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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING
PUBLIC HEARING

- - -

Monday Evening Session
March 7, 2022 at 6:30 p.m.

Municipal Complex
934 Main Street
Hebron, Ohio 43025

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Board of Planning and Zoning:

Brandon Daubenmire, Chairman
Rick Stoner, Vice-Chairman
Scott Jacobs, Secretary
Jim Layton, Mayor

Community Development Coordinator:
Linda Nicodemus

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

- - -

Monday Evening Session

March 7, 2022.

- - -

MR. DAUBENMIRE: It's 6:30. We'll go ahead and call the meeting to order. Would you please rise and join me in the pledge.

(PLEDGE OF ALLEGIANCE.)

MR. DAUBENMIRE: I'll call the roll. Ms. Porter is excused. Mr. Daubenmire is yes.

Mr. Jacobs?

MR. JACOBS: Yes.

MR. DAUBENMIRE: Mr. Layton?

MAYOR LAYTON: Yes.

MR. DAUBENMIRE: Mr. Stoner?

MR. STONER: Yes.

MR. DAUBENMIRE: The Board acknowledges that the meeting is recorded and transcribed. Is there a motion to approve the February 7, 2022, regular meeting minutes?

MAYOR LAYTON: I'll make a motion to approve the February 7 minutes.

MR. JACOBS: I'll second.

MR. DAUBENMIRE: Motion made by Layton, seconded by Jacobs. Is there a discussion on the minutes of the previous meeting? I'll call the

1 roll to approve. Ms. Porter is absent. Mr.
2 Daubenmire is yes.

3 Mr. Jacobs?

4 MR. JACOBS: Yes.

5 MR. DAUBENMIRE: Mr. Layton?

6 MAYOR LAYTON: Yes.

7 MR. DAUBENMIRE: Mr. Stoner?

8 MR. STONER: Yes.

9 MR. DAUBENMIRE: Our public hearing, no
10 decision will be made at this public hearing. It
11 will be made at either the regular meeting or
12 within 35 days from the date of the public hearing.

13 Anyone wishing to comment during the
14 public hearing must take the witness oath or their
15 comments cannot be considered. It is suggested
16 that you stand and participate in the group witness
17 oath to assure your comments will be considered as
18 part of the official record.

19 MS. NICODEMUS: So anyone that wants to
20 make a comment in regards to the RHDK Investments
21 amendment needs to stand at this time if you want
22 to voice your concerns or be a part of that so you
23 can take the witness oath.

24 (WITNESSES SWORN IN BY MR. DAUBENMIRE.)

25 MR. DAUBENMIRE: Thank you. Step

1 forward and state your name and address for the
2 record.

3 - - -

4 GIUSEPPE IONNO

5 being first duly sworn, as provided by law, was
6 examined and testified as follows:

7 MR. IONNO: Sure. It's Giuseppe Ionno.
8 Address is 3596 State Route 39 Northwest, Dover,
9 Ohio 44622.

10 MR. DAUBENMIRE: Thank you. This
11 zoning amendment, the applicant is requesting their
12 eight individual lots be rezoned from R-1
13 residential to match their additional property
14 zoned M-1 manufacturing. Planning and Zoning Code
15 Section 1123, low density residential R-2 to
16 manufacturing M-1. The application was received
17 for eight lots, seven vacant lots, one with a
18 vacant building.

19 The owner wants the zoning to match the
20 larger lot that four are contiguous to. These
21 properties are zoned low density residential.

22 MAYOR LAYTON: Is it eight lots or
23 nine?

24 MR. DAUBENMIRE: It's eight total.

25 MS. NICODEMUS: It's nine total.

1 MR. DAUBENMIRE: It says seven.

2 MS. NICODEMUS: I know. That's what it
3 said in the letter, but there is actually nine,
4 which we listed in our residence letter.

5 MR. DAUBENMIRE: Any questions? Can
6 you repeat your last name again.

7 MR. IONNO: Sure it's Ionno.

8 MR. DAUBENMIRE: Ionno.

9 MR. IONNO: Yes.

10 MR. DAUBENMIRE: Does anybody have any
11 questions for Mr. Ionno?

12 MAYOR LAYTON: What's the plans for the
13 property? Do you have any plans for it?

14 MR. IONNO: At present it's more to get
15 it ready for marketing and general development. We
16 hired a full-time land development person and so I
17 think the idea is to get the ball rolling.

18 Plus, we have that vacant property on
19 the corner lot there and I think it sort of has
20 been in limbo. Because if it stays residential,
21 then it doesn't really make sense maybe to demolish
22 it. It might be a rehab instead or a rental
23 property or something like that. But if it get
24 zoned commercial then, you know, it probably would
25 make more economic sense to demolish it.

1 And as it is, I know that the Village
2 has an ongoing permit for that house being vacant
3 and the price is increasing so we would like to get
4 things squared away so we can potentially, you
5 know, at least have a finalize idea of what we can
6 do with those properties.

7 MAYOR LAYTON: Do you think that should
8 all be commercial there?

9 MS. NICODEMUS: Not commercial,
10 manufacturing.

11 MAYOR LAYTON: Manufacturing.

12 MR. IONNO: Yeah, that would give us
13 the, I guess, best flexibility, I think, with the
14 property which is all contiguous.

15 One thing that we have discussions with
16 Ms. Nicodemus there about is the fact that ODOT
17 moved the right-of-way. It was Maple Road. Now
18 it's O'Neill. They moved it to the south and it
19 basically cut all of these southern parcels in half
20 which makes them pretty much useless for
21 residential lots.

22 But if we could have that as a
23 contiguous commercial or manufacturing zoned
24 property for development, then maybe we can move
25 that right-of-way or at least have use of that --

1 sort of those now fat, residential lots that are
2 north of O'Neill Road that are sort of awkward at
3 present.

4 MAYOR LAYTON: Because the other three
5 are square -- are all sort of residential now, but
6 the other three or four lots up there would remain
7 R-1?

8 MR. IONNO: Right. We don't own those.

9 MR. DAUBENMIRE: You own the property
10 in front of the grain bin too, correct?

11 MR. IONNO: Correct. The one directly
12 to the south is sort of in between that allotment
13 and the Coshocton Grain property. So on the west
14 side of -- if you are looking at this map -- so on
15 the west side of Maple Drive, those two lots, the
16 most northern lot is a detention basin for all of
17 the storm water at Coshocton Grain and the roadway,
18 and then the inlet to that is right -- is the
19 section right below. So both of those parcels are
20 being used for stormwater at this time, which goes
21 with the property.

22 The last property also abutting the
23 railway is where the driveway for Coshocton Grain
24 attaches to O'Neill Drive. So those three parcels
25 are definitely already being used for manufacturing

1 purposes. They are just zoned residential, but we
2 wouldn't be able to put anything on -- they
3 couldn't build anything on the stormwater without
4 putting stormwater somewhere else on those
5 properties.

6 MR. DAUBENMIRE: Even a retention pond
7 if this would be approved, a retention pond will
8 always remain a retention pond.

9 MS. NICODEMUS: Yes. That would be
10 where they are sending their stormwater to. As
11 that property develops, those two lots there, they
12 could enlarge that retention basin to handle the
13 stormwater. Any development that would come there,
14 that would help assist in their stormwater
15 retention but they couldn't get rid of it because
16 it's holding Coshocton Grain's water at this time.

17 MAYOR LAYTON: They could move it.

18 MS. NICODEMUS: They could move it
19 somewhere.

20 MR. STONER: But they would have to
21 come before us to do that.

22 MS. NICODEMUS: They would have to come
23 before us to do that and we have stringent -- more
24 stringent stormwater regulations now than we had
25 back when Coshocton Grain was put in.

1 MR. STONER: So the properties that are
2 north of the in entry driveway where the house is
3 that you are going to tear down and the other
4 properties that are right adjacent to that, they
5 are behind the house there, are those other two
6 properties bordering on housing? Is there housing
7 behind them?

8 MS. NICODEMUS: Yes.

9 MR. STONER: Have you talked to those
10 folks at all about this change and has anybody
11 aired any concerns about it?

12 MR. DAUBENMIRE: I think two of them
13 are here right now. We will bring them up in a
14 minute.

15 MR. STONER: I just wanted to hear your
16 perspective.

17 MR. DAUBENMIRE: I know that there is
18 the vacant house, the brick place, and the one
19 immediately beside it.

20 Is that you folks?

21 A. Yes.

22 MR. DAUBENMIRE: Okay. There is
23 another one there. Are the two back here, are
24 those two houses on here as well?

25 MS. NICODEMUS: Yes, they do. And

1 Ms. Rudolph is on for that one.

2 MR. DAUBENMIRE: Okay. Is the other
3 guy, is he there as well?

4 MS. NICODEMUS: No. Mr. Martin is for
5 a different project. And there is a lady right
6 over behind here in the teal shirt.

7 MR. DAUBENMIRE: Okay.

8 MR. STONER: The other question I had
9 is what are the sizes of those lots on the south
10 side of that? One you said wouldn't be viable for
11 putting houses on?

12 MR. IONNO: I don't recall off of the
13 top --

14 MR. STONER: Ballpark?

15 MR. IONNO: Unfortunately, I didn't
16 print out the plat for the subdivision or that
17 would say that. Let me see if I had it written on
18 any of my other maps.

19 MAYOR LAYTON: One of them 1.3. Maybe
20 the whole thing is 1.3 acres. Is that possible?

21 MR. IONNO: They are not big. They are
22 allotment lots.

23 MAYOR LAYTON: That's what's on this
24 map here. And there is a 80-foot wide temporary
25 easement in there.

1 MR. STONER: So I would assume that if
2 we did grant for those three lots, you're going to
3 possibly morph into that bigger lot that you have
4 south of there in order to put a business in there?

5 MR. IONNO: I would imagine we probably
6 would need it resurveyed if we were ever going to
7 sell it or anything like that as part of a
8 development.

9 So, yeah, I would imagine that the
10 result would be, you know, some sort of
11 incorporation of these parcels together because
12 several individual lots in a manufacturing one
13 doesn't make a lot of sense

14 MAYOR LAYTON: I don't think that's
15 south Maple Drive, which is at the end of Maple
16 Drive West, the south end of that, I don't think
17 that road has ever been approved.

18 MS. NICODEMUS: No.

19 MAYOR LAYTON: I don't even think it's
20 there.

21 MS. NICODEMUS: There's a little gravel
22 driveway that takes the two property owners that
23 face Hebron Road -- in order to get out onto West
24 O'Neill, there is a gravel turn because all they
25 have to access their property is an in and out.

1 MR. STONER: And that's the only access
2 to the grain elevator too, right?

3 MS. NICODEMUS: West O'Neill is. West
4 O'Neill Drive is a good access.

5 MAYOR LAYTON: But like I say, there is
6 another road there that has never been approved.

7 MR. DAUBENMIRE: It's just gravel.
8 It's just a little gravel thing that goes like
9 this. And the right turn -- you can only turn
10 right out of the one driveway. There is one of
11 those concrete things.

