

**VILLAGE OF HEBRON  
COUNCIL MEETING MINUTES  
December 13, 2023  
6:00 PM**

This meeting was held both remotely and in person.

**CALL TO ORDER**

Mayor Layton called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Layton asked everyone to join in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers in attendance: Council President Dr. Valerie Mockus, Councilmembers Annelle Porter, Kenney Nauer, Paige Seymour, Stacy Stoner and Randy Wolf.

Others in attendance: Mayor James Layton, Village Administrator Jung-Han Chen, Village Fiscal Officer Deborah Morgan, Village Solicitor Wesley K. Untied, Attorney Jarod Rose, Public Works Assistant Superintendent Kyle Cooperider, Tax Administrator Mindy Kester, and Clerk of Council/Administrative Assistant Christina Furbee.

Others attending remotely: None

Visitors in attendance: Andrea Chapman, Jeff Johnstone, Vicky Johnstone, Merle Sherman

**ACKNOWLEDGE VISITORS**

Mayor Layton acknowledged the visitors in attendance.

**NOTICE: MEETING DOCUMENTATION**

Mayor Layton said the minutes for this meeting are being recorded and a written summary will be available by request at a later date.

**APPROVAL OF MINUTES**

November 22, 2023 Council Meeting

Mrs. Porter moved to approve the November 22, 2023 Council Meeting minutes as presented, seconded by Mrs. Seymour. A roll call vote was taken with all Councilmembers present voting in favor.

**DEPARTMENT HEAD REPORT-Public Works**

Public Works Assistant Superintendent Kyle Cooperider said the Department Head report was distributed to Council.

He briefly highlighted items on the report:

- The Public Works Department received numerous compliments on the flower baskets downtown and new baskets have been ordered for 2024.
- Tyler McCloud was hired as Operator II on September 18<sup>th</sup>.
- Food Truck Wednesdays were successful.
- Stormwater pipes were installed on Hopewell Drive.
- Blockage in pipe was found on Hamilton Avenue.
- A tractor trailer hit a wing wall at the entrance of the Municipal Building parking lot. It has been repaired.
- Christmas décor has been hung throughout the Village. The annual tree lighting and Santa event was successful and fun. Albans Landscape finished landscaping the Municipal Building grounds in October.
- Flag poles at Canal Park have been painted.
- Street signs have been replaced and hung.

Mrs. Porter asked if the Village received any of the food truck revenue. Mr. Cooperider said the revenue went to the Food Truck owners and the Village did not receive any of the revenue.

Mrs. Porter said the sign for the annual Santa event is still up at the greenspace.

Mr. Nauer said the street lights along the sidewalk from Newark Street to the Post Office have been staying on all of the time. He said he thought placing street signs on top of stop signs may be illegal. He asked the Public Works Department to check into this. He said the weeds along the SR 79 bypass have not been cut.

Mrs. Porter said there is a depression in the ground at the corner of North and 8<sup>th</sup> Streets.

Mrs. Seymour asked if Christmas lights throughout the Village need replaced. Mr. Cooperider said some of the lights worked but then quit, so they fixed them and made notes for next year. He said they plan to work on the wreaths next year too.

Mrs. Stoner thanked the Public Works Department for the report and for their work at the annual tree lighting. She said it was very nice. Mrs. Porter agreed.

#### **VISITOR COMMENTS**

None

#### **EXECUTIVE SESSION-To consider the purchase of property for public purposes**

Mrs. Seymour moved to go into Executive Session at 6:10 p.m. to consider the purchase of property for public purposes pursuant to Ohio Revised Code 121.22(G)(2), seconded by Dr. Mockus. A roll call vote was taken with all Councilmembers present voting in favor.

Dr. Mockus moved to reconvene from Executive Session at 6:51 p.m., seconded by Mrs. Porter. A roll call vote was taken with all Councilmembers present voting in favor.

Dr. Mockus moved to direct the Village Solicitor to draft an agreement and the Mayor to sign the agreement to purchase the parcel of interest, seconded by Mrs. Stoner. A roll call vote was taken with all Councilmembers present voting in favor.

#### **LEGISLATION**

**ORDINANCE 29-23-** AN ORDINANCE CREATING THE CODIFIED CODE SECTION OF THE TRAFFIC CODE AND REGULATIONS TITLE 5 SECTION 343 OF THE VILLAGE OF HEBRON DESIGNATED AS OPERATION OF LOW-SPEED, UNDER-SPEED, AND UTILITY VEHICLES -**Third Reading**

Mr. Wolf moved to adopt Ordinance 29-23 as presented, seconded by Dr. Mockus. A roll call vote was taken with all Councilmembers present voting in favor, except Mrs. Porter who voted against.

