

# September 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>1</b>	<b>2</b> <b>Labor Day</b> <b>City Offices Closed</b>	<b>3</b> 6:00pm Technology Committee-cancelled 7:00pm City Council	<b>4</b>	<b>5</b> 2:00 pm Healthcare Cost Committee	<b>6</b>	<b>7</b>
<b>8</b>	<b>9</b> 6:00pm Water/Sewer with BOPA 6:30pm Electric Com- cancelled 7:30pm Muni Prop. - cancelled	<b>10</b> 4:30pm BZA- cancelled 5:00pm Planning Commission	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
<b>15</b>	<b>16</b> 6:00pm Parks and Rec Commission 6:00 Tree Commission 7:00pm City Council	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
<b>22</b>	<b>23</b> 6:30pm Finance and Budget 7:30pm Safety and Human Resources	<b>24</b> 4:30pm Civil Service	<b>25</b> 6:30pm Parks and Rec Board	<b>26</b>	<b>27</b>	<b>28</b>
<b>29</b>	<b>30</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

*City of Napoleon*

**SPECIAL JOINT MEETING AGENDA**

for a Meeting of the

**BOARD OF PUBLIC AFFAIRS**

with

**WATER, SEWER, REFUSE, RECYCLING & LITTER COMMITTEE**

**Monday, September 9, 2024, at 6:00 pm**

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Approval of Minutes – June 10, 2024 (In the absence of any objections or corrections, the Minutes shall stand approved)
- 2) Water Rate Review
- 3) Any other matters to come before the Board
- 4) Adjourn



Mikayla Ramirez- Clerk of Council

*City of Napoleon, Ohio*  
**Special Meeting Minutes of the**  
**BOARD OF PUBLIC AFFAIRS**  
**JOINT MEETING WITH THE**  
**WATER, SEWER, REFUSE, RECYCLING & LITTER COMMITTEE**  
Monday, June 10, 2024 at 6:00 pm

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**PRESENT**

Committee Member	Jeff Comadoll-Chair, Mike DeWit, Rory Prigge
City Manager	J. Andrew Small
Recorder	Mikayla Ramirez
Others	Brian Okuley-Operations, Chad Lulfs-Public Works Director, Jeremy Okuley-Wastewater Superintendent, Lori Rausch, News-Media

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**Call to Order**

DeWit, Acting Chairman of the Board of Public Affairs called the meeting to order at 5:59 pm.

**Approval of Minutes**

Hearing no objections or corrections, the minutes from the June 3, 2024, Board of Public Affairs meeting were approved as presented

**Review of Water and Sewer Rules specifically Rule 5- Special Services and Rule 32- Fees**

Small stated, specifically what we are looking at is Rule 5, rules pertaining to hydrant and hose meters. Including what we charge and the rules around those two items. What we have done is go through the rules and make some changes to the clauses that pertain to hydrants and meters. First, Rule 5.4 special watering and the sentence added was, “no sewer credit has contained Codified Ordinance 931.09, Section 3 will be given for these purposes without a hose meter.” For example, if someone waters their grass and then says they want a break on the price it will not be allowed unless they utilized a hose meter for that. Moving on to the hydrant meters, we changed the 24-hour notice to a 3-business day notice and added a deposit of \$500, before there was no deposit indicated, just said it was required. We felt it was only fair given the value of these hydrant meters. B. Okuley said, the meters cost around \$2,500. Small said, we felt like asking for \$500 was appropriate. DeWitt said, how are we doing on the small meters and do we have a lot of those around. Small replied yes, we have a few hose meters around. B. Okuley said, we have 50-75 hose meters. DeWitt said, do we charge them a fee to ensure they are returned. B. Okuley said, yes \$10 a month, prorated to how many days they have them. Small said, we will get to that portion because we did make some adjustments. On the next page it shows what will happen after the customer is done using the meter they will now have to contact the Operations Department, before they were required to contact the Utilities Department. This was done because Operations is the one responsible for removing it. We added a clause for contractors, specifically, for contractors in the construction business requesting “a hydrant meter for reasons such as dust control, grading buildings, or construction related activities. This service can be used for short- and long-term usage. The contractor shall under no circumstances transport water out of city limits for any reason. Contractors shall not remove the meter from the hydrant on which it was originally installed. Only city personnel can install, remove, or relocate hydrant meters.” We do not want them messing

