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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING
PUBLIC HEARING

- - -

Monday Evening Session
June 6, 2022, 6:30 p.m.

Municipal Complex
934 Main Street
Hebron, Ohio 43025

- - -

Board of Planning and Zoning:

Brandon Daubenmire, Chairman
Rick Stoner, Vice-Chairman
Scott Jacobs, Secretary
Jim Layton, Mayor
Annelle Porter, Council Member

Community Development Coordinator:
Linda Nicodemus

- - -

REBECCA A. GAUSE
COURT REPORTER
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- - -

Monday Evening Session

June 6, 2022

- - -

MR. DAUBENMIRE: It's 6:30. We'll go ahead and call the meeting to order. Please rise and join me in the Pledge of Allegiance.

(PLEDGE OF ALLEGIANCE.)

MR. DAUBENMIRE: I'll call the roll.

Ms. Porter?

MS. PORTER: Yes.

MR. DAUBENMIRE: Mr. Daubenmire is yes.

Mr. Jacobs?

MR. JACOBS: Yes.

MR. DAUBENMIRE: Mr. Layton?

MR. LAYTON: Yes.

MR. DAUBENMIRE: Mr. Stoner?

MR. STONER: Yes.

MR. DAUBENMIRE: The minutes are not here today. We will waive the motion to approve the minutes. This is a public hearing. No decision will be made at this public hearing. It will be made at either during the regular meeting or within 35 days from the date of the hearing.

Oath to witnesses, anyone wishing to comment during this public hearing must take the

1 witness oath or their comments cannot be
2 considered. It is suggested that you stand and
3 participate in the group witness oath to assure
4 your comments will be considered as part of the
5 official record.

6 MS. NICODEMUS: All the applicants need
7 to stand and take that oath.

8 MS. KLINE: Right now?

9 MR. DAUBENMIRE: Yes, please. Anybody
10 else wishing to speak as well.

11 (WITNESSES SWORN IN BY MR. DAUBENMIRE.)

12 MR. DAUBENMIRE: Thank you.

13 MS. PORTER: Have you all signed in?

14 MR. DAUBENMIRE: The public hearing is
15 to consider the following, Marietta Subdivision's
16 Residences 408 to 424 East Cumberland Street, zoned
17 R2 residential. Variances from 1179.13, minor
18 subdivision sidewalks, development along existing
19 street. Any development of property which is
20 located in a residential neighborhood, commercial,
21 or general commercial district will include the
22 installation of a sidewalk on the side of the
23 street being developed. The sidewalk will extend
24 across the full length of the development's street
25 frontage.

1 All right, so do you want to come up in
2 the order that you are seated? Come up to the
3 podium, state your name and address for the record
4 and plead your case before the Board please.

5 MS. KLINE: Sandra Kline and Trevor
6 Kline, we're at 424 East Cumberland Street. So we
7 would like to ask for a variance to not have a
8 sidewalk because there are no residential sidewalks
9 back in our neighborhood on any of the streets I
10 listed on the paper, and we live at a dead end.

11 MR. KLINE: Yeah. So we live right at
12 the dead end where Dennison Street comes down and
13 makes a u-turn around. So basically, that sidewalk
14 would just dead end into basically the edge of our
15 yard and then into all of the back yards of the
16 Lake Forest subdivision.

17 MS. KLINE: There's no sidewalks on
18 Park, East Cumberland, is that -- what's on that
19 corner? Only on one side, yeah. But nothing on
20 Mound, nothing on Parks.

21 MR. KLINE: Yeah, so we do have foot
22 traffic that cuts through into the back yards of
23 Lake Forest.

24 MS. KLINE: Of our house.

25 MR. KLINE: That comes through Lake

1 Forest across the back yards and then down to
2 Dennison.

3 MS. KLINE: And we have unwanted
4 traffic that cuts through our yards, and we've had
5 the police station there multiple times because
6 these people that are stealing items throughout
7 Hebron are hoarding them in the woods. So we also
8 fear that the sidewalks leading just from our four
9 homes would create more crime.

10 MR. STONER: Can I ask how long you
11 have lived there?

12 MS. KLINE: It will be two -- a year
13 and a half.

14 MR. KLINE: A year and a half.

15 MS. KLINE: I think all of us a year
16 and a half.

17 MR. KLINE: And we just had another
18 instance this spring where in the back part of our
19 field there is a big tree line and we found two
20 bicycles.

21 MS. KLINE: We've found at least five
22 bikes since we started building. We've found
23 multiple lawn equipment, lawn chairs, other home
24 items. We also had trouble during our building
25 process of people breaking into our home and

1 stealing items.

2 MR. KLINE: Building materials.

3 MS. KLINE: And that's all on police
4 record.

5 MR. STONER: And the items you found,
6 you found on your property?

7 MS. KLINE: On our property. And yeah,
8 they have made their own path. They have even torn
9 down trees, bushes, some shrubs to do that. And
10 we've witnessed multiple people cutting through our
11 yards. We've confronted them. They've been
12 pleasant so far, but the other people, we haven't
13 been able to.

14 MR. STONER: Have you given any thought
15 that if there was a sidewalk maybe they wouldn't
16 cut through your yard?

17 MS. KLINE: No, because they are
18 cutting like from our -- like, the front of our
19 house all the way to the back of the property where
20 the apartments are. So we wouldn't have a sidewalk
21 there either anyway. It's not like they're trying
22 to cut through to Dennison. Now that Hammerhead is
23 there, they are cutting through Dennison to Lake
24 Forest instead of cutting through all of our yards.

25 MR. DAUBENMIRE: Anybody have any

1 questions for these folks? The next couple, just
2 come up how you are seated, please. And state your
3 name and address for the record.

4 MS. FREEMAN: Sure. Lisa and Bruce
5 Freeman. We're at 408 East Cumberland Street. So
6 we're the newest house on the west side of the four
7 houses that are in question about the sidewalk.
8 The same with Sandy and Trevor, you know, there is
9 not a lot of foot traffic down our way.

10 MR. DAUBENMIRE: You're getting picked
11 up on the microphone. We can only have one person
12 speaking at the same time. I'm sorry, I
13 interrupted you, ma'am.

14 MS. FREEMAN: That's okay.

15 MR. DAUBENMIRE: Go ahead.

16 MS. FREEMAN: So again, foot traffic,
17 there's not a lot of foot traffic down our side.
18 Again, we do think that it could cause more foot
19 traffic in that respect.

20 But my biggest thing on my end is to
21 the west of us, there are no other sidewalks.
22 You're going to have a sidewalk start at my home
23 and go for three more houses and that's going to be
24 it. Also, because there is next door to us where
25 the fire hydrant is, it's obviously a good little

1 ways back from the road. I know you've got to be
2 so far, you know, a sidewalk from the back. In
3 order for that sidewalk to even be like remotely
4 straight, it's going to cut off -- I know -- a good
5 chunk of Brian and Ashley's yard. And then again,
6 it's going to have to be back pretty far for it to
7 be straight. So I just -- I don't -- we don't see
8 any benefit to the sidewalk at all.

9 MR. STONER: You've been there a year?

10 MS. FREEMAN: We have not been there a
11 year yet. We just moved in in September. We're
12 the newest people on the block. We're the new kids
13 on the block.

14 MR. DAUBENMIRE: Any questions?

15 MS. PORTER: There's an area that's
16 been mentioned, and what you are saying is that
17 does not have sidewalks. And that was probably
18 before the sidewalk ordinance was put in because
19 those houses back there are not new builds.

20 MS. FREEMAN: Not at all, no. The ones
21 to the west of us, I don't know how long they've
22 been there, but I know our next-door neighbor,
23 she's been there at least like 18 years and she's
24 never had a -- she doesn't have a sidewalk,
25 concrete drive or anything in that respect.

1 MS. PORTER: Yeah. Is your driveway
2 paved?

3 MS. FREEMAN: We just got it. Yeah,
4 it's complete.

5 MR. FREEMAN: We're concrete.

6 MS. FREEMAN: We're concrete. We're
7 complete as far as the concrete driveway goes.

8 MS. PORTER: Yes, but these ordinances,
9 I can't tell you the year that these specifications
10 went in, but they were put in place when you built
11 a new lot.

12 MR. FREEMAN: Correct.

13 MS. PORTER: So that would be something
14 that was either not told to you or you just didn't
15 realize.

16 MS. FREEMAN: A sidewalk, I did not
17 realize. I mean, the concrete driveway we were
18 told. I was fully aware of that, and it just may
19 have been a -- I probably didn't, you know, read or
20 whatever. But the sidewalk I wasn't aware of.

21 MS. NICODEMUS: I did state to everyone
22 who got a certificate that they would have to hard
23 surface, and a sidewalk was required. And so was
24 Tom Marietta when he did the development as a minor
25 subdivision, he was told that there would have to

1 be a sidewalk unless they got a variance. A
2 variance would be the only way to not have to have
3 a sidewalk.

4 MR. STONER: And can I ask, can you
5 speak to what Ms. Freeman said about fire hydrant
6 and building a sidewalk around the fire hydrant?

7 MS. NICODEMUS: I can probably pull up
8 -- if you go onto your --

9 MR. STONER: Because the fire hydrant
10 is in front of your property.

11 MS. FREEMAN: It is not. She can tell
12 you about the fire hydrants.

13 MR. DAUBENMIRE: I need one person to
14 speak at a time, please and thank you. Please
15 speak one at a time.

16 MS. NICODEMUS: I'll get on lcounty.com
17 so you can see the layout --

18 MR. STONER: Okay.

19 MS. NICODEMUS: -- of that property. I
20 thought there might have been a copy, which there
21 isn't.

22 MR. DAUBENMIRE: Can we come back to
23 that?

24 MS. NICODEMUS: Yes.

25 MR. STONER: That's fine.

1 MR. DAUBENMIRE: Yes, ma'am.

2 MS. KLINE: I have something else to
3 add, I'm sorry.

4 MR. DAUBENMIRE: That's okay. Come
5 back up to the podium, please.

6 MS. KLINE: I forgot -- so when we
7 brought up the sidewalks, I also interviewed two
8 women that used the back streets as a walking path
9 every day. I mentioned if we were to put sidewalks
10 in, would they use it for their walking area? And
11 they both mentioned no because it's such a hassle
12 for them to cross over to where there is no
13 sidewalks. They'd just rather stay on a level
14 walking path throughout their time.

15 I forgot what I was about to say. I
16 just went blank. I'm so sorry. I guess, that's it
17 right now, but if I think about it, may I make
18 another comment?

19 MR. DAUBENMIRE: Sure.

20 MS. KLINE: Thank you so much.

21 MR. DAUBENMIRE: Who would like to
22 speak next?

23 MS. BROWN: I am Ashley Marietta-Brown,
24 412 East Cumberland Street. So my house is the one
25 where the fire hydrants are in my front yard, and I

1 did some measurements, and they're my measurements,
2 I know they are not exact measurements, but in
3 order to clear the fire hydrant -- because there is
4 the fire hydrant and then the water shut off thing
5 right in front of the fire hydrant -- the sidewalks
6 would have to be about 12 feet back from the road.

