

**VILLAGE OF HEBRON
PUBLIC HEARING/COUNCIL MEETING MINUTES
NOVEMBER 8, 2023**

These meetings were held both remotely and in person.

**PUBLIC HEARING
5:30 PM**

CALL TO ORDER

Mayor Layton called the meeting to order at 5:30pm

ROLL CALL

Councilmembers in attendance: Council President Dr. Valerie Mockus, Councilmembers Annelle Porter, Kenney Nauer, Paige Seymour and Randy Wolf. Councilmember Stacy Stoner was excused from this meeting.

Others in attendance: Mayor James Layton, Village Administrator Jung-Han Chen, Economic & Community Development Director Brittany Misner, Community Development Coordinator Bonnie Miller, Village Solicitor Wesley K. Untied, and Attorney Jarod Rose.

Others attending remotely: Village Fiscal Officer Deborah Morgan, Clerk of Council/Administrative Assistant Christina Furbee, and three others (unnamed).

Visitors in attendance: Debbie Harper, Bruce Harper, Stephen Kopechek, Robin Rock, Lynne Tuma, Tracy Poling, Cody Kitchen, Preston Wiseman, Jarrod Rock, Amanda Rock, Mark Slater, John Slater, Bret Kraner, Carie Kraner, Pat Murphy, Jesse Chirdon, Jenna Chirdon, Jayme Weekly, Sandy Crew

Jim Hilz of Pulte Homes, Attorney Tom Hart of Painter & Associates, Kevin Kirshner of Kimley- Horn

DISCUSSION

Topic: Pulte Homes of Ohio, LLC request to rezone parcels 075-330786-00.000, 075-330786-00.001, 075-347010-00.000, 075-347268-00.000, 075-348648-00.000, 075-349020-00.000 – S. High Street & Canal Rd Hebron, Ohio 43025 to a Planned Residential District (PRD)

OATH

Visitors who wished to make comments took the Public Hearing Oath administered by Mayor Layton.

VISITOR COMMENTS

Jim Hilz of Pulte Homes of Ohio presented a slide show of the proposed plan for Lakeland Meadows. He discussed the site plan and said the community would feature a maximum of 315 homes at a density of 2.6 units an acre. The main entrance would be on S. High Street with two additional entrances on Canal Road. He said the community will feature a park area with a playground, sidewalks and multi-use path. The product will be an extension of the Lake Forest subdivision. He said 55% of the lots are backing up to open space, not to other lots, as the open space for this site plan is 48%. The slide show featured photos that reflect how the development will look when completed. He said Pulte Homes has worked hard to accommodate the concerns that they've heard. One of those concerns is regarding the Sands Drive connection. He said a temporary access drive for emergency vehicles has been proposed until the connection to Canal Road is made on the other side. He said the public streets will be 30 feet wide and lighting will be added. He said the initial plan was to connect to the Sunny Acres pump station for 30 lots, but everything will be moved across the site to Canal Road instead, to lessen the impact on the lift station.

Debbie Harper, 109 1st Avenue, expressed concerns about flooding issues in the area. She said she does not believe a retention pond will fix the issue.

John Slater, 10001 Canal Road, discussed drainage and the impact on the floodplain. He said a flood channel was previously discussed and he wondered if that has been addressed, as he heard no mention of it during Pulte Homes' presentation.

Mayor Layton said it is still too early to make a decision about the flood channel. Mr. Slater said to divert water into a flood zone that already has historical manmade issues ...we farm this land...part of the impact from this water that is going to be an issue...we know we lose crops out there but we have figured out a way to manage and maintain. He said if we continue to ignore the fact that the floodplain is going to be impacted, it is going to impact all the farmers and anyone that relies on that land. He said it's all about the timing. Mayor Layton said Mr. Slater has an intimate knowledge of the flooding and invited him to be involved in the discussions about the flooding impact.

Paula Green, 10155 Canal Rd, said she supports Mr. Slater's comments. She said a high-density development will only push water onto their properties. She asked who would maintain the flood bypass channel if it were to be put in. She said flooding issues should be put ahead of any development.

Bruce Harper, 109 1st Avenue, said he put pictures on Facebook that show the river almost touching the bottom of the bridge, after the river was widened. He said a retention pond will not hold the water and Sunny Acre properties will flood. He said the same thing happened when Lake Forest was built.

Robin Rock, 211 Christopher Court, said she remembers having to take a canoe into Sunny Acres to get her grandmother who lived there, because of flooding. She said the ditch near her home is causing much erosion and needs stretched out. She said this development will only divert water somewhere else.