with the hydrants because it is too big of an issue if they were to break or get pulled off if the meter was active. Moving on to new item F, this specifies the fee for use of a hydrant meter shall be contained in rule 32 which we will review shortly. Finally, we added item G, “Any damage to the meter or its components must be reported to the Operations department immediately and returned for inspection and/or replacement. Any misuse use of the device, intentional damage to the meter and components and any other action that results in damage to the meter or obtaining water without use of the meter will result in fines and fees. If the meter is lost or damaged in such a way that precludes obtaining an accurate reading the customer shall pay a sum for water usage calculated as follows, for each day after the checkout date the current rate approved by the city for water discharge through a hydrant based upon the maximum flow capacity of the hydrant meter for an 8-hour period. Cordes asked, are we being proactive or have we had problems in the past. Small replied, we are being proactive. B. Okuley stated, most of these rules are just pieces of other rules we were reviewing, in comparison to other municipalities we were not protecting ourselves since we didn’t outline the deposit or what would happen if there was damage. Cordes said, I was just curious if we’ve had problems in the past. Prigge said, are the fines addressed anywhere. Small said, one thing we didn’t have but we included was an application for a hydrant meter. We have had instances where contractors call stating they need a hydrant meter for a residence then we get the meter delivered. However, the water customers themselves aren’t necessarily getting it and that is why we are requiring the customer themselves to complete the application. This application needs their name, address, intended use, and understanding of the rules. Finally, there is Rule 32 that addresses the fees, “other customers requested water connection charge” we changed the fee from \$20 to \$50 which is the same as an electric trip charge would be. We also changed the hose meter charge from a \$1 minimum fee. As of right now if a customer uses a hose for one day it is a 33-cent charge, so we changed that to \$1 minimum. For the hydrant meter we added the \$10 fee a day and a \$10 minimum when it isn’t being used for a city project. This does not apply if a contractor on the behalf of Chad Lulf’s since that would be a city project. Lulfs said, they still will pay for the water used though. Prigge said, is the return check still feasible because everyone I know has a \$35 return check fee. Is that doable for the city. Rausch stated, we get charged \$12 from the bank, plus we must do the paperwork and the postage. Small said, we can certainly look at it and discuss. Cordes said, well the bank charges me \$25-\$30. Small stated, we can discuss this. Prigge said, from my experience working in the Villages they are charged \$35-\$40. Cordes replied, I hear many businesses have \$35 charges.

Motion: Prigge Second: Dewit  
To approve the \$35 return check fee

Roll call vote on the above motion:

Yea- DeWit, Prigge,

Nay-

**Yea-2, Nay-0. Motion Passed.**

DeWitt asked, can we be provided a cost for water per gallon of each product. That way we can share that number with others since we have more production capacity than we use. If we could have a number whether it is competitive or not, then we can share that with others to possibly make it cheaper and sell it to the Northwest Power Group. They will purchase water from anyone they can if it is at a competitive rate. Lulf’s said, we wouldn’t be able to mix water with another source but we do sell them water, They own the line at the filling home and on Road P. They took away Henry County. Small stated, if they picked up a new community, then we could supply the water possibly. Cordes said, only if

the lines are not connected. Lulf's said, that is an EPA rule. Cordes asked, does Northwest Power have a cost per gallon. Small said, yes but it must vary because they have multiple plants. The prices could not be the same in Bowling Green compared to a place like Haskins. DeWitt said, they must have varied rates. It would be good to know the loaded dollar per unit, including retirement of debt. Lulf's said, we do that every time we do a water rate study so if we don't have a current rate, we at least have the previous rates. Small stated, in the future I would like to convene this body once again with the new water rate review commission from Malinta, Florida, and Holgate.  
 from Malinta, Florida, and Holgate.

Motion: Prigge Second: Dewit  
 To approve the Water and Sewer rules

Roll call vote on the above motion:  
 Yea- DeWit, Prigge  
 Nay-  
**Yea-2, Nay-0. Motion Passed.**

**Campbell's Wastewater Contract**

Small stated, several months ago Campbell's approached us to do something about their current water treatment facility because they are under findings of the EPA. They asked the city if we were interested in taking their wastewater. This isn't processing water, this is domestic water, such as bathrooms and the cafeteria. We said we were interested in starting a dialogue and so they hired an engineering company to put together a plan to add a pump station. The pump station would be put on their property along County Road P to East Maumee then, tie into our system in front of the cemetery. After those discussions we started talking dollar amounts for outside rates because they are primarily outside of the corporation limits and they were shocked. After seeing those numbers, they did further research about how much it would cost if they rehabilitated the facility. I went back to Campbell's and offered the inside rate and they were on board. All other fees and charges are as they are written in the Ordinance as well as the rate, which is \$7.50 per unit. That rate is what all industrial and commercial companies pay in corporation limits. DeWitt said, that won't affect our local capacity at all. Small said, no we have more than enough capacity, especially finishing up 7 million gallons and we are treating less than 2 million a day on average. They are talking about 70,000 gallons per day. I proposed the rate the inside rate customer pays as well as other standard charges and I put together a contract. I am asking for your approval to move forward. Prigge said, is there a pump station available over there or did you just update it. I'd like to add something to address fog, oil, and grease. If that is being cleaned it might require the pumps to be cleaned more often which is more money, I spoke with Ernie regarding it. It seems like a short contract, if there is an upset somewhere it worries me. Lulf's said, there is testing set up and continuous monitoring. Prigge said, I know the standard sur charge for BOD and suspended solids is normal, but I thought oil and grease should be added. I told Ernie their new plant isn't going to have disinfection and I think if I was the EPA I would require a permit cycle for e coli. The only other question I have is Campbell's 120-day payment policy, will they be charged late fees. Small said, we can work with them. Prigge said, because that is their policy and contractors up their price because they must wait for payment. DeWitt said, a lot of contractors now require pre-payment before goods and services are installed. Rausch said, they currently have their utilities with us and they pay us like everyone else does. We have probably 9 accounts with Campbell's. DeWitt said, I was going to ask if they pay Toledo Edison within 120 days. Small said, no they pay right away. Prigge said, utilities are different than contractors though. DeWitt asked, then what is the 120-day increment for. Is that how

