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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING
PUBLIC HEARING

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Monday Evening Session
March 6, 2023, 6:30 p.m.
Municipal Complex
934 Main Street
Hebron, Ohio 43025

- - -

Board of Planning and Zoning:

Rick Stoner, Chairman
Mike McFarland, Vice-Chairman
Scott Jacobs, Secretary
Jim Layton, Mayor
Dr. Valerie Mockus, Council Member

Bonnie Miller, Community Development Coordinator
Deborah Morgan, Fiscal Officer
David Moser, Esq., Board Counsel, via Zoom

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COURT REPORTER
(740) 403-3959

- - -

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March 6, 2023

- - -

MR. STONER: I would like to call the meeting to order. It's 6:30. Please join me in standing for the Pledge of Allegiance.

(PLEDGE OF ALLEGIANCE)

MR. STONER: All right. I'll do the roll call.

Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

MR. STONER: Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner is a yes. The board acknowledges that the minutes are recorded and transcribed. Items requiring action tonight, Hebron Ventures, LTD, 620 East Main Street, lot split application, Planning and Zoning Code Section 1173.02, lot slit. A lot split, otherwise known as a minor subdivision, may be approved by the community development coordinator if the proposed

1 lot split complies with all of the following
2 requirements: A, the proposed lot split is located
3 along an existing dedicated public right-of-way and
4 does not involve the opening, widening or extension
5 of any street, road, or easement, and does not
6 involve the creation or extension of public
7 utilities; B, no more than three lots, including
8 the remainder, are created from the original
9 property; and C, the proposed lot split complies
10 with all applicable subdivision and zoning
11 regulations.

12 The applicant wants to split off one
13 lot from their 6-acre parcel out front of the
14 shopping center to sell to a local bank. Please
15 review application survey and aerial view
16 attachment. The property is zoned general
17 commercial.

18 MAYOR LAYTON: It meets all of the
19 standards, right?

20 MS. MILLER: I'm sorry?

21 MAYOR LAYTON: It meets all of the
22 standards?

23 MS. MILLER: Correct.

24 MR. STONER: Do I have a motion for the
25 lot split?

1 MAYOR LAYTON: So moved.

2 MR. MCFARLAND: Second.

3 MR. STONER: Roll call.

4 Dr. Mockus?

5 DR. MOCKUS: Yes.

6 MR. STONER: Mr. McFarland?

7 MR. MCFARLAND: Yes.

8 MR. STONER: Mr. Jacobs?

9 MR. JACOBS: Yes.

10 MR. STONER: Mr. Layton?

11 MAYOR LAYTON: Yes.

12 MR. STONER: Mr. Stoner is a yes.

13 (MOTION IS APPROVED.)

14 DR. MOCKUS: Mr. Chair, sorry, a point
15 of order, did you want to go over number three,
16 which is not on your list? It was an emailed list
17 about introducing our new community development
18 assistant.

19 MS. MILLER: That's my mistake.

20 DR. MOCKUS: I'm sorry. I'm just
21 following along on the electronic version.

22 MR. STONER: It's in here. Let me read
23 it off of my phone.

24 DR. MOCKUS: I'm so sorry.

25 MS. MORGAN: If you want me to, I can

1 introduce her now.

2 MR. STONER: Why don't you take the
3 floor, Deborah.

4 MS. MORGAN: It wasn't on mine either.

5 MR. STONER: And I apologize in advance
6 for not knowing.

7 MS. MORGAN: Well, thank you. I would
8 like to introduce our new community development
9 assistant. Her name is Brigette Rose, and today
10 was her first day, so she stayed tonight so that we
11 could introduce her to you. And she's also going
12 to be attending the Council meeting on Wednesday to
13 meet Council as well. So she comes here -- she
14 previously worked for Licking Heights for many
15 years and she's done a great job. She's a perfect
16 fit, I think. Why don't you come up and -- if you
17 have anything to say.

18 MS. ROSE: Thank you for having me.
19 I'm excited to be part of the team, and can't wait
20 to see how I can learn and help and assist.

21 DR. MOCKUS: So I can tell you a quick
22 little story. My husband telephoned in today with
23 a question about a water bill. And he said that
24 this very professional voice came over the phone
25 that he didn't recognize and he didn't know the

1 name. And he thought, did I call Heath's water
2 department? So he said, she just seemed to know
3 everything already. So I just wanted to say,
4 obviously, you are hitting the ground running.
5 Thank you so much.

6 MS. ROSE: Thank you.

7 MR. MCFARLAND: I'd like to welcome you
8 and thank you for coming and working with Hebron.
9 We have some exciting times coming in front of us.

10 MS. ROSE: I'm excited.

11 MR. MCFARLAND: And it's going to be an
12 interesting place to work. Thank you very much.

13 MS. MILLER: I, for one, am very
14 excited. She's going to fit in great.

15 MR. STONER: Welcome to the team.

16 MS. ROSE: Thank you.

17 DR. MOCKUS: Thank you, Chair.

18 MR. STONER: You're welcome.

19 MAYOR LAYTON: Do we have a motion on
20 the floor and a second? We didn't vote on it.

21 DR. MOCKUS: We voted.

22 MR. STONER: So the next item we have
23 on the agenda is the community development monthly
24 report. Do any board members have questions for
25 Bonnie?

1 MAYOR LAYTON: A question came up about
2 the sign down there at the bank. Somebody needs to
3 tear it down or at least fix it or something. I
4 mentioned that to Bonnie today.

5 MS. MILLER: We're probably going to
6 have to get with David on that just to make sure
7 I'm doing everything the correct way.

8 MAYOR LAYTON: Well, it looks like
9 something blew it apart.

10 DR. MOCKUS: I didn't even notice it.
11 Park National?

12 MAYOR LAYTON: No, the -- what is it?

13 MS. MILLER: Commodore Bank.

14 MAYOR LAYTON: Commodore Bank down by
15 Kroger right on the corner. The stuff all blew out
16 of it and they just haven't fixed it.

17 MS. MORGAN: It used to say Hebron
18 Business Park or something like that.

19 DR. MOCKUS: It's been rough for a
20 little bit.

21 MS. MORGAN: Yeah, I was going to
22 mention it too. I drove by it the other day and I
23 noticed it. It's an eyesore.

24 MAYOR LAYTON: There's a lot of stuff
25 happening back there. They probably ought to get

1 together and fix it. Put a little money into it
2 and put the name up there again. But, they need to
3 do something.
4 MR. STONER: I have a question, not
5 necessarily about the report, but how is Lake
6 Forest going with the builds? Are they getting
7 close to the end?
8 MS. MILLER: Oh, yes. They are near
9 completion. Yes. And if I remember correctly, I
10 do believe that every lot or home is either
11 accounted for, in contract or it's sold.
12 MAYOR LAYTON: They won't have any
13 trouble selling any of those houses.
14 MR. STONER: It will be nice when it's
15 all finished. They've done a good job.
16 MR. MCFARLAND: Bonnie, has the
17 attorney taken any action on some of the items that
18 we were hoping would move forward with legal
19 action?
20 MS. MILLER: David is on Zoom.
21 MAYOR LAYTON: Are you talking about
22 the prosecutor in Newark?
23 MR. MCFARLAND: Yeah.
24 MAYOR LAYTON: Oh.
25 MR. MCFARLAND: Hi, David.

1 MR. MOSER: Hi, everybody. Good
2 evening. Action from the prosecution, no, I
3 haven't filed any action yet.

4 I did get with Bonnie and Deborah at
5 the turn of the year to start gathering those
6 mountains of documents. When we had concluded we
7 are going to be filing -- Bonnie and Deborah have
8 been doing an excellent job in whittling those down
9 from what they once were in terms of the list of
10 property violations. I don't know if since --

11 Bonnie, and I'll ask you. I don't know
12 if since we met, if any progress has been made on
13 that existing list as of when we met?