Lynne Tuma, 219 Christopher Court, asked what the Village plans to do about the easements that need to be cleaned out. She said she's lived here for 20 years and have been affected by three floods in their basement. She said she has spoken to the EPA and was told as a homeowner, anything she does could affect other homes and she would be held responsible. Mayor Layton said the Village relies on the information from its engineering company because we want to be sure we get it right. Ms. Tuma said the water is not moving and is creating mosquito issues. She said she knows the Village is spraying but she has not heard if anyone is checking for mosquito borne diseases.

Jesse Chiridon, 13660 Sand Hollow Road, Thornville, said he wonders if the Village will be prepared for stormwater and wastewater issues if they move forward with this development. Mayor Layton said the Village has ample capacity for the water and wastewater.

Stephen Kopechek of V3 Companies Ltd. said his company recently assisted the Village by conducting a flood study to get the most current information. He said not only do developers have local stormwater requirements, but if there is a floodplain through the area of development, they have to be sure not to increase the floodplain. As part of the project, Pulte will have to show they will not impact the South Fork Licking River or the flow coming from Hebron south by more than 1/100 of a foot. He said we asked up front that Pulte include the bypass flood channel in their plan and they have done a great job of setting aside that space for it. Mr. Kopechek said the flood study showed that there is overflow that occurs in the Canal Park area that flows south through this property to the South Fork Licking River. He said that was not part of the Federal Emergency Management Agency's mapping beforehand, so we now have a very good understanding of what's going on and the requirements Pulte needs to meet in order to not adversely affect the area. He said the Ohio Department of Engineers assisted with the flood study and ultimately, we will apply for funding through FEMA's BRIC program. Dr. Mockus asked for clarification. She said her understanding of the term "local impact" is that when adding rooftops in that area, it will not increase what's flowing off of that total area. Mr. Kopechek concurred and said it is referring to stormwater runoff generation, so Pulte will have stormwater runoff detention basins that will ensure no more water than normally occurs from that area naturally is being discharged. Dr. Mockus asked Mr. Kopechek to explain what 1/100 of a foot of water means for that amount of land, and why is the goal not zero. Mr. Kopechek said he has never seen a more stringent goal than that; FEMA allows a foot. He said he believes that number forms a baseline where decimals would not have to be added when making determinations, but the goal is net zero.

Mrs. Porter asked what kind of traffic control is planned for the entrance off of High Street. Mr. Hilz said a traffic study will need to be done and if a turn lane is determined to be needed, the Village will request that Pulte put one in. Mrs. Porter asked if the type of traffic control that is determined to be needed by this traffic study will be the responsibility of the Pulte Group. Mr. Hilz said that is correct. Mrs. Porter asked if Pulte would be responsible for acquiring any property easements. Mr. Hilz concurred that is correct. He said initially, they do not anticipate a lot of traffic entering and exiting on the Canal

Road side but a full traffic study will make that determination. He said on a broader scope, there are other points of traffic that Pulte will need to look at as well. Mrs. Porter said she wonders why these types of studies are not completed before Council is asked to make a decision about rezoning for the project. Attorney Tom Hard said the rezoning process is an initial stage to determine if the land use is appropriate for the project under the zoning code and these types of studies come later with the final engineering and development process.

Mrs. Seymour asked if Pulte has been able to categorize the different types of wetlands in the area of the proposed project and how it affects the amount of buffer area around the development. Kevin Kirshner, 7965 N. High Street, said he believes an initial inquiry has been done to determine where they are located, but a full delineation has not been completed yet. He said he is unaware if Hebron's code requires a buffer for the existing wetlands. He said at this time, he does not believe the project will impact the wetlands. Mrs. Seymour asked if they will need any floodplain permits. Mr. Kirshner said floodplain permits will need to be obtained.

Dr. Mockus asked Mr. Kopechek what is the ramification and who is responsible if this development occurs and we say that it is a rounding error of impact, and it is not a rounding error of impact. Mr. Kopechek said the engineers work to ensure that will not happen, but if a problem occurs, it would most likely become a collaborative effort between the municipal entity and the watershed district.

John Slater said his concern is the water that will come to the floodplain that has never come to the floodplain before. Mayor Layton said a plan needs to be developed and we will go from there. Mr. Slater asked what will be done about the issue of an industrial dump site that is on this property. Mr. Wolf said the plans show that area will not be impacted. Mrs. Porter asked Mr. Slater if he knows the origin of the waste. Mr. Slater said he could not answer that.

Jayne Weekly, 115 Sands Drive, asked if the flooding issues are going to be taken care of before any dirt is moved. Mayor Layton said he doesn't think anyone can say the flooding issues will be completely taken care of, but the issues will be addressed. She asked if anyone on Council has talked to the Fire District regarding the access drive to the development. Mayor Layton said the Fire District is who said the access drive needs to be there. Ms. Weekly said at a previous meeting, Pulte stated that they will do whatever the Village requires them to do. She asked why the Village will affect Hebron tax payers by putting in this access drive that is not the quickest route for emergency vehicles. Mayor Layton said the Fire Marshall determined that Sands Drive has to have a temporary access drive.

