Permits must be obtained.

5) Follow all state, county, city and health safety regulations. No on-site cooking, frying in the barn. Outside grill or catering granted.

6) Noise levels. Property owners will provide and regulate sound equipment and no other outside sound equipment permitted after 11:00 pm, the cut off time for the music.

7) The agritourism provided must incorporate their agricultural product within the use of the assembly, wedding, receptions or similar activities.

8) Signs Permitted in C4 Commercial Zones. Freestanding sign(s) or monument sign(s), portable signs, or a combination of each, per street front footage not to exceed one and one-half square feet in total sign area for each lineal foot of property frontage. Signs, individually or in combination, may not exceed a maximum height of 25 feet and must be set back at least 10 feet back from the public right-of-way, except that signs 48 inches tall or less (being no greater than six square feet in dimension) that are constructed of break-a-way material that will not endanger the public when struck, may be positioned no closer than five feet of the public right-of-way.

9) One wall sign or electric awning sign and non-freestanding sign of all other types that are attached to a building, so long as the herein mentioned signs do not exceed in total more than 15% of aggregate area of building elevation on which the signs are installed. Must comply with all Napoleon City Codified Ordinances.

Schultheis stated the recommendation by me is to continue with the permit that was issued back in March, 2021 under the agricultural district for the agricultural training and seminars and to proceed from there.

Barry - that is a question that I have from this committee. We redid all the ordinances five years ago maybe seven. Mazur - it's been a four and a half. Barry - I don't think we had anything at that time for agritourism so my ultimate question is and for this committee, in the things that we deal with is, we already have a Special Use Conditional Use permit. Do we have an agritourism permit that I believe is what is being asked for and I don't think we do. Second, what is really changing by doing that? We did all this before. We know the Fire Department has the ultimate say in how many people are there. What are we doing by saying we're prohibiting them from doing what they want to do with the existing permit? Schultheis - we can still fall under the Ohio Revised Code there is a section specifically for that, that states agritourism is basically what I just read and all the recommendations and conditions is what they have to abide by and follow the rules. With the agritourism, let's say they construct a barn and they are going to use it for agritourism, it has to be for agritourism. Weddings are not considered agritourism, that is considered an event and that's a gathering and it's entertainment on another level. That is where we stand at right now, that they are changing the use of the barn. Before the barn was used for agricultural use they were doing their seminars, they were doing their training or they were teaching people how to make honey and that's okay. The event they had last weekend was a good event that was considered agricultural because the influx of people inside the building was in and out so whether they exceeded 49 at one point I'm not sure but, that was a good event that they had. This is where a gathering comes together and there are certain concerns that we are afraid of. With the Fire Department that's another issue as well. Mazur-what changes, what agritourism provides for property owners is a little bit of leeway on the building codes that are overseen by Wood County. Not every building code but, there are some building code exemptions. I think for the purpose of this body to review, that's about the extent of it. There are no exemptions from the fire code. It is still considered an A2 since at least the use that was proposed in the original beginning. Well, it was mercantile to begin with that is what's approved that's why it is a 49 person occupancy. To raise that to 250 people as shown here, 250 exceeds the 49 and puts it in a different use class that means it falls under a different category for fire code. Basically, it needs to be sprinkled and maybe some changes in exit signs and other items. Designating the agritourism piece would put the onus of inspection and review of building items on basically a fire inspection and would basically carve out Wood County. Barry - so it basically becomes instead of a building structure type issue, a safety issue. How does that safety inspection type thing happen? How do we police this if we take some of the stuff away?

Joel Frey, Assistant Fire Chief and also in charge of the fire prevention bureau for the city. The question was, how do we approach this? Really it does make it a little more difficult for us when Wood County is not involved. A lot more time and research was dedicated into the background of it prior to. Typically the Building Code and the Fire Code work together as the Building Code tells the owner how to put the items in. You will put a sprinkler system in, it's this big, it's this spec whatever. Exit signs go here, extinguishers go here, doors need panic hardware here, this exit meets the size, this exit doesn't meet the size, all those items that you see in almost every building in Napoleon are under Wood County's jurisdiction. Where we come into play with the Fire Code is, we ensure that they maintain those buildings to that level of protection. If I walked in a building and noticed their sprinkler system is out of date, I can say you need to fix your sprinkler system and get it back in service. That's the usual method of what the fire inspections entail. In this case with Wood County being cut out of it, it would be onto us to be able to follow the citation process through the Board of Building Appeals affording the Hibbards the right to be able to appeal the process. I cannot approve anything out of the Fire Code that would be less stringent than the Fire Code, I am not allowed to. Only the Board of Building Appeals can do that after a hearing. I will say the building at 250 people would not currently be approved. The change of use alone is a Fire Code violation without notifying the proper Fire Department of the change. Barlow - tell me again why is Wood County not going to be involved? Asst. Chief Frey - the agritourism designation would essentially take their certificate of occupancy out and Wood County out. Barlow-so that designation, agritourism takes Wood County out. Is this a new terminology going forward in the state? Schultheis - it's been around since 2016 I believe is when the Senate Bill was first introduced and a lot of it is vague but for the most part, they are pretty specific on certain issues such as the setbacks and what the use is for agritourism, if it's a barn or anything else like that. Barlow- we don't have a lot of precedence to go back on and study on that. Schultheis-the State of Ohio Court of Appeals has said that weddings are not considered agritourism and it falls back to a case down in in Meggs County or Greene County one of the two where they were having weddings and venues in their barn but then they had livestock and other animals down below and were trying to say that was agritourism because the barn was being used for agritourism or agricultural uses. The judge ruled that it wasn't. The judge said that wedding venues are not considered agritourism. Now, if it was considered a winery and they are producing their own product, they are supplying that venue with their product then it falls under the agritourism setup. It depends on how you get with the wording and readings of it but, that is how that works and that is why there is this 50% revenue has to be reported. Gerken-a winery would qualify because you are selling 50% of your wine to that event. Schultheis-yes and as long as they're complying with the Fire Codes as well. Barlow - again it's semantics maybe but the term agritourism was formed to and I hate to say this publicly but, to get around some other things. Schultheis-the agritourism allows them to sidestep some of the building code issues. If it is a change in use on the permit then it's no longer an agritourism, it would be under a different Conditional Use Permit. Barlow-and that's not the first one. I'm not saying that is totally wrong, I'm just saying that Vocke-it allows them to avoid Wood County, whether that's good or bad.

Laura Sills-Hibbard, partial owner of the venue that we are talking about. I don't think the government would institute a law to help people sidestep the government rules first of all. The whole preface behind agritourism in the State of Ohio was farms are diminishing within our country which means no food for people and it allows farms to do it an entertainment or educational or other type of venue or process to basically get people involved in your farm and also sell more of your product. So the thing that's sidestepping is we still have to we still have to um apply for all the fire and everything like that um what it makes it um where we cannot put in ADA bathrooms um that's one of the things. We were actually brought Gerken-I have a question, if you have a wedding how are you going to accommodate that person? L. Hibbard - well the person that like we have a person that already did a contract because back in June we thought we were approved for this and I can talk to you about that later but um they actually have a son that is in a wheelchair has wrecked had a crash when he was 17 years old and they want our barn because it's easy for him to get in and out of um. Right now they can go uptown to the Armory and he gets in a small elevator and he's not comfortable in small spaces Gerken-well I mean, how are you going to accommodate him for his restroom? L. Hibbard-he doesn't use the restroom because he's paralyzed from the waist down Gerken-but that doesn't mean that somebody else L. Hibbard-it doesn't but you've got a lot of places Spangler's bathroom is downstairs how does that accommodate a wheelchair and they don't have an elevator Gerken-they are not considered agritourism L. Hibbard-no they're commercial and they're grandfathered Barry-it's grandfathered. L. Hibbard-now one of the things that was said is that we were a mercantile place but if you guys go back

