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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING

PUBLIC HEARING

- - -

Monday Evening Session

May 2, 2022, 6:30 p.m.

Municipal Complex

934 Main Street

Hebron, Ohio 43025

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Board of Planning and Zoning:

Brandon Daubenmire, Chairman
Scott Jacobs, Secretary
Jim Layton, Mayor
Annelle Porter, Council Member

Community Development Coordinator:
Linda Nicodemus

- - -

REBECCA A. GAUSE
COURT REPORTER
(740) 403-3959

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Monday Evening Session

May 2, 2022

- - -

MR. DAUBENMIRE: It's 6:30. We'll go ahead and call the meeting to order. Please rise and join me for the pledge.

(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 is excused.
The Board acknowledges that the minutes are recorded and transcribed. Is there a motion to approve the March 7, 2022, and the April 4, 2022, regular meeting minutes?

MS. PORTER: Do you want to do them together?

MR. DAUBENMIRE: Yes, please.

MS. PORTER: I so move that the minutes

1 for the prior meetings on April 4 and March 7 be
2 approved.

3 MR. JACOBS: I'll second.

4 MR. DAUBENMIRE: Motion made by
5 Ms. Porter, seconded by Mr. Jacobs. Is there any
6 discussion on the minutes of the previous meeting?
7 I'll call the roll.

8 Ms. Porter?

9 MS. PORTER: Yes.

10 MR. DAUBENMIRE: Mr. Daubenmire is yes.

11 Mr. Jacobs?

12 MR. JACOBS: Yes.

13 MR. DAUBENMIRE: Mr. Layton?

14 MR. LAYTON: Yes.

15 (MOTION APPROVED.)

16 MR. DAUBENMIRE: Mr. Stoner is excused.

17 We have an item added to the agenda this evening.
18 Tim Emmenegger, 113 North 7th Street, request for
19 another accessory structure. An application was
20 received for a new accessory structure at 113 North
21 7th Street. There are two -- currently one is a
22 detached garage and the second is a small shed.

23 MS. NICODEMUS: I received this
24 application, and the purpose will be to remove the
25 small shed to build the larger structure. I am

1 allowed to improve one accessory structure per
2 property. After that, they are to come to the
3 Planning and Zoning Board to approve another.

4 MR. DAUBENMIRE: Okay.

5 MR. EMMENEGGER: Once the new one is
6 up, both of them will be gone.

7 MR. DAUBENMIRE: Could you please come
8 up to the podium and state your name and address
9 for the record please.

10 MR. EMMENEGGER: Tim Emmenegger, 120
11 North 8th Street.

12 MR. DAUBENMIRE: Okay. Thank you.
13 Which in the picture is the building that is going
14 to be removed?

15 MR. EMMENEGGER: The back, middle shed
16 is in process right now, behind the detached
17 garage.

18 MR. DAUBENMIRE: Okay. I see it.

19 MR. EMMENEGGER: It's just a little 8
20 by 10 shed with nothing living in it but
21 groundhogs.

22 MR. LAYTON: That's the right place for
23 it I guess. 40 by 24, does that meet the standard?

24 MR. DAUBENMIRE: Yeah, it's 950 square
25 feet. Lot size -- is your lot more than an acre,

1 Tim, or is it less than an acre?

2 MS. NICODEMUS: It's .73.

3 MR. EMMENEGGER: Yeah, it's just under
4 an acre.

5 MS. NICODEMUS: 1400 square foot is the
6 maximum, no more than one story. The side walls no
7 higher than 10 feet, not to exceed a total height
8 of 18 feet as measures from the floor to the top of
9 the roof.

10 MR. EMMENEGGER: The side wall can only
11 be 10 feet?

12 MS. NICODEMUS: The garage door can
13 only be 10 feet.

14 MR. EMMENEGGER: Okay. Because the
15 side walls will be 12 feet on this particular one
16 to get a 10 foot door in it.