Ms. Weekly said her parents live on Dennison Street and there was never an access point for the development there because the residents fought it. Mayor Layton said he cannot speak to what happened before, but there will be more meetings to address these types of concerns. He said this meeting is to address the rezoning request, and he encouraged Ms. Weekly and other concerned residents to send in and voice their concerns. He said the Village is listening and hears what they are saying.

Amanda Rock, 111 Sands Drive, said she and others in attendance are asking the Board to please hear them and not move forward until we have more answers.

Mark Slater, 416 National Road SE, said he does not know if the flooding issues can be fixed in a way that will satisfy everyone in the room. He asked Council to deny the zoning request.

Mrs. Seymour asked what Pulte will do if the request is denied at this meeting. Mr. Hilz said they will continue to look at ways to make changes and determine if moving forward is the right thing to do for this project.

Attorney Hart said this site is currently zoned R2 Residential. He said they are asking for a Planned Residential Development because they are looking to produce, in cooperation with the Village, a flood solution and if denied, they could come back with a project that meets the current zoning and then they would move into the engineering and development phase, as another option. He said they are trying to do something better by asking for a PRD.

Dr. Mockus asked John Slater about his specific concern with the bypass flood channel. Mr. Slater said he has multiple concerns; one of which is a ditch that is meant for agricultural drainage. He said it has been maintained by the local farmers

at their expense for a long time. He said even when maintained, it is hard enough to deal with as it is doing all it can do at this time to take care of the farmland. He added it is also hard to see the nice open land go to houses. He said he appreciates all that is being done to ensure the proposed development does not adversely affect the farmland but he is concerned about the water that will be brought to the floodplain that has never been here before.

Mayor Layton said additional meetings will be held to discuss the issues presented tonight.

ADJOURN

Mrs. Seymour moved to adjourn the meeting at 6:45pm, seconded by Mr. Wolf. A roll call vote was taken with all councilmembers present voting in favor.

COUNCIL MEETING 6:00 PM

CALL TO ORDER

Mayor Layton called the meeting to order at 6:55pm

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 and Randy Wolf. Councilmember Stacy Stoner was excused from this meeting.

Others in attendance: Mayor James Layton, Village Administrator Jung-Han Chen, Economic & Community Development Director Brittany Misner, Community Development Coordinator Bonnie Miller, Village Solicitor Wesley K. Untied, and Attorney Jarod Rose.

Others attending remotely: Village Fiscal Officer Deborah Morgan, Clerk of Council/Administrative Assistant Christina Furbee, Water Superintendent Jason Figgins, and Stephen Kopechek.

Visitors in attendance: Debbie Harper, Bruce Harper, Stephen Kopechek, Robin Rock, Lynne Tuma, Tracy Poling, Cody Kitchen, Preston Wiseman, Jarrod Rock, Amanda Rock, Mark Slater, John Slater, Bret Kraner, Carie Kraner, Pat Murphy, Jesse Chirdon, Jenna Chirdon, Jayme Weekly, Sandy Crew

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

October 18, 2023 Combined Council Committees Meeting

Dr. Mockus moved to approve the October 18, 2023 Combined Council Committees Meeting minutes as presented, seconded by Mr. Wolf. A roll call vote was taken with all councilmembers present voting in favor.

October 25, 2023 Council Meeting

Dr. Mockus moved to approve the October 25, 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-Economic & Community Development

Economic & Community Development Director Brittany Misner said she has been in her role for two months and was able to hit the ground running. She said the first and most important priority is the proposed Hebron Comprehensive plan and making sure that the Village is engaging residents, community members and businesses to solicit feedback on the plan. She said the Comprehensive plan has not been adopted by Village Council and making sure that the opportunity to obtain feedback has been a critical part of eventually providing a plan that the Village can be proud of. She said the Village has held a number of feedback sessions and an open house to allow residents to learn about the proposed plan and engage them as much as possible. She said the goal is to obtain as much feedback as possible through the end of November.

Mrs. Misner distributed a Community Outreach and Communication plan to Councilmembers. She said her Department is also doing an inventory assessment so that they know what's available in the Village and can answer questions and provide necessary information to developers or local entrepreneurs. She said she met with all Village departments and toured all of the facilities to get a better understanding of the work they do and how it impacts the work in the Economic & Community Development departments, and vice-versa.

Mrs. Misner said she is working on the Planning & Zoning minutes and zoning code with the Village zoning attorney, as well as working on restructuring the process and reviewing current open code violation cases. She said they have been implementing new plans to follow up on open cases and making sure the properties are being appropriately cleaned up.

She said her department is actively seeking grants that can help support the community, economic development and various initiatives in the Village, as well as visits with area businesses.