12 MS. NICODEMUS: Right. It's just an in
13 and out.

14 MR. DAUBENMIRE: You can either go in
15 or out. Okay. Anybody have any other questions
16 for Mr. Ionno?

17 Okay. Thank you. If we have anymore,
18 we will call you back up. All right.

19 MR. IONNO: All right. Thank you.

20 MR. DAUBENMIRE: Do you folks want to
21 step up and state your name and address for the
22 record please.

23 - - -

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25

1 ERIN FAHY AND ROY CHAMPLIN

2 being previously duly sworn, as provided by law,
3 was examined and testified as follows:

4 MS. FAHY: Hello, I'm Erin Fahy.

5 MR. CHAMPLIN: And I'm Roy Champlin,
6 3544 Hebron Road.

7 MS. FAHY: We're married. I just never
8 changed my name.

9 MR. DAUBENMIRE: No worries.

10 MS. FAHY: We are the tan ranch right
11 next to the brick house that needs tore down.

12 MR. CHAMPLIN: And not jumping the gun
13 but that -- back when all of this was started, the
14 79 widening so on and so forth, I emailed the mayor
15 of Hebron at the time, and that gravel road --
16 because we're not permitted to turn left out of our
17 driveway and we're not permitted to turn left into
18 our driveway.

19 Well, I had an issue with that because
20 I told the mayor, do you think I would have bought
21 a house that I have to go around the block to get
22 in the driveway? You're sadly mistaken.

23 He said that that gravel road is
24 actually Village property and it would be
25 maintained. Well we have been the only ones that

1 maintained it. We've had gravel poured and
2 everything else.

3 MS. FAHY: It's a mess if you ever have
4 to drive over there.

5 MS. NICODEMUS: We'll have someone look
6 at it.

7 MR. CHAMPLIN: So it's just other
8 complications. But, you know, and with all due
9 respect, the property next door over the past five
10 years has been nothing but an eyesore. As far as
11 the --

12 MS. FAHY: You know, how hard we are
13 always trying to get it tore down. The rodents
14 that are there and come out of there and the smell
15 of urine.

16 MR. CHAMPLIN: Ammonia. It's
17 ridiculous.

18 MS. FAHY: It's bad. And so it's been
19 known a long time that that needs to come down. So
20 with that being said, it kind of shocked us when
21 you said you might remodel it or rehab it.

22 MR. IONNO: Yeah, I think we got bids
23 on that.

24 MS. FAHY: And then the commercially
25 zoned we're also right on the -- and Michelle is on

1 there and Cliff and Ellen behind that boarder up
2 against these properties on that side. What would
3 you want to put there?

4 MR. IONNO: Well, right now, it would
5 be the sort of normal things that would be in the
6 manufacturing code so. It would be manufacturing,
7 service businesses.

8 I don't think we have any anticipation
9 that we're going to do a conditional use so if you
10 read through the M-1 manufacturing, that would be
11 the sort of things that -- you know, we have
12 apartment -- the street's plural or you know, we
13 put in some infrastructure and then lots and then,
14 you know, either sell or long-term lease the lots
15 for commercial buildings to do some sort of
16 business.

17 But right now we're trying to get
18 everything consolidated so we can actually -- you
19 know, we don't know what we are going to do with
20 the property.

21 MR. CHAMPLIN: I guess, our matter at
22 hand would be to keep the commercial on the south
23 side of O'Neill Drive not on the north side. Keep
24 it separated by the grainary road. I mean,
25 obviously there is -- that used to be called Maple

1 Heights as everybody knows. And that's a good
2 little community for everybody. I mean, why should
3 we have a Family Dollar or a plastic joint going up
4 next door to us where we got to endure more issues?

5 MR. DAUBENMIRE: Okay.

6 MS. FAHY: It's just a peaceful little
7 square in Hebron.

8 MR. CHAMPLIN: And we all take care of
9 each other.

10 MS. FAHY: And it's just, you know, we
11 still don't know how we feel because we don't know
12 what the actual end purpose would be. But, man, if
13 it were to turn into another gas station or
14 something like that, that would drive us bonkers.

15 MR. DAUBENMIRE: Right.

16 MR. CHAMPLIN: The vacant house next
17 door is not good for our property value. It's an
18 eyesore. And we don't plan on going anywhere, I
19 mean, but --

20 MS. FAHY: With that being said, it's
21 also scary to think -- would you then need our
22 homes? At one point would you start moving it
23 over?

24 As far as -- so we would, you know --
25 we're kind of like living in limbo as far as what's

1 going on in our teeny tiny neighborhood and do
2 we -- are we eventually going to get bought out or
3 you know -- so we're --

4 MR. CHAMPLIN: Which we don't want that
5 to happen. We love where we are at. We love our
6 community. It's little. It's peaceful. Anybody
7 there can do anything they want and we help each
8 other.

9 And then just with the property next
10 door, we have had part of that tree -- the trees
11 were torn down. We had part of that tree damage
12 our garage. I've actually mowed that yard over
13 there just to keep the rodent infestation down. I
14 mean --

15 MR. DAUBENMIRE: So we feel you. We
16 hear you.

17 MR. CHAMPLIN: I know. And change is
18 inevitable. I mean, we've got to accept change. I
19 understand that. But we should have some control
20 over the changes made as homeowners.

21 MR. DAUBENMIRE: You are correct. You
22 are correct. And we hear -- your comments are duly
23 noted on all of us. Thank you.

24 Anybody have any questions for these
25 folks real quick before they step away?

1 MR. STONER: I don't have a question
2 but I do want a clarification from you on something
3 that they brought up. So you mentioned in your
4 opening statement how you considered remodeling or
5 refurbishing that house, like, you're saying --

6 MR. IONNO: Uh-huh.

7 MR. STONER: -- if we granting this
8 manufacturing change, you wouldn't be putting a
9 house there, right?

10 MR. IONNO: Correct.

11 MR. STONER: Because you can't put a
12 house there.

13 MR. IONNO: Correct.

14 MAYOR LAYTON: I think what he meant
15 was if he couldn't get the zoning correct, then
16 maybe that would be the option for that property.

17 MR. STONER: That's all I wanted to
18 address.

19 MR. IONNO: You know, we got a bid and
20 I think it was like -- it was reasonably expensive
21 but it was less expensive than tearing down and
22 building a new house on the property. So you know
23 it's just --

24 MR. STONER: The shape that house is
25 in, I think that's probably the road you should go.

1 MS. NICODEMUS: They do have an active
2 zoning permit for demolition. It needs to start by
3 April 21 in order to not be void, but they did
4 get -- they signed up right away with the vacant
5 building registry. So they put the vacant building
6 on the registry and they stated that what they
7 wanted to do was demo the building, they could get
8 a permit for that and then we got the zoning
9 amendment.

10 MR. DAUBENMIRE: Okay.

11 MR. CHAMPLIN: And excuse me, Linda,
12 but if that happened, would we be notified when
13 that is going to take place and would there be a
14 barrier put up between --

15 MS. NICODEMUS: The demolition?

16 MR. CHAMPLIN: Yes.

17 MS. NICODEMUS: You would be notified
18 because they have to notify us because they have to
19 cancel the -- cap the water and the sewer services
20 and things like that. So you would be notified.

21 MR. CHAMPLIN: All right. Thank you.

22 MR. DAUBENMIRE: Thank you, folks.

23 Ma'am, do you want to -- either one of
24 you two ladies want to speak on behalf of this?
25 And if you could please come up to the podium and

1 state your name and address for the record please.

2 - - -

3 LOU INMAN

4 being first duly sworn, as provided by law, was
5 examined and testified as follows:

6 MS. INMAN: I'm Lou Inman. I live at
7 73 Maple Drive in Hebron. I'm right on the corner
8 of the curve where the street curves around and
9 comes back out towards the grainary. And I concur
10 with most everything that these folks said over
11 here.

12 As I read through the list of what's
13 allowable, there is very little left out of here,
14 including adult entertainment, et cetera. I had a
15 little bit of a concern with that. My property,
16 the back of mine butts right up against the smaller
17 of the vacant lots that are behind their property.
18 Is that intended in this for building as well?

19 MS. NICODEMUS: It is intended for the
20 zoning to be rezoned.

21 MS. INMAN: So therefore, that means
22 that would butt right up against my property?

23 MS. NICODEMUS: Correct.

24 MS. INMAN: Again, with everything that
25 is listed on here, I see very little exception. If

1 you'll pardon my wording, with the exception of
2 maybe a house or ill repute, but then as I read
3 through I see adult entertainment.

4 MS. NICODEMUS: Adult entertainment is
5 in M-1 manufacturing and it's a conditional use.
6 That means they would have to come before this
7 Board and have another public hearing before that
8 would be allowed to be in your neighborhood.

9 You can't have no zoning for something.
10 So years ago, we didn't even allow it. And if that
11 get contested in court then somebody could come in
12 where you don't want them so our solicitor had put
13 that under manufacturing as a conditional use years
14 ago. In 2008, I do believe so we wouldn't have the
15 same issues that other cities and villages had when
16 that's someone wanted to do --

17 MS. INMAN: I guess, I'm just kind of
18 concerned about what would butt up right against
19 our property. I'm concerned with that. I have --
20 I'm older. My husband is older and a handicapped
21 veteran, and I cannot move him and everything out
22 of that house. So I'm kind of concerned with
23 what's going to be right up against us. What
24 people are going to be coming and going, you know,
25 if it's something that is open all night, if it's a

1 business, if it's a factory or if it's a parking
2 lot for a factory. If those factories don't pay a
3 lot, then who will be there and who is going to end
4 up over on my property. So those are just the
5 things I'm concerned with and I am not, you know,
6 crazy about this idea. Of course, you have to have
7 progress but let's take everything into
8 consideration.

9 MR. DAUBENMIRE: Thank you. And
10 Ms. Michele Rudolph, do you want to speak on behalf
11 of this?

12 - - -

13 MICHELE RUDOLPH

14 being previously duly sworn, as provided by law,
15 was examined and testified as follows:

16 MS. RUDOLPH: Yes. And I apologize for
17 the bird sounds in the background.

18 MR. DAUBENMIRE: No worries. Please
19 state your name and address for the record, please.

20 MS. RUDOLPH: My name is Michele
21 Rudolph. I'm representing my parents at 47 North
22 Maple Drive, Hebron, Ohio 43025.

23 My family has been in that neighborhood
24 since it was established. My grandfather built his
25 house. It still is there but he is no longer with

1 us. My uncle built a house there. He is down in
2 South Carolina and my parents have been in the same
3 property that my dad built since 1962, I believe.
4 Dad is 92. My mom is 89. And I'm concerned about
5 the fact that the property butts right up to their
6 backyard and I wouldn't want vagrants and whatever
7 uses there -- if there is commercial manufacturing
8 buildings being built, people use those to habit --
9 such as homeless. We're concerned about that.

10 We're also concerned that there might
11 be a fence built. You know, that would totally
12 ruin the ambience of the neighborhood. My parents
13 have maintained a portion of that property for
14 several years, probably 20 years. We mow part of
15 it just to keep the mice from coming into the
16 property. So I'm just listening to try to figure
17 out what is going on.