17 MR. DAUBENMIRE: The code book says a
18 lot size of one acre or less, an accessory building
19 or structure shall be no larger than 1400 square
20 feet. You meet that criteria. Shall contain no
21 more than one story, comma, side wall shall be no
22 higher than 10 feet, shall not exceed a total
23 height of 18 feet as measured from the floor to the
24 top of the roof. It shall be at the gable. And no
25 door serving the accessory building or structure

1 shall exceed 10 feet in height.

2 MS. NICODEMUS: So you're requesting 12
3 foot walls? I can't approve that, but they can
4 approve that.

5 MR. DAUBENMIRE: I'm assuming it is.
6 The door is a 10 foot high door and I believe for
7 that building it's a 12 foot high side wall. I
8 imagine they can change that, I guess.

9 MR. LAYTON: You haven't done anything
10 with the building yet, right?

11 MR. EMMENEGGER: No, no.

12 MR. LAYTON: You know, they make a
13 truss that can do a 10 foot wall and give you 10
14 foot of height inside of the building. It does
15 this.

16 MR. EMMENEGGER: Yeah, the height is
17 fine. 10 foot would be fine. Like I said, I think
18 their standard buildings are 12 foot side walls.
19 So what that makes it at the pitch or the top of
20 the roof, I don't know.

21 MR. LAYTON: Well, you would have to
22 apply for the variance if you want to do a 12 foot
23 wall.

24 MR. EMMENEGGER: I'll just go back and
25 see if they can do a 10 foot wall for it.

1 MR. DAUBENMIRE: Sorry. Unfortunately,
2 that's how we have to do it because the code book.

3 MR. LAYTON: You don't need the extra
4 height for the boat?

5 MR. EMMENEGGER: Not as long as I can
6 put a 10 foot door in it.

7 MR. DAUBENMIRE: Check on that. If
8 not, you'll have to apply for a variance and come
9 back in front of the Planning and Zoning Board
10 again.

11 MR. EMMENEGGER: It's three months out.
12 So it's not going to happen tomorrow.

13 MR. LAYTON: Three months?

14 MR. EMMENEGGER: To build, yeah. Of
15 course, I have to get excavating done, too. It's
16 not easy to find contractors.

17 MR. DAUBENMIRE: So you are going to
18 see about the 10 foot walls then?

19 MR. EMMENEGGER: I can check on that.
20 I mean, I think we just go ahead and say that it's
21 available. I think -- I don't know. There is no
22 measurements on the height of that that I gave you,
23 right?

24 MR. DAUBENMIRE: It says 24 by 40 by 12
25 on mine.

1 MS. NICODEMUS: Yeah, but those were
2 handwritten by you.

3 MR. EMMENEGGER: That is for that
4 particular one. So you're saying the side walls
5 cannot be any higher than 10 feet?

6 MR. DAUBENMIRE: That's what the zoning
7 code book says. Shall not exceed -- side walls
8 shall be no higher than 10 feet and not exceed a
9 total height at the gable of 18, from the top of
10 the roof to the floor.

11 MR. LAYTON: I think 10 foot is a
12 pretty standard feature for in the community, so I
13 bet they make a 10 foot.

14 MR. EMMENEGGER: I think so, too. I
15 mean, it's just an oversized garage.

16 MS. NICODEMUS: So do you want us to
17 change that to 10 foot on the picture?

18 MR. EMMENEGGER: Yeah, just change it
19 to 10 foot. If they can't do that, I'll be back
20 down here.

21 MR. DAUBENMIRE: To ask for a variance.

22 MS. PORTER: Is this the color you
23 anticipate?

24 MR. EMMENEGGER: Probably.

25 MR. DAUBENMIRE: There is no

1 requirement on the color.

2 MS. PORTER: I was just curious.

3 MR. DAUBENMIRE: It is a sharp color.

4 So anymore questions for the gentleman?

5 MS. PORTER: So if they start in three
6 months, what's the finish time?

7 MR. EMMENEGGER: Three days to do it.

8 MS. PORTER: Are you putting a concrete
9 floor in there?

10 MR. EMMENEGGER: That will be done
11 after. It's basically being built by the same
12 Amish that did that one. They come in and build
13 the building. You pour the concrete floor after
14 the fact. It only takes them two or three days to
15 put the building up. But they are three months
16 behind.