14 MS. MILLER: One was removed, but only
15 because it was sold and their plan is to -- it's
16 103 Sunset. They're wanting to demolish that and
17 they are not sure what their options are. They
18 want to speak about it. They know that they will
19 need a demolition permit. But they were taken off
20 of the list because of the change of ownership.

21 As far as the other ones, you know that
22 it's been crazy around here. So now that we have
23 Brigitte --

24 MR. MOSER: Oh, I know.

25 MS. MILLER: Now, we have Brigitte, I

1 will be able to go out and take pictures and get
2 all of that stuff to you.

3 MR. MOSER: And that's just the status
4 update. The progress report for the board is that
5 we're working on it. Bonnie is finalizing. We are
6 kind of getting everything up to the same starting
7 line before we file in Newark so that they have one
8 more final notice of violation. And then she's
9 uploading all of the case files, including the
10 pictures, the photos, the most recent ones too, to
11 me and then I'll be starting off with a nice little
12 introductory letter from your local zoning
13 prosecutor and then commencing with filings and
14 misdemeanor complaints.

15 Hopefully, the thought is, that as soon
16 as they hear from me, that may alleviate some of
17 the issues or may spurn some action before I
18 actually physically file. That's the hope. But if
19 not, we'll get it moving.

20 MAYOR LAYTON: Bonnie, did the property
21 across from the old mill down there clean up?

22 MS. MILLER: No. But they were wrote
23 up.

24 MAYOR LAYTON: Okay.

25 MS. MILLER: There was also another new

1 one. Actually, that is the one -- that is the new
2 one. There is another one but it didn't fall in
3 February. It fell in March. I can't remember the
4 address right now.

5 MAYOR LAYTON: I drove by there today
6 and I can't remember looking to see if the mess was
7 still there or not.

8 MS. MORGAN: She's also pursuing the
9 issue with a boat that's parked there.

10 MS. MILLER: By the phone company,
11 yeah. It's a hazard.

12 MR. MCFARLAND: Thank you.

13 DR. MOCKUS: So on that same vein, the
14 property across from the mill, I spoke with a
15 council member from another community and she
16 indicated that it's an ADA compliance issue where
17 we have unpassable sidewalks. And I had brought it
18 up because we have residents who use scooters and
19 so they have to go out on to Main Street to
20 navigate around that section and then come back up
21 on to the sidewalk after going through that
22 section. And I didn't know if our solicitor knew
23 anything about that and if that really is of grave
24 concern. And, if so, are there actions we can take
25 to mitigate that, including something like just

1 fixing it and billing it to the home owner?
2 Because it's been like that for some time, and we
3 do have several residents who use scooters to
4 navigate from the east side of town to Dollar
5 General and others.

6 MAYOR LAYTON: Any comment there,
7 Mr. Attorney?

8 MR. MOSER: Well, yeah. I didn't know
9 if that was directed to me.

10 First of all, welcome Dr. Mockus. I
11 didn't get to see you last time since you joined
12 our board so I wanted to say hello. I know we've
13 met before on other issues, I'm pretty sure, but
14 welcome to the fun board, the Planning and Zoning
15 Board.

16 DR. MOCKUS: I missed that memo.

17 MR. MOSER: It is. It's the best board
18 in the Village of Hebron. I don't know if that's
19 something you might want to run by Wes, since he is
20 your solicitor for the ADA compliance issue. It
21 hasn't been brought to my attention.

22 The only interaction with sidewalks
23 I've had -- I know has been a previous issue that
24 has since been resolved that everybody else on the
25 board is very familiar with. But I haven't had

1 any -- I haven't been approached with any concerns
2 or questions about it and what the Village can do
3 to remediate it. I don't know off of the top of my
4 head. If it is truly a Village owned and
5 constructed sidewalk that needs maintenance, then,
6 yes, off of the top of my head. There's an
7 obligation to repair and maintain it if it's
8 Village sidewalks. I can get with Wes with it
9 and/or I can look further into that if you would
10 like me to.

11 DR. MOCKUS: Yeah, I guess, maybe part
12 of this is my confusion about who I ask which
13 questions, and I'm sorry if that's to go a
14 different direction.

15 MAYOR LAYTON: One thing I would like
16 to clear up, is I've heard stories forever that
17 whoever the homeowner is, is responsible for the
18 sidewalk. Is that correct? Can you check our
19 zoning -- our handbook and make sure that's the
20 true number? If somebody owns the property and the
21 sidewalk is on their property, they are responsible
22 for it, right?

23 MR. MOSER: Well, yeah. Yes, typically
24 that is the case. So yeah, I don't know what
25 specific sidewalk we are talking about here, if

1 they are and residential. If they are, yes, Mayor,
2 that is typically correct. That is the standard.
3 The homeowner is responsible for maintaining it,
4 but I just didn't know if it was a public
5 thoroughfare getting into Main Street or truly
6 constructed by the Village on a right-of-way. But,
7 yeah, that understanding is generally correct.

8 MAYOR LAYTON: Thank you.

9 MS. MORGAN: Is the sidewalk directly
10 in front of the house we were just talking about?

11 DR. MOCKUS: Yes, that is why I thought
12 of it.

13 MS. MORGAN: It is the responsibility
14 of the homeowner.

15 MAYOR LAYTON: I didn't pay attention.
16 Is it falling apart?

17 DR. MOCKUS: The issue is I think a
18 tree used to be there and so it has this pyramid
19 affect. The scooters if they try to go over it,
20 end up getting stuck on it and then they can't
21 navigate.

22 MAYOR LAYTON: We just had a company
23 come in here because we had several of those issues
24 around here and they were going to come in and pump
25 stuff underneath it and make them level. And the

1 price wasn't what I thought it was going to be. It
2 wasn't as bad as I thought.

3 MS. MORGAN: I would think at this
4 point it would be something that we would have to
5 address along with --

6 DR. MOCKUS: The rest of the property,
7 yeah.

8 MS. MORGAN: Uh-huh. Because it is
9 their responsibility. Because whenever a resident
10 puts in a new sidewalk or repairs, we do give an
11 incentive back based on our ordinance, but it is
12 still their responsibility to do. So we'll have to
13 address that with the other concerns with that
14 property.

15 MAYOR LAYTON: Bonnie, you did send a
16 letter, right?

17 MS. MILLER: I did send them their
18 first notice. However, I did not pay attention
19 apparently to the sidewalk. So I'll have to add
20 that.

21 MAYOR LAYTON: I just wanted to make
22 sure and give them notice that we are looking at
23 them.

24 MS. MILLER: I am most likely going to
25 send them something separate so it doesn't create

1 confusion and be a separate violation.

2 MR. STONER: Those companies that do
3 that leveling, that works really well. I did my
4 garage and I was amazed. They drill a hole down
5 through the concrete and they pump concrete in and
6 it lifts the whole slab.

7 MAYOR LAYTON: I walked Main Street
8 with LCATs a year or so ago, and there is lot of
9 places down there where the sidewalk has done this
10 and they just ground them flat. So that's another
11 option. But you're right, that deal with lifting
12 it was the way to do it.

13 MR. STONER: Anybody else have anymore
14 community development report questions? I have two
15 questions that are outside of the community
16 development report before we get to the discussion
17 on farm animals again.

18 My first one is for you, Jim. Have we
19 heard anything else from Intel regarding planning,
20 Hebron being involved? I have heard nothing.