7 I would also, Mrs. Porter, as far as
8 the sidewalks -- the other houses not having
9 sidewalks since they are grandfathered in, it's my
10 understanding that there will never be sidewalks on
11 the other side of us, so there would only be the
12 four sidewalks for the foreseeable future, which I
13 think is kind of silly to have just those four
14 sidewalks, because as we all said, go pretty much
15 no where.

16 MR. STONER: I'm not sure I'm
17 completely understanding why -- I know you said
18 it's your measurement, but why do you think it
19 would have to be 12 feet back?

20 MS. BROWN: Because it's so close to
21 the road, the fire hydrant and the water shutoff
22 are -- I think the -- correct me if I'm wrong,
23 sidewalks have to be 4 feet in width.

24 MS. NICODEMUS: Correct.

25 MS. BROWN: Correct, so to get off the

1 road and to have a little bit of space off the road
2 you would be running into the front of the water
3 shutoff.

4 MR. STONER: I mean, we have homes in
5 Hebron now where the fire hydrant is on a 3 foot
6 piece of grass and there's a sidewalk. So that's
7 why I'm not understanding why you are saying it has
8 to be 12 feet.

9 MR. DAUBENMIRE: Like he said, some of
10 the shutoff valves are in concrete, I don't think a
11 4 inch slab of concrete would affect the waterline
12 and the water shutoff line.

13 MR. LAYTON: What's the --

14 MS. NICODEMUS: All right. So if you
15 can all look up on the -- this is in front of 412.
16 Which that's your house, right?

17 MS. BROWN: Uh-huh.

18 MS. NICODEMUS: So the road
19 right-of-way as you can see comes 33 foot onto --
20 so it can be anywhere within that along the
21 roadway.

22 MR. STONER: The sidewalk.

23 MS. NICODEMUS: The sidewalk could be
24 in the road right-of-way. It doesn't have to be in
25 your yard. It can be in that 33 foot section and

1 avoid any problems there. But I wanted to verify,
2 because the road right-of-way there years ago has
3 not been reduced and it's a 70 foot road
4 right-of-way.

5 MR. STONER: Right.

6 MS. NICODEMUS: I think the Kline's ran
7 into that when we were trying to set your building
8 setback. Remember, we had to get that stake and --

9 MR. STONER: So where is the fire
10 hydrant located, Linda, approximately?

11 MS. NICODEMUS: That's what I was
12 wondering. Is that in between your house, Ashley?
13 Is it this one right here?

14 MS. BROWN: No, it's over. Up. Like,
15 where that little speck is. I can't point that
16 far. If you go, like, up diagonally.

17 MR. DAUBENMIRE: Which way from her
18 mouse? Do you see where her mouse pointer is?

19 MS. NICODEMUS: This way?

20 MS. BROWN: Go to the left.

21 MS. NICODEMUS: Okay.

22 MS. BROWN: Not that far. Where the
23 two is, if you go straight up, there is kind of a
24 little mound of dirt over to the right. That's
25 about where it is.

1 MR. STONER: So it's roughly 4 or 5
2 feet off of the street.

3 MS. NICODEMUS: Yes. So it's 4 or 5
4 feet off of the street she said and not the 33.

5 MR. DAUBENMIRE: Before you close that,
6 can you bring the view of the street two houses to
7 the west, please, and leave that up on the screen
8 as well?

9 MS. NICODEMUS: Okay. So this is the
10 Rhea house that they brought up that doesn't have a
11 sidewalk. This is the Maslowski house that has a
12 sidewalk and the Village just fixed and put a
13 crosswalk here.

14 MR. DAUBENMIRE: Just for future
15 reference, can you put that up from Carol Rhea to
16 High Street for the minute.

17 Does anybody have any other questions
18 for Ms. Brown?

19 MR. STONER: No, not for her.

20 MS. BROWN: Thank you.

21 MS. KLINE: I remember what I was going
22 to say. It's my last thing, I promise.

23 MR. DAUBENMIRE: Okay. You have to
24 come back up to the podium.

25 MS. KLINE: The other thing I was going

1 to say, was that a variance was just granted on a
2 new build just on the next street over for no
3 sidewalks. Kathy and Jim Morgan's house. And when
4 we were told on the property we were also told that
5 we could apply for a variance for no sidewalk.
6 That was, like, one of the mentions of Linda the
7 entire time. But I just wanted to make a note that
8 variances have been approved in the last two or
9 three years for no sidewalks in that area.

10 MR. STONER: I don't remember there
11 being a variance.

12 MS. NICODEMUS: Jim Morgan's property
13 was a variance way before that.

14 MS. KLINE: When we spoke on the phone.

15 MS. NICODEMUS: Right. Remember he was
16 remodeling that old house that was there when he
17 was struck in Florida and --

18 MS. KLINE: It was torn down.

19 MS. NICODEMUS: He was going to --
20 yeah. He was going to. He had started the work on
21 it, then the accident happened. He couldn't finish
22 the work and they moved back into their house on
23 East Main Street, where he was having difficulties
24 with the --

25 MS. KLINE: And our conversation just a

1 month ago, Linda, you said that the house was torn
2 down, they needed a variance and was approved for a
3 variance in the last few years.

4 MS. NICODEMUS: These guys.

5 MS. KLINE: Okay. I'm talking about
6 the Board, not just you individually. The Board
7 supposedly did. Thank you.

8 MR. DAUBENMIRE: That was three or four
9 years ago is probably when our zoning code was
10 rewritten.

11 MS. NICODEMUS: Right. It was.

12 MR. DAUBENMIRE: Okay. That wasn't a
13 new build. It was a tear down.

14 MR. LAYTON: We've always required
15 sidewalks on new builds for the last 10 years
16 probably at least.

17 MS. NICODEMUS: And that is what I tell
18 people. I do say, this is what you are required to
19 do and if you want to vary from it, you have to
20 apply for a variance. So they had been told that.

21 MR. LAYTON: And the next step --

22 MS. NICODEMUS: You have to come all
23 the way up.

24 MR. LAYTON: -- is you have to make
25 sure they know the variance has to be approved.

1 MS. NICODEMUS: Yeah, the variance
2 would have to be approved.

3 MR. FREEMAN: You can see the fire
4 hydrant on Google maps if you want to pull it up on
5 Google maps it's right in front of the house.

6 MR. DAUBENMIRE: Okay.

7 MR. STONER: I'm just trying to get an
8 idea of perspective wise. I know the fire hydrants
9 aren't always the same distance from the street or
10 from the house.

11 MS. PORTER: The hydrant in front of
12 our home is in the right-of-way and the sidewalk is
13 behind it between lots with when we installed the
14 sidewalk.

15 MR. DAUBENMIRE: Okay. Let's get back
16 to the task at hand here. I'VE got one more
17 homeowner. Brian and Tami Samsal, if you want to
18 come forward and state your name and address for
19 the record, please.

20 MR. SAMSAL: Brian and Tami Samsal, 418
21 East Cumberland.

22 MS. SAMSAL: We kind of live in the
23 middle of everybody and we are right next door to
24 Katy and we have all the same problems that they
25 have. We have everybody cutting through the yard.

1 They have had homeless people living in the tree
2 line that they have had to chase out of there
3 numerous times. You've got everybody from Lake
4 Forest that cuts across Katy's yard and then across
5 my yard and it -- the sidewalks go no where.
6 They're going to go no where. They're in front of
7 four houses and into a dead end.

8 MR. SAMSAL: My issue is with the
9 sidewalks being in front of our house but not the
10 neighbors. So if you did have foot traffic through
11 there, you would have one neighbor that people are
12 going to be walking through their yard to get to
13 the new sidewalk.

14 MR. STONER: That happens now,
15 unfortunately.

16 MR. SAMSAL: Yeah. It's just from 40 a
17 couple of houses over, and then the sidewalk stops.

18 MS. SAMSAL: We actually own two
19 properties. So our stretch of sidewalk is enormous
20 compared to everybody else's because we bought the
21 two lots.

22 MR. SAMSAL: We're right next to
23 Ashley. So if her sidewalk has to go -- it depends
24 on what side of the fire hydrant it goes on, it
25 would be in the middle of our yard, almost all the

1 way across.

2 MS. SAMSAL: The way Ashley's is set
3 up, the fire hydrant is pretty far off of the road
4 and then there is an electric pole there. So if
5 you were to run it between electric pole and the
6 fire hydrant, even though it's in that variance
7 that the city owns, it's going to go -- because
8 Ashley and the Freemans, their front yards aren't
9 as big as what the rest of our front yards are and
10 it's going to just run right smack dab down the
11 middle of their front yards.

12 MR. STONER: So are there no other fire
13 hydrants on your street except for the one --

14 MS. SAMSAL: Just the one in Ashley's
15 yard.

16 MR. STONER: I mean, even further down
17 the street there is no fire hydrants?

18 MR. SAMSAL: I haven't noticed any.

19 MS. SAMSAL: The one that I did was on
20 4th I think and they were close to 4th, but they
21 put like a -- it's closer to the road and they put
22 like a concrete pad around it.

23 MR. STONER: The reason I'm asking the
24 question is, I mean, I know we are trying to focus
25 on your homes, but I'm trying to focus visually on

1 when we installed the fire hydrants in the Village,
2 usually, we install them on a straight line on
3 people's property.

4 MS. SAMSAL: Yeah, I think on our
5 street that's the only one that's on our street and
6 then there is some, you know on the sides, like on
7 4th Street and stuff. But right there coming down
8 from ours it's just that one and it's pretty far
9 off. And plus, then there is storm drains down
10 there, too.

11 MR. SAMSAL: That was my other thing
12 is, I don't know, the storm drain in our yards only
13 about 7 inches deep to the top of it and it's even
14 more shallow in Ashley's yard. So I don't know if
15 that would interfere if you had to put the sidewalk
16 in between the road and the fire hydrant -- if the
17 storm drain would interfere with digging and
18 putting in a sidewalk.

19 MR. STONER: I don't think that storm
20 drains and sidewalks --

21 MR. SAMSAL: The sidewalk would be
22 right on the --

23 MS. SAMSAL: Because the way it is, the
24 storm drain -- it's like the road, your stretch --
25 and your storm drain is right in the middle of that

1 stretch and then the fire hydrant and then there is
2 a little stretch and then there is that electric
3 pole.

4 MR. SAMSAL: But the storm drain is not
5 very deep.

6 MR. STONER: So did we find it, Linda?

7 MS. NICODEMUS: I believe the shadow is
8 showing -- that there is a small shadow there. I
9 can't get it to zoom in any further.

10 MR. DAUBENMIRE: Why are we hung up on
11 this fire hydrant? I'm confused.

12 MR. STONER: I'm just trying to figure
13 out where --

14 MS. SAMSAL: Because where the fire
15 hydrant is --

16 MR. SAMSAL: It would just take up our
17 yard. It would consume our front yard and it
18 would --

19 MR. STONER: So can the sidewalk be
20 built in front of the fire hydrant?

21 MS. SAMSAL: That's where the storm
22 drains are.

23 MR. STONER: But that's the thing. I
24 don't think that matters.

25 MS. FREEMAN: The openings of the storm

1 drain.