18 I agree with Roy and Erin, our
19 neighbors. We all take care of each other. When
20 the tree fell, my husband and I -- it fell over on
21 to my parent's property and we went up and cut it
22 up and moved it off of the property. If we see
23 part of the roof fly off, which has happened before
24 on the garage, we call and let people know. You
25 know, that's a hazard for 79. So I guess those are

1 my concerns.

2 MR. DAUBENMIRE: Okay. Anybody have
3 any questions for, Ms. Rudolph?

4 MS. RUDOLPH: I don't. They are saying
5 they are going to be in a holding pattern. So we
6 just don't know what is going to happen in the
7 future.

8 MR. DAUBENMIRE: Okay. Do any of the
9 Board members have any questions for Ms. Rudolph?
10 Okay.

11 Anybody else want to speak during the
12 public hearing portion of this discussion?

13 MAYOR LAYTON: Does she want to speak?

14 MS. NICODEMUS: She's on exterior
15 property maintenance code. That's on down in the
16 agenda. Okay.

17 MR. STONER: I have another question.
18 So part of what we do as a zoning board is we hear
19 people that complain about what's coming, and we
20 listen to what you are trying to do and what
21 you're -- how you are trying to better the
22 community with the property that you own.

23 So my question is, is there any room
24 for change in what you're asking for? And what I
25 mean by that is we have the ability to approve

1 this. We have the ability to deny it or we have
2 the ability to approve it with conditions. And the
3 condition that is floating around in my head is
4 those three properties that are north of the drive,
5 where the vacant house is, the one behind it, and
6 the one behind it that are next to these folk's
7 property, would there be any inclination for you to
8 keep it residential and change all of the other
9 properties to manufacturing? That is kind of what
10 they are asking for.

11 MR. IONNO: Yeah, I understand that.
12 You know, part of the problem is that leaves those
13 lots all to the south pretty much worthless because
14 they have a road going right through them.

15 MR. STONER: I wouldn't say they are
16 worthless. There are people that could build
17 houses on them.

18 MR. IONNO: Well, they can't because of
19 the road.

20 MAYOR LAYTON: He is talking about the
21 three that are north.

22 MR. DAUBENMIRE: The vacant house that
23 is behind it.

24 MR. IONNO: I'll show you on the map.

25 MS. NICODEMUS: They have a copy of

1 that.

2 MR. DAUBENMIRE: Yeah, we have that.

3 MAYOR LAYTON: What he is talking about
4 is the three properties behind.

5 MR. IONNO: I understand that. You
6 know, the issue we are having is that road sort of
7 screws up how the uses of all of those lots are.

8 But, you know, ultimately, I got to
9 take it back to the decision makers. I'm an
10 attorney so I don't make the business decisions on
11 what conditional uses -- what sort of conditions we
12 might be able to work out, you know.

13 MR. STONER: But those lots are big
14 enough to build houses on contrary to the one to
15 the south, is what you are saying, right?

16 MAYOR LAYTON: Here is a thought, what
17 happens if you relocate the road and ruin these
18 three lots up here, and that gives you four lots at
19 the bottom?

20 MR. IONNO: That's a thought I had as I
21 was looking at the maps. You know, because if we
22 maybe had an abandoned strip between the
23 neighboring properties that have residences and
24 then a road, that might give them the ability to
25 have a driveway, but ultimately, I can't make those

1 decisions.

2 MAYOR LAYTON: And ODOT is going to
3 want you to take a straight shot off of O'Neill
4 into there. Maybe you can work it around into
5 those lots to give you four good lots in the front
6 or on the south side and give them a little buffer.

7 MR. IONNO: Yeah, you know, I'll have
8 to bring it --

9 MAYOR LAYTON: It was just a thought.

10 MS. NICODEMUS: So the one thing to
11 remind you is that you have 35 days, and our next
12 Planning and Zoning Board meeting is on the 4th,
13 which is within the 35 days. So that if that is
14 something that you want -- David, correct me if I'm
15 wrong -- you have time to --

16 MR. MOSER: 30 days.

17 MS. NICODEMUS: 30 days.

18 MR. MOSER: 3-0, yeah, we need to fix
19 that on the agenda too at some point.

20 MS. NICODEMUS: Thank you.

21 MR. DAUBENMIRE: While we're still in
22 the public opinion portion of this. It has been
23 the position of the Board of any really zoning
24 change, classification change like that from our
25 R-1 to R-2 or to multifamily -- it's really been

1 the position of the Board prior that -- we don't
2 really have a game plan. We don't like just have a
3 blanket, okay, we approve this. We like to have --
4 if we are going to change the zoning code to
5 something, we like to have a plan. Like, I'm going
6 to do this with it and this is my -- do you know
7 what I'm saying? A detailed plan. Not, I don't
8 know what we are going to do. That's been the
9 position of the Board. That's kind of our
10 precedent.

11 We don't want to set an -- we don't
12 want to set a precedent that's bad for the down the
13 road for when we're no longer sitting on this
14 Board. But that has been our precedent for a while
15 now.

16 MAYOR LAYTON: The only difference in
17 this program is, it is contiguous to that zone.

18 MR. DAUBENMIRE: Roger that, Mayor.
19 But, however, it's been our position. It's how we
20 have been.

21 MR. STONER: We have denied several
22 other zoning requests to change from one to another
23 simply because they couldn't tell us what they are
24 going to do with it, and it's not that we want to
25 disenfranchise you in any way because we don't.

1 But we also don't want to disenfranchise all these
2 other people with no plan.

3 MR. IONNO: Right.

4 MR. STONER: So if -- you know, after
5 we get out of this hearing, we might decide to
6 table this for 30 days, like David said, before we
7 make a formal decision. But it would probably be
8 in your best interest to come back with a plan or
9 run by what I just said before with those --

10 MR. DAUBENMIRE: Yeah.

11 MR. STONER: -- lots not being
12 changed -- because I'm just one vote, but I can
13 tell you where my vote is going.

14 MAYOR LAYTON: I mean, my opinion is
15 cleaning up that driveway would be a much better
16 option for us financially.

17 MR. DAUBENMIRE: Well, that's not what
18 we are here to discuss right now. We are here to
19 discuss the rezoning of the lots. So if there is
20 not any other questions for Mr. Ionno or any of the
21 citizens -- does anybody have anything either for
22 anybody?

23 Roy, I'm sorry, I can't remember your
24 last name.

25 MR. CHAMPLIN: You're fine. So if I

1 understood this correctly, so if you would revamp
2 the road going in, it would come north to where
3 it's closer to our property?

4 MAYOR LAYTON: That's just a thought I
5 had looking --

6 MR. CHAMPLIN: I understand that.

7 MAYOR LAYTON: That would give you a
8 buffer between the house and the manufacturing and
9 also clean -- there is two roads right there
10 basically together so --

11 MR. CHAMPLIN: But bringing it north is
12 still adding insult to injury because then we got
13 more traffic. So I understand dead property is no
14 good to anybody, but it is nature and that's what
15 helps make it peaceful.

16 MR. DAUBENMIRE: We are putting the
17 wagon before the cart here. I understand what
18 you're saying about the road realignment.

19 MR. CHAMPLIN: I just want to put that
20 out there.

21 MR. DAUBENMIRE: That's just the
22 members of the Board spit balling trying to help
23 all sides out. We just need to stick to the point
24 of rezoning the lot at this particular moment.

25 MR. CHAMPLIN: Thank you.

1 MR. DAUBENMIRE: Thank you very much,
2 sir. All right.

3 Thank you, Mr. Ionno, appreciate it.
4 Thank you all for coming to the public hearing.

5 MS. FAHY: Thank you for having us.

6 MR. MOSER: Hey, Brandon, can I make
7 procedural point just for the Board's information.

8 MR. DAUBENMIRE: Yes.

9 MR. MOSER: I just wanted to remind you
10 all that regardless of the process, it will come to
11 Council one way or another as the final end all be
12 all final say per the Code. So I think it was Rick
13 who mentioned a possibility in terms of if the
14 Board is inclined to table or wait on this until
15 further information can be had by way of any sort
16 of plan, I'm just reminding you that that's an
17 option. But the way to do that if that is what the
18 Board wants to do would be to continue this public
19 hearing that way you can reconvene at a later date.
20 The 30 days is kind of tolled or paused until you
21 reconvene and continue the public hearing.
22 Otherwise, in you moving forward with the vote or
23 recommendation to Council tonight, you're going to
24 adjourn the hearing. I wanted to make sure that
25 makes sense to everybody.

1 MR. STONER: Thanks for bringing that
2 up, David.

3 MS. NICODEMUS: So we have 28 days
4 until the 4th if you want to make a motion to
5 continue the public hearing on that date to give an
6 opportunity for them to come back with a plan.

7 MR. DAUBENMIRE: And to give these
8 folks an opportunity to come back.

9 MR. JACOBS: That's what I think we
10 should do.

11 MR. STONER: What did you say, David?
12 Tabling the public hearing?

13 MR. MOSER: You would need a majority
14 vote of everybody there on the Board, but you would
15 be moving to continue the public hearing on this
16 application.

17 MR. STONER: I'll make a motion to
18 continue the public hearing to our next zoning
19 meeting on April 4, to hear more from all parties.

20 MR. DAUBENMIRE: Is there a second?

21 MR. JACOBS: I'll second.

22 MR. DAUBENMIRE: Motion made to
23 continue the public hearing to our April 4 meeting
24 made by Mr. Stoner, seconded by Mr. Jacobs. I'll
25 call the roll. Ms. Porter is excused.

1 Mr. Daubenmire is yes.

2 Mr. Jacobs?

3 MR. JACOBS: Yes.

4 MR. DAUBENMIRE: Mr. Layton?

5 MAYOR LAYTON: Yes.

6 MR. DAUBENMIRE: Mr. Stoner?

7 MR. STONER: Yes.

8 (MOTION APPROVED.)

9 MR. DAUBENMIRE: The public hearing is
10 rescheduled --

11 MS. NICODEMUS: It's continued.

12 MR. DAUBENMIRE: It's continued until
13 April 4.

14 So then the next item requiring action,
15 back to our regularly scheduled Zoning Board
16 meeting would be the RHDK Investments, LLC,
17 multiple properties on Hebron Road, West O'Neill
18 and Maple Drive, amendment application. We --

19 MS. NICODEMUS: Are going to skip that.

20 MR. DAUBENMIRE: We are going to skip
21 that. It's been continued until April 4.

22 MS. NICODEMUS: Do we need to adjourn
23 for that meeting or just the continuation is
24 enough?

25 MR. MOSER: Just the continuation is

1 enough because it hasn't technically ended yet and
2 will be reconvening on April 4.

3 MR. DAUBENMIRE: Okay. Thank you,
4 David.

5 In case you didn't catch it at the
6 beginning, Mr. David Moser is our attorney at law,
7 specializes in planning and zoning. He always sits
8 in on our meetings for us.