21 MAYOR LAYTON: They have invited us to
22 many things. I go to a framework meeting. As a
23 matter of fact, there is one scheduled for tomorrow
24 which is, Sarah is trying to sit down with all of
25 the communities -- and they've got 23 different

1 villages, townships, cities, they get them all in
2 the same room talking. And the idea is that they
3 are going to put, kind of, a format that says here
4 is what we think ought to happen and a guide for
5 the communities for their development stuff.
6 Obviously, the community can develop what they
7 want, where they want, and when they want it, but
8 here is a guide.

9 They are also working on a
10 transportation plan for the roads, and that is --
11 I'm working with the mayor of Heath and trying to
12 get some money from LCATs and some other areas to
13 redo Thornwood Drive. They talked about doing that
14 and they talked about not doing it. And Rick Black
15 took a map up to the statehouse and jumped up and
16 down on everybody's desk and said, here, you got to
17 do it, you got to do it. And they looked at a map
18 that said most of that property out there is
19 recreational and they said, we don't need to do
20 that.

21 Well, if they don't do that, I don't
22 care what you say, they're going to get a lot of
23 employees of Muskingum and Perry County and they're
24 going to be driving through town every day. If
25 they get Thornwood Drive fixed, it gives them an

1 option to go around us. So that, I think, is
2 important for us to be involved in that. I've been
3 working with the mayor of Heath on that as well.

4 MR. STONER: They talked about it for
5 years about making Thornwood Drive wider anyway for
6 traffic and everything else.

7 MAYOR LAYTON: MORP-C is the one
8 working with LCATs. MORP-C is trying to get the
9 money from the federal government, I think.
10 Anyway, we sent the application in for the money
11 and it's several million dollars. The other deal
12 -- this is for the study.

13 The other deal is they went out and did
14 some core samples out there on Thornwood Drive, and
15 guess what the base is on that? Mud, in the area
16 where they did one of the core samples.

17 The other thing is there is a couple of
18 issues there. They are doing that bridge at the
19 end of Thornwood, which is neither here nor there.
20 They want to go over the hill and right straight
21 into 16, which is a real engineering project, I
22 guess. But I think that's going to happen. It's
23 probably four or five years down the road. Which
24 Intel is probably four or five years down the road,
25 too.

1 Like I said, today, we got -- Grow
2 Licking County and another group in Columbus sent
3 us people -- facilities that want to come in and
4 build factories or manufacturing facilities or
5 something in the area and they are all keying in on
6 Intel, I'm sure. I got three of those today. I
7 never got three in a day, three different
8 opportunities. We don't have anything that fits
9 them. They wanted 300 to 500 acres. They wanted a
10 100,000 square foot building. I mean, some of
11 these things fit, but some of them don't.

12 The Port Authority has a piece of
13 property they have been trying to market for a long
14 time and, of course, Southgate Development, the
15 properties that they have. Grow Licking County is
16 well aware of the other properties but keep sending
17 the information on all of the other properties, you
18 know, the Watts property, the White property.
19 There are a lot of places around that have
20 opportunities. We just have to keep trying to work
21 and if we see one that fits, we'll try to send
22 something to them.

23 MR. STONER: Second question, just
24 completely random, when is Enterprise Drive going
25 to get fixed?

1 MAYOR LAYTON: The end of this year,
2 first of next.

3 MR. STONER: It's falling apart.

4 MAYOR LAYTON: End of this year, first
5 of next.

6 MR. STONER: So is that a Village
7 project or ODOT project?

8 MAYOR LAYTON: ODOT. High Street, it's
9 part of the High Street paving project. It's part
10 of that.

11 MS. MORGAN: It's a combination project
12 between ODOT and ourselves to do Enterprise Drive.

13 MAYOR LAYTON: You're right, it's
14 falling apart.

15 MR. STONER: It ain't going to make it
16 through another year. I mean, it's falling apart
17 now.

18 MAYOR LAYTON: They are scheduled. Of
19 course, their fiscal year is different than ours,
20 but we are scheduled to do it in '23.

21 MR. STONER: Okay.

22 MS. MORGAN: Their '24, but our second
23 half of '23.

24 MR. STONER: Right, right. The State's
25 fiscal year, I know what it is. Okay.

1 Next we have the -- unless, does anyone
2 else have anything they want to talk about before
3 we move on to farm animals?

4 DR. MOCKUS: The Mayor will tell you I
5 always have something. I just don't know -- we
6 don't really have a general bullet item, so I was
7 never really sure when to chime in, so thank you
8 for asking.

9 MR. STONER: We can add that to the
10 next meeting. We can have general discussion.

11 MS. MORGAN: We can have open items for
12 discussion and have that just as a standard number
13 on the agenda.

14 DR. MOCKUS: That would be lovely.
15 Thank you so much for considering that.

16 MR. STONER: Thank you for bringing
17 that up, Dr. Mockus.

18 MAYOR LAYTON: So I wanted to ask about
19 food truck permits. So I spoke with a community
20 member who has recently secured a location downtown
21 and she's interested in offering this wide variety
22 of items.

23 If you've been downtown lately, you may
24 have noticed, right next to Caliente, she's now
25 offering like Tai chi and yoga, but she was

1 interested in a Saturday morning coffee truck. And
2 so I just didn't know if we have any information on
3 something like that or what that would look like
4 from a permit perspective.

5 MS. MILLER: I have not dealt with food
6 trucks yet. I'm assuming we will. I'm not sure if
7 David would be able to chime in on that or not.

8 MR. MOSER: Yeah, I've dealt with food
9 trucks and, like, transient vendors before. We
10 don't have specific regulations to that extent, so
11 it's kind of wide open right now in the Village of
12 Hebron. But we can start working on it if that's
13 something we want to look into.

14 DR. MOCKUS: So right now someone could
15 just do it without any regulatory burden; is that
16 true?

17 MAYOR LAYTON: They have to have a
18 health permit.

19 DR. MOCKUS: Okay. So that goes with
20 offering food in the trucks, I think, right? Would
21 we check that?

22 MAYOR LAYTON: Yes.

23 DR. MOCKUS: Are we qualified to check
24 that?

25 MAYOR LAYTON: Well, we ask for the

1 permit -- if they have a permit that is issued that
2 date.

3 I was at a car show and they checked
4 them and basically they had four or five people
5 that didn't have them and they just said, here is
6 the form, fill it out and hand me the money.

7 DR. MOCKUS: Right. And when we did
8 the pie festival, the health department came and
9 checked, too. I just didn't know.

10 MS. MORGAN: I don't think we would
11 police that. That would be the health department.

12 DR. MOCKUS: Okay.

13 MAYOR LAYTON: We would make sure that
14 if they came in to sell, that they know that this
15 is a requirement.

16 DR. MOCKUS: Okay. So I'll follow up
17 with that resident on that.

18 MR. MCFARLAND: Who is we?

19 DR. MOCKUS: Pardon?

20 MAYOR LAYTON: The health department.

21 MR. MCFARLAND: Jim just said we would
22 follow up and we would make sure that they had
23 that. So I was asking, who is we?

24 MAYOR LAYTON: Well, we would look at
25 their permit. They would have a permit from the

1 health department. The health department would
2 issue the permit and monitor and police what they
3 are doing. We just want to make sure we know what
4 they're doing.

5 MR. MCFARLAND: I'm still wondering,
6 who is we?

7 MAYOR LAYTON: That is us, the Village
8 of Hebron.

9 MR. MCFARLAND: Specifically -- I know,
10 but, specifically, who has the responsibility to do
11 that?

12 MAYOR LAYTON: We do. The health
13 department has the responsibility -- tell me what
14 you want there, Mike. Tell me what you want.