Mahnke Orchard was an orchard, an ice cream store, a craft venue they had all kinds of crafts, booths upstairs so this has been the process of this property. Back to agritourism the reason the state instituted it is to help farmers make a subs to sell their product and make additional income in order to support their agricultural activities in addition to feed the world because a commodity of an agricultural commodity the price varies every year depending on the supply and demand. So, a farmer you know in one year can be totally wiped out and this secondary income helps them continue their farming practices and their legacy and their livelihood in order to continue farming and feeding people. I have a form and I don't know how to get this to you guys because I don't want to walk on that side and I will just give you everything at once. This is actually from the Farm Bureau tells you what agritourism is. Also I have a State Supreme Court ruling actually this is a Supreme Court that it was a blueberry farm that actually that actually does wine in order to have in order to have a event there you have to buy their wine and that's how our events are set up to. In order to have an event or place they have to buy our honey. Gerken-how much honey do they have to buy? Is there a certain amount? L. Hibbard-they have all different kinds of options. They have honey sticks that they can give out for people to eat throughout the night, they have honey that they can buy in different forms, it is basically to sell our honey also get our name recognized. We actually have ten retail locations throughout Northwest Ohio right now and it's actually to get our name recognized so that we can sell more honey um also um back to the point that we actually got a letter from Kevin (Schultheis) back on oh February 23rd that basically said that we were going to talk to you guys about agritourism and my husband came and talked to you guys about agritourism. And then afterwards we couldn't get on the next thing because of timing issues so we couldn't get on it to talk to you again. So I asked Kevin you know I need to get bookings for the season which is usually a year from the time of the event and I asked him to um give us the ability to do something and he said well he goes you guys for the agricultural district which is different than agritourism, agricultural district means you're in a plot of land that basically has been deemed agricultural and you're allowed to do agricultural activities. Agritourism is combining your agricultural products with an event that would normally be considered agricultural and that's one of the things you'll read in there in the form that I gave you from the Farm Bureau that basically says it's an entertainment venue or an educational venue or whatever and we the reason that we are asking to change is because the commercial use only allows us to have 49 people in there but was only looked at for one room um and what we're asking you guys for is to approve our agritourism not the fire portion because we know that we still have to go through the Napoleon Fire Department to do that. We at back in June thought that since Liberty Township was on our our property tax that they were our primary and that's why we went to them and they approved us and that's why we started booking stuff and we have ten bookings for next year starting in March. So, that's why we asked to get on the agenda for December because if this doesn't pass or look like you guys are going to consider it we are going to have to call ten people and cancel their events. Five of them are from Toledo and were planning on booking hotel rooms and staying here and buying gas and buying food so it's not even just what we would be earning in order to pay taxes Barry-what would these ten events be, what type of events are they? L. Hibbard -the ten events are anywhere from weddings to to bridal showers to family uh pictures Barry - how many people were you telling that they could have in attendance at that time? L. Hibbard-250 because that's what um Sergeant Baker told us Gerken-she's going to have 250 people come for family pictures? L. Hibbard-no that event wasn't they're all different amounts Barry-my next question would be though obviously we know that number of people moves you to the next level for what the Fire Department has to give you the permit to do these things and fire suppression and so on and so forth and you feel that you can get that in place before March? L. Hibbard-we actually have a consultant that wrote the code for the State of Ohio in Columbus that is retired and he's the consultants now and he is supposed to come next week and meet with us and Sergeant Frey to go over the building because there are alternatives. I work for Custom Agri Systems and we were we went to the state and petitioned to not have sprinklers but to have a fire alarm system. So there's alternatives to the sprinklers and they have to be looked over by the local Fire Department, looked over by the state, if necessary and we understand that. So we're not asking you to approve our occupancy number all we're asking you guys to do is approve us to be agritourism so that we can actually have farm events on our farm Barry- ren't you already having farm events? L. Hibbard-we are but under a commercial license and we can't grow the number under commercial because of the ADA laws Barry-because of the ADA so the agritourism for one thing, fire safety things aside that the our fire department will obviously have the final say in whether or not this occupancy is that come from the Fire Department correct? The occupancy number. Schultheis-that's correct. Asst. Chief Frey-if you go through the citation process the Board of

Building Appeals has the final authority giving any exceptions to the rules. We will not go against the Fire Code but, we can always go down for a hearing if they hear the case and they can approve changes only they can. Schultheis—I would like to clarify one thing. Brian Baker was out of Liberty Township had no authority to go ahead and approve that. Barry—he did not, it's the City of Napoleon. L. Hibbard—well and we found that out since because he there Liberty Township is our primary on our property tax that's why we went to them so then since though we've been told that Napoleon is ours because we're in the city limits. So we know that I think you came out originally when our commercial zoning was approved but he was brought with Mike Rudy and we didn't know that he was where he was from or that he was our primary. So that's why we went there because our money our property tax goes to Liberty Township like and we were told that we were on the other side of the overpass so that's what we went to even when we called the Police Department one time for the City of Napoleon they came out and were totally confused because they didn't know why we were calling them. They were like why aren't you calling the sheriff? So, that's all been resolved and we understand now that we're under Napoleon Fire um and we are not asking for a tax abatement we're not asking for asking for our taxes Barry—that's not this committee anyway understand. We just have to get our heads around how do we work in an agritourism classification within what we are allowed and authorized to do. I did read a lot of these documents Schultheis sent and I did process through a lot of them and I understand the heart of what they're trying to do of not tie people's hands that want to have these events and can't afford to do all these things and it is something that is a valuable event or knowledge to be passed along. I just cannot see how we get from A to B with the 250 number. When Mr. Hibbard was here before, that was the whole thing with 250 and we all kinda know the size of the building, where we were with the current thing and we even discussed parking with a much smaller area that you'll have to park cars and access in and out and so forth. That aside, the item of thing is now is do we allow an agritourism classification on top of a Conditional Use Permit. My question to Mazur would be, does this open us up for all kinds of other semantic type things to our Conditional Use Permit process. Mazur—my opinion a little bit. Remember we talked about doing the farm stand out here and you know we changed the Zoning Code to allow permissible uses for farm animals and on a conditional basis. When we went through that process before, it is case-by-case as long as it's Conditional Use you evaluate each case. Certainly my opinion is you are not setting precedent by allowing one person but, you got to validate it with well we can do this here because, well does it make sense? It's a farm barn, it's not like it's around Scott Street in the commercial zone that's the difference in the other C4 areas where we were talking about are we going to allow farm animals in other C4 areas. If it's a Conditional Use then you evaluate that based on the makeup of your surrounding properties. Which is why the mailings go out. We vet it through the public process like this. My opinion is case-by-case. Does it make sense for here and are others going to come out in full force and ask for agritourism designations so that they can get out of and I know that the reason why they have the agritourism designation is to promote more agricultural type businesses and foster that totally on board with that. I like the concept it fits our area, fits Henry County, it's the Building Code piece and the checks and balances that Wood County offers as support to the fire inspection group. That is the takeaway from this. L. Hibbard—we actually were brought um aware of this agritourism law by Mike Rudy who is the commercial inspector for Wood County that does our inspections for commercial and he came in and he said you guys are more like agritourism what are you doing going under commercial and so he gave us information and then we went and researched more. In fact I just talked to him again yesterday and said I don't want to get the cart before the horse so should we be getting agritourism or should we be doing addressing the fire issue first and he goes you need to get approved for agritourism he goes and then you go to your local fire department because my hands are washed. Heathen Farms in Grand Rapids and the place in Delta which is the big Nature Fresh which is the big greenhouse those are both designated as agritourism. So, he basically can't go in and do commercial on it anymore because it's now agritourism and the only thing that needs to be looked at is the fire issue. That's why we're asking you guys for the agritourism portion and not saying that we how many people we can have because we have the square footage that we need to have what we want but it's the fire suppression systems and everything that needs to be looked at and we're not asking you guys to do that because that would be in the Fire Department's hands or the State of Ohio. Barry—what about the rest of the recommended conditions that Schultheis addressed, the one through nine. You have no issues with any of these? L. Hibbard—no and we already have Barry—I'm not sure how you audit for example number one where 50% or more of the gross income is derived from the produce raised on the farm. I'm not trying to get into your accounting but, if you start booking wedding events and so on and so forth for \$1,000 or \$2,000 a thing that's a lot more honey you

have to sell or now you're making your income from renting the hall versus selling your product. L. Hibbard - well and right our whole reason behind doing this is because we want to buy more hives we want to produce more hives. Right now we have 50 hives and we want to go up to 100 and then we actually want to end up at a thousand hives so this would be a revenue stream for us to increase our honey business and make Napoleon more recognizable because right now we're in ten locations. We are in Brookview Farms up in Archbold, we are clear down in Gilboa at Canaven's Creamery and we actually had these people seek us out for our product because they saw it somewhere and they saw our name and they knew we were from Napoleon and they looked us up and they found us and that's what we're trying to do is being more recognition and make a place that people want to come to that they want to drive to Napoleon and um just on the legal aspects um this is Kristin Watcha and she has some information that I'd like you her to share with you guys on the legal aspects of the agritourism.