9 We do appreciate everything you do for
10 us, David.

11 So is there a motion to adjourn from
12 the public hearing?

13 MAYOR LAYTON: No, we don't do that.

14 MS. NICODEMUS: That's what I just
15 clarified.

16 MR. DAUBENMIRE: Okay. But we have to
17 move on to these other things that are not in the
18 public hearing.

19 MS. NICODEMUS: Right.

20 MR. MOSER: Just move on.

21 MR. DAUBENMIRE: Roger that. That gets
22 us to the next agenda item, Southgate.

23 MS. NICODEMUS: No. 200 Arrowhead
24 Drive, the very bottom and then flip it over.

25 MR. DAUBENMIRE: I'm sorry. 200

1 Arrowhead Drive, site development, parking lot
2 expansion. An application was receive to expand
3 the parking lot for 200 Arrowhead Drive.

4 MS. NICODEMUS: So Mr. Martin is on the
5 Zoom link as the applicant.

6 MR. DAUBENMIRE: Hello, Mr. Martin.

7 MR. MARTIN: Good evening.

8 MR. DAUBENMIRE: Thanks for dialing in.
9 This is just the application.

10 MS. NICODEMUS: So as you see, we had
11 site plans to expand a parking lot for 200
12 Arrowhead Drive. So it's the largest of the two
13 warehouses at the end of Arrowhead Drive, and those
14 have been through the review process.

15 And the one thing that I received
16 tonight from our Village engineer is there was one
17 small item on his second review that he just
18 finished today, and the other one was to make sure
19 that they understood that they would need to get an
20 EPA NOI permit. But he sees everything going
21 through fine.

22 If it would be my choice, then I would
23 say that that's the only thing left to do for these
24 plans. They have already been approved by the
25 administrator, the water, wastewater. Of course,

1 it's a parking lot so there is none of those items
2 on here. The only thing to do with the parking lot
3 is the lighting, the landscaping, and the
4 stormwater retention that they have to do. And as
5 it's being expanded, the stormwater is being
6 expanded on 200 Arrowhead Drive in the plans.

7 I don't know if you've got more
8 extensive plans. I see you just got one but they
9 are expanding the stormwater and those calculations
10 met our engineer's review. So the only thing left
11 on the stormwater was to make sure they get their
12 permit through the EPA for disturbing more than an
13 acre of ground.

14 And there is one other smaller item,
15 which is just putting an engineer stamp on the
16 landscaping plan. Those were the only two items
17 left. And I just got those comments today so they
18 haven't had a chance to respond to those.

19 MR. DAUBENMIRE: Can we go ahead and
20 approve this pending those two items?

21 MS. NICODEMUS: Correct.

22 MR. STONER: I got a question. So this
23 letter from Joseph Deluca -- is that part of this?

24 MS. NICODEMUS: Yes.

25 MR. STONER: I don't have all of the

1 letter for one thing.

2 MS. NICODEMUS: I know. I found out
3 when I got in here that he didn't have the back
4 part -- which that's just a copying error. I can
5 get you that now if you would like.

6 MR. STONER: Well, I was just concerned
7 because it looks like he's concerned or he's raised
8 concerns.

9 MAYOR LAYTON: You got a copy there,
10 read it.

11 MR. STONER: At least it should be on
12 the record if nothing else.

13 MS. NICODEMUS: "I write as a solicitor
14 of the Village of Hebron." So this was to
15 Mr. Deluca (phonetic) from Wes Untied our Village
16 solicitor. And what his concern is, the property
17 be joined because it had said on the plans that it
18 was 180 Arrowhead Drive and a parking lot cannot
19 have an address.

20 MAYOR LAYTON: Linda, hand him the
21 sheet and let him read the back. That would be the
22 easiest way to do it and then there won't be any
23 concern.

24 MS. NICODEMUS: And so they are
25 attaching it to 200 Arrowhead Drive. So that is in

1 the plans. I just listed this as one of the
2 concerns. Mr. Martin is on the phone. He can
3 attest to that.

4 MR. MARTIN: Yes, that is correct.

5 MAYOR LAYTON: This is to service the
6 facility that used to be the Owen's warehouse,
7 correct?

8 MR. MARTIN: Yes, sir.

9 MS. NICODEMUS: They have addressed
10 both of those concerns.

11 MR. DAUBENMIRE: And the stormwater,
12 that was my only concern. The retention pond is
13 going to be bigger?

14 MS. NICODEMUS: Yes. There is two more
15 smaller detention basins and then it all falls into
16 the large one on the east side.

17 MR. STONER: As long as they got that.

18 MAYOR LAYTON: As you know, the EPA has
19 a standard and B-3 makes sure it meets those
20 standards on every one of these projects.

21 MR. DAUBENMIRE: Is there any other
22 questions for Mr. Martin? Okay. Is there a motion
23 to approve the request pending the stormwater
24 approval and an engineering stamp?

25 MAYOR LAYTON: So moved.

1 MR. DAUBENMIRE: Is there a second?

2 MR. JACOBS: I'll second.

3 MR. DAUBENMIRE: Motion made by
4 Mr. Layton seconded by Mr. Jacobs. We'll call the
5 roll. Ms. Porter is excused. Mr. Daubenmire is
6 yes.

7 Mr. Jacobs?

8 MR. JACOBS: Yes.

9 MR. DAUBENMIRE: Mr. Layton?

10 MAYOR LAYTON: Yes.

11 MR. DAUBENMIRE: Mr. Stoner?

12 MR. STONER: Yes.

13 (MOTION APPROVED.)

14 MR. DAUBENMIRE: All right.

15 MS. NICODEMUS: So, Jim, those were
16 sent out late this afternoon, the revisions with
17 the two comments so you will find them -- they went
18 out to Todd Willis the engineer and to yourself.
19 Okay?

20 MR. MARTIN: Okay. Thank you very
21 much, Linda.

22 MS. NICODEMUS: You're welcome.

23 MR. MARTIN: I would like to thank the
24 Board for your time.

25 MR. DAUBENMIRE: Thank you, sir. Thank

1 you for investing in Hebron. We appreciate it.

2 MR. MARTIN: You're welcome. Thank
3 you.

4 MR. DAUBENMIRE: Next item on the
5 agenda is the Southgate Atkore Allied Tube at 250
6 Capital Drive, the expansion, an application for
7 site development for a 45,000 square foot addition
8 and remodel of the existing building.

9 MS. NICODEMUS: So Frank Resatto
10 (phonetic) could not make it today and neither
11 could his --

12 MR. DAUBENMIRE: That's fine.

13 MS. NICODEMUS: -- engineer. You have
14 everything on there and just the same as with the
15 review comments back, Amanda Spencer with Verdantas
16 Engineering, sent the response back meeting all of
17 the requirements but two. And the engineer is out
18 of town -- our engineer that is reviewing that is
19 out of town until Wednesday. So once he reviews
20 those comments, there is only two questions that
21 she had. She addressed every other comment and he
22 had two pages.

23 MR. DAUBENMIRE: And what were the two
24 comments?

25 MS. NICODEMUS: The comments were a

1 calculation of stormwater -- one of their comments
2 were that they needed to replace the existing
3 stormwater pipes in the old parking lot and they
4 weren't -- they are not doing anything with that.
5 So they don't understand why they would have to
6 replace something that they are not changing. So
7 it met the specifications before and the only thing
8 that they are doing is adding the 45,000 square
9 foot. They are addressing the stormwater on that
10 and the parking lot, the additional paving, but
11 they are not addressing the old parking lot and
12 doing anything with that. So they don't feel that
13 that should be included in upgrading the stormwater
14 since it's not part of the project, which it isn't.
15 And it's a good argument.

16 MAYOR LAYTON: Our engineer said to
17 change it?

18 MS. NICODEMUS: They are wanting it to
19 be changed, and it is a new reviewer. So I'm -- I
20 feel like if you're not, which is what our
21 stormwater says -- if you aren't touching that
22 existing stormwater system, you have to handle the
23 1 percent of all of the impervious surfaces that
24 you're adding and that has to meet the 100-year
25 flood event, which they are meeting. They are not

1 touching the other two parking lots. So if they
2 are not touching them, why should they upgrade
3 those?

4 MAYOR LAYTON: What was the other
5 issue?

6 MS. NICODEMUS: Those were the -- it
7 was the stormwater issue and then the --

8 MR. DAUBENMIRE: The pipe.

9 MS. NICODEMUS: The pipe.

10 MR. DAUBENMIRE: Under the parking lot.

11 MS. NICODEMUS: Under the old parking
12 lot. So they had two things that Southgate says,
13 we're not touching those, those aren't in our plans
14 to remodel that area, so why would we make them --
15 upgrade something that passed. At this time I
16 agree with Amanda, but, again, we need the
17 engineers review comments.

18 MR. STONER: So they are not adding any
19 additional parking lot?

20 MS. NICODEMUS: They are adding some
21 existing -- some additional pavement to where the
22 trucks will back up to the new section.

23 MAYOR LAYTON: Let me try and clear it
24 up. We're building a 45,000 square foot extension
25 and parking lot and they have provisions to cover

1 the stormwater on those two projects. They are not
2 touching the parking lot that our guy is saying you
3 got to fix. They are not touching that.

4 MS. NICODEMUS: The two existing
5 parking areas have catch basins that go straight to
6 the Village storm drains on Capital Drive. And
7 back when that building was put in, that's what
8 they were allowed to do.

9 MR. STONER: But they are not allowed
10 to anymore?

11 MS. NICODEMUS: They are not allowed to
12 have them directly in there. If they are -- they
13 tear that up and redo those parking lots or expand
14 those parking lots, they would have to redo the
15 storm water, but they are not doing that. So that
16 is one of her comments that they are willing to
17 fight for.

18 MR. STONER: So those trucks that are
19 going to be coming in to help build this new
20 building are not going to be crossing that parking
21 lot?

22 MS. NICODEMUS: They have to have
23 stormwater.

24 MR. STONER: If they are, they are
25 going to screw up the stormwater drainage?

1 MAYOR LAYTON: We can't address it that
2 way.

3 MR. DAUBENMIRE: That front parking lot
4 there, that's -- if you drive back in there,
5 that's -- there is no way the big heavy
6 construction equipment would ever go there.

7 MAYOR LAYTON: Remember, we approved
8 the parking lot construction and we approved the
9 stormwater when they first built it.

10 MR. STONER: Correct.

11 MAYOR LAYTON: Which was back in the
12 60's or so. So I think I'm going to put the motion
13 out to approve that pending the engineer's approval
14 of whatever plans they end up with.

15 MS. NICODEMUS: Right. It would be
16 between the two engineering firms.

17 MAYOR LAYTON: So if the engineer says,
18 this is going to work, and I agree with it, then
19 it's not any good.

20 MR. STONER: So the trucks aren't
21 crossing the lot, is what I'm trying to say?

22 MS. NICODEMUS: The trucks will be in
23 the parking lot that they already come in and out
24 of the plant on. So semis come in the loading and
25 unloading docks and that's the area that they are

1 expanding on.