15 MR. MCFARLAND: Well, I'm just trying
16 to figure out, is that going to be the
17 responsibility of the police department or Bonnie
18 or somebody else? We is kind of a general term.
19 I'm not trying to be difficult about it.

20 MAYOR LAYTON: You know, what --

21 MR. MCFARLAND: It's just when we say
22 somebody is going to do it, that somebody has to
23 know that they are supposed to do it.

24 MAYOR LAYTON: They're talking about
25 putting a program together for it and it will be

1 included in that. And it's probably going to end
2 up being Bonnie, the zoning person. It's probably
3 going to be her. But the health department has got
4 the responsibility for issuing a permit. We're not
5 going to police the permit. We are just going to
6 say, you got one or you don't.

7 MR. MCFARLAND: Okay.

8 MR. STONER: So, David, I have a
9 question. If we do decide to allow food trucks in
10 Hebron, is that something that gets written into
11 our zoning as an amendment to what we have
12 currently? Is that how it works or what would we
13 do?

14 MR. MOSER: It could be. It could also
15 be a separate stand alone ordinance elsewhere
16 within the codified ordinance. It seems to fit
17 within the zoning code, but I've seen it as just a
18 stand alone ordinance which kind of dovetails into
19 what we are going to talk about on the next topic a
20 little bit. But, generally, you know, for the
21 Village purposes, if that was a regulation that you
22 would like to impart -- everybody is right. I
23 mean, the health department has their own layers of
24 regulations.

25 It doesn't apply to this coffee truck,

1 but if it was an alcohol cart of any kind or where
2 alcohol is being sold, they would need a liquor
3 permit. And so there are all sorts of other layers
4 of review. Ours would just be, you know,
5 essentially time, place, and manner. So what are
6 the limited hours? What's the location? Here is
7 the permit. Here is how long the license lasts.
8 Any violations are so and so, et cetera, et cetera.
9 So it could be in the zoning code. It could also
10 just be a Village ordinance

11 MR. STONER: And then as a follow up,
12 you kind of covered it, but would we write in there
13 the locations where food trucks are allowed
14 specifically?

15 MR. MOSER: Yeah, definitely.

16 MR. STONER: Okay.

17 DR. MOCKUS: But we've had food trucks
18 in the Village, right, so it's not like we never
19 had it? It just sounds like we haven't had a
20 permitting process historically.

21 MR. STONER: Don't get me wrong, I'm
22 not apposed to having food trucks. I just want to
23 make sure one is not sitting in front of my house.
24 I want to have specific locations where we are
25 putting them.

1 MAYOR LAYTON: To Mike's point, we need
2 to have a procedure. That's what you're saying,
3 right?

4 MR. STONER: Yeah.

5 MAYOR LAYTON: We need to have a
6 procedure. Who is who. It's either going to be
7 the police or it's going to be her, one of the two.
8 We need to develop that procedure because right now
9 it would be her responsibility to check permits in
10 town.

11 MS. MORGAN: So, David, up and until
12 this point, until we address it, are food trucks
13 then permitted and there's not anything we can do
14 in the Village? That question, I don't think, was
15 answered yet.

16 MR. STONER: Good question.

17 MR. MOSER: Well, I think since they
18 have been there in the past, it would be a very
19 hard argument for you to press that they are
20 prohibited.

21 MS. MORGAN: Okay. I just wanted to
22 know what we do up until we either do an ordinance
23 or change our zoning. I mean, in my opinion, I
24 think an ordinance -- a Village ordinance, would
25 probably be more effective and quicker to address

1 than --

2 MAYOR LAYTON: Well, it seems to be a
3 real popular thing. I think part of the popularity
4 is they don't have to buy that \$75,000 fire system
5 for over their cooker.

6 MR. MCFARLAND: That may be the case.
7 I'm wondering if we are anticipating and getting
8 ready to regulate something that there isn't a
9 problem. I'm wondering if we don't just say, sure
10 you can have a food truck here. And whether you
11 have a food permit or not is the responsibility of
12 the board of health, not us. Okay. And just
13 say -- and not address the issue really with any
14 permitting or anything unless and until there is a
15 problem.

16 DR. MOCKUS: I'm totally fine with that
17 and I was planning on telling her just do it right.
18 Right. I mean, they were planning on doing it
19 downtown right next to Caliente and it's very
20 walkable and I think that's where people would go
21 to sit the most.

22 MR. MCFARLAND: About the only problem
23 that I can see coming is when the taco truck pulls
24 up and stops right in front of Caliente.

25 MAYOR LAYTON: Caliente doesn't want

1 them there.

2 MR. MCFARLAND: And so I have no idea
3 how you would address that. I really don't. But
4 unless and until we have a problem, my suggestion,
5 and it's just a suggestion -- my suggestion is
6 let's not regulate something until we have to.

7 MAYOR LAYTON: What other businesses
8 come in town that we regulate? People that are
9 running the fiber optic thing, do we make them get
10 a permit?

11 MS. MILLER: I've never issued a permit
12 for that.

13 MS. MORGAN: Those are right-of-way
14 permits.

15 MAYOR LAYTON: The only thing is if we
16 issue a permit then we at least have a say in what
17 they are doing and how they are doing it. If we
18 don't, they can put it in front of his house.

19 MS. MILLER: David, I have another
20 question. Let's just say for example, somebody
21 brings a food truck and it's like Chipotle, you can
22 go into Chipotle and you can literally buy a bottle
23 of cerveza. So what if somebody is doing that --
24 and we do not have an ordinance or zoning code for
25 that -- what would be my -- what would I need to do

1 in that situation if they are selling beer or
2 liquor?

3 MR. MOSER: You can ask as a Village
4 official if they have the appropriate permits, but
5 yeah, we don't have any enforcement because we are
6 not regulating it for time, place, manner. So
7 yeah, ultimately, you can check if they've got
8 everything else squared away.

9 MAYOR LAYTON: They would be required
10 to have a permit to sell beer, correct?

11 MR. MOSER: Yeah, they should,
12 absolutely. There are all various sorts of liquor
13 permits. They've got to get that from the State of
14 Ohio.

15 MS. MORGAN: So what I am hearing is we
16 just leave it alone and if there becomes a problem,
17 then we would address it? Because I think the only
18 issue we might have is place possibly. Maybe time,
19 maybe somebody would be operating real late at
20 night, it might bother a neighbor, but, if not,
21 then we just let it go and see how we goes?

22 DR. MOCKUS: We have ordinances to deal
23 with disturbing the peace, right. So I feel like
24 we've got some tools in place that aren't directly
25 targeting food trucks but we probably have some

1 ways to mitigate some of those unpleasant issues
2 through other methods. So I like that idea.

3 MAYOR LAYTON: They set it up on the
4 corner where the Dairy Queen is -- the dairy bar,
5 we have no recourse to get rid of it.

6 MR. MOSER: I just want to chime in on
7 top of that. I mean, I would say if it's -- the
8 communities that I have had where regulations are
9 actually drafted are good workable solutions when
10 you've got -- you know, for example, a specific
11 area where a lot of vendors have exhibited interest
12 in doing Tuesday taco day and they all gather, they
13 do an event in conjunction with local businesses or
14 maybe it's a downtown event, something like that
15 every week or every month, when you've got the
16 volume of interest, it makes sense to do it then.

17 I agree with the temperature of the
18 room that it's probably a little too early, but if
19 it drums up interest in the future, especially, you
20 know, no surprise to anybody sitting here that we
21 are a developing community for sure and we're only
22 going to grow bigger in the future, then we can
23 look into that. It would make sense then.