Kristin Watcha. I know you guys have been working on this for quite a while um you know Laura and Brad came and had a lot of information. It sounds like this has been kind of a long road for them but um so I just wanted to tell you a few things because this is I think a frustrating process for everybody because it is a fairly new zoning designation in Ohio. I will tell you I also practice in Michigan and we are working with some properties in Lenawee County and they have a very nice clean informative statute. It is really simple, it tells you absolutely all these things are permitted as long as you have you've met these five conditions it's permitted use automatically. You can have any type of ancillary activities such as weddings whatever. It tells you exactly what kind of businesses and what kind of farming qualifies. So, it's very informative and it actually as long as you meet those things it's kind of a presumptive zoning. In Ohio it's about as clear as mud. So, really in Ohio and I know she passed out the blueberry farm case so in Ohio, what they say is that if you are an agricultural property and you meet these certain criteria you can be in agritourism. What it doesn't really tell you is what the process is to be designated as agritourism and so for townships a lot of times we just tell them some people have affidavits in Michigan they have an agricultural affidavit. I think Napoleon is unusual because it's a farm inside a city limit which we don't see as frequently either. I think this is quite a struggle because I think they have the pieces in place but, we don't have a process and nobody knows what that means and we're a little bit afraid of the process because we're not sure in the end you know are we gonna have a flood of people saying well you know now I don't have to have ADA bathrooms you know that's not really the that is not the point of all of this, the point is to help farmers and people who are small farmers earn more money from things that they can kind of combine with their farming so that they can be more successful in doing so they do ease up a little bit on the restrictions recognizing that they're farms. So, they're saying we understand that you're small farmers and you're just trying to be more successful so we're not going to make you put in a \$50,000 system on this or that and they also give us some liability waivers so a lot of the literature as you read through it you'll see it contemplates farmers being worried about liability because people are coming into farms now for agritourism type events. Think of a petting zoo or a harvest festival they're walking on uneven ground, they're around animals that might you know chew on them or whatever, they are around things that could potentially cause them liability so the statute exempts them from that liability to encourage more farmers to do more business and grow a little bit. The fire piece really is quite separate from the issue we're here for tonight. I believe Schultheis had a copy of the IAU as well. We have a the Ohio Department of Commerce puts out a fire safety and agritourism informative campaign. This talks about exactly what is agritourism facilities and you can see they're doing a wedding or something and how we can ensure fire safety because when you are looking at agritourism we do take out the building component of it so we don't have the building inspection portion. As far as the actual zoning, we are limited to just as Schultheis said we're limited to setback and ingress and egress so it does give the small farmer a little bit more flexibility in having people in their property. First, we need Planning Commission just to say by looking at the facts this does appear to be an agritourism facility then the fire inspection is a wholly different portion of that it's not all wrapped together. Barry-my question is, from the permit that they currently have from this committee, how are we limiting them from doing what they want to do other than Wood County? The buildings are there. We are not talking about building new buildings, it says pretty plain that you're going to need a fire suppression system and I know you've got some things but, that's not our thing. We have fire alarm and a fire suppression and know that's going to have to be there but, other than not having to have an ADA facility is basically what were L. Hibbard - there's other things too. Right now we're in our commercial for the occupancy but we're asking go to agritourism to just be basically have to go under the fire then so that we don't have to look at anything else like the ADA or other things that the commercial zoning has. Maassel -

on this document here in front of us, it talks about A2 occupancy, currently as it is right now it's in an A2 correct? Asst. Chief Frey-it's currently a mercantile. Maassel-that's not A2? Asst. Chief Frey-they are trying to change to an A2 to go from the 49 to the 250. B. Hibbard-just so you know where we're talking about the ADA bathrooms and stuff it is actually in the contract to where if they get over a certain number of people they need to provide additional portable bathrooms which does have ground level access for wheelchairs which three of our four egresses are at ground level to where you can roll smoothly out of the facility and onto a either a paver or a concrete pad. All four of the egresses are either exit lights or exit light emergency light combination and there's currently right now four fire extinguishers in the two main rooms that we're talking about okay so from what I read from the codes with four egresses gives you the capacity of about 500 people to egress. Maassel-that a question for Asst. Chief Frey, not for us. If we change from commercial to A2 and we have a group larger than 49 we still have to do all these things potentially here on the right hand side. L. Hibbard-I think we can go up to 100 Asst. Chief Frey-as far as I understand until the agritourism designation is put in place, you are at 49 or less. Maassel-if we say agritourism yes, first has to go before City Council and City Council usually agrees, if City Council says yes they go from to agritourism, does your occupancy permit automatically jump or does somebody have to come in and say here's your new occupancy permit. Asst. Chief Frey-the way I understand it, the occupancy permit would not be valid anymore. Maassel-the 49 one goes away and how long does it take for them to get a new one? Asst. Chief Frey-they wouldn't get a new one Barry-they wouldn't really have one L. Hibbard-we wouldn't have one until we went to you guys for whatever occupancy you do Asst. Chief Frey-we do not issue occupancy permit. We would be working with the number that is allowed in the building and the type of building it's being used as. Maassel-so they wouldn't have a permit anymore that requirement goes away but, they have to understand that if they have over 100 or whatever the numbers are, 100 or more 5,000 sf. they have to have fire suppression. You said you scheduled a number of events already, how many are larger than 49? L. Hibbard - March has 100, July has less than 100 so they're all within the range that we can do for the A2 under the 100. March is 100 and July is 100 then everything after that is bigger but people that are having bigger ones most of them are having tents outside and only coming in to get food or get drinks okay. Maassel-but did I read that you cannot L. Hibbard-I can have under 100 Maassel-but you cannot have any cooking onsite Barry-they can have catering. Schultheis-it depends on how they're going to cater it that would be up to the fire code again. L. Hibbard-we don't have anything way for them to cook there's no cooking appliances or area to cook Gerken-so how would you do the parking for all these people? You don't have to have it paved but you have to have some kind of access for a parking, stone parking lot maybe or L. Hibbard-it can be anything they can park on grass Schultheis-it either has to be stone, flat or pavement B. Hibbard-there used to be 2- 30' x 200' greenhouses that were on a stone base. That stone base is still currently on the property that would be a 60' by 200' parking lot there plus there is stone in front of the building Gerken-and that's still be part of what you would own that you didn't sell off right Maassel-that needs roundup and some back work in order to get that from where it's currently is to be more stoned. B. Hibbard-or add more base. L. Hibbard-we want to we want to get a permit to add a um a grain bin outside the barn that people will get married in or can get married under as like a single as like a gazebo area so um because the company I work for puts them up and I basically can buy one from them and they can put it up we get it from it and put it up and then people can get married outside so a lot of functions because most of these people that are getting married in the barn will be getting married outside B. Hibbard-and most of the events are going to be in a better weather condition our intentions are not to be open during the winter for events, it's gonna cost too much to heat the place while we're there. Our last event is basically the end of September whatever it's like that October 1st or October 2nd is the last scheduled event. So, more likely they're going to be using the outside properties for a portion of their events okay Asst. Chief Frey-I just want to elaborate quickly on I think there's a little confusion on the A2. The A2 is specific to the building itself not the property, the property would be on whatever zoning would be designated. Barry-it would go building-by-building. Correct. Maassel-it would be agritourism still in a commercial zone. Schultheis-we're not changing the zone. It will stay the same as a C4. With agritourism it would fall under this agricultural district. Barry-since this is new, do we have the option of reevaluating it after a year? Mazur-we would fully plan on doing that and monitoring only because back to point number one you have to show that the gross income is 50%. The reason why and not to be stickler about it but, we have other businesses in town that do banquet halls and things like that just to make sure everything's on the up and up. So, that there's not this person's doing this and this person's doing that and you know what, that's part of our job. That's the biggest one from my perspective is making sure that the