long it is going to take them to pay us. Small said, we get paid monthly right now. Cordes said, what do we do about the oil and grease. J. Okuley said, my recommendation would be to sample them and confirm is has been separated. Then, if there is some present, we can add a sur charge. Cordes said, do we have something in the contract stating that if it isn't as clean as expected that we had a process to handle that. J. Okuley said, yes if there is any unexpected substance. Cordes asked, do we have any language in the contract that would protect us if it did happen. J. Okuley said yes, we do. Small said, we have it in the current ordinance. Cordes said, do we need to add anything to that ordinance. Small said, no this applies to any industrial or commercial customers that we have. DeWitt said, I'm sure they have their sewer water separated from their other disposable water. Small stated, I believe they are going to be under a microscope for a long time because of the issues they have had in the last few months. Prigge, the reason I brought up phosphorus is because when I've been there salesmen mention different cleaner and it works fantastic. Then, a different salesman offers cleaner that shoots the phosphorus higher up.

Motion: DeWitt Second: Prigge  
To approve the Campbell's wastewater contract be reviewed by council

Roll call vote on the above motion:

Yea- DeWit, Comadoll, Prigge

Nay-

**Yea-3, Nay-0. Motion Passed.**

**Adjourn**

Motion: Comadoll Second: Prigge  
to adjourn the Board of Public Affairs meeting at 6:39 pm.

Roll call vote on the above motion:

Yea- DeWit, Comadoll, Prigge

Nay-

**Yea-3, Nay-0. Motion Passed.**

**Approved**

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Jeff Comadoll- Chair

*City of Napoleon*

**SPECIAL JOINT MEETING AGENDA**

for a Meeting of the

**WATER, SEWER, REFUSE, RECYCLING & LITTER COMMITTEE**

with

**BOARD OF PUBLIC AFFAIRS**

**Monday, September 9, 2024, at 6:00 pm**

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Approval of Minutes: June 10, 2024 (in the absence of any objections or corrections, the Minutes shall stand approved).
- 2) Water Rate Review
- 3) Any Other Matters to Come Before the Committee
- 4) Adjournment



Mikayla Ramirez- Clerk of Council

*City of Napoleon, Ohio*  
**Special Meeting Minutes of the**  
**WATER, SEWER, REFUSE, RECYCLING & LITTER COMMITTEE**  
JOINT MEETING WITH THE  
**BOARD OF PUBLIC AFFAIRS**  
Monday, June 10, 2024 at 6:00 pm

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**PRESENT**

Committee Members	Ken Haase-Chair, Dr. Dave Cordes
City Manager	J. Andrew Small
Recorder	Mikayla Ramirez
Others	Brian Okuley-Operations, Chad Lulfs-Public Works Director, Jeremy Okuley- Wastewater, Lori Rausch, News-Media
Absent	Ross Durham

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**Call to Order**

Haase, Chair of the Water, Sewer, Refuse, Recycling and Litter Committee called the meeting to order at 5:59 pm.

**Approval of Minutes**

In the absence of any objections or corrections, the minutes from the June 3, 2024, meeting were approved.

**Review of Water and Sewer Rules specifically Rule 5- Special Services and Rule 32- Fees**

Small stated, specifically what we are looking at is Rule 5, rules pertaining to hydrant and hose meters. Including what we charge and the rules around those two items. What we have done is go through the rules and make some changes to the clauses that pertain to hydrants and meters. First, Rule 5.4 special watering and the sentence added was, “no sewer credit has contained Codified Ordinance 931.09, Section 3 will be given for these purposes without a hose meter.” For example, if someone waters their grass and then says they want a break on the price it will not be allowed unless they utilized a hose meter for that. Moving on to the hydrant meters, we changed the 24-hour notice to a 3-business day notice and added a deposit of \$500, before there was no deposit indicated, just said it was required. We felt it was only fair given the value of these hydrant meters. B. Okuley said, the meters cost around \$2,500. Small said, we felt like asking for \$500 was appropriate. DeWitt said, how are we doing on the small meters and do we have a lot of those around. Small replied yes, we have a few hose meters around. B. Okuley said, we have 50-75 hose meters. DeWitt said, do we charge them a fee to ensure they are returned. B. Okuley said, yes \$10 a month, prorated to how many days they have them. Small said, we will get to that portion because we did make some adjustments. On the next page it shows what will happen after the customer is done using the meter they will now have to contact the Operations Department, before they were required to contact the Utilities Department. This was done because Operations is the one responsible for removing it. We added a clause for contractors, specifically, for contractors in the construction business requesting “a hydrant meter for reasons such as dust control, grading buildings, or construction related activities. This service can be used for short- and long-term usage. The contractor shall under no circumstances transport water out of city limits for any reason. Contractors shall not remove the meter from the hydrant on which it was originally installed. Only city personnel can install, remove, or relocate hydrant meters.” We do not want them messing with the hydrants because it is too big of an issue if they were to break or get pulled off if the meter was active. Moving on to new item F, this specifies the fee for use of a hydrant meter shall be contained in rule 32 which we will review shortly. Finally, we added item G, “Any damage to the meter or its components must be reported to the Operations department immediately and returned for inspection and/or replacement. Any misuse use of the device, intentional damage to the meter and components and any other action that results in damage to