24 MR. STONER: Just a side bar on the
25 liquor issue. Jim, do you know, does Hebron have

1 an open container law?

2 MAYOR LAYTON: Not that I'm aware of.

3 MR. STONER: So if someone is walking
4 down the street with a beer in their hand, the
5 police can't arrest them?

6 MAYOR LAYTON: I can research it.
7 There are specific requirements that the liquor
8 department and the State has, but I would not even
9 begin to tell you what they are.

10 You can -- I used to get -- when I was
11 at the race track, we'd sell beer and we didn't
12 have a liquor permit. We got an F permit, the
13 Legion or the Lions Club or somebody like that
14 would come in and get an F permit and you would
15 share the profits with them. We take the expense
16 out and they make whatever it was on the beer.

17 MR. STONER: The only reason I ask is I
18 was in a community recently that has an open
19 container -- not a law. They have the ability to
20 drink with an open container in the community.

21 DR. MOCKUS: It's ODRA. It's the
22 converse, so I think there is a baseline law. You
23 can't be walking around with an open container.
24 ODRA allow communities to designate a specific
25 outdoor recreational area.

1 MAYOR LAYTON: I guess that would fall
2 under, is it a problem?

3 MR. STONER: Right.

4 MAYOR LAYTON: Do we have anybody
5 downtown that sells beer?

6 MS. MORGAN: But it's not a specific --
7 it's just open container allowed in a specific area
8 and if they go outside of that, they are breaking
9 the law.

10 MR. STONER: Okay. All right. Any
11 other comments or questions on that? All right.
12 Let's move on to the continuing discussion on farm
13 animals. After Mike printed off War And Peace for
14 us here.

15 MS. MORGAN: Well, Bonnie and I brought
16 the subject up to David and David was going to
17 speak on his opinion on how you could address farm
18 animals.

19 MR. MOSER: Sure. So I also forgot to
20 welcome Brigette. So welcome, Brigette.

21 MS. ROSE: Thank you.

22 MR. MOSER: Nice to meet you. I'm sure
23 we'll be working together. I'm looking forward to
24 it.

25 Yeah, to the farm animals, I was doing

1 a presentation last month so I did not get to be
2 privy to that discussion at your February meeting,
3 but I got the summation of it, I believe, from
4 Bonnie and Deborah.

5 Here is the current standing and my
6 current take on what farm animal regulations are
7 under the zoning code. They're really not
8 addressed very much. That's not unusual. It's not
9 bad. It's not good. It just sort of is in
10 comparison to other communities.

11 So raising animals including keeping
12 livestock is an agricultural use. Agricultural
13 uses are permitted in very specific areas of the
14 Village. They are permitted uses in C1, which is
15 your conservation district and they are allowed as
16 conditional uses, I believe, in M1, which is
17 manufacturing. That is over our chain of use for
18 agriculture encompasses, in my opinion, keeping
19 chickens, raising farm animals, the law states
20 swine which seems kind of defamatory, but pigs,
21 that sort of thing.

22 So as of right now, they are not
23 permitted in residential districts of residential
24 homes. An applicant or individual who wanted to
25 keep chickens or swine to the like, my

1 recommendation would be currently they would need
2 to seek a variance and that variance would need to
3 be approved by the planning and zoning board.

4 Again, that's not an unusual setup.
5 It's not good. It's not bad. It just is. It
6 really depends on what you feel as your local
7 leaders are the needs specific to the Village and
8 if you feel the need to take it any further.

9 I did a little bit of research this
10 morning into some of your neighbors. Pataskala has
11 a specifically delineated law. It's actually not
12 in their zoning just in their codified ordinances
13 about keeping farm animals. They allow it on very
14 specific terms. They have to be on lots of 5 acres
15 or less. The animals have to be kept on a vacant
16 lot so long as the owners of the animals resided or
17 owned the adjacent neighboring lot. So that's a
18 little different. Then they also have specific
19 delineations and regulations about -- I mean, down
20 to the number of birds that are allowed based on
21 square footage. So they have a whole table chart
22 in their regulations about how many birds you can
23 have based on the size of the lot itself.

24 Heath, I did a little research into
25 Heath. They really don't allow farm animals on

1 residential lots. They do have an agricultural
2 district which would allow farming animals in a
3 farming situation. Otherwise, in all of their
4 non-ag districts, it really -- they come out and
5 say farm animals are prohibited in almost all of
6 their other districts.

7 So that's a little bit of the lay of
8 the land and that's my take on how things stand
9 now. But I'm hoping for feedback and questions and
10 the need for changes if you see fit.

11 MR. STONER: So one of the things that
12 was brought up in the last meeting, David, was what
13 you mentioned before about numbers of animals,
14 obviously. But the thing that concerned me the
15 most was we have verbiage in there that says farm
16 animals, but we don't define what farm animals are.
17 So is that something we need to do in the book or
18 if we are going to put something together, some
19 kind of restrictions or ordinance or something?
20 Because, obviously, we need to define what animals
21 they can have -- because we got in the discussion
22 about exotic pets and things of that nature too,
23 and I don't want to go down that road. Just by
24 saying farm animals, one person's definition of a
25 farm animal may not be the same as another if you

1 don't have it actually defined.

2 MR. MOSER: I'm fairly certain there is
3 a definition for farm animals. I think I looked it
4 up in the planning and zoning code at least. And
5 it's very broad in general but it's something to
6 the effect of animals typically associated with
7 agricultural use and purposes. It's either farm
8 animal, animals, you might have to look at animal,
9 farm, but I'm pretty positive there's a definition
10 in the zoning book at least currently.

11 MAYOR LAYTON: Are we thinking that we
12 want to do something specific for, you know,
13 people -- if we say farm animals, they will have
14 goats in their back yard and everything else. And
15 I'm not sure -- I know with eggs at \$5 a dozen, a
16 lot of people would like to have a couple of
17 chickens around and get some eggs. That used to be
18 a pretty common thing, not anymore, but there are
19 still people that do it.

20 Do we want to allow it? And if we do,
21 then maybe we ought to develop some kind of program
22 that says, here is how many you can have. I don't
23 know that we can make them buy a lot beside their
24 place to put the chicken coop on, but -- I don't
25 know, maybe we can get some kind of outline from

1 him as a basis to look at it if we've got some
2 interest in it.

3 MS. MORGAN: David, I have a question.
4 Is it acceptable to leave the code the way it is
5 but have it say they have to apply for a variance
6 so that the board can decide on a case-by-case
7 basis? If somebody, you know, just wants three or
8 four chickens, then they have the ability to rule
9 on it. But if somebody comes in and wants a
10 bobcat, then they would have the option -- that's
11 the first thing that came to my mind. It probably
12 wouldn't be acceptable -- they would have then the
13 ability to say no.

14 MAYOR LAYTON: That's a good thought.
15 We'd have a little control.

16 MR. MOSER: Yeah. It would be
17 acceptable to keep it as is. I mean, that would be
18 a way to do it. It puts the burden on the board,
19 so to speak, in order to make those calls and to
20 sort of set that precedent.

21 I know it's a word we like to say a
22 lot. But, we've got a good board. You've got good
23 common sense to employ it and apply it that way.
24 So, yeah, you're right. You would use those same
25 factors that you use for any other variance, those

1 seven factors the Duncan v. Middlefield, that are
2 expressed in your code and apply it to whether this
3 person wants three chickens or a whole chicken coop
4 or a rooster. Roosters are probably a big no, no
5 because of noise and nuisances and that sort of
6 thing -- versus a goat or swine or even a horse,
7 for that matter. Yeah, it would be acceptable to
8 keep it as is. You also don't have to keep it as
9 is. If you wanted to get more specific with them,
10 you can do so.