**ORDINANCE 30-23-** AN ORDINANCE CREATING THE CODIFIED CODE SECTION OF THE TRAFFIC CODE AND REGULATIONS TITLE 5 SECTION 345 OF THE VILLAGE OF HEBRON DESIGNATED AS OPERATION OF ALL-PURPOSE VEHICLES- **Third Reading**

Mrs. Seymour moved to adopt Ordinance 30-23 as presented, seconded by Dr. Mockus. A roll call vote was taken with all Councilmembers present voting in favor, except Mrs. Porter who voted against.

**RESOLUTION 23-12** - A RESOLUTION OF ACCEPTANCE OF FRAMEWORK FINAL REPORT-**Third Reading**

Mr. Wolf moved to adopt Resolution 23-12 as presented, seconded by Mrs. Seymour. A roll call vote was taken with all Councilmembers present voting in favor.

**RESOLUTION 23-16-** A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR INDIGENT DEFENSE SERVICES IN THE MUNICIPAL COURT FOR THE VILLAGE OF HEBRON, LICKING COUNTY, OHIO-**First Reading**

Village Solicitor Wesley K. Untied said everyone has a constitutional right to legal counsel. If someone is charged with a violation, it is the Village's duty to provide legal counsel to them. That plan is administered through the Licking County Commissioners collectively to pay legal defense counsel and we are authorizing them to do that. If it is for defendants related to charges for Hebron ordinances, we would have to repay them.

**ORDINANCE 33-23-** AN ORDINANCE AMENDING THE VILLAGE OF HEBRON, OHIO CODIFIED ORDINANCES SECTION 182.094, HEADED "EXTENSION OF TIME TO FILE," BY AMENDING SUBSECTION (A) AND ENACTING DIVISIONS (F) AND (G)- **First Reading**

Tax Administrator Mindy Kester said the next three ordinances are a result of HB 33 that Governor DeWine signed into law this year. She said Ordinance 33-23 will extend time to file for businesses by one month, so they will have until November 15<sup>th</sup> to file with an extension, versus October 15<sup>th</sup>. She said a few years back, the Uniformity Act was passed, so all of the Ohio municipalities will be passing this type of legislation. She said Ordinance 35-23 changes the age requirement from 16 to 18 years.

**ORDINANCE 34-23-** AN ORDINANCE AMENDING THE VILLAGE OF HEBRON CODIFIED ORDINANCES SECTION 182.062, HEADED "NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT" -**First Reading**

**ORDINANCE 35-23-** AN ORDINANCE AMENDING THE VILLAGE OF HEBRON CODIFIED ORDINANCES SECTION 182.03, HEADED "DEFINITIONS", BY AMENDING SECTION (11)(N) TO CHANGE THE AGE OF INDIVIDUALS WHOSE INCOME IS EXEMPT INCOME FROM UNDER AGE 16 TO UNDER AGE 18-**FIRST READING**

Mr. Wolf said as it is mandated by the state that this legislation be passed, he doesn't see the need to hold it for three readings. De. Mockus said she would not want to have to explain to residents why we did not offer three readings when it is not necessary to pass it as an emergency.

Dr. Mockus said Council tries to defer to the advice of the Administration when it comes to whether it is necessary to waive the readings of legislation. She said we typically do not try to push it through unless it is necessary, and she has heard feedback from residents who do not understand why certain pieces of legislation are pushed through without three readings. Mrs. Kester said she does not see a need to suspend the readings, and she would certainly come back to the next Council Meeting if she is told the legislation needs to be pushed through.

#### **COUNCIL ACTION ITEMS**

##### November 2023 Bank Reconciliation

Mrs. Seymour moved to acknowledge receipt and review of the November 2023 Bank Reconciliation, seconded by Dr. Mockus. A roll call vote was taken with all Councilmembers present voting in favor.

##### Pulte PRD Zoning application request

Mr. Chen said a copy of an email from Pulte was included in Council's packets. He said Pulte has requested waiting until January 2024 to take action on their Planned Residential District zoning application request.

Dr. Mockus moved to postpone taking action of the Pulte PRD zoning application request, seconded by Mrs. Porter. A roll call vote was taken with all Councilmembers present voting in favor.

##### Planning & Zoning Recommendation-Village of Hebron Rezone Request

Mr. Chen said this is a rezoning request made by the Village of Hebron. He said the Hebron Planning & Zoning Board recommendation was included in Council's packets. He said Hebron zoning code states a Public Hearing must be scheduled within 45 days of receiving the recommendation from Planning & Zoning.

Mr. Chen said the recommendation is to set the Public Hearing for January 24<sup>th</sup> as it coincides with a tentative 2024 Council Meeting within the required time frame. He said an ad will be placed in the newspaper and letters will be sent to the contiguous properties as well. Mrs. Seymour asked if there is a specific need to rezone the property. Mayor Layton said the need is for placement of a sign.