Motion: Haase                      Second: Cordes  
To approve the Water and Sewer rules

Roll call vote on the above motion:

Yea- Haase, Cordes

Nay-

**Yea-2, Nay-0. Motion Passed.**

**Campbell's Wastewater Contract**

Small stated, several months ago Campbell's approached us to do something about their current water treatment facility because they are under findings of the EPA. They asked the city if we were interested in taking their wastewater. This isn't processing water, this is domestic water, such as bathrooms and the cafeteria. We said we were interested in starting a dialogue and so they hired an engineering company to put together a plan to add a pump station. The pump station would be put on their property along County Road P to East Maumee then, tie into our system in front of the cemetery. After those discussions we started talking dollar amounts for outside rates because they are primarily outside of the corporation limits and they were shocked. After seeing those numbers, they did further research about how much it would cost if they rehabilitated the facility. I went back to Campbell's and offered the inside rate and they were on board. All other fees and charges are as they are written in the Ordinance as well as the rate, which is \$7.50 per unit. That rate is what all industrial and commercial companies pay in corporation limits. DeWitt said, that won't affect our local capacity at all. Small said, no we have more than enough capacity, especially finishing up 7 million gallons and we are treating less than 2 million a day on average. They are talking about 70,000 gallons per day. I proposed the rate the inside rate customer pays as well as other standard charges and I put together a contract. I am asking for your approval to move forward. Prigge said, is there a pump station available over there or did you just update it. I'd like to add something to address fog, oil, and grease. If that is being cleaned it might require the pumps to be cleaned more often which is more money, I spoke with Ernie regarding it. It seems like a short contract, if there is an upset somewhere it worries me. Lulf's said, there is testing set up and continuous monitoring. Prigge said, I know the standard sur charge for BOD and suspended solids is normal, but I thought oil and grease should be added. I told Ernie their new plant isn't going to have disinfection and I think if I was the EPA I would require a permit cycle for e coli. The only other question I have is Campbell's 120-day payment policy, will they be charged late fees. Small said, we can work with them. Prigge said, because that is their policy and contractors up their price because they must wait for payment. DeWitt said, a lot of contractors now require pre-payment before goods and services are installed. Rausch said, they currently have their utilities with us and they pay us like everyone else does. We have probably 9 accounts with Campbell's. DeWitt said, I was going to ask if they pay Toledo Edison within 120 days. Small said, no they pay right away. Prigge said, utilities are different than contractors though. DeWitt asked, then what is the 120-day increment for. Is that how long it is going to take them to pay us. Small said, we get paid monthly right now. Cordes said, what do we do about the oil and grease. J. Okuley said, my recommendation would be to sample them and confirm is has been separated. Then, if there is some present, we can add a sur charge. Cordes said, do we have something in the contract stating that if it isn't as clean as expected that we had a process to handle that. J. Okuley said, yes if there is any unexpected substance. Cordes asked, do we have any language in the contract that would protect us if it did happen. J. Okuley said yes, we do. Small said, we have it in the current ordinance. Cordes said, do we need to add anything to that ordinance. Small said, no this applies to any industrial or commercial customers that we have. DeWitt said, I'm sure they have their sewer water separated from their other disposable water. Small stated, I believe they are going to be under a microscope for a long time because of the issues they have had in the last few months. Prigge, the reason I brought up phosphorus is because when I've been there salesmen

mention different cleaner and it works fantastic. Then, a different salesman offers cleaner that shoots the phosphorus higher up.

Motion: Cordes                                        Second: Haase  
To approve the Campell’s Water Contract

Roll call vote on the above motion:

Yea- Haase, Cordes

Nay-

**Yea-2, Nay-0. Motion Passed.**

Adjournment

Motion: Haase                                        Second: Cordes  
to adjourn the Water, Sewer, Refuse, Recycling & Litter Committee at 6:39pm

Roll call vote on the above motion:

Yea- Haase, Cordes

Nay-

**Yea-2, Nay-0. Motion Passed.**

**Approved**

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Ken Haase- Chair



# City of *NAPOLEON*, Ohio

255 West Riverview Avenue • P.O. Box 151

Napoleon, Ohio 43545-0151

Phone: (419) 592-4010 • Fax: (419) 599-8393

Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

## *Memorandum*

To: Members of the Water, Sewer, Refuse Recycling and Litter Committee, and Board of Public Affairs  
CC: Members of City Council and Mayor Bialorucki  
From: J. Andrew Small, City Manager  
Date: September 6, 2024  
Subject: 2025 Water and Sewer Rate

On Monday evening a recommendation will be made to the Water, Sewer, Refuse and Recycling Committee and the Board of Public Affairs, as well as the Water Rate Review Commission, for no increase in the water and sewer rates for 2025. I want to make it clear that an outside consultant was not commissioned to complete a comprehensive review of all operations. Instead, I reviewed current fund balances, as well as current liabilities in all the water and sewer funds for the past several years and compared our numbers to those of ten (10) similar communities around the State (see below).