2 MR. STONER: Okay. So currently how
3 far away from the sidewalk do they have to build
4 the sidewalk -- or the fire hydrant -- do they have
5 to build the sidewalk? How far away? Is there
6 something in the code that specifies that?

7 MS. NICODEMUS: No.

8 MR. STONER: Because to me that looks
9 like it's maybe 5 feet off of the road. If the
10 sidewalk is supposed to be 4 feet wide --

11 MR. DAUBENMIRE: Can you go back to the
12 front view there?

13 MS. NICODEMUS: The Licking County one?

14 MR. DAUBENMIRE: No. The one you just
15 had. I think we're splitting hairs here. I think
16 we're -- the issue at hand is not the fire hydrant,
17 okay. We need to get off of the fire hydrant.
18 It's not what we are here to discuss.

19 MR. STONER: I'm on the fire hydrant,
20 Brandon, for a reason. I'm trying to figure out --
21 they're complaining about where they would have to
22 build the sidewalk --

23 MR. LAYTON: Why don't we do this --

24 MR. DAUBENMIRE: If you keep in mind --
25 sorry, Mr. Mayor. Keep in mind that the Marietta

1 Brown home had to have a variance because the pegs,
2 when they were digging their foundation or footer
3 all got moved forward towards the road. So do you
4 get what I'm saying?

5 MR. STONER: I get what you're saying.
6 All I'm trying to find out is can they build the
7 sidewalk between the fire hydrant and the road
8 because if they can, then I think there is no
9 issue.

10 MR. DAUBENMIRE: I don't see why they
11 couldn't.

12 MR. LAYTON: Well, I certainly think
13 that they could angle the sidewalk out away from
14 the fire hydrant and then back in instead of taking
15 the whole yard. The sidewalk does not have to be
16 straight.

17 MR. DAUBENMIRE: That's true.

18 MS. NICODEMUS: So it is right about
19 where this curser is here. And that's the road
20 right-of-way in between the roadway and the
21 telephone pole is pretty close. With the telephone
22 pole the thing that we used, Mr. Kline, when we
23 were trying to figure out --

24 MR. KLINE: No. We measured the road
25 and figured out where the middle of the road was

1 and then came back.

2 MS. NICODEMUS: And then we came back
3 so far.

4 MR. KLINE: Yes.

5 MR. DAUBENMIRE: Okay. Anybody have
6 any questions for the Samsal's?

7 MR. SAMSAL: So we have been talking
8 about the foot traffic, but I guess everybody knows
9 that Hebron has a stormwater problem that's widely
10 known.

11 MR. STONER: Believe me, I know it.

12 MR. SAMSAL: So when we -- when all of
13 us were building we were told to build above land
14 grade, correct. So if we build a sidewalk further
15 back, all of our storm drain, catch basins in front
16 of everybody's house is only about 2 or 3 foot off
17 the road. So if we build a sidewalk in front of
18 every one of our houses, it's going to be a natural
19 dam for all of our rain run off. It's going to get
20 stuck in all of our yards.

21 And, technically, we're not supposed to
22 be tying in more drains into the storm drain,
23 correct? That's what we have been told. So how
24 are we supposed to get all of our rain runoff
25 that's supposed to be running down to the street

1 past the sidewalk?

2 MR. DAUBENMIRE: If you're already
3 above grade, you're front yard is probably already
4 sloped.

5 MR. SAMSAL: It is.

6 MR. DAUBENMIRE: Towards the road.

7 MR. STONER: There are solutions around
8 that.

9 MR. SAMSAL: There are but I mean,
10 that's going to cost more money. I mean, concrete
11 is already expensive enough.

12 MR. STONER: I'm just saying if you're
13 saying that the water is going to catch in front of
14 the sidewalk --

15 MR. SAMSAL: I'm trying to -- I built a
16 new house so I do not have to deal with the water
17 problem. I've got my yard fairly dry for now and
18 I'm not wanting to add anymore problems to that. I
19 moved from --

20 MR. STONER: I understand.

21 MR. SAMSAL: We moved right off of 40
22 where our yard, every time it rained, turned into a
23 lake. We were at 512 East Main and it was a lake
24 every time it poured down rain. Moved back there,
25 built above grade to avoid that. So I'm trying not

1 to --

2 MS. NICODEMUS: Not to mention you grew
3 up on North Street.

4 MR. SAMSAL: I did grow (inaudible).
5 The rainwater is not our friend.

6 MS. NICODEMUS: I do have a letter that
7 was submitted. So every resident, everyone within
8 200 feet was submitted a certified letter and we
9 put it in the paper. And if they were unable to
10 attend they were allowed to write a letter that
11 would be read in the meeting. So I'll read this
12 letter and it is from Precilla Howell and Larry
13 Karrington, 1105 Lake Forest Drive. You all have a
14 copy in your packets.

15 "I am unable to attend the meeting but
16 do wish to comment. Thank you for notifying the
17 community. I see no reason why these homeowners
18 should be exempt from having sidewalks. As a long
19 time resident, I recall when sidewalks were not
20 uniform and sketchy at best. Not only does it look
21 trashy, but also is likely to result in injuries to
22 walkers, like children and elderly persons. There
23 is a sidewalk in front of our home, as there should
24 be throughout the Village of Hebron." Signed
25 Priscilla Howell and Larry Karrington, 5/28/22.

1 That was the only information that I
2 received regarding --

3 MR. LAYTON: Linda, is there still
4 plans to put the sidewalk from Lake Forest, down
5 Main Street?

6 MS. NICODEMUS: Yes. The Lake Forest
7 subdivision, a lot of people are not aware of that.
8 They were required to attach their sidewalk to Main
9 Street. So where the retention basin is along 79,
10 there will be a sidewalk connecting the sidewalks
11 throughout Lake Forest to Main Street so that they
12 will connect to the Main Street sidewalks.

13 MS. FREEMAN: That will not connect to
14 East Cumberland Street though, correct?

15 MS. NICODEMUS: No. But it should help
16 the foot traffic.

17 MR. DAUBENMIRE: Okay. Is there any
18 other --

19 MS. PORTER: I just have one thing. In
20 the letter that's addressed, to whom it may
21 concern, it apparently comes from all of the homes.
22 One of the last sentences says, "We feel if we had
23 a sidewalk it would allow an increase for this
24 continued nuisance," and what you're referring to
25 is?

1 MS. FREEMAN: The crime.

2 MS. PORTER: How do you see that
3 happening?

4 MR. DAUBENMIRE: If you are going to
5 speak, please come to the podium and speak into the
6 microphone.

7 MS. PORTER: How are you seeing that
8 sidewalk would increase what I think you're calling
9 a nuisance?

10 MS. FREEMAN: The nuisance is the crime
11 and the criminals that keep trespassing on our
12 property and stealing from the good folks of our
13 community. I can see that they see the sidewalk,
14 they'll probably continue to walk through there and
15 instead of cutting through our front yard, they'll
16 just use the sidewalk. But the problem with that
17 is they still walk down East Cumberland Street and
18 cut through the middle of our yard where there will
19 be no sidewalk.

20 I talked to Linda about the nuisance
21 and she -- when we had that conversation, she
22 agreed as well and told me to reference that as
23 well in the letter, but I just -- I would hate to
24 waste our good dollars when we've already spent
25 over -- I'd say each of our homes are almost a half

1 a million dollars each. So for us to build
2 something that nice in the community and then --
3 which a sidewalk is -- if everybody had a sidewalk,
4 I would not complain about putting a sidewalk in
5 and we've all agreed upon that. It's just the fact
6 that there are no sidewalks back there, so why
7 would we waste our good earned dollars when we've
8 already spent over a half a million dollars
9 building these homes when nobody else has a
10 sidewalk?

11 And Linda has mentioned that she's
12 hoped to get a grant in a few years. Well, we're
13 good community folks, too. So can't we use that
14 grant as well if that were to happen in the years
15 later? If there were sidewalks everywhere else, I
16 wouldn't have a problem doing that.

17 Also, the sidewalks around the
18 Maslowski's down, they're covered in grass. They
19 are not safe to walk on. Nobody walks on them. We
20 walk -- me and my family we walk to Hayman's
21 probably once a week. We don't use the sidewalks
22 because half of the time cars are parked on the
23 sidewalk. They are broken. There is grass on
24 them. It's safer to walk on the roadway
25 unfortunately. It's much safer walking with my

1 2-year-old and 5-year-old on 79. And that's
2 wonderful but why I guess, even if we had sidewalks
3 we probably wouldn't use them, we'd just walk on
4 the street.

5 MR. DAUBENMIRE: Thank you.

6 MS. SAMSAL: My concern with the
7 sidewalk, this is my biggest concerns is you've got
8 the apartments back there. We've had numerous
9 problems with the people in the apartments cutting
10 through Katy's property and my property. So now
11 what they are going to do is they are going to
12 continue to cut through our property. They've made
13 paths all through the woods back there. They are
14 going to continue to cut all the way up our
15 property to get to the sidewalk to go to wherever
16 they are wanting to go three houses down and then
17 back out to the road and it just makes it more
18 convenient for them or for the people that are
19 stealing stuff. They take it down the sidewalk now
20 and then back down our property line and into that
21 woods.

22 The police have been there numerous
23 times over the homeless people living back there
24 and the theft. Their house was broken into when it
25 was being built. Our house was broken into and it

1 all ranges around those apartments back there and
2 the houses that run -- I call it old 79. I don't
3 know what the name of it is.

4 MR. DAUBENMIRE: South High Street?

5 MS. SAMSAL: South High Street. All of
6 those homes there, those people don't ever cut
7 across the yards to come over here. It's always
8 the apartments or further up on Lake Forest. I
9 used to live on Lake Forest. I lived in the
10 subdivision and my neighbors is one of them that
11 was really good for it. She would cut -- she don't
12 care who's yard she's going across. She cuts
13 across everybody's backyard, through Katy's
14 backyard, through my backyard, through our front
15 yards, literally 10 foot off of our porches and
16 it's like --

17 MR. DAUBENMIRE: Okay. With all due
18 respect, did you put up no trespassing signs?

19 MS. SAMSAL: We put them up.

20 MR. DAUBENMIRE: -- walking 10 foot
21 from your house and a no trespassing sign?

22 MS. SAMSAL: We've done it. They take
23 them down. They take them down.

24 MR. DAUBENMIRE: Okay.

25 MS. SAMSAL: It's just. And at

1 nighttime, you know, it's -- they've got little
2 kids. I've got a granddaughter and you've got --
3 you know, at nighttime we'll be sitting out on our
4 porch and here comes some guy dressed all in black
5 with a big mask over his face and a big black
6 backpack walking down the middle of your backyard.
7 And you say, excuse me this is private property.
8 Don't walk through here. And he just keeps walking
9 and ignores you and then four hours later here he
10 comes back again. He goes right back through the
11 woods and into the apartments.