Mr. Wolf moved to accept the recommendation from the Hebron Planning & Zoning Board and schedule a Public Hearing to review to the request on January 24, 2024 at 6pm, seconded by Dr. Mockus. A roll call vote was taken with all Councilmembers present voting in favor.

#### Set date/time for 2024 Annual Organizational Meeting

Mrs. Furbee said tentative 2024 calendars were provided in Councilmembers' packets. She said the annual Organizational Meeting is typically set at 5:30pm just before the first Council Meeting of the year.

Mrs. Porter moved to set the date and time of the 2024 Annual Organizational Meeting for January 10, 2024 at 5:30pm, seconded by Mrs. Stoner. Dr. Mockus said she emailed all 2024 Council members to ask about preferred Committee assignments. A roll call vote was taken with all Councilmembers present voting in favor.

#### **ADMINISTRATOR'S REPORT**

Mr. Chen said Council received reports from the Public Works Department concerning Food trucks. He said he thinks the Public Works department has done a great job, but next year, he plans to put a committee together to focus on the food trucks instead of Public Works being the lead entity.

Mr. Chen said he will attend a meeting with MORPC tomorrow to learn about their transportation policy.

#### **COUNCILMEMBER'S REPORTS**

Mr. Wolf said there was a recent fire under a bridge on SR 79.

#### **MAYOR'S REPORT**

Mayor Layton said he sent copies of updated job descriptions for Mrs. Morgan and Mrs. Kester to Council. He said the previous job descriptions were outdated and needed updated.

Mrs. Seymour said she didn't see the previous job description and asked if there were many changes. Mayor Layton said the new versions are more detailed. Mrs. Morgan said there was a lot of items that were not included in the previous versions so they needed to be updated. Dr. Mockus said she recalls that the Personnel Committee discussed the Fiscal position extensively because of additional duties that were taken on and the additional expectations of the incumbent in that position over the last 4 months or so, but she does not know of discussions about the tax position. Mr. Wolf said the job descriptions needed revised anyway.

Mr. Wolf moved to adopt the updated job descriptions for the Fiscal Officer and Tax Administrator as presented, seconded by Mrs. Seymour. Mr. Nauer asked if the updated Fiscal Officer job description includes items from when she took on the role of the Interim Village Administrator position. Mrs. Morgan said no, only the Fiscal Officer duties needed updated. Dr. Mockus said it is her understanding that the updated job descriptions include an introduction of ranges as opposed to a set point. Mrs. Morgan said all other job descriptions for positions in the Village have a wage range. Mayor Layton said this brings uniformity to all job descriptions. A roll call vote was taken with all councilmembers present voting in favor except Dr. Mockus and Mrs. Stoner who voted against. The motion carried.

Mayor Layton said the American Legion will hold its Christmas party at 6pm on Monday. He said they will recognize some of the Hebron Police officers and Fire staff.

#### **VISITOR COMMENTS**

Jeff Johnstone, 116 Sands Dr, said the proposed project by Spires Development is supposed to include building a pond near his property. He said it is a 12 foot tall dam and much water is puddling there. He said his property was just taken out of the flood zone and he doesn't want it to go back to being included in the flood zone. Mayor Layton said Spires will be required to ensure that water will not run off onto other properties. He said Spires will provide information about their plan and the Village engineers will review that information. Mr. Wolf said the land will be leveled out.

Mr. Johnstone said talked to Spires and was told the pond will be close to his property but the plans show it will be about 50 feet from it. He said if the pond is close to his property, it will

creates a privacy barrier but further away will not. He said sometimes mistakes are made and the long-term effect may come back to haunt him and he is worried no one will take responsibility for it and he will have to pay to fix it. Dr. Mockus said her understanding is that their intention is not to sell the lots, it is to hold the existing homes. She said it seems the original organization that did the construction will still be invested in the Village and they will still have a relationship with the Village. She said as the property owner, Mr. Johnstone will see water issues before the Village will, and she asked him to let the Village know as soon as possible if water does become an issue.

**REVIEW OF EXPENSES**

Councilmembers acknowledged review of the list of expenditures. There were no questions about the expenditures.

**MEETING/EVENT SCHEDULE**

December 20, 2023- 6pm, Combined Council Committees Meeting, Council Chambers

December 25, 2023-CLOSED for Christmas

December 27, 2023-6pm, Council Meeting, Council Chambers

January 1, 2023-CLOSED for New Year holiday

**ADJOURN**

Mrs. Porter moved to adjourn the meeting at 7:28pm, seconded by Mrs. Seymour. A roll call vote was taken with all Councilmembers present voting in favor.

\_\_\_\_\_(on file)\_\_\_\_\_  
James Layton, Mayor

Attest:

\_\_\_\_\_(on file)\_\_\_\_\_  
Deborah Morgan, Village Fiscal Officer