50% income level is met. Everything else is pretty straightforward. Barry-they mitigate their liability with the signage that was item three, we still have zoning if they want to do any new structures things like that. Mazur-in here it says exempt from Ohio Building Code in certain circumstances so if new buildings are being built or expansions obviously building inspection is going to want to have a look at that and plans have to be drawn up and everything else. Maassel-so if that happens Wood County comes back? Mazur-that's my understanding. Wacha-it's constructed for agricultural purposes though that building also has the agricultural designation. If they build it just to have a banquet hall and it's not at all involved with the farming activities or they build a residential house then we have regular zones. If it's involved in the agricultural use and that could be just selling their honey or something else to do with the honey orchard then it would continue to fall under that designation. L. Hibbard-Right now there's three locations right outside of the perimeter of Napoleon there's one in Delta called Buckland there's Shady Brook and then there's Leisure Winery they all have wedding venues. Shady Brook basically just put up I don't know what size their barn is but it's supposed to hold 500 people no fire suppression system at all and she has a lavender farm but she classifies it as agritourism because it's in a barn and it's on her farm. There are three event places right outside of Napoleon city limits that are actually bringing people to this area. In fact Shady Brook is looking at putting up a second because they're fully booked every Thursday, Friday, Saturday and Sunday in next summer. So, Schultheis - but that's fine because that's out in the county in the townships, we have different rules and regulations here within the city limits that we have to abide by. Barry-we have to be careful, if we allow this. What I'm trying to say, if this is allowed and then we don't follow all the rules and something does happen, we have opened the city up. That's part of our job to keep things to plan and to make sure the rules are followed. L. Hibbard - that's another reason why we want to go after agritourism because we have signage up at the front of the property that makes people aware that they're coming onto a farm there are certain you know dangerous things that could be happening that they get in front of a combine or something and get run over that you know they need to be aware of their surroundings and the only reason I was bringing up the other locations is we aren't trying to scavenge off the current location that's in town that has weddings because we're a barn and they're like a really nice new what would you call it a different style venue so we aren't basically looking at the market that they're getting we're looking at the market that the barns outside of the city limits are getting. Barry-it's still competition in their eyes not trying to impede anyone's business Barlow-we are not worried about the competition so much. My concern is making sure the rules are followed because just like she just said if they put up a building nobody's inspecting anything unless it's a house or whatever. Schultheis - they will still have to apply for a building permit. Barlow - I'm not against at all, I'm just saying that's my nervousness. We sit here representing the city and we don't want to open something up however we don't want to impede enterprise either. I struggle with this agritourism thing that's a brand new. Barry-that's why I asked if we could put a time limit and say it would be reevaluated at least for the first year, on a year-by-year basis. I had no problem with reverting back to the existing permit that doesn't have a time limit on it but the agritourism kind of the way I'm leaning. Mazur-you can add that as a condition Barry-and I would also say that there would be no new structures until you do a one-year review at the Planning Commission meeting. Gerken-I like that no new structures until the review.

Clayton O'Brien – Fire Chief of Napoleon. As you know, my primary duties is to ensure the safety and well-being of all the citizens and anybody that comes to Napoleon. It is unique that the farm is actually in the City of Napoleon. It is not unique that I was out there with Mike Rudy and we worked on this in 2017. When we worked on it in 2017 it was specifically for small 4-h groups, lower educational seminars and for things happening on the farm for groups that were less than 49. At that time we dealt a lot with helping Laura and Brad get the Certificate of Occupancy that they have today because of the things that we helped do. They had some water issues if you remember back in the day. We helped work with that but, on the fire code side of things in order for them to get an occupancy within that building, we needed to stay under 49 because that does do a lot of those standard business ones where when it comes to exits, when it comes to anything else of the use of the building. What they were using the building for in that zoning permit what they first to use it for was just a small consignment shop and that's how we came up with the mercantile thing. We worked with them through that. At that time none of it was even discussed about wedding receptions or halls or so forth. That was discovered by me and I actually put Assistant Chief Frey on it because I came across an Azola listing putting it out to actually host weddings. I said this is not what the use of that barn was for. It is our job once that's discovered as Asst. Chief Frey already indicated we have to follow the Fire Code 100% and we don't have the ability to go against it. I am here to say I don't agree with the agritourism

designation because I don't believe weddings provide the revenue stream from the farm. Whether you're buying honey or not, the 50% revenue thing I think is a thing. Now, if you decide that you wanted to do a year review that's one thing. What I'm very concerned about with the agritourism designation is removing Wood County out of the mix. Wood County Building is there for a reason so they use all the other facilities within our in our area, issue the Certificate of Occupancy so when Asst. Chief Frey shows up at your location he asks for that Certificate of Occupancy, that Certificate of Occupancy is issued to him so he's able to see it and if they don't produce it, then it's a violation of the Fire Code and produces a citation. What that does is it provides him the ability to inspect the building to make sure that he's inspecting on the use of what it's actually approved for because the building code actually trumps the fire code until that Certificate of Occupancy is issued. If you go out and build a new building, the Wood County Building, Mike Rudy the building code official has full authority throughout the plan review process and until that piece of paper is handed over saying you can occupy the building. Once that happens now we are the maintainers. So, Asst. Chief Frey on an annual basis and I can tell you long before Brad and Laura owned that place I actually did inspections out there at that orchard when they had the greenhouses and things of that nature. They were using it as far as selling plants and whatever else. At the Fire Department, it is not new that place is in the city. They have always been with us. That is why I was taken aback when I heard that Chief Brian Baker from Liberty Center was out there. I called him up and asked him what was the deal there and according to Chief Baker, and I do have an email from him stating he wasn't able to make the meeting, he did state specifically that he did go out there and he was contacted by either Laura or Brad and at that time it was understood that, the farm used to be in Liberty Township as far as the fire district. When it was annexed in, it becomes the City. At the time I guess Chief Baker maybe didn't realize that it was annexed in or not, not sure. He did go out there as a courtesy and looked around talked to him. I explained to Chief Baker, that these weddings according to Laura in events greater than 250 were booked because he said that this was okay and he said whoa. I did not say for anything greater than the 250. I will read the email just so you know what that is exactly what he said. Chief Baker writes *Chief O'Brien I was contacted by Laura Hibbard about fire safety issues at Honey Blossom Orchard, 2950 Enterprise Avenue, Napoleon, Ohio. I was probably contacted because prior to annexation to the City of Napoleon the property in question was in Liberty Township where I am the AHJ, an AHJ means Authority Having Jurisdiction. In the City of Napoleon that would be me and in Liberty in his fire district would be him. Although the property is no longer in our jurisdiction I did agree to meet with Bradley Hibbard at the site as a courtesy visit. We looked at the first floor of the facility and discussed egress signage, egress lighting and fire extinguisher placement. I was told at the time this was going to be ag business retailing plants and vegetables with occasional small groups 25 to 30 attending classes to learn flower and vegetable gardening skills. The structure appeared to be able to be made compliant for the owner's business model. Brian L. Baker, CFSI.* Which is Certified Fire Safety Inspector. I will say that is exactly the conversations that we had with Laura and Brad at the time too. These small educational 4-H groups that we knew that they were going to be talking about honey and the things that was done on the farm. When it comes to actually having the weddings and the concern thereof, is the use of it. You have types of activities that happen at weddings. You have drinking or non-fixed seating and different egress, low-level lighting all these things that take into consideration that one bad thing happens and we're not standing up here saying that we don't want them to be a successful place, I really do. I was there in 2017 along the whole way and trying to make sure that we could get them something to be able to do what they were doing for the small 4-H groups and to do stuff on the farm and that's how we got to that mercantile 49 space. I am concerned if we're outside of the Building Code because that puts a lot of a lot of responsibility, in addition to what's happening, on the Fire Department and makes the Fire Department what we will have to discover or go out there do all the measuring to determine the occupancy loads and the seating and all that other stuff. That's a lot of determination that happens in the Building Code. If you want to change something you submit plans to the building code official. I just don't believe that this fits into agritourism and in my views on the way that the building is going to be used because it would be used as an A2 which is to hold out weddings and venues and that sort of thing. Barry-is there an occupancy number? I know I'm putting you on the spot but, I know the number 250 is listed here. Even if this did receive an agritourism thing, if it was limited to a 100 or less or something like that we're asking for your input. Chief O'Brien-the hard part about it is how do you enforce it? How do you police it? Nobody wants to be the bad guy. We go out there, we're counting heads and now we're ruining someone's day, it's a wedding it's some of those things. That is why we did provide Laura and Brad with the letter. Asst. Chief Frey did provide all that

information that they have a mercantile certificate of occupancy. If they use that building outside of that you are knowingly violating the fire code which then does come with some other little offenses that could be held criminally and the things that are held out you know afterwards. That is why we have been offering Laura and Brad the citation process because we can't give those variances, we can't give those authorities, that if we do the citation. They do qualify for a citation already at the moment because you're holding out the building for the use of weddings and that is not the use of what is actually certified. If that happens it provides them the opportunity to do exactly what Laura had indicated before about Custom Ag Systems going to the Board of Building Appeals plead their case they discuss anything that they would want to do of how they're going to get around or what they're going to do and then the board gives that authority or gives that determination if they can do what they're saying that they want to do. The Board of Building Appeals is a State Board and is made up of different individuals you have a Fire Chief, a plumber, a construction person, a zoning person it's made up of different individuals. Then they make the determination and then that be said. Like Laura indicated the suppression system not being at the Custom Agri Systems at that time Custom Ag went to the Board of Building Appeals they didn't want to put the suppression system in I think it was for the business spaces or whatever. We don't discuss variances of the Fire Code, we don't look for ways to get around things, in the Fire Department we are code enforcers all the time. We like to be the helping hand but, in this case and in inspections when it comes to the code enforcement portion of it, it is black and white. It's not personal, it's just in the event that something was to happen, remember the fire code is built on reactive. Something happened and a lot of lives were taken because of it and that's why the code is built and that building code gives us that reassurance that they have to go through that process of submitting plans talking about what they're exactly going to do. I understand that there's maybe some other avenues of the ADA and things of that nature but, as Brad already indicated if they can get the ADA that could be something they could talk about that they had already brought up tonight. I just caution on the fact of the agritourism and felt that I needed to share my views as Asst. Chief Frey takes care of all the code and does all the inspections but, ultimately I am the authority having jurisdiction and I think that should be said.