This year (2024) is the last year of four, 7% annual increases. The rate of inflation over that same period has averaged 5%, taking a bite out of the additional revenue that was anticipated. With that said, revenue has consistently outpaced expensed during the same period.

While we are tasked to be good stewards of the revenues generated by these proprietary enterprises, I am confident we are in a position to offer a brief relief to our rate payers that are weary of continual increases.

To assist in this endeavor, I have halted any 'discretionary' projects for 2025 to protect the funds. We are nearing completion of our Long-Term Control Plan and are now in a position to make those decisions.

Finally, we will be collecting additional revenue, beginning in 2025, from our agreement with Campbell Soup to begin accepting wastewater from their facilities. While we are somewhat unsure of the magnitude of this increase, we are certain it will have a positive impact on our Sewer Fund.

If you have any questions, please feel free to contact me.

I look forward to the discussion Monday evening.

J. Andrew Small,  
City Manager

**CAFR “Statement of Net Position” Comparison between similar municipalities (EOY 2022)**

	<b>Cash and Cash Equivalents</b>		<b>Total Current Liabilities</b>	
	<b>Water</b>	<b>Sewer</b>	<b>Water</b>	<b>Sewer</b>
Napoleon	\$ 3.573 million	\$ 5.483 million	\$ 0.557 million	\$ 0.810 million
Defiance	\$ 4.630 million	\$ 3.778 million	\$ 1.437 million	\$ 2.617 million
Bryan 1.404 million	\$ 3.563 million	\$ 3.352 million	\$ 0.147 million	\$
Wapakoneta 1.423 million	\$ 2.691 million	\$ 3.728 million	\$ 0.674 million	\$
St. Marys	\$ 4.114 million	\$ 2.490 million	\$ 1.426 million	\$ 1.173 million
Tipp City	\$ 3.017 million	\$ 2.276 million	\$ 0.876 million	\$ 0.369 million
Dover 0.962 million	\$ 2.614 million	\$ 3.161 million	\$ 0.220 million	\$
Galion	\$ 0.594 million	\$ 3.567 million	\$ 0.430 million	\$ 1.086 million
Oberlin	\$ 1.629 million	\$ 3.519 million	\$ 0.373 million	\$ 0.100 million
Shelby	\$ 0.504 million	\$ 1.749 million	\$ 0.201 million	\$ 0.583 million
Wauseon	\$ 0.970 million	\$ 2.346 million	\$ 0.217 million	\$ 0.283 million



# City of Napoleon, Ohio

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## Memorandum

**To:** Electric Committee, City Council, Mayor,  
City Manager, City Finance Director, City Law  
Director, Department Supervisors, News-media  
**From:** Mikayla Ramirez, Clerk  
**Date:** September 6, 2024  
**Subject:** Electric Committee Meeting Canceled

The Electric Committee meeting scheduled for Monday,  
September 9<sup>th</sup>, 2024, at 6:30 pm has been CANCELED by the chair.



# City of Napoleon, Ohio

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## Memorandum

**To:** City Council, Mayor, City Manager, City Finance Director, Law Director, Department Supervisors, News-media  
**From:** Mikayla Ramirez, Clerk  
**Date:** September 6, 2024  
**Subject:** Municipal Properties, Building, Land Use and Economic Development Committee – Cancellation

The regularly scheduled meeting of the Municipal Properties, Building, Land Use and Economic Development Committee for Monday, September 9<sup>th</sup>, 2024, at 7:30 pm has been CANCELED due to lack of agenda items.



# City of Napoleon, Ohio

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## Memorandum

**To:** Board of Zoning Appeals, City Council, Mayor, City Manager, City Finance Director, Law Director, Department Supervisors, News-media  
**From:** Mikayla Ramirez, Clerk  
**Date:** September 6, 2024  
**Subject:** Board of Zoning Appeals – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals set for Tuesday, September 10<sup>th</sup>, 2024, at 4:30 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

**PLANNING COMMISSION MEETING AGENDA**

PC-24-06-, PC-24-07- and PC-24-08- Special Use or Conditional Use Permit

**Tuesday, September 10, 2024 at 5:00 pm**

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Approval of Minutes – April 9, 2024 (in the absence of any objections or corrections, the minutes shall stand approved)

3) **New Business**

PC-24-06- Application for Amendment

An application for a change in zoning is being requested by the Napoleon City Manager, J. Andrew Small. The requested is in pursuant to chapter 1121.02 of the Napoleon Codified Ordinance, Application for Amendment. The request if for the following plats within the City of Napoleon to be changed from a C-5 Highway Commercial Zone and an I-2 Open Industrial District to a C-4 Planned Commercial District.