2 MR. STONER: So the dump trucks will be
3 using the same lot?

4 MS. NICODEMUS: The same lot. And they
5 will have to have sediment and erosion control.
6 They will have to meet all of our standards as far
7 as dirt and any kind of contaminant getting into
8 the existing storm system. They have to put
9 protection on, and that's part of our strong
10 construction stormwater inspections is to make sure
11 they do that.

12 MAYOR LAYTON: The theory has always
13 been that those parking lots and the entrance to
14 the loading docks and stuff are constructed to be
15 okay for semi traffic to come in because there is
16 going to be trucks going in there. You're right.

17 MR. DAUBENMIRE: But not right here.
18 There is not going to be that stuff driving at the
19 front of the building where the parking lot is, the
20 main one. Right here where my pen is at.

21 MR. STONER: Right, I gotcha. So the
22 proposed addition they are addressing the
23 stormwater?

24 MS. NICODEMUS: Yes. They are
25 expanding the stormwater system on the east.

1 MR. STONER: And it's going to go into
2 this retention pond?

3 MS. NICODEMUS: Yes. Detention basin.

4 MR. STONER: Yeah, sorry.

5 MS. NICODEMUS: That's okay.

6 MR. DAUBENMIRE: David, sir --

7 MR. MOSER: Brandon.

8 MR. DAUBENMIRE: These two things that
9 our solicitor has sent back as needing to be done,
10 the stormwater and the pipe, should we wait and let
11 them hash that out between them and, like, table
12 this and talk about it next month and let them
13 solve that problem rather than making a
14 conditional -- or not conditional but with
15 conditions?

16 MR. MOSER: You know, I don't know. I
17 didn't look at the correspondence. I don't have
18 the correspondence that Wes sent regarding those
19 two items, but I did pay attention to the
20 discussion and, you know, I can't tell the Board
21 what to do, but I don't see any drawback either
22 way.

23 I'm sorry. I'm getting a little
24 feedback if you can't hear me.

25 MS. NICODEMUS: Wes didn't send out any

1 comments on this. This is the engineer for the
2 development for Southgate who said that she had two
3 things that she had wanted to have further
4 conversation on with the Village engineer who is
5 out until Wednesday.

6 MAYOR LAYTON: So the Village engineer
7 hasn't looked at this yet?

8 MS. NICODEMUS: Hasn't even seen it to
9 say, yeah, I agree with them or not agree with
10 them. And Southgate and Atkore, are at the point
11 they want to submit their plans for this extension
12 to the Licking County Building Code because it's
13 almost two months to go through Building Codes for
14 them to start construction.

15 MAYOR LAYTON: I apologize. I
16 misunderstood you, Linda. I was under the opinion
17 that these two issues came from our people.

18 MS. NICODEMUS: No.

19 MAYOR LAYTON: Where did it come from?
20 Southgate?

21 MS. NICODEMUS: It came from them, yes.

22 MAYOR LAYTON: Them? Who is them?

23 MS. NICODEMUS: From what was Jobes and
24 Henderson's engineer for Southgate.

25 MAYOR LAYTON: So the person that works

1 for Southgate?

2 MS. NICODEMUS: Correct. And then our
3 guy has not seen it.

4 MAYOR LAYTON: Okay. I understand
5 that. I heard that the first time. I'll withdraw
6 my motion if that's the case. We need to get our
7 guy involved in this to start with. There is no
8 sense -- it probably shouldn't have been here
9 tonight.

10 MR. DAUBENMIRE: I don't think a motion
11 was made though, was it?

12 MAYOR LAYTON: Yeah, I made a motion to
13 accept it pending the engineer's approval, but I
14 thought it was our engineer. I'm going to withdraw
15 that motion.

16 MR. STONER: I think we just table this
17 until the next meeting.

18 MAYOR LAYTON: I guess, I was just
19 confused about who was doing what.

20 MR. MOSER: As was I. Sorry about
21 that.

22 MR. DAUBENMIRE: Okay. So is there a
23 motion to table the discussion on this until they
24 work out their issues?

25 MAYOR LAYTON: I mean, do I have to

1 make a motion to withdraw my original motion?

2 MR. MOSER: I think you did, Mayor.
3 And either way, it wasn't seconded, so the motion
4 would have died.

5 MR. DAUBENMIRE: Now, we're looking for
6 a motion to table this until the engineers work out
7 their stormwater and pipe replacement and the
8 parking lot issues.

9 MR. STONER: David, do we have to make
10 a motion to table this or can we just not act on it
11 until we get more?

12 MR. MOSER: You should make a motion
13 for this. If you're wanting to extend it into the
14 next meeting, just move to table it. I agree.

15 MS. NICODEMUS: You've got those mics
16 too close.

17 MAYOR LAYTON: I move to table the
18 program until the next meeting or until we can get
19 our engineer involved in it.

20 MR. DAUBENMIRE: Is there a second?

21 MR. STONER: I'll second.

22 MR. DAUBENMIRE: Motion to table made
23 by Mr. Layton, seconded by Mr. Stoner.

24 I'll call the roll. Ms. Porter is
25 excused. Mr. Daubenmire is yes.

1 Mr. Jacobs?

2 MR. JACOBS: Yes.

3 MR. DAUBENMIRE: Mr. Layton?

4 MAYOR LAYTON: Yes.

5 MR. DAUBENMIRE: Mr. Stoner?

6 MR. STONER: Yes.

7 (MOTION APPROVED.)

8 MS. NICODEMUS: Again, I want to let
9 you know I just found out that these problems
10 existed at 5:53 today. That's why it's still on
11 the agenda.

12 MR. DAUBENMIRE: It's okay. Linda,
13 we're not mad at you. We appreciate everything you
14 do for the Village.

15 MAYOR LAYTON: I got confused as to who
16 was doing what and where and when. I just want to
17 make sure I had it straight.

18 MR. DAUBENMIRE: No worries. That
19 brings us to the next item on the agenda, property
20 owners with exterior property maintenance repair, a
21 request for time extensions. These are written
22 requests from property owners asking for extra time
23 to complete the required exterior repairs.

24 MS. NICODEMUS: Can we start with
25 Martha Wilson since she is here?

1 MR. DAUBENMIRE: Martha, could you
2 please come up to the thing or can we bring the
3 microphone to you? I appreciate it. And just
4 state your name and address for the official record
5 please.

6 - - -

7 MARTHA WILSON

8 being previously duly sworn, as provided by law,
9 was examined and testified as follows:

10 MS. WILSON: I'm Martha Wilson. And I
11 reside at 114 First Avenue, Hebron, 43025. I
12 believe this discussion is on 302 South High
13 Street.

14 So this is my first time having to come
15 before you here. My husband, Steve Wilson, he has
16 cancer now. He has cancer that has gone into his
17 esophagus and then that spread to his lungs and his
18 liver and his bones. He just finished, last
19 Thursday, radiation for it. So now he has to
20 decide whether he is going to go for chemo or
21 Hospice. So it's not a good choice.

22 But I'm handicap and I could not do too
23 much work. Last week I got my son out, who also
24 has health problems and he managed to clear all of
25 the porch out of all of the stuff that was sitting

1 there, which I called the junk part of it.

2 If there is anymore, I would like to
3 have a detailed list. I'm not -- I don't have
4 anything having to do with that house up to right
5 now. He's taking care of it. If I said anything,
6 he told me to shut up or other bad words. But now
7 with his health, I'm going to have to work trying
8 to deal with solving this thing. I know it's been
9 awhile but I ask for more time. There is nothing
10 really we can do right now with, I guess, the
11 gutters of the house.

12 MS. NICODEMUS: Yeah, the roof and the
13 gutter, there is structural things that need to be
14 cleared out and Mr. Wilson is a veteran, so we gave
15 her information for the Veteran's Administration
16 and Habitat for Humanity. We just gave that to her
17 on the 4th when she came in. We had sent it to
18 Steve at 302, but he didn't share any of that
19 information with Martha. So we shared it with her.

20 MS. WILSON: At 302 he's got four lots,
21 which one of them, I know I'm living in. So I need
22 to know exactly -- I would like an itemization.

23 MS. NICODEMUS: Which I told her this
24 spring I could come out if they are granted that
25 and we could walk the property and let her know

1 what all needs to be taken care of. He had his
2 separate property.

3 MS. WILSON: -- Veteran's, I would need
4 to give them a list too. So I would appreciate
5 that. But I would also appreciate more time.
6 Steve is really walking right now. It's much
7 different. He's, in just the past couple of
8 months, lost 100 pounds. So we really appreciate
9 it.

10 MR. DAUBENMIRE: They have at least
11 made -- started an attempt to remove some of the
12 debris.

13 Ma'am, was your husband in the Army?

14 MS. WILSON: I'm sorry?

15 MR. DAUBENMIRE: Was your husband in
16 the Army?

17 MAYOR LAYTON: She said he was a
18 veteran.

19 MR. DAUBENMIRE: I know that. I was
20 just curious.

21 MS. NICODEMUS: What branch did he
22 serve?

23 MS. WILSON: Oh, he was Coast Guard in
24 Vietnam.

25 MS. NICODEMUS: In the Vietnam War?

1 MS. WILSON: Yeah.

2 MR. DAUBENMIRE: We sure do appreciate
3 his service. There is three of us on this Board
4 that are also Veterans. So we appreciate your
5 husband's service.

6 MS. WILSON: Thank you very much.

7 MR. DAUBENMIRE: I don't have any
8 questions for Ms. Wilson. Does anybody else on the
9 Board?

10 MAYOR LAYTON: What's your
11 recommendation?

12 MS. NICODEMUS: To grant the six-month
13 extension.

14 MR. DAUBENMIRE: I agree.

15 MAYOR LAYTON: Six-month extension.

16 MR. DAUBENMIRE: Because it is winter
17 and it's not time to be doing exterior work. I
18 concur.

19 MAYOR LAYTON: It's going to snow later
20 this week.

21 MR. DAUBENMIRE: Thank you,
22 Mrs. Wilson.

23 MAYOR LAYTON: I'll make a motion that
24 we extend it for six months.

25 MS. WILSON: How long did you say?

1 MAYOR LAYTON: Six months.

2 MS. NICODEMUS: Six months.

3 MS. WILSON: Thank you.

4 MR. DAUBENMIRE: Thank you very much.

5 MAYOR LAYTON: Linda is going to get
6 with you and make sure you have the information on
7 everything that needs to be addressed.

8 MR. JACOBS: I second it.

9 MR. DAUBENMIRE: Motion to approve the
10 six-month extension for the Wilson family made by
11 Mr. Layton, seconded by Mr. Jacobs.

12 I'll call the roll. Ms. Porter is
13 excused. Mr. Daubenmire is yes.

14 Mr. Jacobs?

15 MR. JACOBS: Yes.

16 MR. DAUBENMIRE: Mr. Layton?

17 MAYOR LAYTON: Yes.

18 MR. DAUBENMIRE: Mr. Stoner?

19 MR. STONER: Yes.

20 (MOTION APPROVED.)

21 MR. DAUBENMIRE: Okay. You are free to
22 go. You are welcome to stick around until the end
23 if you want.

24 MS. WILSON: One more thing. We have a
25 problem in the back of the -- right next to the --

1 where the stormwater is going off all of the time
2 and he said that was up to -- that you guys were
3 handling the stormwater. Is that true?