Wacha rebuttal. I appreciate that. I know this is new and there's a lot of concerns but, when we're looking at the different designations such as agritourism, the legislature is the one that we should be upset with if we don't agree with it being a designation but it is. It's just like saying I don't agree with a commercial building being treated as a commercial building, we're just going to impose the residential requirements because that's what we think is best. The designations are what they are that the legislature sets out and this is something new that they've set out. It's not whether we choose to or not the bill, the property is agritourism or it isn't it says right in the Supreme Court case that has come out and in the Ninth Circuit cases that have come out, the question of whether it's agritourism is a question of fact so if they are engaging in activities such as a wedding and they're using that facility or that event to sell their agricultural products if those buildings also house agricultural products they're storing it they're serving it all these different things are question of fact that a judge would say "yes this is agritourism" or "no it's not" and the case law is still developing but with this new case from the Supreme Court they've now said it doesn't even have to be your primary business as long as a wedding, a wedding barn they say but, as long as a wedding is involving the use of their agricultural products in this case it was a blueberry farm that was holding weddings and this is how most wineries qualify for the agricultural tourism designation in Ohio because they're serving wine they're serving their wine at the wedding it doesn't have to be necessarily the primary part of it as long as it's involving their agriculture it is an agri-tourism facility and so it's not a matter of should we let them be that or not it's a question of fact. So, if they are a farm if they're farming bees if they're an orchard if they're engaged in a qualifying agricultural activity and they have these other things like weddings festivals different things that are done on the property that involve their agriculture that helps them raise revenue they are by statute an agritourism facility. With that said though nobody wants to scare anybody you know they're not here saying we don't want to work with the Fire Department. I think this process has probably irritated a lot of people and I think we've got a lot of you know emotion involved in it because it's new and there doesn't seem to be a real set process here yet but, they are an agritourism facility by what they are doing and by the case law. They just need this body to recommend the change to A2 from C4 the fire enforcement and safety processes all come after that. Barry-the C4 to the A2 are two different things. The C4 is our zoning and the A2 is set by that's a fire code thing. We can't really change that and that's why I brought the initial question up, I'm not sure that we can declare, I'm not arguing that it's not an agritourism. That's what they're doing and that's what we understood when we did the permit before. I'm just not sure if it's this board's position

to declare whether or not it gets an agritourism monitor. I understand the state supersedes us. If the state can supersede us then, is that where it goes? Macha—it has to be done at the city level because that is the governing body at their local level. We would need the Planning Commission to make a recommendation to City Council so that they can grant them officially that designation. Barry—so then City Council would again Mazur—they would hear this body's recommendation. So, if it a yes or no, Council then either can agree with it with a simple majority or overturn it with a super majority. Vocke - there's a lot here. The 50%/ 50% that is a statute of sorts somewhere they have to have 50% of their revenue has to be from their agricultural products. Mazur—correct. Vocke- so this Supreme Court decision with this blueberry barn they were selling wine and I can see if you're having a wedding reception wine would probably be pretty easy to meet the 50% barrier but, I'm not real sure you're going to sell 50% of your revenue in honey at a wedding reception. L. Hibbard but it's 50% over all your business so it's not just the honey we sell there it's the honey we sell the total business everywhere. We now have 10 retail locations. Vocke—that's a good clarification Mazur—there's vaugery here too that I haven't wrapped my head around that either. Is it selling it onsite, is it producing it onsite and selling it onsite, is it producing it offsite and bringing it onsite, there's a lot of different factors to weigh in. Maassel-it can't be produced and sold on site because if you have a crop farm and you're going to have your barn when it's not time for crops to be a reception hall you're not going to sell you're going to sell your corn not at not at your location you're going to sell it down the road wherever you sell your grain. I think it's the overall wherever you sell it you sell it. The question I'm going to ask is when are the books due the 50%/ 50% split and who's going to inspect, how are we going to audit that? That's going to be the question if we say it's okay for 2022. Mr. Hibbard said they're going to stop doing weddings on or about October so by the middle of November they should have majority of those incomes booked and most of their other crop probably sold by then or plan to get sold by then they can show look over 2022 we had these events they brought in x amount of dollars we sold this much agriculture product they bought in this much dollars we're over 50%/ 50% we're good. The question is who is going to look at it? B. Hibbard -Christmas is a busy time for the honey business right now okay and we've been delivering about three days a week two different locations I would say the majority of the sales from the honey would be as from about the first of November to about another week from now is probably one of the busiest times for bottled of honey. Mazur -if you do a calendar you probably want to do a review of that or something at the beginning of the following year to make sure that they've got Maassel - I'm just trying to put this together in a kind of a calendar so if we say we're going to do it not mid-November we're going to do it late- January but if they don't make the 50%/ 50% by late January and they have all these other events lined up and we got to say you got to cancel them right now I really don't want to be that that position either. That's going to be the business risk they're going to Mazur - that's the statute Gerken-my concern is like Mr. O'Brien has said you cut out Wood County and all their Maassel-understand just trying to figure out a timeline of just the rule number one at 50%50%. Gerken—Wood County is very strict on their rules of new building and accessibility and don't like cutting them out of Schultheis— they still have to apply for building permit with us in order to build any new structures and issue the building plans and layouts Gerken - would that also include that little grain elevator Schultheis - that would be considered an accessory building yes that would be a permit Barlow - would that if it's part of the building would that come under the Schultheis - that would fall under the Building Code itself because it's going to be an accessory building unless yes it would because I'm sure there's going to be electricity run to it so that means that the Wood County inspector would have to do an inspection for the electric. L. Hibbard – for the gazebo we do not plan on having electricity Schultheis – takes care of that. Barlow – that's kind of a gray area Barry—if there's no electricity it follows the building codes which Schultheis can enforce L. Hibbard -I mean we would get a permit just because it's going to be a structure that would be putting up so right Barry - for your liability you would need to I'm sure your insurance company would feel the same way L. Hibbard - when you guys were talking about the majority of business it's not a if you look at the ORC it says the majority of your business must be from agriculture activities but it's really when it goes to the actual court cases that they actually specifically get down in the nitty-gritty and say that the the um actual dollar amount has to be greater Barry—that's why I said it's right now if we proceed forward with this on a temporary one-year trial, these would be 100% of the conditions that would be followed L. Hibbard—and one of the things I included in my um special use permit is we anticipate that um our honey sales are going to be \$12,000 in 2022 and right now with the um I the places that we have booked in most people book at least a year or more in advance right now we only have booked like I mean like \$15,000 so our honey business is the majority for our next year's production and we base we figure out what our production is going to be for the next year because we

have to order bees in January and we have to actually start building hives for their homes for them Barry - well 50% then that would get you in trouble if you had well you'd be kind of right in the bubble because eight times \$1500 is \$12,000 so you'd have to sell one more jar of honey to stay under that would also probably be the way you would have to base on how your honey business is going on how many events you allowed to be booked L. Hibbard - I don't know where the 50% is coming from does it say it in something that you're looking at because in the court cases they talk a majority Barry - that's majority you could say majority would be 51% L. Hibbard - so you're talking 51% versus 49% so we're gonna have 49% on the wedding 51% on the honey because that would be the majority Barry - now that's just your honey sales like you said you're also planning on incorporating the honey into part of the wedding thing L. Hibbard - right they have to actually buy the honey that's your part of the business.

Barry-I think we need to make a move. I would entertain a motion to take a vote on approval of PC 21-12 with the conditions of review after one year in other words would be for 2022 only and for this initial period that there would not be any new structures built and they'd have to follow all the rules of that and then and following the rules one through nine of the recommended conditions that were presented by Schulthies.