11 MS. MILLER: David, I have a question.
12 So if someone is seeking a variance and it's left
13 up to the board for a case-by-case basis, what if
14 we did set a precedent with, say a bobcat, and then
15 someone else comes in and the board doesn't -- and
16 maybe it's a different board at that time and they
17 don't approve that, we've seen them in the past
18 how -- for other things, not farm animals -- but
19 how, you know we are worried about something coming
20 against the Village possibly, you know, legally, is
21 there -- can somebody come back on us if we allow
22 one bobcat but not another bobcat?

23 MAYOR LAYTON: He's talking about
24 setting a precedent, too. If you allow one bobcat
25 in, how can you eliminate another one, except for

1 if there is another specific of those items that
2 are in there about the variance. If it doesn't
3 meet one of those items, that's how you get rid of
4 it. Otherwise, if it meets all of the standards
5 and you've already had somebody in with a bobcat, I
6 think you got to give the second guy a bobcat.

7 DR. MOCKUS: We've had horses. Our
8 density is increasing. I think it's entirely
9 reasonable that this board will face, yeah, we let
10 you do it three years ago. We're not letting you
11 do it anymore.

12 So, I mean, I guess, maybe that's part
13 of the language if we do granted whatever to say
14 just because we are saying yes today does not
15 guarantee it tomorrow because this community is
16 changing drastically.

17 So just to address your question, I
18 think we would be wise to say from the outset
19 whatever the outcome is today, it could be
20 different tomorrow.

21 MS. MORGAN: David, in my history with
22 zoning -- I guess, this is a good question for me
23 to know -- I've always been under -- and told --
24 under the impression that in zoning there really is
25 not a precedent, every case is separate and is of

1 its own. It's case-by-case. So -- or is that not
2 true? If we set a precedent in something in zoning
3 to be considered --

4 MR. MOSER: Yeah, I mean -- well, first
5 of all, to answer everybody's question. It depends
6 on what your definition of precedent is. There's
7 precedent in terms of a previous action is
8 something that is definitely involved in zoning
9 just simply by virtue of did you require a permit
10 for this then versus now or not.

11 In terms of legal action to the
12 Village, I mean, every decision that this Board
13 makes is subject to a potential appeal. Citizens
14 and residents have, by way of the Ohio Revised
15 Code, a right to administratively appeal any
16 decisions that they take issue with. And they can
17 file that appeal within your common pleas court in
18 Licking County and pursue it to some type of
19 judgment. You know, costs are associated to those
20 types of actions, of course, but usually they're
21 looking for the outcome that they want as ordered
22 by a judge. So, I mean, we have the protections in
23 our code to do that.

24 You know, you as the government bodies
25 sometimes make decisions that are unpopular with

1 one person versus very favorable to their next-door
2 neighbor. So it just depends and, I think, you
3 know, the factors -- and that's why I'm here to
4 help, in terms of when you actually come to these
5 decisions and you're setting forth the criteria as
6 to why you reached the conclusion that you did,
7 what was the reasoning, what were the facts, what
8 was the past use.

9 I mean, was there previous chickens on
10 this property? Was there bobcats allowed in this
11 yard. I have got to stop using the bobcat example
12 because that's really an exotic animal that would
13 just be strictly prohibited, but you know what I'm
14 getting at.

15 So those factors are there and your
16 written decisions are there to serve as a guidance
17 and defense of the board's action and decisions.
18 There is never any guarantee that it might not be
19 overturned by a court by some unhappy individual if
20 the court finds that it wasn't justified and not
21 warranted. And that's just something that we live
22 with as a government entity. Does that answer the
23 question?

24 MAYOR LAYTON: Do we have chickens in
25 town now?

1 MS. MILLER: Yes.

2 MAYOR LAYTON: And somebody is asking
3 to bring more in?

4 MS. MILLER: Yes.

5 MR. STONER: So David what section of
6 our zoning book talks about -- I mean, I saw the
7 definition of farm animals that you were talking
8 about, but what section would they be focused on to
9 ask for a variance?

10 MR. MOSER: So we're talking about farm
11 animals relating to agricultural purposes, so
12 whatever district they live in -- I assume it's one
13 of the residential one through five -- they'd be
14 asking for a variance to allow an agricultural use
15 specifically, insert your request here. I want to
16 have three chickens. I want to have a coop.
17 Whatever it might be in the residential district,
18 which is an agricultural use that's not currently
19 permitted. So that would be the variance. It
20 would be a use variance asking to allow for
21 agriculture which is not currently permitted.

22 MAYOR LAYTON: So that's already in
23 place. We wouldn't have to change anything to make
24 that happen.

25 MR. MOSER: Right.

1 MR. STONER: The reason I ask the
2 question, I'm just -- sitting here and the wheels
3 are turning in my head. I'm like, what if somebody
4 has got 12 chickens right now and somebody comes
5 before the board next month and says, I want to
6 have 20 chickens, we don't have -- I mean, the word
7 precedence, like you said before, can be
8 interpreted a lot of different ways, but we've got
9 somebody that already has chickens. We don't have
10 a rule as to how many chickens you can have.

11 So at some point if somebody comes in
12 front of us, that is going to set a precedent. If
13 we say yes, you can have 12 chickens, and then the
14 next guy comes and they want 20, and we say, no,
15 you can't have 20. We don't have anything on file.
16 We don't have any barometer to go by. So that's
17 why -- I'm not opposed to leaving it alone, but I'm
18 worried that at some point down the road we could
19 have a problem if we don't have numbers.

20 MAYOR LAYTON: What were the seven
21 things they have to meet to get the easement? You
22 rattled off seven. They couldn't be detrimental to
23 your neighbor. What were those things?

24 MR. STONER: It's on the list.

25 MR. MOSER: Yeah. It's the list of

1 factors for any variance. I mean, it's part and
2 parcel with, you know, in keeping with the general
3 community standards, whether the homeowner or
4 applicant knew about the restriction before it came
5 in, you know, whether it presents a nuisance,
6 whether it's a danger or any sort of nuisance or
7 problem is outweighed by the community interests,
8 that sort of thing. I can't rattle them off by
9 memory unfortunately.

10 And I will say, you know, adding
11 regulations is perfectly in the board's
12 prerogative. It's not going to -- I mean, the
13 precedent question of something was allowed in the
14 past, 20 chickens has been allowed in the past is
15 not solved by adding new regulations. It still was
16 allowed in the past and now we have new
17 regulations.

18 So I guess, what I'm saying is, it's
19 not currently allowed in residential districts. If
20 they are ongoing or if they were allowed in the
21 past, we have to live with the past, but, I mean,
22 it's in violation of the code currently.

23 So if someone came to us with a
24 variance request saying I want three chickens and
25 you agreed that it was fine. It met all of the

1 factors and you issued a decision. Then they say
2 well, my neighbor has 20 chickens and they didn't
3 have to get a variance. Well, then their neighbor
4 might get a notice from us that they're in
5 violation of the code and they need to seek a
6 variance if they want to continue having chickens.

7 MAYOR LAYTON: Could we use the
8 nuisance -- can we say okay, you want chickens, you
9 can have four or five chickens and that's not a
10 problem. Well, I want 25 chickens. Well, that
11 would be a nuisance to the neighborhood. Can we
12 get around it that way?

13 MR. MOSER: Yeah, I mean, you're not
14 getting around anything, yeah, it just matters and
15 hinges on the facts of the disturbance and having
16 neighbors complain, is there a smell, does it
17 constitute a nuisance under the code for property
18 violations, and go from there.