12 MR. DAUBENMIRE: Call the authorities
13 then.

14 MS. SAMSAL: We have.

15 MR. DAUBENMIRE: We're getting --
16 everybody is getting emotional on what's going on
17 here.

18 MR. SAMSAL: I wanted to say something
19 based off of the letter that Linda read.

20 MS. NICODEMUS: I have to read them
21 when they are submitted.

22 MR. DAUBENMIRE: Yeah.

23 MR. SAMSAL: The person that wrote the
24 letter mentioned something about elderly people and
25 walking. And in my opinion, if we put sidewalks in

1 and encourage people to walk down that road and
2 when they come to a section that doesn't have a
3 sidewalk, that's more dangerous for them than -- if
4 older homes don't have to have them and we do, then
5 it's hit and miss. They're going to have to either
6 walk in somebody's yard that might have a hole in
7 it or they are going to walk out in the street to
8 get to the new sidewalks.

9 MS. SAMSAL: And I might be thinking
10 wrong. We lived in Lake Forest. That's a
11 subdivision. That's a little different than where
12 we live. The sidewalks, you know, that go around
13 the community that's maybe a foot, foot and a half
14 off of the road, and yeah, it's nice to have it in
15 that community. But when you get over into our
16 community, it's not a housing development. It's
17 just houses, you know. It's not a development like
18 Lake Forest.

19 MR. SAMSAL: Which those sidewalks
20 aren't safe over there either. They have --

21 MS. SAMSAL: The guy with the balloons.
22 The neighbor that I was talking about that cuts
23 through, she tripped and fell over his extension
24 cords that run across the sidewalk and hurt
25 herself.

1 MR. SAMSAL: In my opinion if we all
2 don't have to have a sidewalk, then why should just
3 the new homes have to have them?

4 MR. STONER: Because it's part of our
5 code. Codes change over time. I mean, things
6 change over time. It's not that this Board is not
7 receptive to what you are saying, and I am
8 sympathetic to what you are saying about your
9 nuisance problem with theft and crime, but that's
10 an issue that this Board can't rule on anyway. We
11 have nothing to do with crime. Crime has to be
12 dealt with by law enforcement.

13 MR. SAMSAL: I'm not saying anything
14 about crime right now, but my thing is at this
15 point, is it a functionality issue or an esthetics
16 issue? Do the sidewalks want to be put there in
17 order to be used or is it just a code?

18 MR. STONER: I think it's probably a
19 combination of both. We have to have driveways now
20 too. When my home was first built, it didn't have
21 a driveway and then the code changed and --

22 MR. SAMSAL: So are you grandfathered
23 in? Were you grandfathered in and didn't have to
24 put a driveway in?

25 MR. STONER: I have a driveway. That's

1 what I'm saying. When the house was first built,
2 before I bought it, there was no driveway?

3 MR. SAMSAL: Right.

4 MR. STONER: Then we had an asphalt
5 driveway put in and then when the asphalt driveway
6 got torn up, I had to put a new asphalt driveway
7 in. I mean, it's the code.

8 MR. SAMSAL: But now, the older houses
9 on our street don't have to have a sidewalk but we
10 do?

11 MR. STONER: They don't, strictly
12 because they have been grandfathered because they
13 were built before that was part of the code.

14 MR. SAMSAL: So you can't go back to
15 them and say things change?

16 MR. STONER: I can't go back to them
17 and tell them they have to build a sidewalk, no.
18 But what Linda -- and I don't want to put words in
19 Linda's mouth, but what somebody else brought up
20 before and Linda said, I think you said you were
21 trying to find funding for sidewalks for --

22 MS. NICODEMUS: I am.

23 MR. STONER: -- houses that are in that
24 situation. So it's not like we're not trying to
25 make other residence do that with our help. But

1 when you bought your property, that was part of the
2 code. You knew that going in.

3 MR. SAMSAL: Well, I remember the
4 conversation that we had. And, I guess, that was
5 my fault because I misunderstood. When you said we
6 had to put a sidewalk in, I didn't know that you
7 were talking about up by the road. I thought you
8 was talking to our front door. I misunderstood
9 that. So I did not know I had to put a sidewalk
10 in. I guess, that's my fault.

11 MR. DAUBENMIRE: We understand all of
12 your guys' concerns. And here's the unfortunate
13 position that we find ourselves in as the Planning
14 and Zoning Board, is we don't want to set any
15 precedent for the Village of Hebron so that anytime
16 anybody wants to build a minor subdivision, they
17 can reference this and say that we went against the
18 zoning code for you four.

19 It's going to set an unfair precedent
20 for the Village of Hebron for 5 years, 10 years
21 down the road when none of us are even serving on
22 this Board any longer. That's the dilemma that we
23 find ourselves in, setting a not good precedent.

24 MR. STONER: I've said this at past
25 meetings and I'll continue to say it, we don't try

1 to get in the way of residents doing what they want
2 to do with their property as long as it doesn't
3 affect other people's property and other people's
4 property value and as long as it goes within what
5 the code says.

6 So we give variances for things from
7 time to time. Like, somebody wants to build a shed
8 a little bit closer to the lot line than they are
9 supposed to. We give variances for stuff like
10 that. But property owners get to come in and talk
11 about that, and when they talk about it, if they
12 don't have a problem with it, then we usually grant
13 the variance. You know, if you want to build your
14 shed a little bit closer, a little bit bigger than
15 what it is supposed to be, we let people do things
16 like that as long as other homeowners don't
17 complain about it, and as long as it doesn't seem
18 like it's creating an unfair balance to the code.

19 But we specifically have a code that
20 says if you are building a new house, you should
21 have a sidewalk. You should have a driveway, hard
22 surface -- I mean, I hear what all of you are
23 saying. But I'm like Brandon, I don't want to set
24 a precedent that's basically going to give
25 everybody that builds a new house the ability not

1 to have a sidewalk. We want to have sidewalks in
2 Hebron. I live on a street that doesn't have
3 sidewalks. I would love to have a sidewalk on my
4 street.

5 MS. KLINE: But if you built a house
6 where no other house had sidewalks on either side
7 of you, would you want to build a sidewalk and
8 waste your hard earned money on that?

9 MR. STONER: Would I want to? Maybe
10 no, but --

11 MS. KLINE: But you would come in and
12 probably apply for a variance. And I could see if
13 there were all of these empty lots in Hebron where
14 all of these new houses could be built and these
15 variances could be applied for, but there are not
16 that many empty lots anymore in Hebron. It's
17 pretty full besides where a major subdivision might
18 come in and that's completely different. It's not
19 a minor.

20 So, I guess, I could see on North
21 Street, there is a new build there. There are
22 sidewalks on either side. I could see if they had
23 to put a sidewalk in there. But on a dead end road
24 where there is not one single sidewalk in that back
25 area where anybody walks, that's where I'm a little

1 confused on how that variance will affect other
2 homeowners in the area. Should we submit letters
3 and ask the other homeowners to submit letters?

4 MR. DAUBENMIRE: I don't think it has
5 anything to do with any other homeowner. They were
6 all -- how many letters did you send out? I
7 received one.

8 (INAUDIBLE)

9 MS. NICODEMUS: Well, we sent those out
10 regular mail. But we sent the 35 out that we
11 talked about that was 200 feet contiguous from all
12 the properties. They all got a certified letter
13 with a return receipt --

14 MS. KLINE: Right. I spoke to multiple
15 of them and they were like --

16 MR. DAUBENMIRE: One at a time. One at
17 a time.

18 MS. NICODEMUS: -- a notice in, and in
19 that letter it did state, if you can't attend --

20 MS. KLINE: Absolutely.

21 MS. NICODEMUS: -- send something in
22 and that -- at this time during the public hearing
23 is when those things can be read or added. But
24 it's just like a hearing -- what they are saying
25 this is just like a hearing. So all of the

1 evidence has to be brought to this hearing and then
2 they have to determine their decision based on
3 what's brought up in this hearing.

4 So every bit of information that you've
5 given and reason, they have to contemplate either
6 at this meeting, next meeting, once we adjourn from
7 the public hearing. I added it as an item --

8 MS. KLINE: So next meeting it will --

9 MS. NICODEMUS: I added it as an item
10 on this agenda but they -- as he stated, they have
11 35 days.

12 MS. KLINE: Absolutely.

13 MS. NICODEMUS: So they can continue
14 this public hearing to the next meeting, which
15 would be within that 35 days, and act on it at that
16 time. It will be whatever they choose once this
17 public hearing is over and they get to the rest of
18 the agenda items. They will make a decision at
19 that point, whether they are going to make a
20 decision or whether they are going to wait for the
21 next meeting.

22 MS. KLINE: Well, thank you for your
23 time. We greatly appreciate you all listening to
24 us.

25 MR. DAUBENMIRE: Thank you for building

1 in Hebron. And again, to address your last
2 comment, ma'am, it doesn't really matter what the
3 other 25 neighbors say. What matters is the code
4 and the Village going forward and setting a
5 precedent for this, and I'm sure all of the
6 neighbors don't mind.

7 MR. LAYTON: We certainly will listen
8 to the neighbors' comments, but that's what the
9 meeting for tonight was and everybody got notified.
10 So we are hearing your comments and we're going to
11 take those into consideration. I wouldn't mind
12 going down and taking a minute and walking through
13 and looking at it and see what's going on. I don't
14 think I would act on it tonight.

15 MR. DAUBENMIRE: Can you pull that one
16 picture back up again and I want to address
17 something else real quick.

18 There was a statement that there is no
19 other sidewalks there. But there is sidewalks in
20 front of 1, 2, 3, 4, 5 houses that do connect the
21 South High Street to that crosswalk right there.
22 There are sidewalks there on that side, correct?

23 MR. KLINE: I would implore you to go
24 down and look at those sidewalks. You shouldn't
25 walk on those.

1 MR. DAUBENMIRE: Okay. I'm simply
2 stating the fact that there is a sidewalk there.
3 That's an exterior maintenance issue. There is a
4 sidewalk there in front of 1, 2, 3, 4, 5 houses
5 there is a sidewalk. There will only be one yard
6 that doesn't have a sidewalk which would be
7 Mrs. Rhea's yard. There are sidewalks in front of
8 Jessie Ours' house all the way down to the
9 crosswalk on South High Street and Canal Road.
10 There is a sidewalk there.

11 MR. LAYTON: I see it right there.

12 MR. KLINE: Yeah, if you go down and
13 look at that, that's more of a safety hazard for
14 somebody to walk down--

15 MR. DAUBENMIRE: I understand. I'm
16 just addressing it because somebody said that there
17 are no other sidewalks on that end of town on that
18 road. There is.

19 MR. KLINE: If you want to call them
20 that.

21 MR. DAUBENMIRE: And there is a
22 sidewalk on Cumberland. So there are sidewalks
23 there -- or on 4th Street, I'm sorry. There are
24 sidewalks there.

25 MS. KLINE: I did not list 4th Street

1 on there.