Barlow - one more question, the rules especially the fire suppression rule, you can have that in place by the time this all comes about B. Hibbard – well we would like to go to the Board of Appeals to get clarification on that well Barlow - but my question is do you feel, you're going to have your first wedding in June, Barry-and if that doesn't happen, what these two say goes. Barlow-the thing is with the first wedding being 100 people we would be under that number. Chief O'Brien - just remember that the 100 doesn't matter if the building space is greater than 5,000 square feet. If we measure the place it's 5,000 square feet on the usable A2 space, if that agritourism happens and that mercantile certificate of occupancy is out that means they want to use the building as an A2 we then have to treat it all as an A2 so it doesn't matter they could have 49 people in there still requires a suppression system. It's greater than 5,000 sq. ft. it requires a suppression system otherwise they can't hold that type of event because it is an A2 use. L. Hibbard - that's on usable space that they have access to correct Chief O'Brien - so it would be your lower barn because your barn has two levels. L. Hibbard - right but we have two rooms that they don't have access to that are totally blocked off with locks and everything else. Chief O'Brien - it's been a while since I've been in there so I can't really speak on exactly because it depends on if those spaces can technically be blocked off because they may not be allowed to be blocked off if it's part of something. I just want to point out that I believe that if you were talking initially because I've never measured it, if you were talking initially 250 people that were way greater than 5,000 square feet space I didn't want to get caught up on business. L. Hibbard - the bottom floor is under four thousand and the top floor is four thousand so but they don't have access to that full four thousand suppression Barlow– ouses being built don't have parts showing up I'm thinking about you folks what if all of a sudden you don't have suppression, if we approve this. L. Hibbard - in March and July our events that are scheduled are 100 or less so we don't have an event that's bigger than that until September so I think that nine months will be plenty of time for us to get things around um one other thing is you guys said that we couldn't build anything else um we already have the stuff the supplies to build the gazebo so um I don't want to like do something that you guys don't want us to do um I've already basically that's one of the reasons people are coming there so they can have some place outside to get married that's under a roof and the gazebo is basically just the top of a corn bin on a post so if we can at least get that approved where I mean to approved that we're allowed to build it but then we'll still have to go through the permit process with Schultheis to actually put it up and everything. Schultheis—that is an accessory building it is an easy \$50. Asst. Chief Frey - *might add too that when hosting events with tents that the Fire Department is contacted for inspection.* Barry - if they do some people might want to have a tent not everybody inside that they still are contacting to inspect to make sure that it's for any safety issues, they're not burning open fires into the tent. B. Hibbard - well actually in the contract that they're not allowed to have an open flame. Maassel-*the other part of it is where the tent gets located* because if the tank gets located in the wrong spot then you have an emergency and our crews can't get to the emergency that's going to be very important. Before the first tent goes up I would very much encourage you to talk to those gentlemen and say where is the best spot to put it so that in the case of an emergency it's not in the wrong spot. B. Hibbard- right now the best place for a tent is in front of our 16' x 14' overhead doors and egress if off to the side.

Motion: Gerken

I would like to make a motion we table it because it's still so new to us. Maybe we need to do more research

L. Hibbard - if that happens we will just pull it back because I can't let somebody think they're going to get married there in March and then tell them in January they can't so if it doesn't pass tonight that's what we're planning on doing is basically giving the money back and removing the barn out of Napoleon. We've already got barn builders that can move it. B. Hibbard - one of the issues is if it doesn't get approved tonight we can't get on the agenda for a January meeting with the Planning Commission because if they table it doesn't come back to the table for the Planning Commission. Schulthies—if they table it then they have the decision of setting up their date whenever they want to return. Maassel-what other information is that you Gerken-I don't know there are so many unanswered questions, we're not sure about agritourism. I don't know much about that just from what I've read and I don't remember your first name but she was telling different scenarios of what we're not reading so I don't know if that's something we should table to get more information we're only hearing from them, we're not hearing from the City Law Director if this is something that fits in the scope of that. Barry-did the Law Director have input on this? Schultheis -those were the recommendations and the recommendations his feelings was that it probably shouldn't have been approved but because it's within the City and they still have to abide by the codified ordinance of the City of Napoleon. Barlow- his recommendation was to approve you say Schultheis-the recommendation was not to approve by the City Law Director but that's something that he would have to explain more in detail.

We have a motion to table. Motion died for lack of a second.

Vocke – a part of me agrees with Gerken, like the Law Director if ever there was a meeting to be at you would have thought this would be it since it's kind of a topsy-turvy issue. I don't know whether we can turn around and meet again in a short time so these people don't feel like they got to pull up roots and move out. They've obviously done their homework, they need to be commended for that. From a thousand feet up it sounds like a great idea but I know there's a lot of regulatory issues that's way over my pay grade to grasp. You guys done a great job I wish we had a little more and the Fire Department did a good job the City Law Director should have been involved in this or any other part of the city administration that would be concerned about this with their input. It doesn't bother me to pass it on because they are the ones that make the decision anyways or pass it on to them that we need feedback from the City Law Director on this and at least they should get the feedback, City Council. L. Hibbard - my understanding is the Law Director said that we need to get a lawyer which we did and also then we were told to go to the county which we did and the assistant prosecutor looked over the law and basically told us you need to put up the signage there's really no form you need to fill out and get the fire department approval. So that's what we did and that was back in May and June of last year so that's all that's all the direction that we got so that's I mean at least that's what we got from Schultheis' emails so that he was trying to be a liaison between us and Mr. Harmon so that was my understanding I mean I wasn't on the other end like Schultheis was. It's really disappointing that we are paying \$9,000 a year for a commercial business and we can't have a business over 49 people there. I can't afford to pay the property tax on it for having 49 people to come in and do a beekeeping seminar that you get \$30 each for. So that's where we are this is a business choice. Vocke-and those same situations existed it wasn't that long ago you were in here to get the 49 wasn't it right wouldn't that same argument been pertinent then that wasn't presented at that time if I remember. L. Hibbard - well we didn't realize that we had grown from at that point from two hives to probably 35 hives and every year our bees are dying more and more because of the chemicals and pesticides that are put on crops so every year we have to go out and we have to buy new bees in order to continue the business and the only way that we're going to be able to breakeven is to increase our hives, the only way to increase our hives is to get more money and so that's the thing and it's like I can't continue to pay a commercial rate on a building I can't do anything commercially in for because really 50 people is really not commercial you know. If I have 49 people and we tried to in the farm market but you know what people think where we're at is so far away from the city that is too far for them to travel but yet we would go to Defiance farm market and put up a shop and we would have 100 times the sale because it wasn't too far for people to drive to Defiance. So that's the thing is we're just in a bad situation with where we're at, there's no you know way to get off the highway to come directly to us and so therefore it would be easier for us to sell one person on having an event there than to sell 49 people a day to come in. When we were open as a farm market we probably had three people a day. I can't afford to pay somebody to do that and sit there all day for three people to come in. So, that is our situation we thought that we were going to be able to get more people to come there but our people that are coming like when we had sunflower fields out there most of our people from were out of town and it was because of

newspaper articles that were written on our sunflower field. So, we probably had out of the thousands of people that came maybe five people from Napoleon and everybody else was from Toledo, Indiana and Wauseon and Michigan so we have to provide a destination for people to come to because we're not getting the people here to come and solicit the businesses here but that's where we are you know it's like we can't continue to do business here and pay commercial rates on a building that we can't use as a commercial building Mazur - from my perspective, I really appreciate the robust conversation here. The substance of what is being asked for, and I think the first time that Mr. Hibbard had talked about it was a good discussion point and the research that went into this later and everybody's kind of done their homework and presented really well from my perspective. We do have the ability to do this, this body does have the ability to approve. It is something unique, it's something new, it helps business, they do make good honey and I do like the honey that's really good. I guess the one thing is, because I'm kind of torn on this too but, it's more of a matter of trust than it is about the substance of this. One thing, and please don't take constructive criticism the wrong way but, it's a matter of going around the city processes and things that from my perspective was disheartening. The hard part to get through with this is that you guys are looking at it just for the substantive piece but, from our perspective there were a lot of emails to a lot of different people that staff had to track and make sure we knew what was being said where and what it was. It was just kind of frustrating to say the least and I think there are a lot of partial truths and in some ways misleading information like the statement that Chief O'Brien got from Brian Baker. It's a matter of trust from my perspective. My opinion is that taking that aside, the substance of this is sound. I think if their legs were long enough in the back they'd kick me but, it's part of the job. If this body approves it and council approves it, that's our job to police it and manage it and we'll do it. That's the business we do, we do it every day. Vocke – 10,000 feet up it's good for the community. I just don't know all the little pieces that have to be put in place. Gerken - there's a lot of gray area. Maassel - but, I think we protect ourselves if we, say it's a year we give ourselves a lot of protection.