Mrs. Misner said she has attended several conferences and trainings over the past two months. She thanked Community Development Coordinator Bonnie Miller, Village Fiscal Officer Deborah Morgan and the entire staff for working with her to make sure she is up to speed. She said the Village has a great team and she is excited to be a part of it.

VISITOR COMMENTS

Hebron resident Jeff Johnstone said Mayor Layton asked for a petition from him. Mayor Layton said he no longer needs it.

EXECUTIVE SESSION-To consider the purchase of property for public purposes, pursuant to Ohio Revised Code 121.22(G)(2)

Dr. Mockus moved to go into Executive Session to consider the purchase of property for public purposes, pursuant to Ohio Revised Code 121.22(G)(2) at 7:05pm, seconded by Mrs. Porter. A roll call vote was taken with all councilmembers present voting in favor.

Mrs. Seymour moved to reconvene from Executive Session at 7:28pm, seconded by Mr. Wolf. A roll call vote was taken with all councilmembers present voting in favor.

EXECUTIVE SESSION-To conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, pursuant to Ohio Revised Code 121.22(G)(3)

Mrs. Porter moved to go into Executive Session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, pursuant to Ohio Revised Code 121.22(G)(3) at 7:28pm, seconded by Dr. Mockus. A roll call vote was taken with all councilmembers present voting in favor.

Mr. Wolf moved to reconvene from Executive Session at 7:33pm, seconded by Mrs. Seymour. A roll call vote was taken with all councilmembers present voting in favor.

Dr. Mockus moved to approve a settlement agreement negotiated by Council in case # 22CB00575 and authorize the Mayor to sign the same on behalf of the Village of Hebron, seconded by Mr. Wolf. A roll call vote was taken with all councilmembers present voting in favor.

LEGISLATION

ORDINANCE 27-23- AN ORDINANCE TO MAKE APPROPRIATIONS FOR FISCAL YEAR 2024 EXPENSES AND OTHER EXPENDITURES FOR THE VILLAGE OF HEBRON, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024-
Second Reading

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 -**First Reading**

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- **First Reading**

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

ORDINANCE 31-23- AN ORDINANCE TO ENTER INTO A PRE-ANNEXATION AGREEMENT FOR THE MCDONALD PROPERTY-**First Reading**

Mayor Layton said the beneficiary of this agreement is Microsoft. They are looking to engage the community at the end of this month. This is step one of many steps that will need to take place. A pre-annexation agreement that outlines the general development principals and utilities as it relates to infrastructure, There are many more steps in this process as it relates to information brought to Village Council and opportunities for public engagement.

COUNCIL ACTION ITEMS

October 2023 Bank Reconciliation

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

Pulte PRD request

Village Solicitor Wesley Untied said he believes Council has up to 45 days from the date of the Public Hearing to take action on this matter. Mrs. Porter said she would like to wait to act on it, to allow time to look into the concerns. Dr. Mockus said it was mentioned that a set of meetings will be held to look into concerns and issues and to gather more information.

ADMINISTRATOR'S REPORT

Village Administrator Jung-Han Chen said the Village has been very low staffed this week. He asked that everyone be patient during this time. Mayor Layton said some staff had to stay at home because they have Covid-19.

COUNCILMEMBER'S REPORTS

Mrs. Porter said she observed the Public Works department doing street maintenance. She said she appreciates their work.

Dr. Mockus said there is a Council Meeting the night before Thanksgiving. She asked if everyone will be available for the meeting, or if they should consider rescheduling it. There were no issues and the meeting will be left on the regularly scheduled date.

Dr. Mockus asked about an anticipated press release. Mr. Chen said the Village is waiting for the company to sign an agreement, and then the press release will be sent out.

MAYOR'S REPORT

Mayor Layton said he will be done with his position at the end of the year. He congratulated Dr. Mockus for being elected the next Mayor of Hebron.

VISITOR COMMENTS

None

REVIEW OF EXPENSES

Councilmembers acknowledged review of the expenses. There were no questions about the expenses.

MEETING/EVENT SCHEDULE

November 10, 2023-CLOSED for Veterans Day

November 15, 2023- 6pm, Combined Council Committees Meeting, Council Chambers

November 17, 2023-11:30am, Fellowship Friday, Hebron Municipal Complex

November 22, 2023-6pm, Council Meeting, Council Chambers

November 23-24-CLOSED for Thanksgiving

Mr. Untied said his office will review the time frame to act on a recommendation from the Planning & Zoning Board. He said he will clarify if Council has 30 or 45 days from the date of the Public Hearing, and then will confirm with Council. Mayor Layton said Council can call a Special Meeting if needed.

ADJOURN

Mrs. Porter moved to adjourn the meeting at 7:43pm, seconded by Mr. Wolf. 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