2 MR. DAUBENMIRE: All right. I just
3 wanted to clarify that there are sidewalks.

4 MR. STONER: And sidewalks are supposed
5 to be maintained by the homeowner.

6 MR. DAUBENMIRE: Maintained by the
7 homeowner, correct. That is absolutely correct.

8 MR. STONER: So if something happens on
9 one of those sidewalks, it's the homeowner's
10 responsibility.

11 MR. DAUBENMIRE: Correct.

12 MR. STONER: Because they have to
13 maintain their sidewalks.

14 MS. KLINE: We used to live on a road
15 with a sidewalk. We understood that but that's not
16 enforced.

17 MR. DAUBENMIRE: Does anybody have
18 anything else they would like to talk about at the
19 public hearing? Folks, one last chance to speak.

20 MR. LAYTON: I make a motion to adjourn
21 from the public meeting.

22 MR. DAUBENMIRE: Motion to adjourn from
23 the public hearing by Mr. Layton.

24 MR. STONER: I'll second.

25 MR. DAUBENMIRE: Seconded by

1 Mr. Stoner. You might want to stick around because
2 we don't know, we may rule on this in a minute when
3 we get back --

4 MS. NICODEMUS: That's why I told you
5 it's on the agenda later on.

6 MR. DAUBENMIRE: Don't leave.

7 MS. NICODEMUS: Did you grab an agenda?

8 MR. DAUBENMIRE: The time we adjourn
9 from the public hearing is 7:19. Can we move that
10 now or come back to it or do we just go in the
11 order of the agenda?

12 MR. LAYTON: Just follow the agenda.

13 MR. DAUBENMIRE: The next item
14 requiring action is Cumberland Meadows, Phase II,
15 Refugee Road, an application for site development
16 for phase II of the Cumberland Meadows Condominium
17 development.

18 MS. NICODEMUS: So if you see that you
19 all have copies of the site development
20 application, copies of the plan. There is also
21 larger copies out here on the table in the Council
22 conference room.

23 I do have a letter from -- this has
24 already been through two reviews from the technical
25 review team. And Brian Coughlin, the Village

1 engineer, has stated that he has reviewed the
2 updated plans sent today and have no further
3 comments from an engineering standpoint. So he
4 will sign those plans. And that was submitted to
5 me Friday, June 3.

6 Now, Mr. Bush Sr. and Jr. are here and
7 Ryan Badger is here if you have any questions in
8 regards to this development.

9 MR. DAUBENMIRE: We may. You folks
10 want to please come up to the podium and state your
11 name and address for the record, please.

12 MR. BADGER: Good evening. Ryan Badger
13 with ADR & Associates. We're a consultant engineer
14 for developing for Mr. Bush, so I'd be happy to
15 answer your questions.

16 MR. BUSH: Jerry Bush, Cumberland
17 Meadows.

18 MR. STONER: So this development is
19 basically to add additional condos where you are
20 located already?

21 MR. BUSH: Correct.

22 MR. STONER: How many additional?

23 MR. BUSH: 43.

24 MS. PORTER: Is this in phases also?
25 So you have 43 in this phase or 43 would be the

1 total number?

2 MR. BADGER: 43 is the second phase,
3 which would complete that 12 acres.

4 MS. PORTER: So you are thinking of how
5 many phases?

6 MR. BADGER: This is the last phase.

7 MR. DAUBENMIRE: This will be it.

8 MS. PORTER: This will be the last
9 phase?

10 MR. BADGER: Yeah. For this property.

11 MS. PORTER: When you say 43 --

12 MR. BADGER: Pardon me?

13 MS. PORTER: You're anticipating 43
14 units?

15 MR. BADGER: For this phase, yeah. For
16 this phase II. It's the last phase for this
17 property.

18 MR. STONER: Okay. So how many total
19 units after this phase is completed then?

20 MR. BADGER: I believe phase I has 41
21 or 42 units.

22 MR. STONER: And do you have additional
23 property to expand past this phase if you so choose
24 or if business is good or is this it?

25 MR. BADGER: This is all we have for

1 Cumberland Meadows at this time.

2 MR. STONER: Okay.

3 MS. PORTER: All we have for Cumberland
4 meadows at this time, so that's --

5 MR. BADGER: I can't speak beyond the
6 project that we are -- I don't have knowledge of
7 other property being developed. We are here for
8 Cumberland Meadows, which is the 12 acres that's
9 undeveloped.

10 MS. PORTER: Which you anticipate 43?

11 MR. BADGER: Correct.

12 MS. NICODEMUS: That large section at
13 the rear -- if you look at your plans, because of
14 the floodplain, they have to have a large
15 greenspace and retention basins that's going to
16 handle the flood waters. It will help.

17 MR. STONER: That retention basin, is
18 that close to 40? Is that where that is based on
19 this?

20 MS. NICODEMUS: No, it's close to -- so
21 for their property is divided by that storm ditch,
22 so the petition ditch goes through. So where you
23 are seeing is where the drainage ditch is, and the
24 front part is zoned general commercial. So it's
25 just the rear part that's zoned multi-family that

1 they are completing the final part of their
2 development.

3 MR. BADGER: Yeah. This 43 units, 12
4 buildings sit on about 12 acres. We've got about
5 75 percent open space. So we really have a nice
6 setup. The density is pretty decent, pretty low.

7 MS. PORTER: 70 percent --

8 MR. BADGER: 75 percent of open space,
9 yeah.

10 MR. DAUBENMIRE: Okay. Any other
11 questions? You said the engineer has no problem
12 with the submitted paperwork?

13 MS. NICODEMUS: It's went through all
14 it's phases. So all the department heads have
15 signed off and the Village engineer. The only
16 thing they will be required to do after, if they
17 are approved tonight, is that they will be required
18 to get floodplain permits for the construction of
19 the ones that are in the floodplain and the
20 construction of their stormwater system. Because
21 until those detention ponds are put in, it will
22 still be considered floodplain on some of those
23 properties. Once the detention ponds are put in,
24 then a lot of that floodplain goes away.

25 MR. DAUBENMIRE: Okay. Is there a

1 motion to approved the request pending floodplain
2 permits?

3 MR. JACOBS: So moved.

4 MS. NICODEMUS: Excuse me. We don't
5 approve the floodplain permits. They can't get a
6 floodplain permit until after we approve the
7 development. The Licking County Planning does
8 that.

9 MR. DAUBENMIRE: Okay.

10 MS. NICODEMUS: But our engineers have
11 already approved the H&H and the stormwater plan
12 that they put together. And they're also the one's
13 that did the H&H study. So they know then it will
14 work.

15 MR. DAUBENMIRE: Scratch that from the
16 record then. Is there a motion to approve the
17 application for site development?

18 MR. JACOBS: So moved.

19 MR. STONER: Second.

20 MR. DAUBENMIRE: Motion to approve by
21 Mr. Jacobs, seconded by Mr. Stoner. I'll call the
22 roll.

23 Ms. Porter?

24 MS. PORTER: Yes.

25 MR. DAUBENMIRE: Mr. Daubenmire is yes.

1 Mr. Jacobs?

2 MR. JACOBS: Yes.

3 MR. DAUBENMIRE: Mr. Layton?

4 MR. LAYTON: Yes.

5 MR. DAUBENMIRE: Mr. Stoner?

6 MR. STONER: Yes.

7 MR. BADGER: Thank you all very much.

8 MR. DAUBENMIRE: Thank you.

9 MS. NICODEMUS: I will get those
10 certificates ready for you and let you know what
11 the final costs are.

12 MR. BADGER: Okay. Thank you.

13 MR. DAUBENMIRE: The next item on the
14 agenda, Bob Jude, 602 West North Street.

15 MS. NICODEMUS: Mr. Jude could not be
16 here tonight, but I will explain what's going on
17 with this.

18 MR. DAUBENMIRE: Okay. Ms. Porter,
19 sorry. It's okay.

20 MS. NICODEMUS: So Mr. Jude had come
21 before Planning and Zoning Board and was approved
22 back in February to build a new home at 602 West
23 North Street on a nonconforming lot because the
24 lots there are 50 foot wide. So he would not be
25 able to meet the 10 foot side set back but that was

1 it.

2 So after getting that, then he had to
3 get a floodplain permit. So what you see now is
4 our Village code requires that the lowest floor
5 joist has to be two foot above base flood
6 elevation. Mr. Kline is going to understand this
7 because he's lived there.

8 The base flood elevation as you can see
9 on one of your handouts, the existing grade is 887.
10 The flood level is 891 and their lowest -- the
11 bottom of their floor joist has to be 893.61. But
12 you can see the finished floor level at 897, but
13 what they have to do is the bottom of that floor
14 joist has to be two foot above the base flood
15 elevation, okay.

16 So if you look at the paper, you'll see
17 that it's enough space, it's high enough to put a
18 garage below. They're required to have an attached
19 garage. They're going to be required to elevate
20 that house almost a story to accommodate the base
21 flood elevation and to be out of the floodplain.

22 So when you look at this house, and how
23 they plan on making it look like the garage is part
24 of the house, on the front it will have windows and
25 a door and then on the side they would have the

1 garage. But the first floor is actually that high.

2 In our zoning code it states that you
3 can only have two stories, okay. It actually looks
4 like it's going to be three stories but it would
5 look that way no matter whether they put the garage
6 under it or not. And I wasn't comfortable
7 approving the zoning certificate, even though they
8 were approved to build the home back in February.

9 They knew they would have to elevate
10 it. But they were going to attach the garage on
11 the back, but seeing as they have to go this high,
12 they thought they would just put the garage in that
13 lower level. So it's still attached, but it's
14 under the home.

15 MR. DAUBENMIRE: It's already a
16 nonconforming lot, now it's going to be --

17 MS. NICODEMUS: But it's going to be
18 that high no matter what happens.

19 MR. STONER: So is the house a
20 one-story house?

21 MS. NICODEMUS: It's a two-story house.
22 It was a two-story house.

23 MR. STONER: But it's a two-story house
24 sitting on top of a garage?

25 MS. NICODEMUS: A garage, correct, with

1 flood vents. They have to have the flood vents.
2 These are just the Licking County floodplain
3 requirements for them. You can have a garage in a
4 floodplain as long as you have the flood vents.

5 You just can't have any electrical
6 service. You can't have your hot water -- all of
7 that stuff and I don't know if you got a picture of
8 where the air conditioning unit is going to be but
9 did you see that? It's up. It has to be up to
10 that almost what you would consider the second
11 story in order for the air conditioning unit to be
12 two foot out of the base flood elevation.

13 But on that corner we know how bad it
14 floods, even with the new culvert and this is using
15 the H&H study that we currently have.

16 MR. STONER: He's not asking for a
17 variance?

18 MS. NICODEMUS: No. I just wanted to
19 make sure that you understood that the garage is a
20 part of the structure as it should be. It's
21 attached. It's just under and it's going to look
22 like two stories but it will look like that whether
23 the garage is under there or not.

24 MS. PORTER: I have a question. Is
25 that property considerably lower than the new build

1 one house away?

2 MS. NICODEMUS: Yes. So the house
3 that's three houses past that that had to elevate
4 up, is in a higher part of the floodplain. It's
5 further away from the ditch, the culvert.