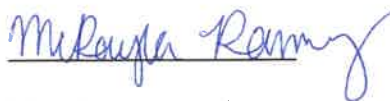
PC-24-07- Application for Amendment

An application for a change in zoning is being requested by the Napoleon City Manager, J. Andrew Small. The requested is in pursuant to chapter 1121.02 of the Napoleon Codified Ordinance, Application for Amendment. The request if for the following plats within the City of Napoleon to be changed from an I-2 Open Industrial District to an R-4 High-Density District and a C-4 Planned Commercial District.

PC-24-08 Application for a Conditional Use Permit

An application for a hearing has been filed by Ridis car was located at 123 W. Front St. asking for a Conditional use permit for the setback measurements for new vacuum cleaners which is located in a C-4 Planned Commercial District. The applicant is requesting the Vacuum Cleaners be closer to the right-of-way recommendations.

- 4) Closing Remark
- 5) Adjournment



Mikayla Ramirez- Acting Clerk

City of Napoleon, Ohio

PLANNING COMMISSION MEETING MINUTES

Tuesday, April 9, 2024, at 5:00 pm

PC-24-05- Special or Conditional Use Permit- 1124 Willard St.

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**PRESENT:**

Commission Members	Tim Barry-Chair, Suzette Gerken, Joseph Bialorucki, Cory Niekamp
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer
Others	News-Media Greg Snyder
Acting Clerk	Marrisa Flogaus

**ABSENT**

Commission Members	Larry Vocke
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**CALL TO ORDER**

Barry, Chairman of the Planning Commission called the meeting to order at 5:00 pm noting a quorum was present.

**APPROVAL OF MINUTES**

In the absence of any objections or corrections, the February 13, 2024 Planning Commission meeting minutes were approved as presented.

**NEW BUSINESS**

PC-24-05- Special Use or Conditional Use Permit- 1124 Willard St

Barry read the background on PC-24-05. An application for public hearing has been filed by Greg Snyder of 1124 Willard St. Napoleon, Ohio 43545. The applicant is requesting a Special Use or a Conditional Use Permit for small machine shop to build silencers with Alcohol, Tobacco and Firearms authorization. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is located in an R-2 Low- Density Residential District.

**RESEARCH AND FINDINGS**

Schultheis presented his research and findings.

1. 1131.01 RESIDENTIAL DISTRICTS ESTABLISHED/GENERAL PROHIBITIONS.

The R-2 LOW-DENSITY RESIDENTIAL DISTRICT provides to preserve the fine tradition of very stable areas presently committed to moderate-density single-family residential development. This District is designed for areas having approved public water supply and sanitary sewer systems.

(a) **Permissible Uses:** Permissible Uses shall be in accordance with Chapter 1145 of the Napoleon Codified Ordinance.

**1145.01 TABLE OF PERMISSIBLE USES.**

The Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Definitions of Basic Terms and the other interpretive provisions set forth in this Planning and Zoning Code.

(a) Use of the Designation “P” and “C” in Table of Permissible Uses. When used in connections with a particular use in the Table of Permissible Uses, the letter “P” means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. When the letter “P” is **nonexistent** in the Table, then it shall be deemed a no permissive use **unless** a special use or conditional use permit is approved in accordance with this Zoning Code.

**(b) Jurisdiction Over Uses Otherwise Permissible with a Zoning Permit.**

Notwithstanding any other provisions of this Planning and Zoning Code, whenever the Table of Permissible Uses (interpreted in light of subsection (a) hereof and the other provisions of this Planning and Zoning Code) provides that a use is permissible with a zoning permit, and/or a conditional use permit, as applicable, shall nevertheless be required if the Zoning Administrator shall consider, among other factors, whether the use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

**(c) Accessory Uses:**

C. Home occupations when carried on by the owner-resident of the dwelling when no physical or visual effects are observed beyond the walls of the dwelling.

The applicant is asking for a Special Use or a Conditional Use Permit along with a Zoning Permit to use a two car garage located on the property of 1124 Willard St. Napoleon, Ohio 43545. The Applicant (Greg Snyder) requesting to use the garage as a small machine shop to design and develop silencers for weapons (guns).

Mr. Snyder states the hours of operation would be from approx. 2:30 pm to 6:00 pm with limited noise from the drill press. All work and material will be confined to the interior garage with no outside storage and no testing of the product on site.

Alcohol, Tobacco and Firearms would regulate and monitor the quality of the product once approved for the licensing.

**(e) Certificate of Zoning**

(1) Certificate required. No land shall be occupied or used, and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of zoning has been issued by the Zoning Administrator, stating that the use is in compliance with all provisions of this Planning and Zoning Code.

(2) Change in use. No change shall be made in the use of land or the use of any building or part thereof now or hereafter erected, reconstructed, or structurally altered without a certificate of zoning having been issued by the Zoning Administrator. Certificate for change in a use shall not be issued unless the premise is in conformity with the provisions of this Planning and Zoning Code.