Motion: Vocke

Second: Barlow

to approve PC 21-12 with the full Recommended Conditions Numbers 1-9 be applied and to be reviewed in one year at the end of 2022, there will be no new structures that would normally require the input from a building inspector Wood County per se, and that our recommendation to City Council would be that they receive feedback from the Law Director during the presentation of this to them

Roll Call vote on the above motion:

Yea-Barry, Barlow, Maassel, Gerken, Vocke

Nay-

Yea-5, Nay-0. Motion Passed.

ADJOURN

Motion: Vocke

to adjourn the Planning Commission meeting at 6:51 pm

Roll Call vote on the above motion:

Yea-Barry, Barlow, Maassel, Gerken, Vocke

Nay-

Yea-5, Nay-0. Motion Passed.

Approved

February 8, 2022

Planning Commission Chair



City of Napoleon, Ohio
Kevin Schultheis, Zoning Administrator
Code Enforcement

255 West Riverview
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

PC-22-01
Subdivision in City
For a Recommended Lankenau Properties Subdivision
Location: Parcel Number: 41149185.0020, German Mutual Insurance

Memorandum

To: Members of the City Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer
Subject: Subdivision of plat in the City
Meeting Date: February 8, 2022 @ 1700 Hrs.
Hearing #: PC-22-01

Background:

An application for a public hearing has been filed by The representative, Steve Lankenau on behalf of German Mutual Insurance Company (Goodville Insurance Company), The applicant is requesting the approval of a subdivision as being part of the W ½ of the NW ¼ of Section 14, Also Known as being lot 1 of German Mutual Subdivision T5N-R6E, City of Napoleon, Henry County, Ohio. The request is pursuant to Chapter 1141 of the Codified ordinance of Napoleon, Ohio. The property is located in a C-3 Local Commercial District.

Research and Findings:

1. A Subdivision in City Permit is for any planned development to be located in the C-3 Local Commercial District as per 1145.01(a) table of permissible uses.
2. Scope of the project: Proposed Lankenau Properties Subdivision of lot, being a part of Lot 1 of 6.047 acres to lot 2 to 3.437 Acres. Lot 1 of the subdivision of 1.364 acres, Lot 3 of the subdivision .656 Acres, and Lot 4.590 Acres as being part of German mutual Subdivision PT.PN 41-149185.0020, Napoleon Township. (see attached)

Recommended Conditions:

1. All revisions made to plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs prior to approval by the Board of Planning Commission.

Legal Descriptions:

1. Lot one (1) 1.364 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
2. Lot two (2) Formerly Lot one (1) 3.437 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
3. Lot three (3) .656 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
4. Lot four (4) .590 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission
(MZON 100.1700.46690)

___ Conditional Use

\$125.00

___ Amendment

\$125.00

Subdivision in City

\$75.00 + \$5.00 each, after two

___ Preliminary Plat of Development

\$125.00

___ Alley Vacation

\$25.00 + publication cost

Preservation Commission
(MZON 100.1700.46690)

___ Certificate of Appropriateness

\$25.00

Board of Zoning Appeals
(MZON 100.1700.46690)

___ Certificate of Zoning

\$25.00

___ Re-Zoning

\$125.00

___ Variance

\$125.00

___ Administrative Appeal

\$50.00

Address of property:

1000 Westmoreland

Description of request:

Splitting off 3rd ^{commercial} outlets from original parcel.

(Completed survey to be submitted by Bockrath early January)
Goodville Insurance

OWNER(S) NAME (PRINT)

1000 Westmoreland

ADDRESS- CITY, STATE, ZIP

419-784-6291 (Agent for owner: Steve Lankran)

PHONE NUMBER

S. Lankran

SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.*****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

APPLICANT NAME (PRINT)

ADDRESS

APPLICANT SIGNATURE

CITY, STATE, ZIP

PHONE

Hearing #:

Hearing Date:

Zoning District:

Office Use Only

Batch #

Check #

Date

LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

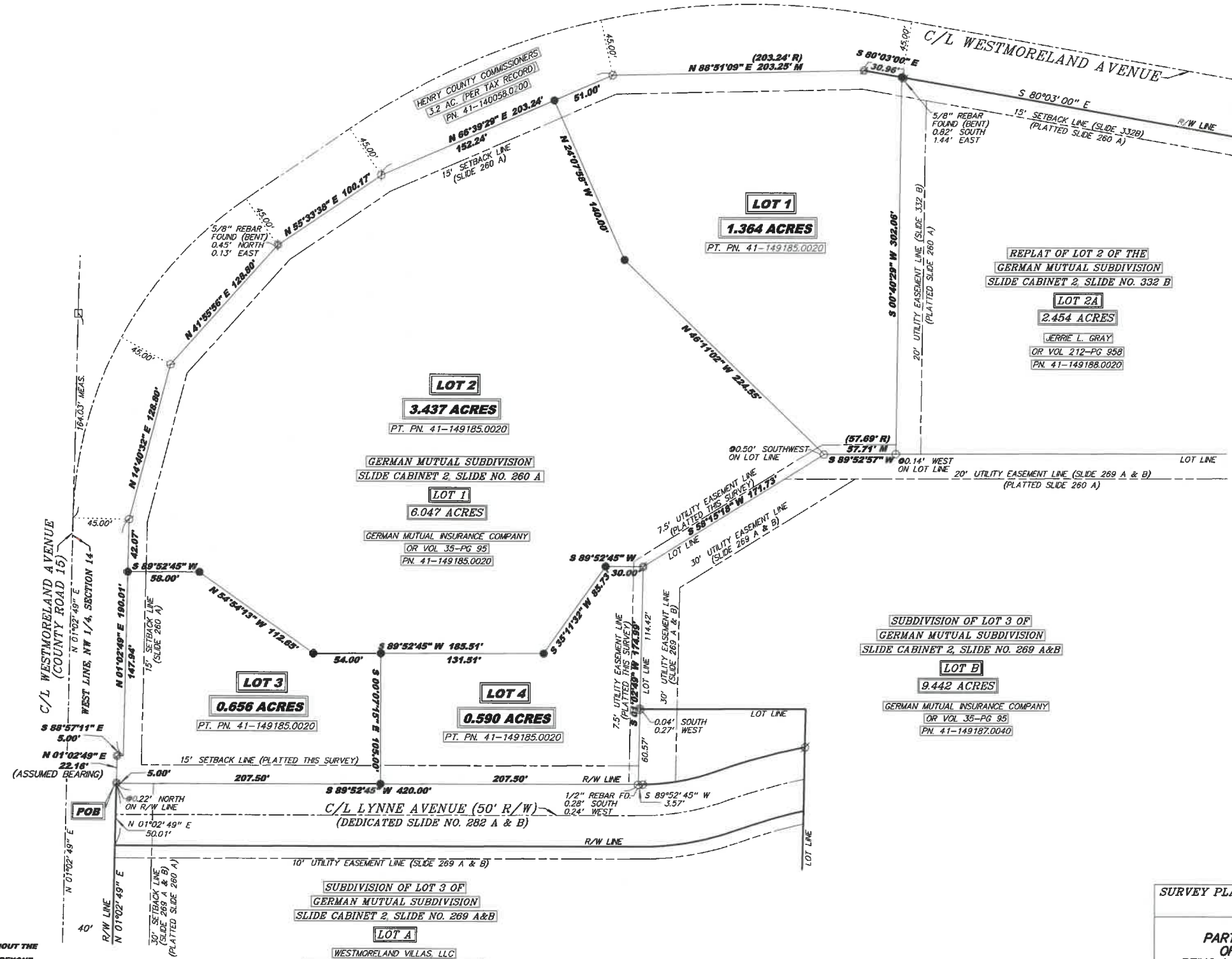


0 30 60 120
GRAPHIC SCALE 1" = 60'

LEGEND

- 5/8" REBAR WITH ID CAP SET
- 5/8" REBAR WITH ID CAP FOUND
- ⊙ 5/8" REBAR FOUND
- ⊗ 1/2" REBAR WITH ID CAP FOUND
- 1/2" REBAR FOUND
- CONCRETE MONUMENT FOUND
- POB POINT OF BEGINNING
- R RECORDED
- M MEASURED

NOTE: SURVEY BEARINGS BASED ON
OHIO NORTH ZONE STATE PLANE
COORDINATES OBTAINED FROM THE
OHIO DOT VRS NETWORK



THIS SURVEY WAS PERFORMED WITHOUT THE
BENEFIT OF A TITLE EXAMINATION. BEYOND
THE DEED DOCUMENTS CITED ON THE SURVEY
DRAWING THERE MAY BE RECORDED OR UN-
RECORDED EASEMENTS AND/OR
ENCUMBRANCES BENEFITING OR ENCUMBERING
THE SURVEYED PROPERTY WHICH ARE NOT
SHOWN ON THIS DRAWING.