6 So and I spoke to them, Jay Fisher and
7 Brad Mercer with Licking County Planning and this
8 is conforming to the floodplain as they are
9 submitting it. It is an allowed structure in a
10 floodplain and to have the garage under it. And
11 you had approved it knowing that it was going to
12 have to be elevated prior.

13 It's just the plan looked different and
14 I wanted to make sure that you see it as it will be
15 so that you know that's what it's going to look
16 like.

17 MR. LAYTON: So he's building a
18 two-story house that has to be elevated?

19 MS. NICODEMUS: It has to be elevated.

20 MR. LAYTON: And he's taking advantage
21 of the space underneath to put a garage in?

22 MS. NICODEMUS: He's putting the garage
23 underneath.

24 MR. LAYTON: So basically it's a
25 two-story house, two living floors.

1 MS. NICODEMUS: Correct. This was
2 really just so you would know what it was going to
3 look like.

4 MS. PORTER: So you're saying that they
5 can have no electrical service in that particular
6 garage or only if it was attached to the north --
7 that if it was attached at the north part -- okay.
8 I misunderstood or didn't understand it all when
9 you are saying where they could not have electrical
10 service.

11 MS. NICODEMUS: Yeah. So where the
12 floor joist are --

13 MS. PORTER: Yes.

14 MS. NICODEMUS: Their main electrical
15 panel and their hot water tank and all of those
16 essential services, have to be two foot above base
17 flood elevation. So they have to be above the
18 lowest level of the floor joist, the bottom of the
19 floor joist.

20 MR. STONER: So it doesn't mean they
21 can't have electric in their garage. It just means
22 they can't have the hot water heater, air
23 conditioner any big --

24 MS. NICODEMUS: All of that has to be
25 on the first floor, correct.

1 MS. PORTER: Wait a minute. When you
2 say first floor, are you saying first floor of the
3 residence?

4 MS. NICODEMUS: Yes.

5 MS. PORTER: Or the first floor of the
6 garage?

7 MS. NICODEMUS: First floor of the
8 residence. The garage is in the floodplain. If
9 they have outlets, they'll have to run them down
10 from the floor joist and they would only be able to
11 do that for -- yeah, for so many feet.

12 MR. LAYTON: What you're saying is the
13 plan meets the standard?

14 MS. NICODEMUS: It meets the standards.
15 I just wanted you to be aware. It doesn't take a
16 motion. You already approved it knowing that they
17 would have to elevate it. I just didn't want you
18 to say, Linda, that isn't what we saw when we
19 approved it.

20 MR. STONER: Appreciate that.

21 MS. PORTER: Which leads me to a
22 question here. It has to build new house to
23 commence 3/1/21. Now it's way beyond that. Why is
24 it being held up?

25 MS. NICODEMUS: Because of the

1 floodplain permit. It was held up in the Licking
2 County Planning to get the floodplain elevations.

3 MS. PORTER: So it wasn't anything that
4 the Village failed to do or Mr. Jude did not do.
5 So now then it's been approved and we can
6 anticipate construction?

7 MS. NICODEMUS: Right. Once you guys
8 are aware and you're fine that I'm sending this to
9 you, that's why I put it on the agenda, so you
10 would be aware if there is a conflict or someone
11 saying absolutely not, I'm totally opposed to this,
12 then this would be to say --

13 MR. STONER: Do we need a motion to say
14 basically we're okay with --

15 MS. NICODEMUS: Absolutely. That's how
16 I feel. I feel I would need that since it's so
17 different than what you saw back in February.

18 MS. PORTER: It's probably different
19 from what he anticipated, too.

20 MS. NICODEMUS: It's a lot different.

21 MR. LAYTON: I disagree. I think it
22 meets the standard, a two-story house to where he
23 had to elevate it. He's taking advantage of the
24 area underneath for a garage. I don't know what a
25 motion would do for us.

1 MS. NICODEMUS: You don't have to, I'm
2 just --

3 MR. LAYTON: And he meets the
4 standards?

5 MS. NICODEMUS: You approved it and
6 you're okay.

7 MR. LAYTON: The side variance we would
8 have to do a lot because there is a whole lot of 50
9 foot lots in town.

10 MR. DAUBENMIRE: Strike that from the
11 agenda. All right. That gets us to Marietta
12 subdivision's residences 408 to 424 East Cumberland
13 Street, zoned R2 residential. An application was
14 received for a variance from constructing sidewalks
15 required by 1179.13, sidewalks of the Hebron
16 Planning and Zoning Code. Does anybody have
17 anything they want to say?

18 MR. LAYTON: I voiced my opinion that I
19 thought maybe we ought to table this and have a
20 little bit more discussion.

21 MS. PORTER: I would like to go down
22 and see it myself.

23 MS. NICODEMUS: If you wanted to we
24 could pause --

25 MS. PORTER: -- from what we saw here

1 or what we just know from driving by.

2 MS. NICODEMUS: Like we did with --

3 MR. DAUBENMIRE: That was different.

4 That was a totally different ordeal there? What
5 can be gained by that if you don't mind me asking.

6 MR. LAYTON: Benefit of the doubt. I
7 don't think it would hurt anything to wait 30 days.
8 They're not going to build the sidewalks in 30 days
9 anyway.

10 MR. SAMSAL: Can I say one more thing?

11 MR. DAUBENMIRE: Sure.

12 MS. NICODEMUS: Our transcriptionist is
13 on vacation. She's going to watch this on a Zoom
14 and she's going to need to know who is the speaker.

15 MR. SAMSAL: I've been thinking more
16 about what Trevor said, and I never really thought
17 about it before, but when he said that there are
18 four catch basins down through there tying in the
19 storm drain, they would be right in the middle of
20 where the sidewalk would be. So I don't know how
21 you would possibly put a sidewalk there and not
22 pretty much rip up all of what's out there and
23 pretty much flood our yards. I would encourage you
24 going down and looking at it and seeing where those
25 catch basins are versus where the fire hydrant is

1 at and all of the utilities to see where it would
2 be possible to even put a sidewalk.

3 MR. LAYTON: 30 days down the road
4 doesn't make any difference, does it?

5 MS. NICODEMUS: No, no. You just can't
6 take any -- just one minute. You can't take
7 anything else into consideration.

8 MR. DAUBENMIRE: No, that's the
9 problem. We can't talk about that stuff.

10 MS. NICODEMUS: You can't talk about it
11 but you can view the property. But you can't talk
12 about it at the scene. You can't, you know, since
13 that information was brought up, you can't talk
14 about it together at the scene. You would have to
15 come back whenever you do it. And you can't talk
16 to any of the other residence or anyone, other
17 Council members. You have to only do what was
18 stated in this meeting, and you would only be
19 investigating what you heard at this meeting if you
20 did so. That's the Board's decision.

21 MR. LAYTON: My opinion is it won't
22 hurt to address some of their concerns.

23 MR. STONER: I'm not opposed to
24 looking. I'm just of the opinion we have to go
25 with what the code says.

1 MR. DAUBENMIRE: Exactly.

2 MR. STONER: So regardless of where the
3 catch basins are, regardless of where the fire
4 hydrant is, they really need to build a sidewalk
5 because that's what the code says.

6 MR. LAYTON: Only one vote. I don't
7 think 30 days will make a big difference.

8 MS. SAMSAL: I have a question and mine
9 concerns the flooding issue. The property that we
10 live on, all of us, it was swamp land. It was a
11 very, very hard time. We had to build our houses
12 really far out of the ground and we had still
13 issues with flooding. We have brought in, just for
14 our house forward, about 22, 20-ton trucks of
15 topsoil to try to get the property up so it doesn't
16 flood. So what's going to happen -- after all of
17 this money that we've spent, you guys put a
18 sidewalk in and it causes our yards to flood again.

19 MR. STONER: Well, first off, we're not
20 putting the sidewalk in. You are.

21 MS. SAMSAL: Well, if you guys say that
22 we have to put a sidewalk in and it causes our
23 properties to flood.

24 You can't tell by looking at these
25 pictures and I really wish that you guys would come

1 out and look. There is the four lots. There was
2 five lots. We bought two. So our house looks like
3 it's just sitting on level ground. Everybody else
4 houses because of the width of the lots, and the
5 houses being out of the ground so far, there is
6 nothing they could help -- the dirt from the sides
7 of their houses literally slope like this to the
8 property line of our property, and we've taken care
9 of the flooding. But if we put in a sidewalk and
10 it causes more flooding then, I mean, our property
11 is going to be under water.

12 MR. DAUBENMIRE: Nobody -- whenever the
13 sidewalks go in, they won't be able to send the
14 water back to your house.

15 MS. KLINE: It will create a dam that
16 will flood the yard that we already brought all
17 this dirt in because --

18 MR. DAUBENMIRE: I don't think it's
19 going to create a dam either.

20 MS. KLINE: I think -- I would
21 appreciate your suggestion of coming to our
22 property.

23 MS. SAMSAL: Yeah. I know that you
24 guys probably -- we're probably not very good at
25 expressing, probably, what it looks like.

1 MR. DAUBENMIRE: You understand, I'm in
2 front of your folk's home weekly. Every week I'm
3 in front of your house. I'm well aware of what it
4 looks like. I'm there every week.

5 MS. KLINE: Are you in our yard?

6 MR. DAUBENMIRE: I'm right in front of
7 your house every week. I'm there every week.

8 MS. SAMSAL: Because I mean, we've --
9 it's a major flooding.

10 MR. STONER: When Hebron has put
11 sidewalks in, like, when they put sidewalks in at
12 the post office and everything else, you don't
13 build the sidewalk above the ground. You dig the
14 ground down.

15 MS. SAMSAL: That's the thing is it's
16 -- because of the lay of the road is and it comes
17 down to the property, there's like nothing there.
18 When we were building ours, and I think Trevor just
19 had problems with his, too. Trucks that were going
20 in and out driving over it were crushing the pipes
21 and things -- the water pipes and stuff that was in
22 our yards because there's -- the way the flow of
23 the land is there's not enough room to build
24 anything up and with those big storm -- I mean,
25 those big storm drains literally sat between the

1 road and the fire hydrant.

2 MR. SAMSAL: If you build a sidewalk
3 it's going to be above the height of the catch
4 basin. It's going to be above them and it's
5 probably going to be right on top of them.

6 MR. DAUBENMIRE: We're not here to
7 determine that, folks. Again, we understand
8 everybody's concern. The issue this Board is
9 having again, I can't stress this enough, is
10 setting a precedent for 20 years down the road.

11 MS. FREEMAN: I have a question on
12 that. So you're going to tell me that in the next
13 20 years you're not going to let someone else have
14 a variance for something else? I guess, that's
15 what I'm not understanding because you're acting
16 like there's never going to be another variance.
17 What's the point?

18 MR. LAYTON: Hang on a minute here.

19 MR. DAUBENMIRE: Of course, ma'am.

20 MR. LAYTON: Brandon, I'm going to make
21 a motion that we table this for 30 days, take the
22 opportunity to review their concerns, especially
23 the stormwater concern and act on it at the next
24 meeting. I make a motion that we do that. Do I
25 have a second?