19 MR. STONER: So let me ask you the
20 question in a different way, David. And this might
21 make it easier for me to understand. A brand new
22 person moves to Hebron and builds a house. Right
23 after they build the house, they build a chicken
24 coop in their back yard and they just get ten
25 chickens. Is it the homeowner's responsibility to

1 know that they have to get a variance because they
2 are zoned in a residential area?

3 MR. MOSER: Yes.

4 MR. STONER: Just like if they build a
5 fence or anything else, it's their responsibility
6 to come get a variance. So if they don't, then it
7 would be Bonnie's responsibility to issue them a
8 citation and say, hey, you need to have a variance
9 to have a chicken coop in your back yard?

10 MR. MOSER: Yes. Yep.

11 MR. STONER: Okay. I'm good.

12 MS. MILLER: David, and if they would
13 refuse, then I can issue a letter of removal?

14 MR. MOSER: Absolutely. And then if
15 they really refuse and refuse and refuse, then we
16 cite them and file against them with our
17 prosecution.

18 MR. MCFARLAND: I would like to offer a
19 comment or two. In society right now we are seeing
20 more and more people getting chickens. I suppose
21 that goes to the fact that they're selling for --
22 what is it now -- \$5 or \$6 a dozen. And so people
23 are getting chickens to help ease that burden, I
24 guess, if you want to call it that.

25 I have done some research and looked

1 through some things that kind of make common sense
2 to me. And I'm reluctant to put the board in a
3 position where we are taking the board's time from
4 time to time to deal with a variance about
5 chickens. There are so many things that are going
6 to be coming at us.

7 It feels to me like if we want to allow
8 people to have some chickens, there are a number of
9 communities -- and, David, help me here if I seem
10 to be going wrong -- but, the communities that I
11 have looked at let you have chickens. They don't
12 let you have -- other farm animals are not
13 permitted. You can review the definition of farm
14 animals. But, they are not permitted. So as a
15 community we can say, yeah, you can have chickens,
16 and the number of chickens you can have is
17 controlled by this. It's either one per X amount
18 of square feet on your property. And it says --
19 one of them I'm reading here is no more than one
20 such animal shall be kept on a parcel of land for
21 each 800 square feet. I've seen others that say
22 600 square feet, and that includes the whole
23 parcel. So for a standard residential lot of 4,800
24 square feet -- I don't know what the square root of
25 that is at the moment -- but this regulation would

1 permit no more than a total of six such animals.
2 Then it goes on here about setbacks and
3 prohibitions and other things, coops and cages,
4 enclosures and fences, non-residential districts.
5 There are some things here that say you got to
6 clean it out.

7 I have had the -- I won't say pleasure,
8 but the experience in my life of cleaning out a
9 chicken house, and there is nothing that stinks any
10 worse. I mean, if you are living beside somebody
11 that's not keeping it clean, you may find that
12 sitting on your patio having a barbecue is not
13 particularly a pleasant experience.

14 So we need some things there that say
15 you can only have so many, they have to be enclosed
16 in a cage of some sort or another, or even
17 something that has a run so that they can get
18 outside. You are not permitted to sell the eggs.
19 That's a commercial enterprise. But if we just put
20 together something that said -- so that Bonnie has
21 something to work with that says, yeah, we allow
22 chickens in Hebron and, here, depending on the size
23 of your lot, you can have chickens and you have to
24 keep them contained and you have to keep it clean.
25 And you have to provide them with a water source.

1 I find all of this in several community's listings
2 and lot of it just seems like common sense to me.
3 It protects the animals and it protects the
4 neighbors both from an olfactory issue and from a
5 visual or sound issue.

6 And it says very clearly that if you're
7 going to have chickens you may not have roosters,
8 you may not have turkeys, you may not have ducks,
9 the quack wildly, and it's not because we don't
10 like those kinds of animals. It's just that if you
11 want chickens, you get eggs.

12 Now, I know there children who think
13 that the Easter bunny brings eggs but that's not
14 the case but I'm suggesting that this board
15 consider, you know, that are regulations that have
16 been written. And we can say, you know, given
17 what's going on in society today, given that people
18 want to have chickens, and given that there are
19 people making coops and things like that that are
20 quite nice in back yards, if you want to have some
21 chickens, fine, but you can't overload your
22 property with chickens.

23 So we have a standard here and we can
24 select what the standard is. Do you want one per
25 1,000 square feet or one per 500 square feet of the

1 property? There may be some other way. You may be
2 able to say there is two chickens per person in the
3 house. I mean, that's a little crazy but, you
4 know, if you have a family of four then you got
5 eight chickens. That's a couple eggs a day for
6 everybody.

7 But I think we're going to get pushed
8 on the chicken issue, and I really -- I'm not
9 thrilled about -- just for me, just my words -- I'm
10 not thrilled about a variance. I'm not real
11 excited about sitting here having somebody fill out
12 a paper and then they ask for a variance and then
13 you have to ask the neighbors all the way around
14 what they think as part of our variance process.

15 MS. MILLER: And they have to pay
16 money.

17 MR. MCFARLAND: And they have to pay
18 money for that. And then they come in and maybe we
19 have to have a hearing in our process for some
20 chickens. Really?

21 Why don't we just put something in
22 here, take some legislation from somebody else and
23 say, yeah, you can have chickens and here is how
24 many you can have based on this criteria, and you
25 got to take care of them and that's that. No

1 variance, no nothing, anybody that wants to can
2 have chickens and there is even things in here that
3 talk about the setback and all of those kinds of
4 things where, if you have a chicken coop, you can't
5 put it right on your neighbor's line.

6 So the things that I found as I was
7 doing some research, seemed to make sense. Maybe
8 it doesn't to you. That's my story.

9 MAYOR LAYTON: Do you want to send that
10 to him and let him put something together?

11 MR. MCFARLAND: Sure.

12 What do you think, David?

13 MR. MOSER: What does the board think?
14 Do you want to allow chickens?

15 MAYOR LAYTON: I think we already do.

16 MR. MCFARLAND: I'll be honest, I don't
17 have a problem with the chickens.

18 MR. STONER: I don't either.

19 DR. MOCKUS: I don't want to become
20 Croton.

21 MR. MCFARLAND: Well, we don't want to
22 do that.

23 DR. MOCKUS: So I like the idea of
24 having some boundaries.

25 MR. MCFARLAND: Absolutely.

1 DR. MOCKUS: I hear what you're saying
2 about not creating an undue hardship for the
3 residents. I just -- I do like having some
4 boundaries up there. And I will say I appreciate
5 the Cleveland code that you shared because they
6 seem to be relatively lenient with chickens, but
7 they were absolutely emphatic about pigs.

8 And so -- because I feel -- I have
9 feelings about the whole pig situation in the
10 village and I feel bad that a family had to get rid
11 of a pet pig. And I seriously thought about
12 getting one because I hear that they are smarter
13 than my dog which some days I totally believe.

14 MAYOR LAYTON: You want to make a
15 motion we put a program together like that or do we
16 wait until we see what he gives us and make a
17 motion to accept it?

18 MR. MOSER: I'll just take a look and
19 get something for your consideration and then you
20 can talk about it then. That's absolutely a great
21 idea.

22 MR. MCFARLAND: I'll ask Bonnie to send
23 you what research I have.

24 MR. MOSER: That's good.

25 MR. MCFARLAND: I actually dug some up,

1 you know, off of the internet. Of course, we all
2 know the internet is accurate, right? But I'll ask
3 Bonnie to send what I brought tonight and maybe we
4 can go forward and authorize chickens and maybe --
5 maybe a small potbelly pig.

6 MAYOR LAYTON: Now, you are stretching
7 it, Mike.

8 MR. MCFARLAND: Okay.

9 MR. STONER: Do the chicken thing
10 first.

11 MR. MCFARLAND: Yeah, deal with the
12 chickens.

13 MR. MOSER: We'll start with chickens.

14 MR. STONER: All right. Any discussion
15 on farm animals before we move on?

16 Hearing nothing, we don't have a
17 section for general comments, Valerie, but do you
18 have any other general comments? We'll make a
19 section right now before we do the next meeting.

20 DR. MOCKUS: I just didn't know if
21 cul-de-sacs -- and I recently heard this term
22 pocket parks -- conceptually, it was explained to
23 me that a pocket park is when you have a developer
24 coming in doing a whole subdevelopment, encouraging
25 them or requiring them to have a park greenspace,

1 even if it's small, with maybe a swing set or
2 something like that.

3 I know that these are pretty pie in the
4 sky items, and maybe Hebron historically hasn't
5 moved in that direction, but I do know that if we
6 don't ask for it, we're not going to get it and I
7 think that Hebron has a unique opportunity, like
8 the rest of Licking County and surrounding
9 counties, to maybe come to the bargaining table
10 asking for a little more for our residents than we
11 have been able to fight for them historically.

12 So all that to say, I don't what the
13 space -- the appropriate space -- would be. I
14 don't know if this is it or if that is a council
15 thing, but I just thought I would put that out
16 there.

17 MS. MORGAN: David, in our PRD -- when
18 somebody applies for a PRD, the pocket park that
19 she is speaking about, that is something that can
20 be put in place in a PRD?

21 MR. MOSER: Yes. Yeah. Yeah, it would
22 be included in the site development plan process as
23 well, the technical review, absolutely.

24 MS. MORGAN: We have a couple of PRD's
25 headed this way, so that will be discussed in our

1 technical review.

2 DR. MOCKUS: Thank you, Chair. That
3 was it.

4 MR. STONER: Anyone else?

5 MR. MCFARLAND: I would say that I
6 second -- agree with the idea of small parks. I
7 didn't know the name pocket park. It makes sense
8 to hear that term.

9 But, I have -- I am aware that some
10 times around town -- our existing town, there
11 occasionally comes a vacant lot or something that
12 is barely buildable -- if that's a proper term --
13 and if that's the case, then perhaps the village
14 acquiring that and spending money, but, perhaps if
15 the Village could acquire that and turn it into a
16 small park, that often enhances neighborhoods, I
17 would think. And, you know, just a place to sit
18 there with maybe a few benches or, you know, just a
19 little something, plant some shade trees and stuff.
20 I think that enhances a neighborhood. And I would
21 love to see that included, if it isn't already
22 included, as we go forward.

23 I know we have a lot of pressure on us
24 from developers to be as dense as possible. That's
25 just the nature of the business, and I hope we can

1 pull forth to put some quality of life things into
2 the developments as they go.

3 So other than that, I have seen some
4 new street signs going up here and there. I like
5 the new blue. Blue is one of my favorite colors.
6 I don't know whose idea it was, but I like it.

7 MR. STONER: They look great.

8 MR. MCFARLAND: Perhaps, at some point,
9 we will also find some sort of attractive
10 directional sign downtown. I have gone through
11 some communities where there is a sign that says,
12 library this way, and something else this way, and
13 water plant and so forth. Trying to find someplace
14 to put it in our downtown area is a little tricky
15 but I do appreciate the new street signs.

16 I have seen in some of the areas in the
17 town are beginning to be cleaned up. I appreciate
18 that. And the public works department has
19 scheduled another clean-up day, unless that has
20 blown by me and I didn't notice.

21 MS. MILLER: You're good.

22 MR. MCFARLAND: But they've scheduled
23 another clean-up day. I'm just -- I'm happy to be
24 in Hebron right now. I think we're positioning
25 ourselves to address the challenges that come at us

1 and still try to maintain the quality of life, what
2 I call semi-rural, here in town. And I appreciate
3 the fact that people are working hard to try and
4 maintain that. So that's everything for me. Thank
5 you, sir.

6 MR. STONER: Anyone else?

7 MAYOR LAYTON: We're going to work with
8 Jim Leonard and MA -- I can't remember the name of
9 the company. MA Designs about redesigning and
10 possible a reconfiguration to our downtown area,
11 look and see what they can come up design-wise and
12 money cost. And Leonard is going to see if there
13 is some money out there to get it done. The
14 downtown area is going to get a new face. That
15 sidewalk up there is just -- not what -- not the
16 presentation of what we want to make to people
17 driving through town.

18 MR. MCFARLAND: I have a question just
19 to toss out. I don't expect anybody to be able to
20 answer it, but it's always been a curiosity of
21 mine -- and then I really am done. If you notice
22 downtown on the north side of Route 40, the
23 buildings are at street level. The south side of
24 Route 40 they are up about 3 feet. If you look at
25 the pictures from the 1800's you'll find that the

1 buildings on the south side of the street are at
2 street level also. How in the world did they end
3 up 3 feet above the Main Street?

4 MAYOR LAYTON: Does it have anything to
5 do with when the downtown area burnt down?

6 MR. MCFARLAND: I have no idea. But
7 I'm sorry to take up some time tonight so I'll shut
8 up about that. But I just thought, how in the
9 world did that happen?

10 MR. STONER: It was like that when
11 Fitch's was in there, right?

12 MR. MCFARLAND: Yeah.

13 MR. STONER: It's been high my whole
14 life.

15 MR. MCFARLAND: But if you look at the
16 old historical pictures --

17 MS. MORGAN: -- you know, when they
18 redid 40 or something back in the day, but maybe
19 they had to level that off and maybe that's how one
20 side is higher than the other.

21 MAYOR LAYTON: It might have been some
22 of the dirt to fill in the canal, too.

23 MR. MCFARLAND: Thank you.

24 MAYOR LAYTON: Nobody knows.

25 MR. STONER: Any progress on the

1 development going on across the street from Kroger?

2 MS. MORGAN: Yes. You will be having a
3 PRD public hearing in April on that property.

4 MR. STONER: Great.

5 MAYOR LAYTON: It's making progress.

6 MR. STONER: Good. All right. Next
7 regularly scheduled meeting is April 3 at 6:30. Do
8 I have a motion to adjourn?

9 MAYOR LAYTON: So moved.

10 MR. JACOBS: I'll second.

11 MR. STONER: I'll call the roll.

12 Dr. Mockus?

13 DR. MOCKUS: Yes.

14 MR. STONER: Mr. McFarland?

15 MR. MCFARLAND: Yes.

16 MR. STONER: Mr. Jacobs?

17 MR. JACOBS: Yes.

18 MR. STONER: Mr. Layton.

19 MAYOR LAYTON: Yes.

20 MR. STONER: Mr. Stoner is a yes. We
21 are adjourned at 7:36.

22 - - -

23 (MOTION APPROVED.)

24 (Thereupon, the proceedings adjourned at 7:36 p.m.)

25 - - -

CERTIFICATE

- - -

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, March 6, 2023, 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.

\$	52/25 53/7 53/20 55/23	amount [1] 48/17
\$5 [2] 37/15 47/22	accept [1] 53/17	and/or [1] 13/9
\$6 [1] 47/22	acceptable [4] 38/4 38/12	animal [6] 34/6 36/25 37/8
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'24 [1] 20/22	acknowledges [1] 2/19	35/15 35/16 35/25 36/2 36/5
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