4 MS. NICODEMUS: The stormwater is going
5 off --

6 MS. WILSON: It's right in the back
7 where -- the backyard where the fence is, it is
8 overflowing where -- the end of the street is
9 always overflowing.

10 MS. NICODEMUS: Well, you're in a
11 floodplain, so that is the biggest problem there
12 and I will talk to our public works superintendent
13 and ask him to check to make sure all of the
14 culverts down through that ditch are unplugged.

15 MS. WILSON: I mean, it always
16 overflows into the street.

17 MS. NICODEMUS: Yes. Because it's a
18 floodplain, so that's where the water just kind of
19 ponds from the street going down the property to
20 that back way.

21 MS. WILSON: Anything that could be
22 worked out with that, would be helpful too. Thank
23 you.

24 MS. NICODEMUS: You're welcome.

25 Mr. Chapman is not here.

1 MR. DAUBENMIRE: Okay. That's the next
2 one here, right? Morgan Chapman?

3 MS. NICODEMUS: Right. So do we want
4 to -- you guys said you wanted to wait until they
5 were at his final notice.

6 Bonnie, is he at the final notice?

7 MS. MILLER: Second.

8 MR. DAUBENMIRE: Second.

9 MS. MILLER: He has been forthcoming.
10 He stays in contact with me. He fully intends to
11 do this but he's having trouble locating
12 contractors that will come out with the cold and
13 ice. He's only asking for four months.

14 MR. DAUBENMIRE: Okay. Is there a
15 motion to grant Mr. Chapman --

16 MAYOR LAYTON: He doesn't need an
17 extension.

18 MR. STONER: He's not on his third
19 notice.

20 MR. DAUBENMIRE: Oh, he's not on his
21 third notice.

22 MAYOR LAYTON: Let's wait until he gets
23 on the third notice and then we'll address it.
24 Bonnie, you are talking to him on this on occasion?

25 MS. MILLER: Yes.

1 MR. DAUBENMIRE: All right.

2 MS. MILLER: Can I get up and say one
3 thing, Brandon?

4 MR. DAUBENMIRE: Please do.

5 MS. MILLER: I'm not the Zoning Board,
6 however, I just wanted to throw out there that if
7 we -- if you do not grant him the four months, I
8 don't know when to go back and to give him his
9 final if he's working slowly on it. Do you know
10 what I mean? I fear that would present a problem
11 if it's not in writing that he has a four-month
12 extension.

13 MR. STONER: What's your normal
14 protocol on giving the third notice?

15 MS. MILLER: Well, last meeting we
16 gave -- you gave a six-month extension to somebody
17 on a first notice. So there is not really --

18 MS. NICODEMUS: And at the end of the
19 last meeting, they had stated that they wanted it
20 to go through the process. So, again, the
21 direction is, if they are working on it and we see
22 progress every month -- or every, you know, the
23 ten-day period and they show that they are making
24 progress, we don't send that abatement out. So if
25 he's not making any progress at all in the ten

1 days, then he gets the final notice. And then at
2 that point you can say then we can bring it to the
3 Planning and Zoning Board because they don't want
4 to address these until it gets to that stage. So
5 if he's making progress you wouldn't send it. But
6 if there is no progress --

7 MS. MILLER: He's not been able to make
8 progress right now because he's got a lot of
9 issues, roof issues --

10 MS. NICODEMUS: He bought the old
11 Hinkel building. That's the reason why.

12 MAYOR LAYTON: How much time do we have
13 to get to the third notice?

14 MS. MILLER: I mean, I would have to
15 probably give him one now, and I just think that's
16 unfair.

17 MAYOR LAYTON: Is he at the point where
18 he needs the third notice now?

19 MS. NICODEMUS: Yes.

20 MAYOR LAYTON: So we are at the third
21 notice place.

22 MS. NICODEMUS: And it's all
23 construction.

24 MAYOR LAYTON: Let's focus on this.
25 We're at the third notice now, do we want to grant

1 him the six-month extension?

2 MR. STONER: He asked for four.

3 MAYOR LAYTON: Well, four months?

4 MR. STONER: I don't have a problem
5 with doing it. I just want it to be consistent
6 with how we are going to do this.

7 MAYOR LAYTON: We are at the -- you're
8 telling me we are at the third notice now.

9 MS. MILLER: We are at the second
10 notice.

11 MAYOR LAYTON: Now, I asked are we at
12 the third notice?

13 MS. MILLER: No. He needs to be at the
14 third notice.

15 MR. STONER: When did you give him the
16 second notice?

17 MS. MILLER: The second notice was -- I
18 would have to look back. Do we have a standard?

19 MR. STONER: That's what I was asking.

20 MS. MILLER: We don't have a standard.

21 MS. NICODEMUS: We do have a standard
22 in the book. So at the second notice, they have
23 ten days after the second notice to make any
24 changes that need to be made. If they don't make
25 any changes, they get a final notice. Upon that

1 final notice, they get ten days to make a change
2 and so he is at -- he is at the point he probably
3 should have had a final notice, but because he
4 asked for an extension, we didn't send the final
5 notice.

6 MAYOR LAYTON: That's fine. Our intent
7 was to get to that point and that's when we decide
8 to give him an extension, right?

9 MS. NICODEMUS: Right.

10 MAYOR LAYTON: So we are at that point.

11 MR. STONER: But I just want to make a
12 clarification on what you asked Bonnie because I
13 know your job is difficult.

14 MS. MILLER: It is.

15 MR. STONER: So at the last meeting --
16 and David, you can chime in on this, to make sure
17 I'm saying this right -- at the last meeting when
18 we talked about this, the reason we want to get to
19 the third notice before we take an action of giving
20 someone an extension is because if we give an
21 extension at the first and the second notice then
22 we have to wait longer to take action because we
23 can't take any action against the land owner until
24 we get to the third notice. Is that correct,
25 David?

1 MR. MOSER: Yeah, that's right. So I
2 know this is kind of -- we've revamped the exterior
3 property notice enforcement and Bonnie and Linda
4 are doing fantastic work. So if it's the Board's
5 desire to recommend that the final notice to this
6 property owner be issued with the extension that's
7 been requested at this point, then you can do that
8 or you can just await the ten-day window after the
9 final notice.

10 Hearing Bonnie, it sounds like we know
11 the extension is going to be on the Board's table
12 eventually. You can do that now or wait for later.

13 MR. STONER: And I'm okay with doing it
14 now. I just want to understand why we made that
15 decision.

16 MS. MILLER: Sure. I completely
17 understand that. I just know this guy is going
18 through health issues of his own and he is trying.

19 MR. STONER: Okay.

20 MR. DAUBENMIRE: So I like what David
21 said. Issue the final notice, then give him the
22 six months with the final notice.

23 MS. NICODEMUS: You can make that
24 motion, that's exactly what David said you can do
25 today.

1 MR. MOSER: Correct.

2 MAYOR LAYTON: I'll make a motion to
3 issue the final notice to whatever his name is.

4 MR. DAUBENMIRE: Mr. Chapman.

5 MAYOR LAYTON: And along with the final
6 notice, issue him a four-month extension to get the
7 property straightened out.

8 MR. DAUBENMIRE: Is there a second?

9 MR. STONER: I'll second.

10 MR. DAUBENMIRE: Mr. Layton seconded
11 that and --

12 MAYOR LAYTON: No.

13 MR. DAUBENMIRE: Mr. Layton made the
14 motion and Mr. Stoner seconded. I'm going to call
15 the roll. Mr. Daubenmire is yes.

16 Mr. Jacobs?

17 MR. JACOBS: Yes.

18 MR. DAUBENMIRE: Mr. Layton?

19 MAYOR LAYTON: Yes.

20 MR. DAUBENMIRE: Mr. Stoner?

21 MR. STONER: Yes.

22 MR. DAUBENMIRE: And Ms. Porter is
23 excused.

24 (MOTION APPROVED.)

25 MAYOR LAYTON: So we do have a standard

1 though, right?

2 MR. DAUBENMIRE: Correct. Third notice
3 and then -- yeah.

4 MAYOR LAYTON: Linda, I'm going to make
5 a suggestion, too. Every time we come to one of
6 these meetings we get some piece of information we
7 have been waiting on at 5:00 before the meeting. I
8 think we tell everybody when we need a piece of
9 information, it has to be to us by 4:00 the day of
10 the meeting or it's not going to be in that
11 meeting.

12 MS. NICODEMUS: Okay.

13 MAYOR LAYTON: Doesn't that make sense?

14 MR. DAUBENMIRE: Yeah.

15 MAYOR LAYTON: Because you are telling
16 me you get it at 5:03 and 5:53. I mean, that's
17 crap. They can have it to us in a timely manner.
18 There is no sense in trying to do this when you
19 don't have the information you need.

20 MR. STONER: I'll second that.

21 MR. DAUBENMIRE: Yeah. I'll third it
22 if that's allowed, Dave.

23 MR. MOSER: I will fourth that.

24 MAYOR LAYTON: He is messing with us.

25 MR. DAUBENMIRE: I know. Next agenda

1 item is the CDC report for February. You two
2 ladies are doing an outstanding job. Thank you. I
3 know it's a thankless job. We don't really need to
4 line item anything on here, do we? Anybody want to
5 point anything out and discuss?

6 MR. STONER: Stormwater. My favorite
7 subject, Linda and Jim. What's going on with
8 working with Cliff Ward on the drainage project,
9 Hamilton, Canal Park?

10 MS. NICODEMUS: So I went to Council in
11 February, and they approved me submitting a
12 preapplication to FEMA for the Hamilton Avenue
13 flood culvert and drainage project, which I am
14 doing.

15 MR. STONER: Great.

16 MS. NICODEMUS: So then also we were
17 approved for the Hamilton sidewalk project but
18 their needs to be some drainage done, old drainage
19 repair, so he's going to be working on that himself
20 with his crews this summer to handle some of the
21 drainage issues that are on Hamilton Avenue. Not
22 the flood culvert, not some of the bigger items,
23 but in order to get prepared for the sidewalk
24 project.

25 And I want to say that the other thing

1 that Council approved is for me to apply -- submit
2 a preapplication for a water retention area in
3 Canal Park to handle the flood waters on the
4 properties that we just received -- purchased at
5 the end of last year off of the corner of South
6 High Street and West Second Street.

7 MR. STONER: So on that corner you're
8 thinking about putting another retention pond
9 there?

10 MAYOR LAYTON: That stream turns and
11 goes under the -- right straight ahead we'll put a
12 retention pond in there to catch that overload.

13 MS. NICODEMUS: I received a notice
14 from ODNR that some of the COVID money that was put
15 back for the hazard mitigation funds from the
16 federal government have not been spent and that we
17 could apply for drainage, flooding, hazard items
18 now for those funds.

19 It's a preapplication, which means it's
20 kind of vague, to the point. It goes to FEMA, Ohio
21 FEMA. They go through and pick what projects that
22 they want you to then submit a full application
23 for. Then upon that, they send those to the
24 federal FEMA, so we are talking at least six months
25 to nine months, but it's a possibility of funding.