1 MR. DAUBENMIRE: Is there a second for
2 that?

3 MS. NICODEMUS: Are we going to --

4 MR. DAUBENMIRE: Stop. There is a
5 motion on the floor. We can't speak.

6 MR. LAYTON: She's trying to second it.

7 MR. DAUBENMIRE: Okay. Is there a
8 second?

9 MS. PORTER: Yes.

10 MR. LAYTON: Now, we can talk.

11 MR. DAUBENMIRE: No, we can't. The
12 motion to table until the next meeting --

13 MR. LAYTON: Wait. Wait. We can still
14 comment after we have a motion and a second. We
15 can make comments. This group here can make
16 comments. Let's do that. Do you got something you
17 want to say, Annelle?

18 MS. PORTER: I think it would be wise
19 for as many of us who can and care to, to go down
20 and take a look. And if we came to the same
21 conclusion, then we will have done our -- shall we
22 say the term of the day -- due diligence.

23 Now, keep in mind, that this Board is
24 only charged with the installation or
25 non-installation of a sidewalk. We're not into

1 plumbing. We're not into flooding. We're not into
2 urban dam. We're not into anything else. This
3 issue has only to do with the installation of a
4 sidewalk per the current code. In 20 years, it
5 will probably be different. I won't be on this
6 Board.

7 MR. DAUBENMIRE: And if I may -- if I
8 may, sure, there will be a variance that comes
9 before us in the next 20 years but not a precedent
10 setting for four brand new builds that want to do
11 something against the code book of variances that
12 we would approve to set a precedent. I'm just
13 answering your question.

14 MR. LAYTON: I'll tell you what, the
15 precedent is certainly going to figure into the
16 decision, but I think we take the minute to address
17 their concerns.

18 MR. DAUBENMIRE: Okay. We are. There
19 is a motion on the table, motion to table it until
20 next meeting made by Mr. Layton, seconded by
21 Ms. Porter. We'll call the roll.

22 Ms. Porter?

23 MS. PORTER: Yes.

24 MR. DAUBENMIRE: Mr. Daubenmire, no.

25 Mr. Jacobs?

1 MR. JACOBS: Yes.

2 MR. DAUBENMIRE: Mr. Layton?

3 MR. LAYTON: Yes.

4 MR. DAUBENMIRE: Mr. Stoner?

5 MR. STONER: No.

6 (MOTION APPROVED.)

7 MR. DAUBENMIRE: The yes's have it.

8 The motion will be tabled and will be voted upon at
9 the next meeting.

10 MS. NICODEMUS: We need to set a date
11 to where we are going to look at that. Or are you
12 individually going to go out and walk?

13 MR. LAYTON: I think, we individually
14 gather the information we need and then set a date
15 to do the public meeting again or the whatever at
16 the next --

17 MS. NICODEMUS: At our next meeting.

18 MR. LAYTON: Yes.

19 MS. NICODEMUS: Now, if you would like,
20 I can call OUPS and have gas, water, those kind of
21 lines marked if you need them.

22 MR. LAYTON: We'll let you know if we
23 do.

24 MS. NICODEMUS: Okay.

25 MS. KLINE: Will each property be

1 walked individually or will you just be looking at
2 all --

3 MR. LAYTON: We'll determine how we do
4 it and what we do. I mean, I'm going to go down
5 and look at all of them, but it doesn't necessarily
6 mean I'm going to change my mind.

7 MS. KLINE: Absolutely. I just want to
8 make sure that each property is being viewed
9 properly.

10 MR. LAYTON: At least what I want to do
11 is address your concerns.

12 MS. KLINE: We appreciate it, sir.
13 Thank you.

14 MS. PORTER: But we don't know when we
15 will be doing it. And we won't be in black garb
16 or --

17 MS. KLINE: Thank you.

18 MR. DAUBENMIRE: We'll go on to the CDC
19 report. You folks are welcome to stick around and
20 listen. It's kind of boring, but you are welcome
21 to stick around.

22 MS. PORTER: And you would not believe
23 what comes up.

24 MS. KLINE: Thank you very much for
25 your time.

1 MR. DAUBENMIRE: We don't have to line
2 item anything. Is there anything anybody wants to
3 discuss in particular?

4 MS. PORTER: How's the annexation?

5 MS. NICODEMUS: So the annexation for
6 the 10 acres was -- we received a resolution from
7 the County Commissioners accepting it. So now
8 Council will have 60 days, and they'll have to pass
9 legislation that accepts the resolution from the
10 County Commissioners.

11 So it probably, you won't -- you'll
12 probably talk about it at your next Council
13 meeting -- council committee meetings, but it
14 probably will not be on your agenda until July or
15 August.

16 MR. LAYTON: To approve, you mean?

17 MS. NICODEMUS: Well, I had submitted
18 an email to Wes and Jarred Rose, and it states on
19 the Ohio Revised Code that we can't take action for
20 60 days.

21 MR. LAYTON: We can't take action?

22 MS. NICODEMUS: We can't take action
23 for 60 days. So we can't pass legislation until
24 after August 1.

25 MR. LAYTON: Because of the readings

1 for legislation.

2 MS. NICODEMUS: So you can have the
3 readings. You can have --

4 MR. LAYTON: It'll be on tomorrow's--

5 MS. NICODEMUS: It won't be on
6 tomorrow's agenda. It won't be on Wednesday's
7 agenda because the way Wes and Jarred had stated
8 they would prefer that it not be on until your last
9 meeting in June because then it's -- you're trying
10 to get 60 days, three readings.

11 MR. LAYTON: Okay. All right.

12 MS. PORTER: So it won't come on until
13 the last --

14 MR. LAYTON: So in 60 days we can act
15 on it.

16 MS. NICODEMUS: Correct. And it won't
17 be as an emergency. It will be effective 30 days
18 afterwards also.

19 So the other annexation, I don't know
20 if you guys are aware, that was the Dawson property
21 we talked about, the 10 acres. Well the 10 acres
22 right beside that and the 72 acres that run behind
23 all the way to the river have applied for
24 annexation. Council has already passed three
25 pieces of the necessary legislation. Now, it will

1 go back to the County Commissioners and then it
2 will come back to them to do -- to accept it. So
3 it's probably at least three months down the road
4 but we are growing east and to the south.

5 MS. PORTER: Who owns that lot? The 74
6 acres?

7 MS. NICODEMUS: Evan Barton and Mike
8 Brennamen (phonetic). Remember, he was in here the
9 other day? That's why he came in.

10 MS. PORTER: What's Barton's first
11 name?

12 MS. NICODEMUS: Evan.

13 MS. PORTER: Thank you.

14 MR. DAUBENMIRE: I don't see anything
15 else on there. Let's take a quick moment on the
16 record to thank Linda and Bonnie for all of their
17 hard work on the exterior property code
18 maintenance. I'm sure it's a headache but thank
19 you.

20 MS. NICODEMUS: It's a lot but we're
21 getting it done. Aren't we, Bonnie? And you guys
22 got a copy of the sections, so I created this map
23 that shows dividing it into five sections so that
24 we could just do a sweep of certain sections and
25 know where we've been, so we can actually cover the

1 whole thing without going backwards.

2 MR. DAUBENMIRE: I was in quadrant one
3 today. We're going to be in quadrant two tomorrow.

4 MS. NICODEMUS: Right. And plus the
5 people can also know that we're not picking on
6 anyone. We're going through each section. If we
7 find a violation, then we are going to write the
8 violation up. And that way they don't think we are
9 picking on them.

10 MR. DAUBENMIRE: Well, nice job,
11 ladies.

12 MS. PORTER: I just have one thing. I
13 understand there is going to be at least one sign
14 installed at the intersection of North High and
15 Route 40; is that correct? A new sign, that's all
16 the paint that I've seen and people gathering here
17 and over there.

18 MS. NICODEMUS: Okay. So I can explain
19 that one. Are you ready? We applied for that
20 grant from LCATs.

21 MS. PORTER: Does it have to do with
22 Zoning?

23 MS. NICODEMUS: No.

24 MS. PORTER: Okay. Then we don't have
25 to -- we'll get to it at sometime, but --

1 MR. LAYTON: We were trying to
2 (inaudible).

3 MR. DAUBENMIRE: Let's get done with
4 this. You all will be tickled pink to hear what's
5 happening.

6 MS. NICODEMUS: There's one more. We
7 are -- the Planning and Zoning Board meeting the
8 next one is scheduled for July 4th, which is a
9 holiday, so we need to rescheduled it. And now
10 that we have a 30 day deadline, we need to
11 reschedule it before the 5th of July because if we
12 wait until the following Monday on the -- we'll be
13 outside of that window.

14 MS. PORTER: So that will be July,
15 what, 2nd?

16 MS. NICODEMUS: July 5. Tuesday,
17 July 5.

18 MR. STONER: Is there nothing else on
19 the calendar?

20 MR. DAUBENMIRE: All right.

21 MR. LAYTON: So we do it before July
22 whatever.

23 MS. NICODEMUS: Yes.

24 MR. DAUBENMIRE: I like that better.
25 Monday's work for me. Any other day of the week, I

1 have a hard time making it here.

2 MS. NICODEMUS: So June 27. You could
3 do it on June 27?

4 MS. PORTER: What about July --

5 MR. DAUBENMIRE: We can't. We've got
6 to do it sooner, Annelle. It has to be within 35
7 days or --

8 MS. PORTER: Okay. Tell me when and
9 I'll show up.

10 MR. DAUBENMIRE: If we go later than
11 July 5 we are past 30 days.

12 MR. STONER: We could do July 1.

13 MR. DAUBENMIRE: We're coming in on a
14 Friday. I might be out of town that weekend.

15 MR. LAYTON: I make a motion we do it
16 June 27.

17 MS. NICODEMUS: Okay.

18 MR. DAUBENMIRE: All right. Is there a
19 second?

20 MS. PORTER: Yes.

21 MR. DAUBENMIRE: I'll call the roll.

22 Ms. Porter?

23 MS. PORTER: Yes.

24 MR. DAUBENMIRE: Mr. Layton?

25 MR. LAYTON: Yes.

1 MR. DAUBENMIRE: Mr. Daubenmire is yes.
2 Mr. Stoner?

3 MR. STONER: Yeah.

4 MR. DAUBENMIRE: Mr. Jacobs?

5 MR. JACOBS: Yes.

6 (MOTION APPROVED.)

7 MS. PORTER: So we are doing the July
8 meeting in June.

9 MS. NICODEMUS: Yes.

10 MS. PORTER: That sounds flexible.

11 MR. DAUBENMIRE: You'll let all of
12 those folks know that were here tonight to come
13 back on that day?

14 MS. NICODEMUS: I will. And I'll have
15 to advertise it because we changed the date from
16 the first Monday.

17 MS. PORTER: Okay. We have nothing
18 else that we have to go over. So we are looking
19 for meeting -- the skies are looking awful.

20 MS. NICODEMUS: Motion to adjourn?

21 MR. LAYTON: I just want to make the
22 statement here that I'm not trying to be rough
23 about this whole program. 30 days isn't going to
24 make a dam bit of difference. And they had genuine
25 concerns and it may not change and probably won't

1 change our decision. But I think we need to at
2 least listen to the citizens and give them the
3 opportunity to give us the opportunity to look at
4 it and see.