SURVEY PLAT FOR: STEVE LANKENAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875
PHONE: 419-523-5789 - FAX: 419-523-5799

LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4 & 5

6.047 ACRES

Situated as being part of the West Half of the Northwest Quarter of Section 14, also known as being all of Lot 1 of German Mutual Subdivision as recorded in Slide 260 A of the Henry County Record of Plats, Township 5 North, Range 6 East, City of Napoleon, Henry County, Ohio, also being part of a tract of land as recorded in Official Record Volume 35, Page 95 of the Henry County Deed Records and more particularly described as follows:

Beginning at a point marking the Southwest corner of Lot 1 of German Mutual Subdivision as recorded in Slide 260 A of the Henry County Record of Plats, also marking the Northwest corner of Lynne Avenue as dedicated in Slide 282 A & B of the Henry County Record of Plats and being on the East right-of-way line of Westmoreland Avenue (County Road 15) and the POINT OF BEGINNING;

Thence along the Easterly and Southerly right-of-way line of Westmoreland Avenue (County Road 15) the following nine (9) courses:

North 01°02'49" East a distance of 22.16 feet to a 5/8 inch rebar found and passing a 5/8 inch rebar found at 0.22 feet;

South 88°57'11" East a distance of 5.00 feet to a point;

North 01°02'49" East a distance of 190.01 feet to a 5/8 inch rebar found and passing a 5/8 inch rebar with ID cap set at 147.94 feet;

North 14°40'32" East a distance of 128.80 feet to a 5/8 inch rebar with ID cap found;

North 41°55'56" East a distance of 128.80 feet to a point (referenced by a 5/8 inch rebar found (bent) lying 0.45 feet North and 0.13 feet East of said point);

North 55°33'38" East a distance of 100.17 feet to a 5/8 inch rebar with ID cap found;

North 66°39'29" East a distance of 203.24 feet to a 5/8 inch rebar with ID cap found and passing a 5/8 inch rebar with ID cap set at 152.24 feet;

North 88°51'09" East a distance of 203.25 feet to a 5/8 inch rebar found;

South 80°03'00" East a distance of 30.96 feet to a 5/8 inch rebar with ID cap set marking the Northwest corner of Lot 2A of the Replat of Lot 2 of the German Mutual Subdivision as recorded in Slide 332 B of the Henry County Record of Plats;

Thence South 00°40'29" West along the West line of said Lot 2A a distance of 302.06 feet to a point on the North line of Lot B of the Subdivision of Lot 3 of German Mutual Subdivision as recorded in Slide 269 A&B of the Henry County Record of Plats;

Thence along the perimeter of said Lot B the following two (2) courses:

South 89°52'57" West a distance of 57.71 feet to a point and passing a 1/2 inch rebar found at 0.14 feet;

South 58°15'18" West a distance of 171.73 feet to a 5/8 inch rebar found and passing a 1/2 inch rebar found at 0.50 feet;

Thence South 01°02'49" West along the perimeter of said Lot B and Lot A of the Subdivision of Lot 3 of German Mutual Subdivision as recorded in Slide 269 A&B of the Henry County Record of Plats a distance of 174.99 feet to a point marking the Southeast corner of Lot 1 of German Mutual Subdivision as recorded in Slide 260 A of the Henry County Record of Plats, also being on the North right-of-way line of Lynne Avenue as dedicated in Slide 282 A & B of the Henry County Record of Plats (referenced by a 1/2 inch rebar found lying 0.28 feet South and 0.24 feet West of said point);

Thence South 89°52'45" West along said North right-of-way line of Lynne Avenue and the South line of said Lot 1 a distance of 420.00 feet to the POINT OF BEGINNING, said tract containing 6.047 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual survey performed in January, 2022, under the supervision of Ohio Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No. 8306.

Note: The bearings used in this description are on an assumed meridian assuming the East right-of-way line of Westmoreland Avenue (County Road 15) to be North 01°02'49" East and are for the purpose of angle determination only.



SURVEY PLAT FOR:

STEVE LANKENAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875
PHONE: 419-523-5789 - FAX: 419-523-5799

2
3

LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

OWNERS ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT I/WE _____ THE UNDERSIGNED OWNER/S OF THE AFORESAID DESCRIBED
LANDS DO HEREBY APPROVE OF THE ACCOMPANYING MAP AS SHOWN HEREON, AND DO DESIRE THE SAME TO BE
PLACE ON PUBLIC RECORD ON THIS _____ DAY OF _____, 2022.

OWNER/S: _____

STATE OF OHIO,
COUNTY OF HENRY, SS:

ON THIS _____ DAY OF _____, 2022 BEFORE ME PERSONALLY APPEARED
_____, WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT
_____ EXECUTED THE SAME AS _____ FREE ACT AND DEED.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

PLANNING COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON,
OHIO.

DATED _____ CHAIRMAN _____

CLERK OF COUNCIL _____

CITY COUNCIL CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON,
OHIO.

DATED _____ MAYOR _____

CLERK OF COUNCIL _____

HENRY COUNTY AUDITOR'S CERTIFICATE

I, THE HENRY COUNTY AUDITOR DO HEREBY CERTIFY THAT THERE ARE NO
UNPAID TAXES ON THE PROPERTY HEREIN DESCRIBED AND CERTIFY THE
SAME FOR TRANSFER.

TRANSFERRED THIS _____ DAY OF _____, 2022.

HENRY COUNTY AUDITOR

HENRY COUNTY RECORDER'S CERTIFICATE

I, THE HENRY COUNTY RECORDER DO HEREBY CERTIFY THAT THIS PLAT
HAS BEEN RECEIVED FOR RECORD AT _____ O' CLOCK _____ M AND RECORDED ON
SLIDE _____ THIS _____ DAY OF _____, 2022.

FEE \$ _____

HENRY COUNTY RECORDER

CITY ENGINEER'S CERTIFICATE

IN ACCORDANCE WITH OHIO R.C. 711.08, THE UNDERSIGNED BEING THE
ENGINEER FOR THE CITY OF NAPOLEON, OHIO HEREBY APPROVES THIS
PLAT AS SHOWN.

DATED _____ CITY ENGINEER _____

DEDICATION CERTIFICATE

I, THE UNDERSIGNED, OWNER OF THE REAL ESTATE HEREIN DESCRIBED DO HEREBY
APPROVE THIS, AND DO HEREBY ASSENT TO THE ADOPTION OF THIS SUBDIVISION PLAT
AND DO HEREBY DEDICATE THE STREET RIGHT-OF-WAYS AND UTILITY EASEMENTS AND
APPURTENANCES THEREIN TO PUBLIC USE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THIS TO BE A SURVEY MADE UNDER MY SUPERVISION
AND THAT THE MONUMENTS ARE FOUND AND/OR SET AS INDICATED.



Gregory A. Bockrath, P.S.
Registered Surveyor No. 8306.
115 S. Fair Avenue, Suite A
Ottawa, Ohio 45875
419-523-5789

SURVEY PLAT FOR:

STEVE LANKENAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875
PHONE: 419-523-5789 - FAX: 419-523-5799

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THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY
PERFORMED IN JANUARY OF 2022.

Memorandum

To: Planning Commission

From: Roxanne

Subject: Planning Commission Housing Council Appointment/Feb. 8, 2022 Meeting

Date: February 4, 2022

Agenda item – **Appointment to Housing Council.**

Ordinance No. 120-00 Section 2 reads:

there is hereby established a "Housing Council" in and for the City as provided for by §3735.69 of the Ohio Revised Code. The Housing Council shall be composed of two (2) members appointed by the Mayor, two (2) members appointed by motion of City Council, and **one (1) member appointed by the City Planning Commission.** The majority of the foregoing members shall then appoint two (2) additional members, all members being residents of the City. **Appointments by City Council and the Planning Commission may be by motion.** Terms of all members serving on the Housing Council shall be for three (3) years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council as herein established shall be the Housing Council for each Community Reinvestment Area currently existing or later established or reestablished.

Cheryl Hershberger has been the Planning Commission's appointment to the Housing Council for several years with her last term expiring on 12/31/2021. I contacted Cheryl and asked her if she would be interested in serving another 3-year term and she responded she would. Should the Commission like to re-appoint Cheryl, we will need a motion to do so.

Thank-you.