1 MAYOR LAYTON: What are you going to
2 submit for it?

3 MS. NICODEMUS: Two items, the Hamilton
4 Avenue flood culvert and drainage from Warden back,
5 and the retention basin/wetland area for water in
6 Canal Park.

7 MAYOR LAYTON: Are you going to submit
8 to the Community Development Block Grant for the
9 Hamilton Avenue project again?

10 MS. NICODEMUS: The CDBG funds are
11 every two years. I'm also -- if that is not
12 selected for FEMA full application, I will be
13 submitting the Hamilton Avenue culvert with
14 Council's approval for -- what's the name of that
15 grant? It's an infrastructure grant through Ohio.
16 That's this fall that I can submit that.

17 MR. STONER: So the sidewalk project is
18 on the east side of Hamilton; is that correct?

19 MS. NICODEMUS: It will be on the east
20 side of Hamilton Avenue.

21 MR. STONER: And is it going to run all
22 the way from 40 to where?

23 MS. NICODEMUS: All the way to 40 to
24 Warden Street.

25 MR. STONER: Okay.

1 MS. NICODEMUS: And then connect --
2 have the crosswalk then connect to across down
3 Pence to meet the sidewalk at Kelley Drive. So we
4 will complete the sidewalk. It will also go up to
5 meet the sidewalk at the school on Deacon.

6 MAYOR LAYTON: I kind of thought the
7 culvert project was more important, but they passed
8 right over that.

9 MR. STONER: I think it's more
10 important, too, but the sidewalk has been a long
11 time coming. I mean, we got sidewalks on every
12 street in Hebron practically except Hamilton where
13 most kids walk up to the school.

14 MS. NICODEMUS: And we will have them.

15 MR. STONER: I know a lot of people on
16 Hamilton, Kelly Drive, Westview Drive, people walk
17 up Hamilton all of the time.

18 MAYOR LAYTON: I agree. It's a good
19 project, I just thought maybe the stormwater might
20 have been --

21 MR. DAUBENMIRE: Higher priority.

22 MAYOR LAYTON: Yeah.

23 MR. DAUBENMIRE: Linda or Bonnie on the
24 back page, 126 Forth Street. Somehow I missed this
25 last month, second notice sent. Is the pig still

1 there?

2 MS. MILLER: I think he's moved the
3 pig.

4 MR. DAUBENMIRE: I didn't even know
5 there was one there. I missed that one last month.

6 MS. MILLER: I believe that he has
7 moved the pig from the back pin right at the
8 corner --

9 MS. NICODEMUS: No matter what, that is
10 the last item. He addressed all of the other items
11 except for the pig and no matter what I -- as David
12 can attest, we have a prosecutor who will not
13 return our phone calls. If we have any items that
14 go to final notice, they are sitting there. Until
15 Licking County prosecutor will talk to us and give
16 us a chance to find out what the procedures are,
17 anything that goes to final notice is going to stay
18 on final notice. So David has been trying very
19 diligently to get us passed this hurdle.

20 MAYOR LAYTON: What does he have, a pet
21 pig?

22 MS. NICODEMUS: He's got a pig outside,
23 yes.

24 MAYOR LAYTON: I like bacon.

25 MR. DAUBENMIRE: Let's stay on point

1 here, guys. Does anybody have anything else on
2 that report they want to go over?

3 MR. STONER: Just real quick, we talked
4 about the vacant home registry thing. So once they
5 are on the vacant home registry then --

6 MS. NICODEMUS: Once they will fill out
7 the application and pay the fee, then from that
8 point on it doubles every year until they do
9 something.

10 MR. STONER: That gives them the
11 incentive to do something.

12 MS. NICODEMUS: Correct. But we do
13 have some properties that they have even refused to
14 fill out the application. So I can't put them in
15 violation except for the exterior property
16 maintenance code violations until I get an
17 application filled out. So we just keep trudging
18 along on the few properties.

19 MR. DAUBENMIRE: It's been a minute
20 since I brought this up. It's getting worse by the
21 month. The road in front of the fire department
22 where they pull up and they back the giant truck
23 in, when they drop off the edge of the blacktop
24 into the gravel, the whole edge of the blacktop is
25 being disintegrated in chunks between the Legion

1 Hall and the fire department, where the dude pulls
2 the -- I watch him do it when I mow. He pulls the
3 big truck up and he drops off of the blacktop and
4 he backs the truck in. Well, every time that tire
5 goes off that edge, a huge chunk of blacktop comes
6 off. Just take a drive down there and you'll see
7 it. There are boulders all over. So I don't
8 know -- I mentioned it at several meetings.

9 MS. NICODEMUS: I brought it up to CJ
10 and he's looking at the paving for 2022, and what
11 roads were graded at the worst. So our paving goes
12 by -- an engineer came through and said these roads
13 are the worst roads. So those are the roads that
14 are going to get the most --

15 MAYOR LAYTON: We can add anything to
16 it that we want to?

17 MS. NICODEMUS: Yes.

18 MAYOR LAYTON: So let me ask you this,
19 Mr. Daubenmire, is there an opportunity for
20 grindings to make a difference in there?

21 MR. DAUBENMIRE: I don't know. I think
22 the solution to the problem is for the guy who is
23 driving the big fire truck, to not pull off of the
24 road.

25 MAYOR LAYTON: Do you think grindings

1 would make a difference in there so he wouldn't
2 have to drop off of that? Would it stabilize that
3 end of the road?

4 MR. DAUBENMIRE: It might.

5 MAYOR LAYTON: We've got lots of
6 grindings left.

7 MR. DAUBENMIRE: It might. The
8 blacktop edge is probably only a couple inches
9 thick and it drops off into the gravel right there.
10 It probably would take a bunch of it, but it might.

11 MAYOR LAYTON: I'll talk to CJ tomorrow
12 and see what he says if I can remember to do that.
13 Linda will remind me to do that.

14 MS. NICODEMUS: I'll remind you.

15 MR. DAUBENMIRE: I had a citizen
16 contact me. She lives on Buckeye Avenue right
17 behind the township garage, the Union Township
18 garage at Buckeye Avenue. There is house right
19 there. Joanne Nack lives in the house. I think
20 the Perky's (phonetic) own it. I'm not sure.
21 There is an alleyway that runs through there, an
22 old school alleyway that's grown over with grass
23 and trees and whatnot. The residence are still --
24 a couple of people drive through there. Is that
25 alley still open?

1 MS. NICODEMUS: Yes. It has not been
2 vacated.

3 MR. DAUBENMIRE: So then the one guy
4 that's beside the township garage on 40, he's able
5 to come out, right and then go out her driveway
6 then? Because that's what's happening now.

7 MS. NICODEMUS: If it's an alley and
8 it's not been vacated, he can drive on it. Now, if
9 they put into Council -- they would have to come to
10 council.

11 MAYOR LAYTON: Wait a minute -- if
12 there is a utility in there, we will not vacate it.

13 MR. DAUBENMIRE: No.

14 MAYOR LAYTON: Are you sure.

15 MS. NICODEMUS: If there is a water or
16 sewer line underground, they won't vacate it.

17 MR. DAUBENMIRE: I'm pretty sure there
18 is. I think the water thing is right there. I was
19 just wondering.

20 MR. STONER: Is part of the question
21 that it is not being maintained?

22 MS. NICODEMUS: We don't maintain
23 alleys.

24 MR. STONER: So whose responsibility is
25 it?

1 MS. NICODEMUS: The property owners
2 that use it. If they want to use it as a driveway,
3 which she uses it as a driveway, then she maintains
4 it. It's just like Mr. Morgan using the alleyway
5 behind his house to get to a garage. He came
6 before Council and asked if he improved it could he
7 utilize it. And we can't vacate it because there
8 is a sewer line going down through there. But he
9 could gravel it and he maintains it. So there are
10 a lot of people through there that have just little
11 alleys that -- on North Street that access garages
12 like this, but they dead end into nothing but they
13 maintain it.

14 MR. STONER: So the alley is physically
15 on their property?

16 MS. NICODEMUS: It's in between their
17 properties.

18 MAYOR LAYTON: We don't vacate it
19 unless there is a water line or a sewer line in it,
20 we don't vacate it and we don't maintain it either.

21 MR. STONER: I don't understand why we
22 don't maintain it. Because it's our alley, why
23 aren't we maintaining it?

24 MAYOR LAYTON: Well, it's grass. There
25 is nothing to maintain. You can mow it.

1 MS. NICODEMUS: So if they want to use
2 it for their driveway -- if they want to put
3 garages back there and use it, then they maintain
4 it just like Mr. Springer maintains almost a whole
5 alleyway. Him and his neighbors all go in so that
6 they can access buildings to the back.

7 MR. DAUBENMIRE: Thanks for clarifying
8 that. She's actually been asking about it for a
9 long time and I say, oh, I'll ask at Zoning Board
10 and I always forget, so thank you.

11 Bonnie, thank you for our awesome new
12 binders. I'm so glad I don't have to lug around
13 this dang thing anymore. All right.

14 The last quick thing I have is in
15 regards to the Zoning Board itself. I know we are
16 hear along time on a weekly basis, sometimes an
17 hour and a half, sometimes up to two hours. City
18 Council, they get compensated for their time quite
19 well. Is there anything --

20 Dave, I guess I'm reaching out to you.
21 Is there any precedent in Ohio Zoning Boards where
22 the Zoning Board gets compensated in any type of
23 manner, shape or form?

24 MR. MOSER: Brandon, I'd have to look
25 into that. I can tell you the majority of Boards I

1 work with it's all volunteer based. Whether or --
2 that would be a change, that would be a change for
3 your Village Code and for Council to approve and to
4 consider.

5 MR. DAUBENMIRE: Okay. I just was
6 wondering for like -- I'm just trying to -- for
7 when I'm long gone from the Board, you know, like a
8 good company, you want to attract and retain
9 qualified talent. That might be a way for the
10 Board in the future to keep people on the Board.

11 MAYOR LAYTON: How much money do you
12 got in your budget to cover that, Linda?

13 MS. NICODEMUS: I don't have any money
14 in my budget.

15 MAYOR LAYTON: So Council would have to
16 make provisions to do that.

17 MR. DAUBENMIRE: I know that. I just
18 wanted to open a discussion and put it in
19 everybody's brain and, you know, what we do here is
20 important. We can go to court over our work.
21 That's why she is here to record what we do.

22 MAYOR LAYTON: Except you can't get
23 court to answer you.

24 MR. DAUBENMIRE: Well, what we decide
25 upon here has repercussions. Every decision we

1 our yard four times already. We haven't hit spring
2 yet, but I know that is along process and I'm not
3 addressing all of that runoff blah, blah, blah. I
4 just want to ask about if we can inspect two drains
5 that aren't working? Main Street and South Fifth
6 Street on the southwest corner.