5 Let me finish, Brandon. We don't need
6 to walk into these things at the public hearing and
7 act on them the next day. We don't need to do
8 that. We can take our time and do our due
9 diligence and at least act like -- at least display
10 to the citizens that we are making an attempt to
11 listen to their concerns.

12 MR. STONER: And I have no problem
13 going --

14 MR. LAYTON: Are their driveways all
15 concrete now?

16 MS. NICODEMUS: Yes.

17 (INAUDIBLE.)

18 MR. DAUBENMIRE: I agree Jim. I agree
19 a hundred percent, but as I sat here and listened
20 to everyone of them speak to us and the reasons
21 were selfish and it was one sided. It was all
22 about them.

23 MR. LAYTON: I understand that. But
24 the water concern and the flooding concern is an
25 issue and we can settle that right away. We can

1 get Jason down there and say, hey is this going to
2 cause an issue if we put a sidewalk in here?

3 MR. STONER: But we're not putting the
4 sidewalk in.

5 MR. LAYTON: I understand that. If
6 they put a sidewalk --

7 MR. STONER: It's their responsibility
8 to put the sidewalk in.

9 MR. LAYTON: I understand that. But
10 it's our responsibility to keep the Village from --
11 to keep people from doing stuff that creates
12 stormwater on somebody else property. Correct?

13 MS. NICODEMUS: Correct.

14 MR. STONER: Which it sounds like two
15 of them have already done --

16 MR. LAYTON: It's not going to hurt a
17 dam thing to go down there and look at it and at
18 least get an opinion on something. How about the
19 storm drains? I'm sure they can be adjusted to
20 make it work. I don't know what it is but I'm sure
21 that Jason or Tom will. I just think it's crazy to
22 try to shove it through every time.

23 MR. STONER: But I mean, like the -- my
24 issue is number one, there is all kinds of
25 sidewalks in this town built on storm drains right

1 now.

2 MR. LAYTON: I agree.

3 MR. STONER: Number one. So that is
4 not even a point they should have brought up.

5 Number two, the nuisance thing has
6 nothing to do -- like Annelle said -- with what we
7 are ruling on. We are ruling on zoning of a
8 sidewalk. We're not ruling on somebody breaking
9 into somebody's house and property. And everyone
10 of them brought that up as part of their argument.
11 That is not even part of the argument.

12 MS. PORTER: Yeah. I don't see the
13 connection.

14 MR. STONER: There is no connection.

15 MR. LAYTON: I didn't bring it up, but
16 I wanted to say --

17 MR. JACOBS: Those people are going to
18 be there regardless if the sidewalks are there or
19 not.

20 MR. LAYTON: Correct. They are there
21 now. Is it safer to walk on a sidewalk or out in
22 the street?

23 MR. STONER: And I know -- the point
24 the one person made about some places in Hebron
25 don't have sidewalks, there's a sidewalk on North

1 Street right now where I walked when I was passing
2 out flyers trying to get Stacy elected. And I'm
3 walking on the sidewalk and then I'm walking in the
4 grass and then I'm walking on the sidewalk again.
5 But it's because the people have been there for
6 years and they're grandfathered. What can we do?

7 MS. PORTER: At least on the south side
8 of North Street, you will find a sidewalk that has
9 sod on top of it and I've been saying for 25 years,
10 get a couple people out there with a shovel and
11 scrape that off and voila, you've got a sidewalk.

12 MR. LAYTON: The sidewalk in front of
13 my dad's old house is brick and the grass just grew
14 right up through the middle of it.

15 MS. PORTER: And there's brick all the
16 way up there.

17 MS. MILLER: Linda, I have a question,
18 so if there is a sidewalk on that street that they
19 are talking about being unsafe, being cracked, you
20 know, not level, can't we enforce that with
21 property maintenance violations?

22 MR. STONER: Yep. That's what I was
23 going to say. Brandon said there are five
24 sidewalks already on that street, but they said it
25 has no sidewalk.

1 MS. NICODEMUS: Absolutely.

2 MR. DAUBENMIRE: We need more
3 sidewalks. We need to be pedestrian friendly.
4 Just real quick, I won't mention the names because
5 we are still on the record, I think. But I took
6 some notes of what these people said to us.

7 The first person said, just because
8 they don't like the foot traffic and because of
9 theft. The second and third person said, I don't
10 like them because people cut through my yard all of
11 the time. The third person said, I don't like it
12 because they cut through my yard all the time. The
13 fourth person said, I don't like it because there
14 is too much foot traffic and I see no benefit.

15 MR. LAYTON: Brandon, I'm not saying
16 that it's going to change our decision.

17 MR. DAUBENMIRE: I know, I'm just
18 saying.

19 MR. LAYTON: The only thing I'm saying
20 is we are at least listening to their concerns.

21 MR. DAUBENMIRE: Absolutely, Jim, we
22 are.

23 MR. LAYTON: And I don't think -- you
24 had no intention of doing that.

25 MR. DAUBENMIRE: Because I'm there

1 weekly. I mow a yard right across the street. I
2 mow a yard that touches it. I'm there weekly. I
3 know what it looks like.

4 MS. MILLER: So what if the Mayor and
5 say Annelle go down there together and there are
6 residents that come out and start talking to them
7 and asking them questions?

8 MS. NICODEMUS: They cannot.

9 MS. MILLER: I know. But I'm saying,
10 they may just try to interject stuff.

11 MS. NICODEMUS: But they can't. And
12 they know it. These guys are professionals.
13 They've learned from the best. They will say, hi
14 and say we need to do this on our own.

15 MR. LAYTON: Just taking a look. See
16 you later.

17 MR. JACOBS: Does the Village still
18 chip in on a new one?

19 MS. NICODEMUS: Absolutely. So that's
20 a conversation that can be had with some of the
21 property owners is that -- this is why it's in our
22 ordinance because our Council is hopeful that we
23 repair and replace sidewalks. They invest money
24 into it every year if you're a resident and you
25 need sidewalks replaced or repaired in front of

1 your home, they'll pitch in on it so many dollars
2 per linear foot. And we have done it. We are
3 doing it now.

4 MS. PORTER: I don't think they
5 understood that at all.

6 MR. DAUBENMIRE: They won't get that
7 because they are brand new. They won't get that
8 assistance.

9 MS. NICODEMUS: No, no. Brand new
10 homes do not get that assistance.

11 MR. JACOBS: That's what I was asking.

12 MS. PORTER: It just really amazes me
13 that four homes were built there and nobody told
14 them about sidewalks. How did that plan go
15 through? They just didn't do it?

16 MS. NICODEMUS: Correct.

17 MR. LAYTON: The problem is that when
18 we told them that they needed sidewalks, they said
19 we're going to get a variance to not put the
20 sidewalk in.

21 MS. PORTER: They knew about a
22 variance?

23 MS. NICODEMUS: Now, listen. I want to
24 tell you this again -- for I will tell you that
25 every resident that brought a permit in, no --

1 Mr. Mayor, one moment.

2 MR. LAYTON: You need to tell them
3 that, it's part of the --

4 MS. NICODEMUS: Exactly. They're all
5 told they had to hard surface their driveways and
6 they had to put a sidewalk in. Marietta was told
7 when Mr. Marietta put the -- that it was a minor
8 subdivision and that he had to put the sewer line
9 in and the waterline in as a part of his expense
10 for that subdivision and that the sidewalks would
11 need to go in and hard surface. He knew it.

12 Each one of those property owners and
13 only one of them asked me, which was the one who
14 said it because she was at the very end. She said,
15 what if we don't want to put a sidewalk in? I said
16 the only way you can not put a sidewalk in is if
17 you apply and are granted a variance.

18 MR. LAYTON: So we don't grant a
19 variance and they're done. They only heard what
20 they wanted to hear.

21 MR. DAUBENMIRE: Just like the house
22 that the pegs got moved forward. Sure, it's going
23 to be inconvenient for them. It's going to be
24 right on their front porch but they messed up and
25 moved their pegs, right.

1 MR. LAYTON: I don't know about that.
2 All I know is we're going to address their concerns
3 and not try to shove it down their throats because
4 that's the way they'll tell it. I'm sure. We can
5 at least go down and take a look and if we look at
6 it and say, geez, that doesn't make any sense.

7 You know, we made this guy across the
8 street where the church is now, they put in a
9 sidewalk all the way across there and it goes clear
10 to a corn field and stops.

11 MR. DAUBENMIRE: Same thing with city
12 hall. It goes all the way across here.

13 MR. LAYTON: And stops.

14 MS. PORTER: But then at that time the
15 argument was that we had to have the sidewalks so
16 that children could walk to go to the library.

17 MR. DAUBENMIRE: I agree.

18 MR. LAYTON: And who's on Hamilton
19 Avenue? You're getting a sidewalk --

20 MR. DAUBENMIRE: We're on the record
21 still. Wait a minute. Let's get out of here.

22 MR. JACOBS: I make a motion to
23 adjourn.

24 MR. LAYTON: We're already out. We're
25 already out. None of this should be a part of the

1 record.

2 MR. DAUBENMIRE: We never made a
3 motion.

4 MR. LAYTON: I did and she seconded it.
5 We never voted on it. You made a motion to
6 adjourn. Somebody over there did. Anybody hear
7 that besides me?

8 MS. MILLER: I wrote it down. Yeah.

9 MR. LAYTON: I thought I made a motion
10 to adjourn. Let's get out of here.

11 MR. STONER: Did we actually make a
12 motion about the voting of the rescheduled date,
13 because that's on here.

14 MS. NICODEMUS: Yes, we did. And now,
15 Jim Layton and Annelle Porter for June 27,
16 everybody voted yes. All we need is the vote for
17 the motion to adjourn and then we can adjourn. A
18 motion has been made and seconded.

19 MR. DAUBENMIRE: Okay. I'll call the
20 roll. Mr. Jacobs?

21 MR. JACOBS: Yes.

22 MR. DAUBENMIRE: Mr. Stoner?

23 MR. STONER: Yes.

24 MR. DAUBENMIRE: Mr. Daubenmire is yes.

25 Ms. Porter?

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MS. PORTER: Yes. I thought we --

MR. DAUBENMIRE: We didn't vote on it
yet.

Mr. Layton?

MR. LAYTON: Yes.

(MOTION APPROVED.)

MR. DAUBENMIRE: Adjourned.

MR. JACOBS: At 8:03 p.m.

- - -

(Thereupon, the hearing adjourned at 8:03 p.m.)

- - -

CERTIFICATE

- - -

I, Rebecca A. Gause, certify that the foregoing is a true and correct transcript of the Hebron Village Board of Planning and Zoning Public Hearing and Regular Hearing taken by me on Monday, June 6, 2022, and later transcribed on a computer from my stenographic notes.

Date this Transcript certified

Rebecca A. Gause,
Notary Public in and
for the State of Ohio.

My Commission expires May 21, 2024.

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