**(f) Violations.**

(1) No person shall recklessly violate any provision of this Planning and Zoning Code or any condition or restriction contained in a conditional use permit.

**Recommended Conditions:**

In Accordance with Section 1141.02(f)

1. If approved, this permit is issued to the owners of 1124 Willard St. Napoleon, Ohio, and shall last for the duration of their agreement.
2. The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a conditional use as shall be deemed necessary to adequately address the general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e)
3. The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code

**DISCUSSION**

Schultheis stated basically he is requesting for a special or conditional use permit to make silencers for weapons. Barry asked is this to run a business out of his garage? Or is it because of what he's making? Schultheis replied that's what he's making. Barry asked if it could be considered a machine shop? Schultheis replied yes, it's going to be a drill and taps. He just wants to be legal and in the right for Alcohol, Tobacco and Firearms. Barry asked Snyder to tell them a little bit about what he's planning. Snyder stated I came up with a couple different designs for gun silencers that no ones ever patented. In order to make them legally I have to go through the ATF. I have to do all the paperwork otherwise I could go to jail. That takes about a year in itself. Before I can even fill out my paperwork with the ATF I have to be in a zoned area. If you guys do approve this I can start my paperwork. To be able to make the silences and get them patent would take another year or two, but I have to start somewhere. This just allows me to do everything right. Barry asked if the long term plan would have people stopping by his house to check them out? Snyder replied people won't be stopping by my house. At some point if it does kick off I would have to rent or by a building. It takes a lot of time and money. This would at least allow me to start. Barry asked if large trucks would be delivering large chunks of steel? Snyder replied no, everything is on really small scale. It shouldn't impact any of my neighbors. They won't even know I'm doing it in my garage. Barry ask what are you thinking for security down the road? Snyder replied the license would be my home address and I have a gun safe to store them. Everything would be under lock and key. Gerken asked if the gun safe would be in the garage? Snyder replied no, it'll be in my home. It's more secure in my house and it's temperature controlled. Gerken asked Snyder if he had any experience? Snyder replied I don't drink anymore or put nicotine into my body as of last year. Life's been great. God just blessed me to come up with this design. I have some machine experience and I've been a mechanic forever. Niekamp asked if the plan is to have the garage door open or shut? Snyder replied the less people who know about this the better I feel. Also, to cut down on noise I feel like having the doors shut would be the best option. Niekamp asked if this is set up to operate with the garage door closed? Snyder replied yes. Bialorucki asked how loud would the machine be? Would your next door neighbor be able to hear it? Snyder replied they shouldn't be able to hear anything. It's just a small press and saw. Bialorucki stated the older I get, the crabbier I get. I enjoy sitting outside

and I hear my neighbors dog barking or different noises. It may not be a loud obnoxious noise, but it maybe. Snyder interjected I get along with my neighbors really well. They're older and I help shovel their sidewalks. I think it's a testament to itself that no one is here. Going forward I know it can be taken away from me, so I want to tread lightly to not upset my neighbors. Barry asked Schultheis if there was an ordinance against noise? Schultheis replied yes. I don't image it would exceed it. Snyder stated the work I would be doing in my garage would be less noise than the neighbors across the street playing music. Gerken stated the work being done would be from 2:30pm – 6:00pm. Niekamp asked if this has been communicated to all the neighbors? Schultheis replied I haven't received a complaint. In fact I received a call from one of his neighbors in support. Small stated I have a wood shop in my garage. I operate a table saw, miter saw, band saw and scroll saw. I make a lot of noise. What he's talking about doing is 1/10<sup>th</sup> of the noise that I generate. Even if he had his doors open I couldn't imagine anyone hearing it.

Motion: Bialorucki                      Second: Niekamp

To approve PC-24-05 Special Use or a Conditional Use Permit for small machine shop to build silencers with Alcohol, Tobacco and Firearms authorization

Roll call vote on the above motion:

Yea- Gerken, Barry, Niekamp, Bialorucki

Nay-

**Yea-4, Nay-0. Motion Passed.**

#### **ADJOURNMENT**

Motion: Bialorucki                      Second: Niekamp

To adjourn the Planning Commission meeting at 5:15 p.m.

Roll call vote on the above motion:

Yea- Gerken, Barry, Niekamp, Bialorucki

Nay-

**Yea-4, Nay-0. Motion Passed.**

Approved

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Tim Barry - Planning Commission Chair



# City of Napoleon, Ohio

## Kevin Schultheis, Zoning Admin.

### Code Enforcement

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

AUGUST 14, 2024

To: Members of the Planning Commission  
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer  
Reference: PC-24-06- Request for Amendment  
Meeting Date: September 10, 2024

### **Memorandum: Application for Amendment**

An application for a change in zoning is being requested by the Napoleon City Manager, J. Andrew Small. The requested is in pursuant to chapter 1121.02 of the Napoleon Codified Ordinance, Application for Amendment. The request if for the following plats within the City of Napoleon to be changed from a C-5 Highway Commercial Zone and an I-2 Open Industrial District to a C-4 Planned Commercial District.