7 MS. NICODEMUS: Wait a minute. Slow
8 down. What one?

9 MS. CHAPMAN: Main and Fifth, Paige's
10 yard, there is a drain there that's down here and
11 the ground around it is up here, so it's not
12 catching any water, period. It would have to flood
13 all of Hebron before it would go over the dirt and
14 into her drain. Does that make sense?

15 MS. NICODEMUS: What's the next one?

16 MS. CHAPMAN: The Broad Street and
17 Fifth, the southwest corner is totally blocked. It
18 was even blocked today when I was home at lunch.
19 It was just piling up. It's not --

20 MS. NICODEMUS: Broad and Fifth?

21 MS. CHAPMAN: Yes.

22 MS. NICODEMUS: Is that on the north or
23 south side?

24 MS. CHAPMAN: Southwest.

25 MR. DAUBENMIRE: Like, is it full of

1 debris? Like, sticks and stuff?

2 MS. CHAPMAN: I don't know. It's not
3 on top. You can see the grates but the grate is
4 two feet underwater. It's not draining.

5 MAYOR LAYTON: I got one of those in my
6 front yard.

7 MS. CHAPMAN: Isn't that crazy. But
8 that was my quick two cents on that. And this one
9 here is the one that irritates me to no end. The
10 property next to us sold. And the trailers are
11 still there. I found it on Zillow. It sold for
12 \$140,000.

13 MS. NICODEMUS: The trailers?

14 MS. CHAPMAN: Yes. On July 3 -- yeah,
15 on July 23, 2021, \$140,000 it sold. So I know we
16 were told in order to get the trailers out, they
17 were grandfathered in, but if it sold we could get
18 it pulled out and we had to know right when it
19 happened. But there still has to be something that
20 can be done?

21 MAYOR LAYTON: You weren't aware of
22 that were you?

23 MS. NICODEMUS: No, I wasn't. I didn't
24 even see a for sale sign.

25 MS. CHAPMAN: I was out there pumping

1 water with my neighbor Tabitha and she said the new
2 guy that owned that place is a jerk. I'm like
3 bummer, what new guy?

4 MAYOR LAYTON: Sharky was still alive
5 in July, wasn't he? Or June, wasn't he? Did he
6 sell it before he died?

7 MS. CHAPMAN: I don't know.

8 MS. NICODEMUS: Well, we'll
9 investigate.

10 MS. CHAPMAN: Yeah, and see what is
11 what. I know you told me we had to do it right
12 when it was sold, but there's got to be something
13 we can do because you can't check every single day.

14 MAYOR LAYTON: There is nobody in that
15 one trailer, is there?

16 MS. CHAPMAN: There is a car in there.

17 MAYOR LAYTON: No, no, no. There is no
18 people living in there?

19 MS. CHAPMAN: There is a car, a car.

20 MAYOR LAYTON: But there is nobody
21 living in the trailer.

22 MS. CHAPMAN: The guy living in the
23 middle trailer has moved a car in the trailer in
24 the end. My other neighbor told me he watched him
25 carry every single piece in there. There is a car

1 in there. The guy in the middle is renting them
2 both.

3 MAYOR LAYTON: But there is nobody
4 living in that other trailer?

5 MS. CHAPMAN: No.

6 MAYOR LAYTON: That's what I was trying
7 to get at.

8 MS. CHAPMAN: But he's renting it.

9 MAYOR LAYTON: That doesn't matter. If
10 nobody is living in it, I don't think that makes a
11 difference.

12 MS. CHAPMAN: So do you want my copy of
13 this or do you want to look it up?

14 MS. NICODEMUS: If you are willing to
15 give it up, I'm willing to take the information.

16 MS. CHAPMAN: So, yeah, that shocked me
17 too when she told me that she had a new -- because
18 she had called him about the water and he said she
19 was on her own.

20 MAYOR LAYTON: I got one more question
21 too. Are you done? I'm sorry.

22 MS. CHAPMAN: Yeah, I'm done. I'm
23 good.

24 MAYOR LAYTON: The house on Main Street
25 that had the dumpster out in front of it.

1 MS. NICODEMUS: It's gone.

2 MAYOR LAYTON: I see the dumpster is
3 gone. I didn't see anything in the dumpster
4 though.

5 MS. NICODEMUS: We don't know if there
6 was anything in the dumpster. We don't know if it
7 was just something that Mr. O'Neill wanted to do.

8 MR. JACOBS: Decoration.

9 MS. NICODEMUS: To cause us grief
10 hoping that we would write him up because he put a
11 dumpster in there. We did not write him up because
12 he put a dumpster there. We were praying he would
13 fix up the house.

14 MR. DAUBENMIRE: My question to you
15 real quick, is this property, is this all one unit?
16 The two apartments the garage and the two trailers,
17 is that all 402 East Main?

18 MS. CHAPMAN: Yeah, all one property.
19 One of those sheets has a full square that shows
20 the whole property.

21 MS. NICODEMUS: Okay. So those
22 trailers did not sell. That whole property went to
23 Dale Ours, not the trailers. The trailers are
24 still owned by the same person.

25 MS. CHAPMAN: Right. But the property

1 sold.

2 MS. NICODEMUS: The property sold to
3 Dale Ours. It's the trailers that if they sell, I
4 can get rid of them.

5 MS. CHAPMAN: So even though the
6 property changed hands?

7 MS. NICODEMUS: But I did talk to Dale
8 Ours after he purchased that and told him that we
9 wanted the trailers to go. And he had some ideas
10 for the property. So, we'll see. He owns those
11 two houses across the street from you, too, that I
12 had wrote up for exterior property maintenance
13 code, 407 and the old ice house. Those are owned
14 by DMO Securities or Dale Ours.

15 MR. DAUBENMIRE: So the two trailers
16 addresses are 402 East Main Street?

17 MS. NICODEMUS: No. They are Broad
18 Street addresses. That's why when I saw that --

19 MS. CHAPMAN: Right. They are Broad
20 Street address, but that whole block is owned by --

21 MS. NICODEMUS: The trailers sold to
22 that same person who is renting them out. If he
23 puts them up for sale, then we can make them move.
24 I cannot make -- I can't make Dale Ours move them,
25 but I have been talking to him about it.

1 MS. CHAPMAN: Okay. So selling the
2 land doesn't mean you have to move the trailers?

3 MS. NICODEMUS: Not that I'm aware of
4 because those trailers aren't in what he sold, just
5 the land. We'll talk to David about it later.

6 Is that okay, David?

7 MR. MOSER: Sounds good.

8 MS. NICODEMUS: And see what we can do.

9 MAYOR LAYTON: I got one more. Where
10 the trailer was on South High Street, there is a
11 big hole in the ground full of water.

12 MS. NICODEMUS: Yes. Mrs. Fink called
13 me, the contractor dug too deep. She asked him to
14 fill it back in because Dana Kitchen lives next
15 door and he was watching the contractor. The
16 contractor did a lot of things he wasn't supposed
17 to do, and so she fired him.

18 MAYOR LAYTON: Time out. She needs to
19 make provisions to get that fixed. I mowed it all
20 summer. Nobody else came in to mow it. I mowed it
21 all summer. Now, I don't care if -- I know her
22 brother died and he was part of what was happening
23 over there. And the contractor, I saw him over
24 there working and I was not impressed, but now I
25 don't care all about that. What I care about is

1 she needs to make some kind of statement or make
2 some kind of move forward to get it cleaned up or
3 build a house. Whatever she is going to do.

4 MS. NICODEMUS: Absolutely.

5 MR. DAUBENMIRE: Correct.

6 MS. NICODEMUS: And I talked to her --

7 MR. DAUBENMIRE: Didn't we grant her an
8 extension, a six-month extension? It wasn't too
9 long ago. I agree with you, Mr. Mayor.

10 MAYOR LAYTON: Absolutely nothing
11 happened over there.

12 MR. DAUBENMIRE: No, nothing.

13 MAYOR LAYTON: And no provision to keep
14 people or little kids from falling in or under any
15 of that stuff.

16 MS. NICODEMUS: So I asked her if she
17 was going to fill it in. She said she was hiring
18 someone to fill the hole in and start over with a
19 different contractor. So I told her when her --
20 which I don't have it on me right this second to
21 tell you when she expires, but it isn't very long.

22 MS. MILLER: It's 4/4. And can I ask a
23 question on that note?

24 MR. DAUBENMIRE: Sure.

25 MS. MILLER: I really need to ask it to

1 David.

2 MR. DAUBENMIRE: Come on up.

3 MS. MILLER: So would the Village be
4 liable for somebody -- a child falling in that?

5 MAYOR LAYTON: Absolutely not.

6 MS. MILLER: Wait a minute. And
7 drowning or you know, whatever and we could have
8 done more but we didn't?

9 MAYOR LAYTON: We can't go on private
10 property and fix anything.

11 MS. MILLER: Right.

12 MAYOR LAYTON: All we can do is send
13 her a letter and tell her you need to get that
14 fixed up and put something around it to keep kids
15 from falling in it.

16 Correct me if I'm wrong here, David,
17 but that's all -- that's the only stand we can
18 take. We're not liable for somebody else digging a
19 hole and falling in it just because we are Hebron.

20 MS. MILLER: Can we make her build a
21 fence?

22 MAYOR LAYTON: Well, we can ask her to.

23 MR. STONER: She would be held liable.

24 MR. MOSER: She would be a
25 hundred percent, the property owner would. You did

1 all you could do to make her comply. That's all we
2 can do.

3 MS. NICODEMUS: And that's what I did.
4 I called her because the extension was almost up.
5 It's coming. And I didn't know where everything
6 was going. So that was the conversation we had.

7 MR. DAUBENMIRE: Didn't you say,
8 Bonnie, April 4? The it's next month that her
9 six-month extension expires.

10 MAYOR LAYTON: We need to send her a
11 letter and tell her that we consider it a hazard
12 that is open over there and full of water and
13 something needs to happen to it. And we need to
14 send a letter not have a conversation because then
15 we have a record of doing it.

16 MS. NICODEMUS: Correct.

17 MAYOR LAYTON: But, I mean, I mowed
18 that thing all summer, me and Dana.

19 MR. DAUBENMIRE: It's taken a year for
20 this process now for her, a year. Anybody have
21 anything else to come before the Board? Is there a
22 motion to adjourn?

23 MR. STONER: Motion to adjourn.

24 MR. DAUBENMIRE: Is there a second?

25 MR. JACOBS: Second.

1 MR. DAUBENMIRE: Motion to adjourn made
2 by Mr. Stoner, seconded by Mr. Jacobs.

3 Call the roll. Ms. Porter is excused.
4 Mr. Daubenmire is yes.

5 Mr. Jacobs?

6 MR. JACOBS: Yes.

7 MR. DAUBENMIRE: Mr. Layton?

8 MAYOR LAYTON: Yes.

9 MR. DAUBENMIRE: Mr. Stoner?

10 MR. STONER: Yes.

11 MR. DAUBENMIRE: Meeting adjourned at
12 8:04 p.m.

13 (MOTION APPROVED.)

14 (Thereupon, the proceedings adjourned at 8:04 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 Hebron Village Board of Planning and Zoning Public Hearing and Regular Hearing taken by me on Monday, March 7, 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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