17 MR. DAUBENMIRE: All right. If there
18 are no other questions, is there a motion to
19 approve the request to build the outbuilding?

20 MR. LAYTON: So moved.

21 MR. JACOBS: I'll second.

22 MR. LAYTON: The caveat is a 10 foot
23 wall.

24 MR. DAUBENMIRE: Let me interrupt real
25 fast before we make the motion. Mr. David Moser is

1 here. He's our attorney at law. He specializes in
2 zoning boards.

3 Do we need to make this a
4 conditional -- add that word in there -- 10 foot
5 walls?

6 MR. MOSER: David Moser, Board counsel.
7 No, I don't think you do, Mr. Chair. I think we
8 made it clear on the record that he was changing it
9 to the 10 foot wall, and he made very clear that he
10 would come back and apply for the variance as need
11 be. So we're just approving the accessory
12 structure.

13 MR. DAUBENMIRE: All right. Thank you.
14 Motion to approve was by Mr. Layton and seconded by
15 Mr. Jacobs. I'll call the roll.

16 Ms. Porter?

17 MS. PORTER: Yes.

18 MR. DAUBENMIRE: Mr. Daubenmire is yes.

19 Mr. Jacobs?

20 MR. JACOBS: Yes.

21 MR. DAUBENMIRE: Mr. Layton?

22 MR. LAYTON: Yes.

23 MR. DAUBENMIRE: Mr. Stoner is excused.

24 (MOTION APPROVED.)

25 MR. DAUBENMIRE: All right. Thank you.

1 We appreciate it.

2 MS. NICODEMUS: Tim, I'll make a notice
3 of decision, I'll put it together. Then I'll have
4 to call Brandon to have him come in and sign it.
5 And then we'll put together your certificate and
6 I'll email you or call you with the cost.

7 MR. EMMENEGGER: Well, I'll check
8 tomorrow and see if 10 foot is doable --

9 MS. NICODEMUS: Then we'll know.

10 MR. EMMENEGGER: -- before you go
11 through all of that.

12 MR. DAUBENMIRE: Thank you, buddy.
13 Have a good night.

14 That gets us on to our Community
15 Development Coordinator monthly report. It's quite
16 long again. We don't need to line item every
17 single thing. But if there is anything you would
18 like to discuss with Linda, she is here. And the
19 reason that, you know, we're at a page and a half
20 now is she has Bonnie helping her. That's why.

21 MR. LAYTON: I want to know who is
22 putting the mobile chicken coop in.

23 MS. NICODEMUS: I can look that up.
24 Someone just bought a house on, I believe, Main
25 Street, and they are allowed to have six hens, no

1 roosters. They have to keep it maintained, no
2 smell, no nuisance. But it is an accessory
3 structure.

4 MR. LAYTON: And you're going to send
5 Bonnie down to check for roosters, right?

6 MS. NICODEMUS: No. The neighbors will
7 call.

8 MR. DAUBENMIRE: Is that in the book?

9 MS. NICODEMUS: Yeah.

10 MR. DAUBENMIRE: I was just in the
11 accessory structure area and I didn't see chicken
12 coop.

13 MS. NICODEMUS: No. It's an accessory
14 structure because it's an accessory structure.
15 It's a building. It doesn't say chicken coop.
16 It's just an accessory structure. It's pretty
17 vague allowing that to hit anything that's extra.

18 MR. LAYTON: But it does specifically
19 state that you are allowed to have so many hens and
20 that's it?

21 MS. NICODEMUS: Six. It's in the old
22 section. It's not in our zoning book. It's in
23 nuisance, farm animals. It's in our codified
24 ordinances, not in our zoning book. But I have to
25 regulate -- when someone asks for something, I have

1 to go through the whole zoning code to find out if
2 there is a provision for it.

3 MR. LAYTON: Is there anything else you
4 need to highlight with us here, Linda?

5 MS. NICODEMUS: Only that we have begun
6 emailing -- Bonnie and I spoke to the police
7 department on how they handle their citations to
8 Licking County courts because we have been
9 struggling with getting Mr. Gardner to return our
10 calls. So they told us that they scan everything,
11 and email it to Mr. Gardner. And then he is the
12 one that cites them in Licking County courts. He's
13 the one that takes it from there and only calls if
14 you're needed as a witness or something of that
15 sort.

16 We have not heard -- but I know Bonnie
17 has -- I know that she has here that she says,
18 final notice discussing with prosecutor. But she
19 emailed the apartments on North Street, 107 and 110
20 East 3rd Avenue. They have removed several of the
21 vehicles and have started -- those were the big
22 vehicles that we couldn't even move because they
23 couldn't get a tow truck. So they are in the
24 process. She's holding on to that one to see how
25 it goes with the apartments because there are

1 multiple violations at that apartment complex. The
2 roof is just one of many things.

3 MR. LAYTON: Did he say that they were
4 working on it?

5 MS. NICODEMUS: Yes. They'll work on
6 it more once they -- if Mr. Gardner cites them into
7 court in Licking County. But anyway, there is
8 another one on here.

9 MR. LAYTON: 300 South High?

10 MS. NICODEMUS: 407 East Main Street.

11 MR. LAYTON: That 300 South High
12 Street, it looks like he's been moving stuff out of
13 there.

14 MS. NICODEMUS: Yes. You guys only
15 gave him three months to get that house demoed.
16 Last month was one.

17 MR. DAUBENMIRE: We've been through
18 one, right?

19 MS. NICODEMUS: Yeah. So we are
20 keeping track. As you can see, Bonnie now added on
21 the back of your paper if someone got an extension,
22 when they got the extension.

23 MR. DAUBENMIRE: That's good.

24 MS. NICODEMUS: And how many months so
25 you guys can see when the due date is up.

1 MR. DAUBENMIRE: That's great.

2 MS. NICODEMUS: It also helps us, of
3 course.

4 MR. DAUBENMIRE: Because, we are, of
5 course, just regular Joes.

6 MS. NICODEMUS: We sent out our high
7 grass -- our final high grass notices. We've
8 already begun sending those out. We sent one out
9 to 504 East Main Street. We sent it out certified
10 mail. Later this week she'll send it out
11 certificate of mailing because he will not sign for
12 it. And after that we can mow it, after ten days.

13 Although, I saw that someone
14 haphazardly mowed the front. I don't know if they
15 mowed the back. And Bonnie said she was going to
16 check it out. And that's kind of Mr. O'Neill's
17 strategy. He'll come in and do it, put his mower
18 at eight inches and he'll do a real bad job and do
19 that for a while and then he'll get tired of doing
20 it and we will takeover.

21 The final notice has already been sent
22 for the year. So once that time is up, we can
23 maintain it after that. So even if he doesn't
24 decide to come through, we can fix what he does and
25 bill him for it.

1 MR. LAYTON: You would think, we've
2 been messing with this guy for how many years?

3 MS. NICODEMUS: Since 2013, when I
4 started this job.

5 MR. LAYTON: There ought to be a way to
6 get rid of him.

7 MS. NICODEMUS: I don't know but his --
8 he's also at a final notice and she has mailed that
9 one to the prosecutor also. The garage doors in
10 the back of the old barn that he had boarded up are
11 caving in and something has gotten behind one of
12 them. And so he has a lot of issues.

13 MS. PORTER: Is it that metal-type
14 building?

15 MS. NICODEMUS: It's like an old barn
16 behind his property.

17 MS. PORTER: It's a metal building, I
18 think.

19 MS. NICODEMUS: Part of it was wood and
20 one was kind of an extension.

21 MS. PORTER: -- according to new
22 rulings about having to have a vehicle licensed and
23 you corrected me on that today, that a vehicle just
24 has to be operable. Whatever that means.

25 MS. NICODEMUS: Well, it is in our

1 ordinance, and I was going to read that for you and
2 let you know what it was. Under exterior property
3 maintenance code, when you go to junk vehicles, I
4 believe, David put it right in there for us. Right
5 there.

6 So on page 124, under motor vehicles,
7 it says per Ohio Revised Code 505.173, junk motor
8 vehicles is defined as a motor vehicle that meets
9 all of the following criteria, three model years or
10 older, apparently inoperable, extensively damaged,
11 including but not limited to any of the following,
12 missing wheels, tires, engine or transmission.

13 So it has to have all three of those
14 criteria before I can consider it. So if they move
15 it -- if I come and say, you have a junk vehicle,
16 and they say it's not junk. Okay, well, does it
17 move? Does it have all of its parts? And if they
18 move it, then it's not a junk vehicle. And it
19 doesn't matter if they have tags or insurance on
20 it, they are allowed to have it.

21 We don't have anything in our code that
22 says you can only have two vehicles per house or
23 you can only have -- all we have is three
24 recreational vehicles per property. We don't have
25 anything for the number of vehicles somebody has on

1 their property.

2 MR. DAUBENMIRE: Are we allowed to mark
3 the tires like they do in the city to be able to
4 tell if the car has been moved?

5 MR. LAYTON: It doesn't matter if it's
6 been moved or not. If you go to them and say it's
7 a junk vehicle, and he says wait a minute and gets
8 in and starts it up and moves it down the alley and
9 back then --

10 MR. DAUBENMIRE: If he moves it
11 6 inches.

12 MS. NICODEMUS: Correct.

13 MR. DAUBENMIRE: That's why I said if
14 you mark the tire, and tell if it's been moved that
15 far, 6 inches, 1 inch, as long as it moves. He
16 could go out there and push it.

17 MS. NICODEMUS: But do you want me to
18 go on peoples' private property and mark their
19 property to see if it's gone 6 inches? Because I'm
20 thinking that's excessive.

21 MR. DAUBENMIRE: That is excessive.

22 MR. LAYTON: That used to be a really
23 big thing and the problem was one man's junk is
24 another man's treasure. I'm going to rebuild that.
25 I'm going to overhaul that. I'm going to fix that

1 up.

2 MR. DAUBENMIRE: Yes, yes.

3 MR. LAYTON: Have you ever seen these
4 barn finds, where they have been sitting in a barn
5 for 25 years? And they guy says, I'm going to fix
6 that. I'm going to do that someday.

7 MS. PORTER: I have a question about
8 the 517 East Main, operating a home business. What
9 property is that?

10 MS. NICODEMUS: So it's the property
11 with the red sign saying everybody should obey the
12 rules in Hebron on Main Street, is operating a
13 business without a business license in Hebron from
14 their home. They don't have a home occupation
15 certificate and they've already had two notices.
16 So they are on their second notice.

17 MR. LAYTON: All they have to do is
18 apply for a permit.

19 MS. NICODEMUS: All they have to do is
20 apply. And Bonnie sent them, per my request, a
21 copy of the ordinance sections stating that you had
22 to have one, a copy of the application and the fee,
23 which is \$100. They just do not want to do it.

24 So I told her since they cleaned up the
25 other issues that they had, that I would like a

1 letter sent to them thanking them for cleaning up
2 the stuff, and that their property will be in
3 compliance once they submit the application and pay
4 the fee for the home occupation.

5 MR. LAYTON: How about the neighbor, is
6 it cleaned up?

7 MS. NICODEMUS: Yeah.

8 MR. LAYTON: No problem there now?

9 MS. NICODEMUS: I'm not having any
10 problems there.

11 MS. PORTER: So why do they still have
12 the sign up if the property --

13 MS. NICODEMUS: They are mad -- we are
14 being drawn into a dispute between two neighbors,
15 and it's not something that I'm very comfortable
16 with because I feel like -- the Newmans reported on
17 the Johnsons, and the Johnsons got all of it
18 cleaned up and they're complaining about the
19 Newmans. And all of the things that the Newmans
20 had said about them also worked with what they were
21 doing themselves on their property.

22 So we're just handling the complaints
23 and trying to get it done because it is a
24 violation, and we were hoping they would just
25 submit the application. Especially since they've

1 got a big red sign saying obey the rules in Hebron.

2 MR. DAUBENMIRE: What kind of business
3 are they operating?

4 MS. NICODEMUS: I believe it's a
5 security system business. They put in security
6 systems. And they're listed in the Licking County
7 Chamber of Commerce at that address as a business.

8 MR. DAUBENMIRE: Okay. I did not know
9 any of that. How did I not know that living in
10 Hebron? I thought it was totally one sided.

11 MR. LAYTON: It never is.

12 MR. DAUBENMIRE: We stay out of it,
13 right?

14 MR. LAYTON: They have to do the
15 permit. They have to secure a permit to run the
16 business in there and if they don't, then you take
17 them to the prosecutor, right?

18 MS. NICODEMUS: Yep. That's the
19 process.

20 MR. DAUBENMIRE: Okay. Mrs. Fink -- is
21 it Mrs. Fink beside Dana Kitchen's house, the hole
22 in the ground?

23 MS. NICODEMUS: Correct.

24 MR. DAUBENMIRE: What's the -- I'm
25 drawing a blank.

1 MS. NICODEMUS: She has a new
2 contractor. He went out there and, again, it was
3 full of water. And so she sent me an email today
4 stating that he needs the water to be drained away.

5 MR. LAYTON: It is not going to. He
6 will have to pump it out.

7 MS. NICODEMUS: Exactly. I sent back
8 an email responding that they would need to pump it
9 out, and we're requiring them to pump it out. It
10 is a safety hazard and it won't drain in that area.
11 So I sent that today and that response to get them
12 out there to pump it.

13 And I also explained to them that the
14 Mayor was not going to continue to mow. That it
15 was her responsibility to maintain that property or
16 she'll get a violation notice. And the Village
17 will pay to have someone mow it and give her
18 penalties for it.

19 MR. LAYTON: It just looked so bad I
20 felt like I ought to mow it. It didn't take much.

21 MS. NICODEMUS: I understand. But if
22 you do things for people and they just continue to
23 not do it because someone is doing it for them,
24 that's not a proper --

25 MS. PORTER: That's what happens with

1 mowing. Go mow it three times a year. It's all
2 right in between and they don't have to do it.

3 MS. NICODEMUS: You have to let the
4 process follow even if it doesn't look good.

5 MR. DAUBENMIRE: That's why the process
6 is in place. You know, city hall red tape.

7 MR. LAYTON: They put a pen in their
8 yard to mark their lot and if I'd run over it with
9 the mower, I would have been upset.

10 MR. DAUBENMIRE: I have hit a couple of
11 them. All right. Does anybody have anything else
12 they would like to discuss? The next meeting is
13 June 6, 2022, at 6:30 p.m.

14 MS. NICODEMUS: We will have a variance
15 on that agenda. And I also believe that Cumberland
16 Meadows, Phase Two site development, that's in the
17 process of technical review, which is not finished.

18 They went through their second set of
19 results of things that needed to be fixed. So I
20 have them scheduled for June 6's agenda. And I
21 received a variance application from the
22 properties -- the new houses on East Cumberland
23 Street. They do not want to put in a sidewalk. So
24 they are going to request a variance not to install
25 the sidewalks.

1 MS. PORTER: I don't understand why
2 they did not want to do that.

3 MS. NICODEMUS: They have -- they say
4 for one, it's a dead-end street, so it's going to
5 nowhere. I have a letter and I'll send that to
6 you. It was just for the next -- it wasn't for
7 this one so I didn't want to give it --

8 MS. PORTER: I find that very odd that
9 properties don't have sidewalks.

10 MS. NICODEMUS: All new properties --

11 MS. PORTER: -- North Street that -- I
12 said this for a number of years. If someone would
13 get some kind of -- not necessarily a spade, but if
14 they get all of that over growth of sod and grass
15 off of the sidewalks, there are sidewalks there.
16 But if you let it return to nature, it's not going
17 to be there forever. When I was walking North
18 Street, you can tell that it was there. But it has
19 to be done to remove all of that overlay, all of
20 that dirt, so to speak, and voila, you have
21 sidewalks for at least a certain distance.

22 MS. NICODEMUS: So that will be before
23 you June 6. June 6 will be a longer meeting. We
24 won't have our transcriptionist. But she will look
25 at the Zoom and do the minutes from there.

1 MR. DAUBENMIRE: Okay.

2 MS. NICODEMUS: We won't have David
3 either. You picked the night to come when we have
4 nothing on the thing. We've had some heated
5 meetings the last couple of months.

6 MR. MOSER: Apparently.

7 MR. DAUBENMIRE: Were still on the
8 record here. So is there a motion to adjourn?

9 MS. PORTER: Yes.

10 MS. NICODEMUS: Did you have anything
11 you wanted to talk to them about at all?

12 MR. DAUBENMIRE: Sorry. I stand
13 corrected.

14 MR. MOSER: No, you're fine.

15 MR. DAUBENMIRE: You have the floor.

16 MR. MOSER: Thank you very much. I'll
17 be very, very quick. I wasn't planning on it but
18 just since I'm here, a couple of things in the
19 works that I'm working on with Linda right now so
20 you know. She keeps me appraised, and Bonnie does
21 especially, of these property notice violations and
22 on case-by-case situations responding to each one.

23 I've gotten some interesting responses.
24 We have one that is owned by a bank that acquired
25 it in a foreclosure and then the property is going

1 through a sheriff's sale eventually. So we're
2 navigating through the intricacies of that. There
3 was some sort of response that we're not on the
4 hook for these fines.

5 MS. NICODEMUS: We had to mow it and
6 clean it all last year.

7 MR. MOSER: Right. But somebody
8 definitely is. So we're getting to the bottom of
9 it.

10 A little tangential to your Board but
11 in the same realm relatedly we are working on
12 updating your right-of-way permit application
13 procedures. The Village engineer is kind of
14 spearheading that. And for my part I'm helping to
15 change the law, changing the actual ordinances and
16 updating that before Council shortly.

17 Linda and I are also going to talk
18 about the street vacation issue that may cross your
19 radar, it may not, and probably more so in
20 Council's realm as well. I just want to let you
21 know what we're working on. And it's always good
22 to see you. I'm sorry I picked the slow meeting.

23 MS. PORTER: What streets are you
24 addressing?

25 MS. NICODEMUS: You know the South

1 Maple and West O'Neill, we're trying to figure out
2 what we need to do there.

3 MR. LAYTON: The West O'Neill that
4 comes across, there is supposed to be an alley
5 that's beside that. It's not there.

6 MS. NICODEMUS: Remember when RDHK came
7 they wanted to do a zoning amendment? And then
8 they found out that that wasn't vacated. And that
9 West O'Neill took up most of the lower properties.
10 And so they withdrew their amendment application
11 because this needs to be fixed one way or the
12 other.

13 MR. LAYTON: I have a question and it
14 may be out of your realm of responsibility in this
15 meeting, but we had a seismic guy come to town and
16 was going to apply for a permit to do some seismic
17 stuff and he was going threw some neighborhoods
18 across from Mr. White's property down there and
19 also the Ohio Greenway, the walking path. And he
20 went to the Licking County Parks and got an
21 approval to do it in the Greenway.

22 But Linda didn't issue him a permit and
23 he did it anyway, and had dynamite in the ground
24 doing seismic stuff. He never got the permit, and
25 said the hell with you, we don't need it so. But

1 our zoning thing does has something in there to
2 control that, right?

3 MS. NICODEMUS: It's not the zoning
4 that does right-of-way. It's streets, water, and
5 sewer. It's the 900 Section, Section 9, that
6 that's in and just for all of the entities with
7 their application came through and it went through
8 technical review, every department head had a
9 concern including our Village engineer about where
10 they wanted to run the seismic testing.

11 So I put together a letter and sent it
12 to the gentleman voicing those concerns. And then
13 John, our administrator was signing off on these as
14 a designee to the Village fiscal officer, and the
15 gentleman called John and said that he wasn't going
16 to do any work in Hebron and he was just not going
17 to remove his permit application.

18 And then they were out there doing
19 seismic testing, but they went to Canal Road
20 thinking that that was not in Hebron. But White's
21 property is all in Hebron.

22 MR. MOSER: Well, that's a problem,
23 Mayor. I mean, I think I was copied on at least
24 one email regarding that denial. And our Village
25 departments did the right thing in looking at it

1 closely.

2 Right-of-ways can be a little bit
3 tricky in terms of you cannot absolutely prohibit
4 work from being conducted within a public
5 right-of-way but you can regulate it to a
6 reasonable degree. This is kind of an extreme
7 example of everybody looked at it and had very
8 legitimate concerns. And that was fine.

9 MR. LAYTON: He ended up getting an
10 okay from the owner of the property, but he forgot
11 about telling you that he talked to them, didn't
12 he?

13 MS. NICODEMUS: Yeah. Well, he -- when
14 I talked to the property owner that day, he stated
15 that he knew that he would have to contact the
16 Village. He didn't know what kind of permits or
17 something. But he did tell them to contact the
18 Village. And they were in the process of a permit,
19 so they couldn't say they just didn't know they
20 needed one.

21 MR. LAYTON: He came and talked to
22 me -- the representative came and talked to me and
23 I said there's some kind of permit you need to
24 have. I wouldn't sign the thing so.

25 MS. NICODEMUS: And neither did John.

1 MS. PORTER: What kind of company is
2 it? Is that all they ever do? And if it is, then
3 there are other communities they have been in
4 probably.

5 MS. NICODEMUS: Even on their
6 application they didn't say they were going to use
7 dynamite. They said they were going to use a truck
8 that would make that type of an impact. I don't
9 understand what it's called.

10 MR. LAYTON: They call it a thumper.
11 Instead of using dynamite, it pounds the ground and
12 that's the seismic thing.

13 MS. NICODEMUS: But then that's not
14 what they did.

15 MR. LAYTON: That's kind of what he
16 represented to me. He said it's not going to
17 effect any of the homeowners around. He said
18 they're not even going to notice we are doing it
19 probably. But he blows dynamite off -- buries it
20 in the ground and blows it up, I think they
21 noticed.

22 MS. NICODEMUS: We had lots of calls in
23 here because of it. And apparently they needed a
24 permit to let off explosives, and they didn't have
25 one. So the sheriff's office is now handling it

1 and so is the ATF.

2 MR. MOSER: It's more than covered.
3 They needed a permit for the explosive. We don't
4 want that kind of work in Hebron.

5 MR. LAYTON: The Revised Code said that
6 they had to go to the sheriff's office to get a
7 permit.

8 MS. NICODEMUS: And they didn't.

9 MR. MOSER: All sorts of things.

10 MR. LAYTON: Thanks for coming.

11 MR. MOSER: Thank you. I appreciate
12 it.

13 MR. LAYTON: Do we have to vote to get
14 out of here?

15 MR. DAUBENMIRE: We do. We have to
16 make the motion and second it. Is there a motion
17 to adjourn?

18 MS. PORTER: I think I did that.

19 MR. DAUBENMIRE: I don't think we made
20 it that far yet.

21 MS. PORTER: I will.

22 MR. LAYTON: Annelle just did that.
23 I'll second it.

24 MR. DAUBENMIRE: Motion to adjourn by
25 Ms. Porter, seconded by Mr. Layton. I'll call the

1 roll.

2 Ms. Porter?

3 MS. PORTER: Yes.

4 MR. DAUBENMIRE: Mr. Daubenmire is yes.

5 Mr. Jacobs?

6 MR. JACOBS: Yes.

7 MR. DAUBENMIRE: Mr. Layton?

8 MR. LAYTON: Yes.

9 MR. DAUBENMIRE: Mr. Stoner is excused.

10 (MOTION APPROVED.)

11 MR. DAUBENMIRE: The motion is

12 approved.

13 - - -

14 (Thereupon, the proceedings concluded at 7:04 p.m.)

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CERTIFICATE

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I, Rebecca A. Gause, certify that the foregoing is a true and correct transcript of the Village of Hebron Board of Planning and Zoning Public Hearing and Regular Hearing taken by me on Monday, May 2, 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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