### **Back Ground and Research:**

Under the current zoning regulations the following is unlikely to be used as an I-2 or a C-5 with the commercial development in place. A C-4 is the most likely alternative zoning code and functional for the betterment of the City Planning Code and the City's Master Plan.

These two businesses are currently under an I-2 Open Industrial District and with the current location of the commercial businesses a Zone I-2 will no longer be applicable within this district:

Parcel # 411192120040, Murphy Oil USA, Inc. Scott St. Napoleon, Ohio 43545

Parcel # 411100300000, Farmers and Merchants State Bank, 2255 Scott St. Napoleon, Ohio 43545

These three businesses are currently located within a C-5 Highway Commercial Zone and with the current locations of the commercial business a zoning change can be made without impacting the local business, however, with the change, and if a new free standing sign is to be placed at the back of the commercial development that exceeds 25 feet to a height of 75 feet, a planning commission hearing would be made for the adjustments.:

Parcel # 411293610020, Scott Elliot A, Trustee, 2296 Scott St. Napoleon, Ohio 43545 (Burger King and back lot)

Parcel # 411293610040, Gunn's Properties, LLC, Scott St. Napoleon, Ohio 43545

Parcel# 411193610080, Joel M. Gerken, Etux 611 Wood Drive Napoleon, Ohio 43545 (Dairy Queen)

Parcel# 411193610040 & 411193610060, Holland Real Estate, LLC 607 Wood Drive Napoleon, Ohio 43545 (Wendy's)

Parcel # 411193610020 Sundance, Inc. 605 Wood Drive Napoleon, Ohio 43545 (Taco Bell)

All Parcel mentioned in this request would be within the table of permissible uses or a Conditional uses variations under section 1145.01 of the Napoleon Codified Ordinance.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer



# City of Napoleon, Ohio

## Kevin Schultheis, Zoning Admin.

### Code Enforcement

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AUGUST 14, 2024

To: Members of the Planning Commission  
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer  
Reference: PC-24-07- Request for Amendment  
Meeting Date: September 10, 2024

### **Memorandum: Application for Amendment**

An application for a change in zoning is being requested by the Napoleon City Manager, J. Andrew Small. The requested is in pursuant to chapter 1121.02 of the Napoleon Codified Ordinance, Application for Amendment. The request if for the following plats within the City of Napoleon to be changed from an I-2 Open Industrial District to an R-4 High-Density District and a C-4 Planned Commercial District.

### **Back Ground and Research:**

Under the current zoning regulations the following is unlikely to be used as an I-2 with the commercial development in place. A R-4 and a C-4 is the most likely alternative zoning code and functional for the betterment of the City Planning Code and the City's Master Plan.

There is one business that is currently under an I-2 Open Industrial District and with the current location of the commercial businesses a Zone I-2 will no longer be applicable within this district:

To be changed to a C-4 Planned Commercial District  
Parcel# 411300500000 KSW Landmark, LLC, 1414 Scott St. Napoleon, Ohio 43545

There are three Plats currently located within an I-2 Open Industrial District and with the locations of the current residential district R-4 High Density District changes can be made without impacting the local residences or businesses.

Parcel# 410094522080 KSW Lanmark, LLC, Rye St. Napoleon, Ohio 43545  
Parcel# 410094522120 Benancio M Pedroza Jr., Rye St. Napoleon, Ohio 43545  
Parcel# 410094522140 Maria A Pedroza, Rye St. Napoleon, Ohio 43545

All Parcel mentioned in this request would be within the table of permissible uses or a Conditional uses variations under section 1145.01 of the Napoleon Codified Ordinance.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer





# City of Napoleon, Ohio

## Kevin Schultheis, Zoning Admin. Code Enforcement

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AUGUST 28, 2024

Memorandum: 123 W. Front St. (Ridis Car Wash)

To: Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Reference: Setback for new vacuum cleaners

Hearing # PC-24-08

### **Memorandum: Application for a Conditional Use Permit**

An application for a hearing has been filed by Ridis car was located at 123 W. Front St. asking for a Conditional use permit for the setback measurements for new vacuum cleaners which is located in a C-4 Planned Commercial District. The applicant is requesting the Vacuum Cleaners be closer to the right-of-way recommendations.

### **Back Ground and Research**

Entrances and exits serving permitted uses shall be so located to minimize any adverse effect on adjacent property or the public street. Not more than two driveways with an aggregate maximum of 30 feet at the property line shall be permitted unless the area served has been approved through a conditional use process.

Off-street parking spaces and accessory uses such as filling stated pimps and island, signs and light standard, and access drives may be located in the required front yard, but not within 20 feet of the front lot line.

The Napoleon City Engineers office will be improving the location with the Front Street improvements, including a bike path that will run approximately five feet within the right-of-way boundary.

All Parcels Mentioned in this request would be within the table of Permissible uses or a Conditional uses variations under section 1145.01 of the Napoleon Codified Ordinance.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer