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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING
PUBLIC HEARING

- - -

Monday Evening Session
April 3, 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 President

Bonnie Miller, Community Development Coordinator
David Moser, Esq., Village Zoning Attorney
Deborah Morgan, Fiscal Officer, via Zoom

- - -

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

- - -

Monday Evening Session

April 3, 2023

- - -

1 MR. STONER: Good evening. Welcome to
2 tonight's Hebron zoning meeting. Would you all
3 please join me in the pledge of allegiance.

4 (PLEDGE OF ALLEGIANCE.)

5 MR. STONER: Roll call, Dr. Mockus?

6 DR. MOCKUS: Yes.

7 MR. STONER: Mr. McFarland?

8 MR. MCFARLAND: Yes.

9 MR. STONER: Mr. Jacobs?

10 MR. JACOBS: Yes.

11 MR. STONER: Mr. Layton?

12 MAYOR LAYTON: Yes.

13 MR. STONER: Mr. Stoner is a yes. The
14 board acknowledges that the minutes are recorded
15 and transcribed.

16 Before I make a motion on approving the
17 minutes, David, can we approve these all at once
18 since there are multiple ones or do we have to do
19 them individually?

20 DR. MOCKUS: Can I supply a little
21 information on that?

22 MR. MOSER: Please.

1 DR. MOCKUS: I actually attended the
2 December 5, so if there is any concern about me
3 having not been a member at the time, I was
4 present.

5 MR. MOSER: But you weren't present for
6 January 4, February 6, or March 6?

7 DR. MOCKUS: Yes, I was.

8 MR. MOSER: Oh, you were?

9 DR. MOCKUS: But I was not yet a board
10 member in December.

11 MR. MOSER: But you were present, okay.
12 Was everybody else present for all four of the
13 dates?

14 Then, in that case, I have no problem
15 with you doing one motion as long as you identify
16 all of the minutes you are approving.

17 MR. STONER: Okay. All right. Do I
18 have a motion to approve the December 5, 2022,
19 January 4, 2023, February 6, 2023, and March 6,
20 2023, meeting minutes?

21 MR. JACOBS: So moved.

22 MR. MCFARLAND: Second.

23 MR. STONER: Any discussion before the
24 vote?

25 Dr. Mockus?

1 DR. MOCKUS: Yes.

2 MR. STONER: Mr. McFarland?

3 MR. MCFARLAND: Yes.

4 MR. STONER: Mr. Jacobs?

5 MR. JACOBS: Yes.

6 MR. STONER: Mr. Layton?

7 MAYOR LAYTON: Yes.

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

9 (MOTION APPROVED.)

10 MR. STONER: The next item on the
11 agenda is the public hearing. No decision will be
12 made at this public hearing. It will be made
13 either during the regular meeting or within 35 days
14 from the date of the public hearing.

15 Anyone that wishes to comment during a
16 public hearing, must take the witness oath or their
17 comments cannot be considered. It is suggested
18 that you stand and participate in a group witness
19 oath to ensure your comments will be considered as
20 part of the official record.

21 So anyone wishing to present during
22 this -- these two public hearings, please stand
23 now.

24 MS. ANNETT: Can I ask a silly
25 question? Is it just regarding these or can I talk

1 about something separate?

2 MR. MOSER: Just for the two items that
3 are set for public hearing.

4 MAYOR LAYTON: We are going to have a
5 regular meeting afterwards.

6 MR. MOSER: Yeah.

7 MS. ANNETT: And I can speak during
8 that time?

9 MR. MOSER: Yes.

10 MS. ANNETT: Okay. Thank you.

11 MR. STONER: So anyone wishing to
12 testify here in the hearing, please stand up, and I
13 will read an oath and then you just say I do at the
14 end.

15 (WITNESS OATH GIVEN BY MR. STONER.)

16 MR. STONER: All right. First on the
17 hearing is for Southgate Corporation. Southgate
18 Corporation has applied for a variance. The
19 applicant is requesting the property located at 160
20 North High Street be granted a variance to
21 construct a fence line a long portions of the south
22 property line, Planning and Zoning Code Section
23 1147.05.

24 So anyone wishing to speak on that,
25 please step forward to the podium and state your

1 name and address.

2 MR. ROSATO: Frank Rosato. I am the
3 vice president of Southgate Corporation and I'm
4 here to speak in favor of the variance request at
5 161 High Street.

6 The reason for the request and I would
7 like to give -- I don't have enough --

8 MAYOR LAYTON: We all have that.

9 MR. ROSATO: Well, we just did this
10 today. This shows in better --

11 MAYOR LAYTON: Detail.

12 MR. ROSATO: A better description of
13 why -- and why the request is being asked on behalf
14 of Hendrickson Axle.

15 So when Hendrickson took possession of
16 that building, there was some discussion about
17 putting a security fence around the parking lot,
18 and specifically around the truck court area, which
19 has not occurred yet because of a couple of
20 reasons. They have started using that facility and
21 they have a lot of open road trucks that come into
22 that facility. And after those over-the-road
23 trucks started using the facility, they realized
24 the truck corridor was a little too tight.

25 And so even though they would like to

1 have a security fence put up, they need every foot
2 they can get.

3 So the reason I gave you this
4 handout -- because see that 125-foot dimension,
5 which is from the base of the building to the edge
6 of the pavement to the south -- when I first
7 started in this business, we would plan for that
8 dimension to be somewhere between 115 and 120 feet.
9 Since then, it grew to 125, went to 130, 135, and
10 right now if I was going to plan a building like
11 this, I would use some -- again a truck court
12 adjacent to the building and I would have 140 feet
13 included.

14 So really what we are trying to do here
15 is ask that the fence gets moved out to the
16 property line so the trucks have ample room to be
17 able to make the turn out of the truck dock area
18 and that they can do so and they don't wipe out the
19 fence. Even though the fence is not there yet, we
20 wanted to make sure we didn't put the fence any
21 closer to the building than we could -- than we
22 could or had to. So that's what the request is all
23 about.

24 I'm here speaking really on
25 Hendrickson's behalf, but we are the building

1 owners, so if you have any questions, I would be
2 more than happy to see if I can answer them.

3 DR. MOCKUS: The Mayor and I were given
4 the opportunity to do a tour at Hendrickson and one
5 of the topics we talked about was actually the
6 queuing of the trucks and the concern about them
7 queuing on North High trying to get into the
8 facility. And I'm wondering is your expectation
9 then, that this would delay it further because
10 you're going to have another barrier between the
11 trucks entering and the building?

12 MR. ROSATO: I'm sorry. I can't speak
13 to the logistics of that.

14 DR. MOCKUS: Okay. I understand.

15 MR. ROSATO: I do know that we've had a
16 conversation with Hendrickson about storing things
17 in the parking lot, it was on the south side, and
18 they have since removed those. We have told them
19 to put everything -- anything that's going to be
20 outside and visible, needs to be placed behind the
21 building with a screen around it -- screen around
22 it. They have promised me a detailed plan of that,
23 which I haven't seen yet.

24 So the other thing that was discussed,
25 which to your point, Valerie, was that there were

1 trucks that were circling the village, right,
2 trying to get in. I would say, because this is per
3 their lease, that they need to operate that
4 facility within the extent of the law. So if they
5 are not being cooperative, please, let me know.

6 DR. MOCKUS: I wouldn't say they were
7 being uncooperative. They were aware of it and we
8 were even talking about is there space that we
9 could have some type of queuing opportunity. It
10 looks pretty tight around the building. I was even
11 asking who owns the land between the building and
12 Enterprise, that there could even be some type of
13 queue space there.

14 I guess, the thing that's just going
15 through my mind is if we create an additional
16 barrier, then that will -- I'm guessing, that will
17 impact the queuing and the only way it could impact
18 it is by making it more challenging than it already
19 is.

20 Mayor, do you have any thoughts on
21 this?

22 MAYOR LAYTON: I'm going to agree with
23 you. I think -- but I don't know the difference is
24 going to be that much to make that big of a
25 difference.

1 MR. ROSATO: They do have a logistic's
2 manager, and I know that when we talked to them
3 about this, not just this, they were just -- they
4 were just kind of getting up and running within the
5 facility. And they were some pains with just
6 trucks, you know -- and like everybody else, they
7 were having problems with materials and things like
8 that.

9 So it was my understanding that they
10 were going to do the best they could to iron
11 everything out and that they were going to work
12 with Hebron about not sending trucks around the
13 block, and around and around and around.

14 So, you know, once again, I'll be more
15 than happy to be a willing participant if there is
16 issues that we can help with.

17 MAYOR LAYTON: I mean, how big of an
18 issue is it right now? I haven't gotten any
19 complaints on it.

20 DR. MOCKUS: I don't take High Street
21 very often and I just heard about it from another
22 council member who has been caught behind the
23 trucks.

24 MR. STONER: Well, here's the issue I
25 think. I think if there continues to be an

1 issue -- because apparently there already is a
2 minor issue there now -- if we create more of an
3 issue, then we need to sit down and work out a
4 resolution, whatever it is.

5 MR. ROSATO: I agree.

6 MAYOR LAYTON: Actually, when we took
7 the tour, they were -- the building has got a lot
8 more on. They were just using it for storage to
9 start with. They are moving right along and busy
10 so --

11 DR. MOCKUS: Yeah. I'm delighted to
12 hear though that you're working with them overall
13 on the logistics and also using that space and
14 keeping it clear. So that should probably also,
15 theoretically, help with some of these issues.

16 MAYOR LAYTON: I'll make a motion that
17 we approve it.

18 MR. STONER: We're in the hearing.

19 MAYOR LAYTON: I'm sorry. We can't do
20 that until the regular meeting, I'm sorry. My
21 suggestion would be to approve it and maybe put a
22 caveat in there that in six months we go down and
23 look at it again to make sure it's going the way
24 it's supposed to.

25 MR. STONER: Because the variance that

1 you're asking for is basically just to build a
2 fence on the lot line?

3 MR. ROSATO: Correct.

4 MR. STONER: Okay.

5 MR. ROSATO: It's just really for the
6 truck maneuverability. We're not trying to do
7 anything more than that.

8 MAYOR LAYTON: It just gives you a
9 little extra space.

10 MR. ROSATO: Yes.

11 DR. MOCKUS: But then my concern is not
12 actually the fence along the property line. My
13 concern is it appears also have -- introduce a
14 fence between -- within the parking lot, right. So
15 if that fence is closed, then you'll have trucks
16 queuing out over the limit further.

17 MAYOR LAYTON: That would be my
18 suggestion.

19 MR. STONER: Any other questions from
20 the other members?

21 MR. MCFARLAND: I have nothing further.
22 Thank you.

23 MR. STONER: Thank you.

24 DR. MOCKUS: Thank you.

25 MR. STONER: Anyone else in the

1 audience wishing to speak on this topic? All
2 right. The next -- do we do a roll call vote or do
3 we wait?

4 MR. MCFARLAND: Do we need to come out
5 of the hearing for that issue and then go into a
6 hearing for the next one?

7 MR. STONER: No. Okay. The next
8 public hearing is the National Road Investments,
9 LLC, has applied for a PRD, planned residential
10 development, and a PCD, planned community
11 development. This property is located on the north
12 side of US 40 across from Kroger, parcels
13 075.344898-00.000 and 075.330426-00.000, Planning
14 and Zoning Code Section 1141.

15 MS. MILLER: I want to add that I made
16 that error where it says unit, it should say
17 commercial.

18 MR. STONER: Thank you.

19 MS. MILLER: I apologize.

20 MR. STONER: We'll correct that for the
21 record. PCD stands for planned commercial
22 development. All right. Anyone wishing to speak
23 on this issue, please step to the podium, state
24 your name and address for the record.

25 MR. BRENNAMAN: Good evening, Mike

1 Brennaman. This development is through National
2 Road Investments, working with Sands Decker on the
3 complete development of the site. We have
4 addressed everything from waste water, to sewage,
5 utilities, roadways, and still currently working on
6 the final plan for that.

7 We've already had our premeeting for
8 the majority of what we needed to solve and make
9 sure that we're in line with the pre-engineering
10 and a few other worries out there to make sure we
11 were in compliance with everything that needed to
12 be done.

13 I am not sure if you all have a copy of
14 the plan or not.

15 MR. STONER: Does anyone have questions
16 for Mike? So how did you settle with Arbor Homes?
17 How was that the vendor that you chose?

18 MR. BRENNAMAN: It was three things.
19 One, as far as Arbor Homes was concerned, their
20 communication was excellent. The other two vendors
21 we spoke with were weeks and weeks at a time, very
22 lethargic, not making decisions. And when we asked
23 for just simple things such as, specs of the homes
24 and what would be put there and what the price
25 range of the homes would be and what expectations

1 would be, we got very slow responses, if any.

2 MR. STONER: And what's the total
3 number of units?

4 MR. BRENNAMAN: 72.

5 DR. MOCKUS: I'd like to chime in with
6 a question. So I'm interested in the water back
7 there. When I think about the space a little bit
8 farther west, I think about -- because we have a
9 lot of flooding in the Greenbriar space.

10 MR. BRENNAMAN: Yes.

11 DR. MOCKUS: And I'm just wondering, is
12 it -- what mitigation -- I mean, is it just much
13 higher ground that we just won't have that issue as
14 much?

15 MR. BRENNAMAN: Sands Decker is
16 actually handling that part of it.

17 DR. MOCKUS: Okay.

18 MR. BRENNAMAN: But three things that
19 we have done is we have oversized our HDP pipe from
20 the front of the development all the way to the
21 back to help retain that water. We've actually --
22 from the start of the plan until now we've actually
23 expanded that retention pond. We've actually dug
24 it deeper and we've taken out the easements on both
25 sides to retain more greenspace to absorb more.

1 DR. MOCKUS: That's great. Thank you
2 so much for working on that.

3 MR. BRENNAMAN: No problem.

4 MR. MCFARLAND: Given that that's
5 beside the creek back there -- or the ditch --
6 whatever we want to call it.

7 MR. BRENNAMAN: Sure.

8 MR. MCFARLAND: We can anticipate that
9 people who would buy those homes and live there
10 would need to buy flood insurance?

11 MR. BRENNAMAN: No. No, there is only
12 one section that is actually in a floodplain. And
13 I've had it mitigated through Sands Decker and be
14 removed.

15 MR. MCFARLAND: Okay. Thank you. I
16 will share that over the weekend I had an
17 opportunity to go to one of the Arbor Homes
18 developments -- I did that intentionally -- over in
19 London, Ohio, and drove through, and it looks
20 pretty much like any other development in the area.
21 I didn't see -- the roads were nice, the drainage,
22 the sidewalks, the -- you know, everything I saw --
23 the street lights and so forth, I didn't see
24 anything that looked objectionable to me.

25 As a matter of fact, I have driven

1 through the development out here south of town and
2 you know, where they are putting in the new two-
3 and three-car garage units out there. I'd be
4 hard-pressed to take a picture of one and take a
5 picture of the other one and tell you which one was
6 which development. It looks like it's pretty much
7 the standard in the industry now, so I didn't see
8 anything in the development that I went through
9 that looks any different than what's out here now.

10 MR. STONER: I know we talked about
11 this several meetings ago, Mike, in one of the
12 meetings that you attended, but is the plan still
13 for the road across from Kroger at the light to
14 connect straight across?

15 MR. BRENNAMAN: It won't be exactly
16 straight across. It will be adjacent but not
17 exactly straight.

18 MR. STONER: But adjacent enough that
19 traffic can go straight over with the light?

20 MR. BRENNAMAN: Yes.

21 MR. STONER: Not straight over, but you
22 know.

23 MR. BRENNAMAN: That will also be
24 something that we're going to work with ODOT on as
25 our meeting, our preliminary meeting. We have

1 actually addressed that with ODOT and Brian with V3
2 also.

3 MR. STONER: So if ODOT is working on
4 it, then I'm assuming they are going to have a
5 traffic pattern to get across that light?

6 MR. BRENNAMAN: They seem very happy to
7 do that. That's for sure.

8 MR. STONER: All right. Any other
9 questions from any of the members?

10 MS. MILLER: (Inaudible).

11 MR. STONER: Stephen, I know you are on
12 virtually, do you have any comments?

13 MR. KOPECHEK: I don't think so. I
14 think I'm good, thank you. Unless, I mean, Bonnie,
15 did you want me to provide any comment on anything
16 we touched on at the preliminary meeting?

17 MS. MORGAN: Yeah, this is Debbie. I
18 did want Stephen to just speak to the Planning and
19 Zoning Board from our engineering perspective on
20 this.

21 MR. KOPECHEK: Yeah. So, yeah, I,
22 mean, I think from a preliminary perspective the
23 site has some existing water and sanitary utilities
24 and access routes to existing facilities and those
25 have been addressed in the preliminary plan to

1 maintain access to the water tower and the sanitary
2 stations.

3 The floodplain aspect that was touched
4 on, yeah, there is limited floodplain on this site
5 but Sands Decker is designing appropriately. They
6 will have to apply for a floodplain permit through
7 the county.

8 And, then, let me see -- so the
9 stormwater, currently there are a couple -- I
10 think, there is one stormwater pipe that collects
11 stormwater drainage on the north side of 40 and
12 that will be -- currently, it conveys it to the
13 stream on the north side of the site, but the new
14 plan will add a new pipe that will -- should
15 provide even better conveyance of that stormwater
16 back to the basin and then into the stream.

17 So that intersection you were talking
18 about, we will be reviewing the design of that upon
19 further traffic data. So Sands Decker is going to
20 put together a traffic impact study and that will
21 help us be able to determine the appropriate turn
22 lanes and any other improvements to the stoplight
23 there.

24 At this point we do not -- we don't
25 have enough information to provide any further

1 design recommendations on that. I don't know that
2 we have any significant issues but there are
3 definitely details to work out with that
4 intersection upon further traffic data. I think
5 those were the main topics that we have discussed
6 at this point.

7 MR. MCFARLAND: Is the traffic
8 intersection there -- Stephen, this is Mike
9 McFarland a member of the board. Is the
10 intersection going to be aligned so that it
11 straight across or are we saying that it's not
12 going to be aligned? I wasn't clear on that.

13 MR. BRENNAMAN: It will not be exactly
14 straight across. It's going to have a slight hook
15 to the right from it but Stephen is working with
16 Sands Decker to try to get that right.

17 MR. MCFARLAND: Will there be a light
18 at that intersection?

19 MR. KOPECHEK: Yes.

20 MR. MCFARLAND: Is that the one that's
21 there now?

22 MR. KOPECHEK: Yeah. It will turn to a
23 red light.

24 MR. MCFARLAND: Is there a reason for
25 that to be directly aligned?

1 MR. KOPECHEK: Not really. It's just
2 going across the road from, you know -- you want to
3 keep it to where you see it in a lot of other
4 villages or a lot of other towns they will put it
5 out of line for you just to stay within if it's not
6 exactly perfect.

7 MAYOR LAYTON: The traffic going
8 straight across, I'm going to guess, is going to be
9 limited. You got people driving over there to go
10 to Kroger, but most of the traffic coming out of
11 Kroger, which is a lot I understand, probably are
12 making a right or left-hand turn.

13 MR. STONER: The reason I had asked
14 originally was because that road is going to be the
15 access to those homes also, the only access.

16 MR. BRENNAMAN: Right. We'll also be
17 providing a turn lane for them and an
18 ingress/egress on the opposite side closer to the
19 red light. So we'll have a right in and right out
20 which will past -- it will be in between tracts one
21 and two so that they will have more than one way of
22 getting around.

23 DR. MOCKUS: I'm sorry. You said
24 that's the only access? So maybe I'm misreading
25 this because it looks like there is also a more

1 western.

2 MR. BRENNAMAN: Yes.

3 DR. MOCKUS: Okay. So there is two,
4 right?

5 MR. BRENNAMAN: Uh-huh.

6 DR. MOCKUS: Thanks.

7 MR. KOPECHEK: I think to further speak
8 on the location of that intersection, just with the
9 proximity to the US 79 interchange as well as
10 there's -- I mean, every few hundred feet along
11 that route there is an ingress or egress into
12 Kroger and there's Arrowhead Boulevard and I think
13 we were in agreement that trying to maintain any
14 current traffic patterns was in the best interest.

15 MR. STONER: All right. Any other
16 question for Mike?

17 MR. BRENNAMAN: Thank you.

18 MR. STONER: Anyone else in the
19 audience like to speak on this topic in the
20 hearing?

21 All right. Do I have a motion to
22 adjourn from the public hearing and reconvene in
23 the regular meeting?

24 MR. MCFARLAND: So moved.

25 DR. MOCKUS: I'll second.

1 MAYOR LAYTON: 6:55.

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

3 Dr. Mockus?

4 DR. MOCKUS: Yes.

5 MR. STONER: Mr. McFarland?

6 MR. MCFARLAND: Yes.

7 MR. STONER: Mr. Jacobs?

8 MR. JACOBS: Yes.

9 MR. STONER: Mr. Layton?

10 MAYOR LAYTON: Yes.

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

12 (MOTION APPROVED.)

13 MR. STONER: All right. The next item
14 on the agenda is Jim's phone. Items requiring
15 action, Southgate Corporation has applied for a
16 variance. The applicant is requesting the property
17 located at 160 North High Street be granted a
18 variance to construct a fence line along portions
19 of the south property line, Planning and Zoning
20 Code Section 1147.05.

21 MR. MCFARLAND: Motion to approve.

22 MR. STONER: We have a motion to
23 approve.

24 MAYOR LAYTON: Second.

25 MR. STONER: All right. I'll call the

1 roll.

2 Dr. Mockus?

3 DR. MOCKUS: Yes.

4 MR. MCFARLAND: Any discussion?

5 MR. STONER: Any discussion?

6 MR. MCFARLAND: Is there supposed to
7 be?

8 DR. MOCKUS: You can.

9 MR. MCFARLAND: I don't have any. I
10 just -- there's supposed to be a period for
11 discussion. I'm sorry.

12 MS. MILLER: David, is that
13 discussion --

14 MR. MOSER: Typically before the motion
15 comes. That's okay.

16 MR. STONER: I know you can have a
17 discussion. I just didn't ask if there was any
18 discussion because everybody seemed -- but anybody
19 that would like to discuss it, now is the time.
20 All right.

21 Dr. Mockus?

22 DR. MOCKUS: Yes.

23 MR. STONER: Mr. McFarland?

24 MR. MCFARLAND: Yes.

25 MR. STONER: Mr. Jacobs?

1 MR. JACOBS: Yes.

2 MR. STONER: Mr. Layton?

3 MAYOR LAYTON: Yes.

4 MR. STONER: Mr. Stoner is yes.

5 (MOTION APPROVED.)

6 MR. STONER: Next we have the National
7 Road Investments, LLC, has applied for a PRD,
8 planned residential development, and a PCD, planned
9 commercial development. This property is located
10 on the north side of US 40 across from Kroger,
11 Parcel 075.344898-00.000 and 075.33046-00.000,
12 Planning and Zoning Code Section 1141. Any
13 discussion on the topic or any motions?

14 MAYOR LAYTON: I move to approve.

15 DR. MOCKUS: I'll second.

16 MR. STONER: All right.

17 Dr. Mockus?

18 DR. MOCKUS: Yes.

19 MR. STONER: Mr. McFarland?

20 MR. MCFARLAND: Yes.

21 MR. STONER: Mr. Jacobs?

22 MR. JACOBS: Yes.

23 MR. STONER: Mr. Layton?

24 MAYOR LAYTON: Yes.

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

1 (MOTION APPROVED.)

2 MR. STONER: The next section is the
3 community development monthly report. You all are
4 welcome to stick around that were here for the
5 hearing but if you don't want to stick around,
6 that's fine also. We appreciate you coming.

7 MAYOR LAYTON: Did that take care of
8 everything you need?

9 MR. BRENNAMAN: Yes, thank you.

10 MR. STONER: Any questions about the
11 community development report for Bonnie?

12 MAYOR LAYTON: Do you provide a copy of
13 (inaudible).

14 MS. MILLER: Of this report?

15 MAYOR LAYTON: Yes.

16 MS. MILLER: (Inaudible).

17 MAYOR LAYTON: Anyone that wants one
18 can get a copy.

19 MR. STONER: On our house that got
20 knocked down on South High, are they -- are we
21 moving forward?

22 MS. MILLER: There was a letter sent.

23 MR. STONER: Okay.

24 MS. MILLER: But I have not received
25 any (inaudible).

1 MAYOR LAYTON: They haven't started on
2 the other one, have they?

3 MS. MILLER: Mr. Ware (phonetic) on
4 300 -- no, and a letter was sent to him certified.

5 MAYOR LAYTON: I noticed you guys were
6 out and did some property inspections and are we
7 moving on that yet? I know it's pretty early
8 but --

9 MS. MILLER: We've just not had the
10 time. We have taken lots of pictures. So we do
11 have several that we need to write up.

12 MAYOR LAYTON: Okay. I see they are
13 progressing with the new house on High Street, the
14 tiny house.

15 MS. MILLER: The problem with that is I
16 sent a letter -- the problem with that is their
17 permit expired a very long time ago. They can
18 reapply but I sent them a letter.

19 MAYOR LAYTON: Well, they are laying
20 block.

21 MS. MILLER: I know.

22 MR. STONER: Any other questions for
23 Bonnie?

24 MR. MCFARLAND: It must have got left
25 out of the copy for the report. I'm not sure.

1 MS. MILLER: It was the very last thing
2 on the very last page.

3 MR. MCFARLAND: Ahh, said the blind man
4 as he picked up his hammer and saw.

5 DR. MOCKUS: I guess, I want to say --
6 I guess, I'm struggling a little bit because I'm
7 thinking about all of the information we are
8 getting in council, all we're seeing in the
9 Advocate, all we're facing with Intel, I'm thinking
10 about the condition of some of the properties along
11 our main thoroughfares and how that appears to
12 potential home buyers. I don't know if there is
13 anything this board or council can be doing to
14 support you to help you get what you need to get
15 those communications out the door. So I just want
16 to put that out there.

17 MS. MILLER: I appreciate that. They
18 go out the door and we send -- like last year,
19 there are homes along East Main Street, your
20 neighbor, but they fall on deaf ears and they --
21 you know, now, we have a prosecutor. So they
22 are -- I know a couple will definitely go to the
23 prosecutor, so --

24 MAYOR LAYTON: How long was the process
25 from the time you have trouble getting somebody to

1 do something before it goes to the prosecutor? How
2 long?

3 MR. MOSER: Well, it's been a process
4 because we have been kind of formulating it for the
5 first time here since we shipped it from the
6 mayor's court model because those used to be
7 handled exclusively at your mayor's court.

8 So I've come in and have kind of
9 been -- I'm going to be your exclusive prosecutor
10 for those zoning violations, which is good. So the
11 process -- you know, unfortunately in a perfect
12 world, even a prosecutor's influence and
13 interjections are not going to influence or
14 motivate some property owners. It's only so much
15 that we can do with threatening this to be our
16 violation over them. But, I'm very hopeful that
17 they get a very sternly phrased letter from me on
18 your behalf before we get to that point of filing
19 in Licking County Municipal Court, that will spur
20 some action.

21 So the process is and -- Bonnie, with
22 the weather changing, I think it's a good time now
23 for Bonnie to kind of update the violations
24 progress so that we have all of those files.
25 Bonnie has a link that she's uploading all of this

1 stuff to me so that I have it so I can categorize
2 and know what the property listings are, and then
3 I'm going to shoot out letters, and then very soon,
4 within 30 days hopefully if we are able to file if
5 I don't get a response by my stated deadline. Did
6 that answer your question?

7 MAYOR LAYTON: Yes. So some of those
8 things have been there for quite a long time.

9 MR. MOSER: Yeah.

10 MAYOR LAYTON: How much teeth do the
11 court put in them?

12 MR. MOSER: Same thing. I mean, with
13 repeated violations under our code, only with
14 repeated violations, does jail time come in. And
15 if you fail to show up to the court, there are
16 potential warrants come into play with potential
17 jail time on top of that.

18 People are just as stubborn when it
19 comes to court appearances, shockingly enough,
20 whether you believe it or not. And the judge will
21 be the ultimate arbiter of that decision but we're
22 doing what we can do when we do that. You know,
23 that's the power that has been given us and we'll
24 just keep coming and if they keep violating our
25 standards and not doing anything to fix the

1 properties.

2 MS. MILLER: May I add, with what
3 Dr. Mockus said, offering any help, should they
4 need at some point the verbiage and some of the
5 code enforcement part of zoning code should it
6 maybe -- should they maybe take a look at it for
7 some things to change so that it does become more
8 firm and strict so people will know we mean
9 business?

10 MAYOR LAYTON: I'm going to interject
11 something here. A couple, three or four years ago,
12 the house -- the neighbor they fined him, I don't
13 know \$10,000 or something like that and finally fed
14 up with it and took it to court. It got to court
15 and the judge said, that's too much. We'll make it
16 \$500 and they never paid that. So I don't know if
17 there are much teeth.

18 And I don't think our problem -- our
19 stuff is the problem. I think going to the court
20 and them not being real wound up about doing
21 anything about it is part of the problem. Would
22 you agree?

23 MR. MOSER: Yeah, absolutely. I mean,
24 you get that in every community, too.

25 MAYOR LAYTON: I mean, we fined that

1 guy and he went in there and the first thing that
2 the judge did was reduce that. And they never paid
3 any of it though.

4 MR. MOSER: Right.

5 DR. MOCKUS: We don't have latitude to
6 just fix it ourself and bill them, do we?

7 MR. MOSER: Yeah, that's another
8 option. I mean, if it comes to the point of
9 constituting a public nuisance under the law and
10 under the code.

11 DR. MOCKUS: You mean, like a zoo in a
12 building. That's what's next door to me. And I
13 know folks are dealing with different things in
14 different areas in the village so --

15 MR. MOSER: Sure.

16 DR. MOCKUS: I mean, my neighbor is my
17 neighbor. I think he's just -- he is who he is.
18 And it will be that way as long as he's still owns
19 that property. Right. And I think those of us who
20 live around him have come to accept that.

21 But I do think that there probably are
22 other neighborhoods that have something similar and
23 maybe the neighbors aren't as accepting and should
24 they have to, you know, put up with it? So I do
25 think it's worth asking the question, at what point

1 does it make more sense for the village to fix it
2 and then could they introduce it as a tax to --

3 MR. MOSER: Yes.

4 DR. MOCKUS: Okay.

5 MR. MOSER: There is a process where
6 that can be done. It has to meet the requirements
7 for what a nuisance would be, the factors there
8 would be. We're talking about noise, air
9 pollution, eyesore, repeatedly. We have to give
10 them notice of that, that, hey, we think this is a
11 nuisance and then, yes, we can't pursue action
12 against them. We would still take it to court but
13 instead of, you know, prosecuting it as a criminal
14 violation, we would be trying to enjoin it civilly.

15 And we can also take action ourselves
16 under the code to just fix it, spend the money to
17 get it cleaned up, and then assess it on the tax
18 people get.

19 DR. MOCKUS: Thank you for that
20 clarification.

21 MAYOR LAYTON: We do a lot of that
22 through the area with mowing.

23 MS. MILLER: For mowing, yes.

24 MR. MOSER: Right.

25 MR. STONER: All right. Bonnie, I have

1 a question for you. I was going to save it for the
2 zoning board member comments section that we have,
3 but I'm going to ask it now, because it's more
4 appropriate to ask it now. So I've been getting a
5 lot of comments from residents about the fence that
6 has got built at Lake Forest next to 70 -- or 79.
7 So the wood fence got built and then there is a
8 metal fence next to the wood fence.

9 MS. MILLER: We are in talks about
10 that.

11 MR. STONER: Who is taking care of the
12 land in between those two fences? And the fence
13 that they put up, I never saw that come across our
14 desk. They must not have had to have a variance.

15 MS. MILLER: Maybe we should ask Deb
16 about that. She would be able to explain that
17 better. We are in talks with Pulte. We have
18 discussed that.

19 MAYOR LAYTON: I thought that was in
20 the original plan, wasn't it?

21 MS. MORGAN: I believe it was. It was
22 approved during the original site development plan
23 for Pulte to have that fence in, but it wasn't
24 going to be put in until they were close to the end
25 of the project, which they're at that point now.

1 We have been in active meetings with
2 them just because they are getting close to the end
3 of the project. So we'll be having another meeting
4 with them and I can share with them about the
5 property maintenance there between the fence.

6 MR. STONER: So the wooden fence was a
7 part of the original plan, you are saying? But who
8 put up the metal fence and whose responsibility is
9 that in taking care of it and what's in between the
10 two fences?

11 MS. MORGAN: I'll have to check with
12 them. I'm not actually -- you know, seen that
13 part, so I'll have to see. Like I said, we'll have
14 a meeting -- when we have our next meeting with
15 them which will be soon, we'll -- I'll nail down on
16 who put the metal fence up and the wooden fence and
17 get back with you and have Bonnie report back to
18 the board.

19 MR. STONER: And the question would be,
20 can the metal fence come down if the wood fence is
21 up?

22 MAYOR LAYTON: I just assumed that the
23 metal fence was part of ODOT's deal. I think it
24 went up directly after they built that bypass.
25 That was something they --

1 MR. STONER: People are complaining
2 about the trash and who is going to mow in between
3 the two fences and --

4 MAYOR LAYTON: I understand.

5 MS. MORGAN: I believe the Mayor is
6 right. I think that the metal fence is -- I'm
7 going to assume is ODOT, and that's probably going
8 to stay. But, we'll lock down on the property
9 maintenance and the property between the fence.

10 MR. STONER: Okay. Thank you.

11 MR. MCFARLAND: Bonnie.

12 MS. MILLER: Yeah.

13 MR. MCFARLAND: There was a -- I don't
14 see it listed on here, so perhaps it's been
15 resolved. There was a fence that went up, I think,
16 without a permit on Hamilton.

17 MS. MILLER: 125, yes.

18 MR. MCFARLAND: What's the current
19 status of that?

20 MS. MILLER: So there were a couple of
21 things with that. They didn't -- that's a
22 floodplain and they didn't apply to the board.
23 They didn't ask for an application for that. They
24 didn't fill one out. I told them they needed to
25 and then they gave it to me. I submitted it to

1 Stephen. He's looking it over currently, but
2 that's where that's at. So when Stephen comes back
3 with whatever he comes back with, whether it be,
4 you know, yes or no, we may have to have them
5 remove it or, you know, change it.

6 MR. MCFARLAND: Well, did they have a
7 permit to install it to begin with?

8 MS. MILLER: No. They started --
9 actually it was built before I knew about it and --
10 it wasn't you -- but somebody else had called me
11 and said, hey, they are building a fence.

12 DR. MOCKUS: Is there no penalty if you
13 do this type of work without a permit?

14 MS. MILLER: I really don't think there
15 is.

16 DR. MOCKUS: I mean, I've heard
17 residents kid, it's easier to just do it and then
18 ask for forgiveness. Yeah, so why wouldn't we have
19 a penalty for something like this?

20 MR. MOSER: I don't know off of the top
21 of my head if we have a penalty for permitless
22 construction. Really the punishment would be --
23 assuming that it's not done right, you're going to
24 have expenses to tear down and fix it in compliance
25 with the proper permit, which you should have done

1 in the first place.

2 MR. MCFARLAND: Well, I don't think
3 we're talking about having it done right. It's
4 done at all. If you build something without a
5 permit, and then, you know, clearly you finish it
6 and then zoning and someplace finds out that -- you
7 know, recognizes it and you have already done it
8 without a permit. Then what's the point in the
9 permit?

10 MR. MOSER: Sure. It's a penalty under
11 the code. It would be one of those catchall
12 penalties that would probably be the equivalent of
13 a ticket, a minor misdemeanor under your zoning
14 code that we could yell at them about, and tell
15 them -- and also submit a permit.

16 MR. MCFARLAND: Well, wait a minute, so
17 they are going to submit a permit after the fact?

18 MR. MOSER: Well, they have to, yeah.

19 MR. MCFARLAND: I mean, if they didn't
20 have the permit --

21 MAYOR LAYTON: Are you getting to the
22 fact about fining them or something for them doing
23 that?

24 MR. MCFARLAND: No. And I'm trying to
25 determine what the permit -- the punishment may be.

1 I hate to use that word because it --

2 MR. MOSER: It would be a minor
3 misdemeanor.

4 MR. MCFARLAND: I'm trying to decide --
5 if folks around town just decided to go ahead and
6 do things without a permit and then after it's done
7 we come by and say, you know, you are supposed to
8 have a permit. Okay, I'll go get one. Is that
9 fine?

10 MAYOR LAYTON: You said it was a minor
11 misdemeanor?

12 MR. MOSER: It would be a fine. A
13 minor misdemeanor under the code. I mean, you --
14 it's not jail. I don't know what --

15 MAYOR LAYTON: Wait a minute now, they
16 have to pay a fine if they have a minor
17 misdemeanor?

18 MR. MOSER: Yeah. That would be --

19 MAYOR LAYTON: It would be a financial
20 aspect to it?

21 MR. MOSER: Yeah.

22 MR. STONER: But what's happened up
23 until this point in the past history -- I know this
24 for a fact -- a lot of times people have applied
25 for permits after the fact.

1 MR. MOSER: Sure.

2 MR. STONER: And I believe we have
3 granted them permits after the fact as long as it
4 meets the zoning requirements. Because part of the
5 issue is, and correct me if I'm wrong, the permit
6 doesn't cost them anything, right?

7 MS. MILLER: Oh, the permit costs, yes.

8 MR. MOSER: Absolutely.

9 MS. MILLER: It depends on what it is.
10 A fence is \$35. An addition is so much per square
11 foot.

12 MR. STONER: Okay.

13 MR. MCFARLAND: Can you folks hear?

14 MS. MILLER: Everything has a fee.

15 MR. STONER: Okay.

16 MAYOR LAYTON: Well, what we need to
17 know is if you can research and see what -- if we
18 take them into court because they build their fence
19 without a permit, what's the fine going to be and
20 who determines that. Is that what your interest
21 is?

22 DR. MOCKUS: That's what I'm interested
23 in. I mean, just as a reasonable person, thinking
24 okay, so if I don't go in front of zoning and I
25 don't have to pay the \$35, then I can look up the

1 rules and make sure that my fence is within the
2 guidelines that are presented in zoning -- and
3 so -- in the code or whatever.

4 MR. MOSER: Right.

5 DR. MOCKUS: And so maybe there has to
6 be teeth on the other side so whatever that, you
7 know, the misdemeanor or fine is, should it be
8 twice the permit? Like, it would have been cheaper
9 to just get the permit in the first place.

10 MS. MILLER: As the CDC, I just want to
11 interject that I believe those teeth are not sharp
12 enough. People are just not caring, some people.

13 DR. MOCKUS: I mean, I definitely have
14 had residents say to me, it's so much easier to
15 just ask for forgiveness.

16 MR. STONER: Right.

17 DR. MOCKUS: I didn't realize how right
18 they were.

19 MR. STONER: And just for the benefit
20 of the folks in the audience, the reason that we
21 ask people to get permits to do this is to protect
22 both Hebron and the residents living next to those
23 residences because you get a permit to make sure
24 that whatever you are building complies with the
25 zoning. So we don't have somebody building a fence

1 on a floodplain or we don't have somebody putting
2 up a shed that's ten times the size of a shed that
3 you're allowed to have in your backyard.

4 I mean, there is a reason for having
5 the permit. It's not a moneymaker for Hebron.
6 It's to make people comply with the zoning so that
7 everybody has the same quality of life regarding
8 their property.

9 MAYOR LAYTON: We did just fill that
10 position so the ideal situation would be to make a
11 lap through town once in awhile. If you see
12 somebody building a fence without a permit, you
13 stop them. You're done until you get a permit and
14 figure this out.

15 MS. MILLER: When you issue cease and
16 desist letters for people without permits or people
17 with permits that have expired --

18 MAYOR LAYTON: And if there is no teeth
19 in it and then anytime anybody is building
20 something or starts to build something without a
21 permit, we got to take them to court.

22 MS. MILLER: I agree.

23 MR. MOSER: Sure.

24 MAYOR LAYTON: That's what we are
25 saying here, right? We want to make sure they do

1 it right. If they don't do it right, then we'll
2 follow our procedure, and then we fine them.

3 DR. MOCKUS: I think we have a resident
4 who wants to speak.

5 MR. BRENNAMAN: Actually, this is
6 speaking back to the double fence issue.

7 DR. MOCKUS: Yeah.

8 MR. BRENNAMAN: So while I was sitting
9 there, my mind remembered something that happened
10 with our company that we do a lot of landscape and
11 snow removal and all kinds of stuff. So in the New
12 Albany area somebody had put a fence up against
13 another city fence. So we had no way of getting
14 into it to take care of that property.

15 So this spawned on for about a two and
16 a half, three month period and, of course, the
17 grass got extremely tall. A resident told me, oh,
18 just spray it. Now, there is a creek nearby, so we
19 can't do that. It's one of the 50 million rules
20 that you don't go near. But the reality was that
21 the city came together and the developer themselves
22 that had installed that fence, they literally were
23 forced to put a gate in so that they could go
24 between those two fences and take care of that area
25 on a weekly basis.

1 So you also have that problem on the
2 other side of the road right now with 200
3 Arrowhead. There is a very narrow gap. We mowed
4 that this morning. There is a very narrow gap
5 there where we're a little nervous to put our mower
6 into the fence. I hit one -- there is a section
7 that goes so tight, you can barely walk through it.

8 And the comment I got was spray it.
9 And I have been stewing on that all day today and
10 I'm glad it got brought up because now I know the
11 answer. So, they actually put a gate in and locked
12 it and the contractor was able to get in to the
13 back just by swinging the gate open and getting
14 back there. So maybe, if that wooden fence had a
15 gate on it, it would be easy to take care of, just
16 my thoughts.

17 DR. MOCKUS: Thank you. Thanks.

18 MR. MCFARLAND: Thanks, Mike.

19 DR. MOCKUS: It's always nice to have
20 an expert in the room.

21 MAYOR LAYTON: You have been up against
22 all of these things.

23 MR. STONER: All right. If we don't
24 have anymore questions on the community development
25 report, we will move on to the open items for

1 discussion.

2 The first -- actually, before we move
3 to do the open items for discussion. I know there
4 are some folks in the audience and they want to
5 speak and we don't have a -- technically, a
6 visitor's comments section, which we are going to
7 add, right, Bonnie?

8 MS. MILLER: Visitors.

9 MR. STONER: At the last --

10 MS. MILLER: It's on there.

11 MR. STONER: At the last -- well, we
12 have planning and zoning member comments.

13 MS. MILLER: I just put open items for
14 discussion.

15 MAYOR LAYTON: We'll fix that.

16 MR. STONER: Okay. So you want to do
17 those now? Okay. The folks that came that wanted
18 to speak, please step to the podium and state your
19 name and address and we'll take visitor comments.

20 MS. ANNETT: Hello, I'm Sarah Annett
21 and I live at 703 Deacon Street. In August 2022,
22 residents who owned neighboring property to 705
23 Deacon Street were invited to attend a planning and
24 zoning public hearing to voice any concerns
25 regarding a proposed Airbnb to be opened within our

1 neighborhood.

2 On September 6, 2022, along with other
3 concerned neighbors attended the public hearing and
4 voiced our worries regarding the proposed Airbnb.
5 The zoning and planning committee discussed the
6 proposed Airbnb, but no decisions were made during
7 that time. The matter was tabled and scheduled to
8 once again be discussed at the next meeting.

9 On October 3, 2022, it was stated
10 within the zoning and planning public hearing that
11 the resident of 705 Deacon Street submitted a
12 letter to withdraw her request for the Airbnb and
13 no further action was needed.

14 Let's fast forward to March 2023. An
15 Airbnb was opened at 705 Deacon Street under the
16 name Cedar Hill Historic House. From Friday
17 March 3 through Sunday March 26, this Airbnb was
18 fully booked each night and hosted out-of-state
19 guests from Michigan, Kentucky, and Virginia.

20 On March 8, 2023, the Airbnb at 705
21 Deacon Street was once again discussed, this time
22 during a Village of Hebron council meeting. The
23 Village of Hebron contacted Attorney Moser to look
24 into this matter of a newly opened Airbnb. He
25 stated this is a violation of the village's code.

1 Mr. Moser advised the village to let
2 the Airbnb owner know she is breaking code and that
3 she needs to cease operations of the Airbnb. At no
4 time were the residents of Hebron, let alone the
5 neighbors of 705 Deacon Street, notified of this
6 Airbnb. Why?

7 The Village of Hebron was made aware of
8 this Airbnb hosting guests on Monday, March 5. But
9 the Airbnb continues to be fully operational today.
10 Why?

11 I stand here tonight to express my
12 concerns regarding this Airbnb. I urge you as
13 stewards of our community to listen to the voices
14 of your residents and close this Airbnb.

15 I would like to present you with a
16 signed petition from 27 Hebron residents all within
17 walking distance of 705 Deacon Street who also
18 disapprove of this Airbnb within their
19 neighborhood. Thank you.

20 MR. STONER: Before you walk away, I
21 just want to say something real quick. You
22 bringing this to my attention, this is the first
23 I've heard of it. The village may have been
24 notified, but the zoning board wasn't notified that
25 this is happen. This is the first I've heard of it

1 tonight.

2 MAYOR LAYTON: We discussed it at a
3 council meeting.

4 MS. ANNETT: Yes.

5 MAYOR LAYTON: And my understanding was
6 we were going to send a cease and desist letter.
7 Did we do that?

8 MS. MILLER: Would you care to speak on
9 that, David?

10 MR. MOSER: We are working on it.

11 MS. ANNETT: Great. Thank you.

12 MR. MOSER: Okay. And it's been
13 discussed since the last --

14 MAYOR LAYTON: I can't hear you.

15 MR. MOSER: -- planning and zoning
16 meeting. Sorry.

17 MAYOR LAYTON: He said we're working on
18 it. What the problem was, she came up to us with
19 it and we decided not to do it, and turned it down
20 and she told -- at that time she told us she was
21 going to sell the house and move away.

22 But then we found out not too long ago
23 that she was running a B and B and we decided the
24 best thing -- the first thing to do was send a
25 cease and desist letter for her to stop doing it

1 and that's where we are at right now. Correct?

2 MR. MOSER: Yep.

3 MR. MCFARLAND: Are we sure that the
4 person got the cease and desist letter?

5 MR. MOSER: We are working on it. We
6 haven't sent it yet I don't think.

7 MS. MORGAN: The owner has been
8 notified by email. I've had numerous emails with
9 her so, yes, she's aware and now it's in David's
10 hands.

11 MR. STONER: Do we normally send a
12 certified letter also that they have to sign for?

13 MR. MOSER: We can.

14 MAYOR LAYTON: I don't think that's our
15 normal procedure.

16 MR. STONER: I think it should be.

17 MAYOR LAYTON: You're the chairman of
18 the board here.

19 MR. STONER: I'm just saying, if you're
20 going to end up taking legal action against
21 someone, you have to have something certified in
22 writing that they received --

23 MAYOR LAYTON: We notified our
24 prosecutor and that's what we're going to get in
25 writing, right?

1 MR. MOSER: Yeah, so there is ongoing
2 discussion about legal parameters. Airbnbs are a
3 hot item right now in terms of Ohio legislative --
4 General Assembly is the word I'm looking for.
5 There are some things ongoing that directly impact
6 it.

7 So we are looking at it, not only from
8 a micro scale but from a macro scale as well
9 because I want to make sure we do this correctly in
10 terms of if there is a change that needs to be
11 necessitated to our code we consider this all at
12 the same time so that we're doing it right.

13 So, no, that's why we are taking our
14 time. I know it seems like we need to do something
15 about this right now. I understand the concern --
16 it's Moser by the way for the record -- and we are
17 looking at it very deliberately and we will come to
18 a conclusion shortly.

19 MAYOR LAYTON: And she is aware that we
20 are going to take some action, right?

21 MS. MILLER: Yes.

22 MR. MCFARLAND: Is there anything we
23 can do to stop it in the meantime?

24 MR. MOSER: Yeah, and we have. And at
25 least from my --

1 MR. MCFARLAND: It hasn't worked.

2 MAYOR LAYTON: Right.

3 MR. MOSER: And from my monitoring of
4 it -- well, yeah. Is there something we can do?
5 Yes.

6 MAYOR LAYTON: Have we done it?

7 MR. MOSER: We are working on it. No.
8 It's not done yet, no.

9 MR. MCFARLAND: When would you expect
10 that to be done?

11 MS. MILLER: It's a process. We have
12 to do things right. We have to because it's going
13 to be legally --

14 MR. MOSER: Yes. Let me come back to
15 you with more clarity, at the very least, by our
16 next meeting.

17 MR. MCFARLAND: Well, that's a month
18 away, isn't it?

19 MR. MOSER: Yes.

20 MR. MCFARLAND: So they may continue
21 with the Airbnb for the next month?

22 MR. MOSER: I didn't say that. Let me
23 come to you with an update by next month's meeting.

24 MR. STONER: If we could get an update
25 before next month's meeting if possible. Can you

1 do that?

2 MR. MOSER: Yes.

3 MAYOR LAYTON: The main thing is we
4 want to get the cease and desist letter out to
5 them.

6 MR. STONER: Right.

7 MAYOR LAYTON: There are some issues
8 about what legal B and B, correct?

9 MR. MOSER: Yes.

10 MAYOR LAYTON: In our zoning language.

11 MR. MOSER: Yes.

12 MAYOR LAYTON: What it states right
13 now. It's not as simple as going down and saying,
14 you got a B and B. You got to quit it.

15 We've got to make sure we follow the
16 correct procedure and the correct laws.

17 MR. STONER: And if my memory serves me
18 correctly just for the record, they wanted a
19 variance to have a B and B and they withdrew their
20 application.

21 MR. MOSER: Right.

22 MR. STONER: So this board never voted
23 that they couldn't have a B and B. We're not
24 necessarily saying we are against B and B's. We
25 didn't vote on them having a B and B. She withdrew

1 her application and we thought the matter was
2 closed. So I just want that to be clear to the
3 residents that the board didn't say no. We didn't
4 say anything. We didn't have to vote because she
5 withdrew her application.

6 MS. ANNETT: Right. I stated that.

7 MR. STONER: Okay. I just wanted to
8 make sure that we're on record with that.

9 MAYOR LAYTON: She also said she --
10 instead of a B and B she was going to do an art
11 studio down there or something.

12 MR. MOSER: Yep.

13 MAYOR LAYTON: Nothing ever got applied
14 for though, right?

15 MS. MILLER: No. She has an art
16 studio. That was approved.

17 MR. MOSER: That was approved, yeah.

18 MR. MCFARLAND: Is this the same
19 person?

20 MR. MOSER: Uh-huh, yeah.

21 MR. STONER: (Inaudible) on two
22 variances at the same time. One got with --

23 MR. MCFARLAND: I know -- yeah, I'm
24 familiar with the history.

25 MR. STONER: Yeah.

1 MR. MCFARLAND: What I'm not
2 understanding is, you know, if you are not allowed
3 to do that, you're not allowed to do it.

4 UNIDENTIFIED MALE: Like she said, do
5 it and ask for forgiveness.

6 MAYOR LAYTON: Yeah. I think the first
7 thing is you get the cease and desist letter out
8 and tell her she's done. We can get that done,
9 correct?

10 MR. MOSER: Yes.

11 DR. MOCKUS: Now, that the specific
12 instance is addressed, I do think that -- I mean,
13 I'm hoping that this board would develop a policy
14 on Airbnb so we can address this proactively and
15 put boundaries around it.

16 MAYOR LAYTON: Yeah, that's part of
17 when we say --

18 MR. MOSER: Yeah. I think it would be
19 an update to your code, okay. So there is a couple
20 of things. I'm going to jump ahead but I think it
21 make sense to do multiple things at once if we are
22 looking at zoning amendments, which would be a
23 change in your zoning text. So Airbnb's would be
24 one of those updates that would make sense, as with
25 chicken coops that we discussed last month.

1 So I'm jumping ahead but I think it
2 makes sense to do that in one nice neat package.
3 The legal issues, I'll just tell you, the Ohio
4 General Assembly has processed making it illegal
5 for villages and municipalities to regulate Airbnb
6 to any extent. So that's a little bit of a
7 consideration going on here.

8 DR. MOCKUS: But that's --

9 MR. MOSER: It's not effective. It's
10 not --

11 DR. MOCKUS: And it's basically been
12 dead on the table for like a year.

13 MR. MOSER: Correct. Yeah, but I think
14 and it hasn't been reintroduced in the current
15 legislative session. But that's been brought up to
16 our attention in these discussions, which there
17 have been with this property owner that were
18 ongoing, and there has been changes in terms of how
19 many nights are being rented out and we are looking
20 at it very, very closely or getting to it. But
21 that's part of the reason we don't have
22 instantaneous action, which I know you want right
23 now.

24 MAYOR LAYTON: Well, she came and
25 quoted that legislation that had never been passed,

1 right?

2 MR. MOSER: Right. That's the one
3 she's talking -- yeah.

4 DR. MOCKUS: So my fear is that we get
5 down in the weeds on one person's property and I'd
6 be much more interested in our group spending time
7 talking about what's best for the whole community
8 at any property as opposed to letting one property
9 kind of overshadow how we might approach it for
10 everyone. There may be characteristics to this
11 property that aren't applicable to much of Hebron.
12 I mean, I think that lot is over an acre. That's
13 not most of Hebron.

14 So I'm interested in, you know, hearing
15 perhaps what research you might be able to do to
16 give us some guidance. I am in communication with
17 at least one other village about what they are
18 doing in their village to --

19 MR. MOSER: Yeah.

20 DR. MOCKUS: -- to write-up some
21 language. I mean, when I think about it -- I'll
22 just put my bias out there. When I think about it,
23 I'm not interested in having absentee situations.
24 And I think that's what leads to a lot of the
25 difficulty is when the owner is not an

1 owner-operator. That creates a tremendous amount
2 of problems for communities, and has led to a lot
3 of housing shortage as well. Which you know, we're
4 definitely facing in this area.

5 But all that to say, I'm really
6 interested in knowing what I can be doing to
7 support either the research or how we can move
8 forward, what I can do to help move forward so that
9 we can really put our arms around what would be the
10 best for the whole village.

11 MAYOR LAYTON: I agree with you. We
12 need to fix it, but that's not going to be a
13 two-week deal. That's going to be a several-month
14 deal. I think now, we got to get -- because we
15 don't have an Airbnb -- I don't think we have
16 anything in there to allow for that. Get her a
17 cease and desist because she's doing it after we
18 sat down and said we don't want it. So then I
19 agree with you, we have to put down some kind of
20 program that says, here's how we can do it and
21 here's how we control it, and here's how we put it
22 together.

23 MR. MOSER: And I think we can do two
24 things at once. I think we can address the
25 property owner while at the same time looking to

1 the future and -- I would propose a work session.
2 I'll bring in some samples and ideas of your
3 neighbors' regulations and see what does and does
4 not fit the Village of Hebron and what we are
5 thinking because we are kind of standing on the
6 doorway of precipice of this is not going to be
7 just one property owner in the future with the
8 development coming in, that is coming in with
9 Intel, a lot of people are going to be wanting to
10 do this. And this is a really good, probably,
11 opportunity time to address it big picture, if we
12 want to in our zoning code and how we can do it
13 responsibly, because we can't right now.

14 And, you know, but I'm always keeping
15 tabs on what the General Assembly does because they
16 do some interesting things sometimes. They have
17 passed some interesting laws and I want to make
18 sure that we are protected and insulated to do the
19 right thing.

20 DR. MOCKUS: Well, we just had
21 neighbors to our south -- if I recall correctly in
22 the Advocate -- I want to say maybe in the
23 Millersport area -- being sued by, what, 12
24 different property owners because they had
25 disallowed it but it's not technically in their

1 code. So you know, I'd really like to avoid that
2 if we can avoid it.

3 MR. MOSER: Yeah.

4 MR. MCFARLAND: I guess, that leads me
5 to the question -- I don't mean to interrupt.

6 DR. MOCKUS: No.

7 MR. MCFARLAND: That leads me to the
8 question then, are we -- under our current
9 legislation and our current zoning codes, are we in
10 a position to issue a cease and desist letter and
11 enforce it on this particular property?

12 I don't disagree that we need a policy
13 for the entire town, no question about that.
14 That's just one of those areas that we need to
15 address going forward.

16 But my question at the moment is more
17 specific about this one. Under our current rules
18 and regulations and legal authority, do we have the
19 authority to issue and enforce a cease and desist
20 order on this property? And if so, if they
21 continue, what is our authority to enforce that?

22 MR. MOSER: So, yes, I think we do
23 under our current code. I would like to still look
24 at it in the future in order to make it even more
25 enforceable with respect to the language and the

1 verbiage used with respect to we're talking about
2 Airbnb's and bed and breakfast inns and -- yes, I
3 do think the authority is there. I just want to
4 make sure we do it strategically and wisely.

5 MAYOR LAYTON: Now, here's a --

6 MR. MCFARLAND: And what? Quietly?

7 MR. MOSER: Wisely?

8 MR. MCFARLAND: Wisely.

9 MAYOR LAYTON: Here is the \$75,000
10 question. If the State decides they want to pass
11 that legislation that's in there, where are we at
12 if they do that?

13 MR. MOSER: Well --

14 MAYOR LAYTON: Because if their
15 legislation says we can't regulate it at all, then
16 the whole thing is gone.

17 MR. MOSER: I mean, they would be sued
18 and the answer would be that it would be tied up in
19 litigation for a number of years because
20 municipalities like us would sue the State under
21 their home rule authority and eventually probably
22 get it to the State Supreme Court.

23 MAYOR LAYTON: Okay.

24 MS. MILLER: David, as it stands now,
25 she is going against code because she did not apply

1 for a conditional use permit because she withdrew.

2 MR. MOSER: Yes.

3 MS. MILLER: So we could send out that
4 cease and desist letter.

5 MR. MOSER: And I don't want the board
6 to get the impression that she hasn't been notified
7 of that because she has.

8 MR. MCFARLAND: Officially?

9 MR. MOSER: Yes.

10 MR. MCFARLAND: That's enforceable?

11 MR. MOSER: Yes.

12 MR. MCFARLAND: By whom?

13 MR. MOSER: The village.

14 MR. MCFARLAND: The police department?
15 The court?

16 MR. MOSER: I mean, the same as any
17 violation to your zoning code. Yeah, I mean, like
18 we talked about this evening, it could be a
19 misdemeanor violation. We could bring it to court
20 if we wanted to. But we're starting -- just like
21 every other property owner that has a violation
22 under the code -- we start with the communication
23 process.

24 MR. MCFARLAND: While I recognize I
25 have been pushing a little hard here, but I do

1 recognize that it is important that sometimes you
2 know, getting things right is more important than
3 expediency, and I understand that. So I agree. I
4 would just like to see things move as quickly as
5 possible. But if we need to do it so that it is
6 completely enforceable under the law, then that's
7 the right thing to do. And if that takes a little
8 time, so be it.

9 But I think it is in front of the
10 council and in front of this board -- and I too,
11 this is the first time I heard about this tonight.
12 But I think it is -- the due diligence is
13 apparently being done and when we reach that point
14 now. After we take action and you help us with
15 legislation or whatever needs to be, to be able to
16 enforce it.

17 And then when our illustrious group in
18 the Ohio State House goes on their merry way and
19 does whatever it is they are going to do, then we
20 deal with that at that time.

21 MR. MOSER: Absolutely, yep.

22 MR. MCFARLAND: Fair?

23 MR. MOSER: Yep.

24 MR. MCFARLAND: Okay. Thank you.

25 MR. STONER: Thanks, David.

1 MR. MASON: What about this, what if
2 the fire department goes back -- do they have to
3 have fire suppression?

4 MR. STONER: Please state your name.

5 MR. MASON: Don Mason, 611 Deacon. The
6 house is supposedly an underground railroad, put
7 fire suppression in there, which you have to have
8 it in motels and stuff. What about that angle?
9 The fire inspector goes down and says well, wait a
10 minute.

11 MAYOR LAYTON: I don't know what the
12 law is, Don. I don't know what the requirements
13 are, the building code is. We don't know what that
14 is.

15 MR. MASON: Right. That's what I'm
16 saying. That about that angle for the fire
17 department to go down and look and see, well, wait
18 a minute.

19 MAYOR LAYTON: Well, we got to find out
20 what the code is first.

21 MR. MASON: That's what I'm saying.
22 Have the inspector go in and look and see because,
23 you know, she didn't bring it up -- almost
24 overnight she started renting it out. So they were
25 directly next door. If there is no fire

1 suppression in there, that's a violation also.

2 MAYOR LAYTON: But we don't know that
3 until we check the code.

4 MR. MASON: That's what I'm saying.
5 But that's another angle to go look at.

6 MS. MILLER: David, I have a question
7 about that. Wouldn't that be the Licking County
8 Building Code Department, not us?

9 MAYOR LAYTON: But we can certainly ask
10 the question.

11 MS. MILLER: All right.

12 MR. STONER: I know Val has stayed at a
13 B and B before and I've stayed in a B and B. I've
14 never been in a B and B that has sprinklers, fire
15 suppression. They just have fire extinguishers
16 like any other house, generally.

17 DR. MOCKUS: Right. The same argument,
18 would that hold for rentals as well or --

19 MR. MASON: But it's almost like a
20 motel. You go in a motel, there is fire
21 suppression right down the middle, overtop of your
22 bed in any motel.

23 MR. STONER: A motel and an Airbnb are
24 not the same thing, sir.

25 MR. MASON: But it's still -- people

1 are living --

2 MAYOR LAYTON: Don, we will check it
3 out and see if the code is there and give me your
4 phone number before you leave and I'll call and let
5 you know what we find. Same one?

6 MR. MASON: Yeah.

7 MAYOR LAYTON: We'll give you a call as
8 soon as we figure out something. We'll get ahold
9 of building code and say what's the process? And
10 you know, what they are going to say? What are
11 they going to say? They are going to say a B and
12 B, what's that?

13 We'll get ahold of them and find out,
14 Don. And we will do whatever we need to do to make
15 it right and the most important thing is when we
16 are done to have legislation in the zoning book
17 that covers what has to be there

18 MR. STONER: What's right and what's
19 not right.

20 MAYOR LAYTON: And you can't just
21 legislate somebody out of business because you
22 don't like it. It has to meet whatever the
23 requirements are and make the decision. Fair
24 enough?

25 MR. BRENNAMAN: Just a question, and

1 probably outside of the realm but what about
2 applying a different tax rate to them?

3 DR. MOCKUS: Amen.

4 MAYOR LAYTON: Well, here is a
5 question, I wonder if they are paying a bed tax?

6 DR. MOCKUS: Right.

7 MR. BRENNAMAN: Because the State does
8 require a bed tax. When you said hotel, that
9 clicked. So there is a bed tax on it also. They
10 are making an income within a residential
11 neighborhood.

12 MAYOR LAYTON: (Inaudible) taxes?

13 MR. BRENNAMAN: Yeah, it probably would
14 go through the county and work it's way down with
15 every bed and breakfast.

16 MR. MCFARLAND: We'll tell them you
17 said it.

18 MAYOR LAYTON: I don't want to cast
19 dispersions, but I was on the commission for the
20 visitor's bureau one time and several prominent
21 facilities in the county that weren't paying a bed
22 tax.

23 We called the prosecutor. Guess what
24 he said? Why don't you go and see if you can
25 collect it? You're not going to prosecute them?

1 No, we're not going to do that. So we went up and
2 talked to them and said, hey, pay your tax. It
3 didn't make any sense to me. All right.

4 MR. STONER: All right. So our opening
5 visitor comments led to our first topic of Airbnb.
6 Is there anymore conversation about Airbnb that we
7 need to have other than we're going to work on
8 developing a policy for Hebron?

9 DR. MOCKUS: And we're going to get a
10 cease and desist out and we're going to put
11 together a work session.

12 MR. STONER: All right.

13 MAYOR LAYTON: You got any comments
14 tonight?

15 UNIDENTIFIED MALE: No, sir.

16 MR. STONER: All right. Our next topic
17 of the open items for discussion is pocket parks.
18 Who wants to talk about pocket parks?

19 DR. MOCKUS: I'd be happy to speak to
20 the virtues of them. I'm not sure if that's where
21 this came from is me, but, just the concept and
22 making sure that we are taking opportunities when
23 working with developers to find spaces especially
24 with the development that we anticipate coming.

25 Obviously, we have some that are

1 already underway but I feel like with future
2 development, I think we're in a space now -- I
3 think all of Licking County is in a space now where
4 we can be asking for a little more than maybe we
5 have been able to get in the past to work with
6 developers to find additional little green spaces
7 for families, for folks walking their dogs or going
8 out and meeting their neighbor.

9 So all of that to say, when I was
10 visiting a friend over in Gahanna, she walked me to
11 the edge of, like, her little street and there was
12 like a pocket park. It had -- I don't know -- at
13 least five different sidewalks coming from all
14 directions. It was just a little postage stamp of
15 a space but -- and she said she thought it was
16 probably an undevelopable -- you know, what I'm
17 going to say, that word -- anyway all of that to
18 say, it was an opportunity for them to put in a
19 swing set and a slide and I think there may have
20 been one other item, and how much their community
21 really appreciates having that and how widely used
22 it is.

23 So all of that to say, I don't know if
24 that's how it got on the agenda, but if it is,
25 that's where it came from.

1 MR. STONER: I didn't put it there.
2 Bonnie did.

3 DR. MOCKUS: Okay.

4 MAYOR LAYTON: Do we have anything in
5 our zoning, that somebody that creates a
6 development that that's part of the requirement?

7 MR. MOSER: It in -- I was looking up
8 planned developments because it was on our agenda
9 document so, yeah, there is some -- a lot of leeway
10 in the planned development regulations to talk
11 about open space and, you know, creating shared
12 greenspace within these planned developments.

13 So yeah, I think the opportunity and
14 authority is there, absolutely. It's really kind
15 of a matter of if that's kind of on the community
16 planning wish list, tell it to your staff technical
17 review group who are doing these preliminary
18 meetings, where really the nitty-gritty is being
19 discussed at first that this is really kind of a
20 big ask that we would like to see, especially in
21 the future.

22 MAYOR LAYTON: We are right in the
23 middle of the comprehensive plan. That would be a
24 good place to put it, wouldn't it?

25 MR. MOSER: That too, yeah, perfect.

1 DR. MOCKUS: It's not totally out
2 there, right? Like, this would be a reasonable
3 ask, especially, given what we are looking at with
4 Intel and expecting like virtually every piece of
5 grass to be going away in the future.

6 MAYOR LAYTON: What we do right now is
7 we require a greenspace too, right?

8 MR. MOSER: Yeah, we do. In planned
9 unit developments, which are kind of a
10 conglomeration of, you know, mixed use. So yeah,
11 we do absolutely, and I think you're right on the
12 nose to be thinking about it for the future because
13 a lot of communities particularly in Central Ohio,
14 right, face that kind of dilemma because we have
15 been in a rural community most of our history.

16 It's not going to be really the fabric
17 of our character for much longer. We're going to
18 be a lot more developed in the future. We want to
19 make sure we don't overnight go from beautiful
20 farmlands to concrete everywhere, right. So, yeah,
21 it's very -- and responsible development and I
22 think we should put it in your planning process.
23 I'm not apart of it but I'd be happy to chime in as
24 you're doing that.

25 MR. MCFARLAND: We did discuss pocket

1 parks at the last meeting of the group that's
2 working on the comprehensive plan.

3 MR. MOSER: Great.

4 MR. MCFARLAND: And I don't know if
5 everybody in the room knows what a pocket park is.
6 It is a small park that maybe the size of one lot
7 that is created in neighborhoods where it could
8 have anything on it from a playground to a gazebo
9 to a bench and that is something that is beginning
10 to be popular in a lot of communities to just give
11 a quiet place, you know, just a small park. It is
12 maintained by the city, I believe. And so, you
13 know, something nice and they refer to them as
14 pocket parks.

15 And as I say we did discuss that at the
16 comprehensive plan meeting and we are intending to
17 provide some of those -- words about that in the
18 comprehensive plan.

19 MS. MORGAN: And Mike, if I may. I can
20 also speak to the meetings that we've had with our
21 recent developers for some upcoming PRD, and this
22 subject has been brought up and it's been received
23 very well. Actually, the PRD's, that are coming
24 forward, will be planning to have those sort of
25 parks in their project. I think this has been

1 discussed at a council meeting as well as something
2 that they would like to see.

3 So like David said, having the verbiage
4 that we do currently have, it is something that we
5 can discuss during the preliminary planning
6 sessions that we do have with the PRD developers.
7 So it has been received well.

8 MR. MCFARLAND: Thank you. One of the
9 other things -- and I'll mention this that I
10 mentioned the comprehensive plan meeting with
11 regard to parks, and I should probably put my
12 helmet on right now when I mention this, there was
13 some feedback that it might be a pretty good idea
14 and maybe not.

15 I had mentioned that perhaps
16 considering Evans Park out here is -- probably less
17 than 10 percent of the people out there -- and I'm
18 guessing at that number -- are actually Hebron
19 residents. And we are the ones that have the lease
20 on the park and we all pay a tax to the county for
21 county parks. And the county takes pretty good
22 care of their parks if you have been around some.

23 One of the things I mentioned at the
24 comprehensive plan meeting is that we get into a
25 discussion with county parks and considering that

1 the big park out there is used by everybody
2 throughout the county for all kinds of reasons. If
3 you go out there to a soccer match on a Saturday,
4 I'll bet you not 10 percent of the kids that are
5 playing there are from the Hebron area. And yet
6 we're paying the full boat for that and the
7 property out there actually belongs to the Evans
8 Foundation and that's why it says, Evans Park on
9 it. But we fund it. I have no idea how much we
10 fund. It might not be that much.

11 And as Bonnie pointed out to me, very
12 appropriately, that public works folks do a
13 wonderful job taking care of that park, doing the
14 mowing, and keeping things ready and so forth. But
15 if we were to take some of the money or take the
16 money from that and let the county take care of
17 that park with the dollars that we pay in taxes and
18 take the money that we pay into that and provide
19 some pocket parks and things within communities
20 here in town -- and I'm looking at some of the
21 vacant houses that perhaps could be torn down and
22 make a pocket park. I'm sure the owners of those
23 would be happy to hear me say that, but just a
24 thought. No more to be said about that. I'll
25 stand back now.

1 MAYOR LAYTON: Licking County Parks is
2 putting a development program to come back in and
3 participate in our park. I haven't seen what it is
4 yet. I haven't seen it work yet but they are
5 talking about it.

6 DR. MOCKUS: That's great.

7 MR. MCFARLAND: Well, I appreciate
8 hearing that and they really should because it's
9 used by everybody in the county and we all pay a
10 tax to the county for parks. So there is no
11 question that our folks take amazing care of that
12 park.

13 But on the other hand, maybe we can do
14 some things in the village for the residents that
15 might be a little more productive for residents. I
16 don't know. Thank you. I'm done.

17 MR. BRENNAMAN: I apologize. I'm not
18 sure that PRD has to do with our development or not
19 but I was in that meeting. It was not received
20 well. So --

21 MS. MORGAN: I wasn't speaking with
22 yours. I said upcoming PRDs. Yours have already
23 been through the public hearing. I was speaking of
24 two others that we have spoken with.

25 MR. BRENNAMAN: With that being said

1 we -- I have talked with the partners and we are in
2 agreement to give land to the village for that
3 purpose if needed, so we have already agreed to
4 talk about that. Because that subject did come up.

5 The worry was liability, of course, and
6 the cost and I'm not sure that Arbor Homes is going
7 to spend dollars on that because they have followed
8 through in the preliminary. They spent time
9 looking through code making sure what they needed
10 to do what they didn't have to do and then we have
11 also spent a lot of money with our civil group
12 prior to this questioning coming up and some things
13 would have to be redesigned, obviously, if that was
14 to happen.

15 MAYOR LAYTON: And as part of the deal
16 you gift it to the village and they assume
17 liability.

18 MR. BRENNAMAN: Yeah, well, we weren't
19 sure that the village would assume or the village
20 wouldn't want to be in that position so this was
21 just coffee table talk of I'm not sure that the
22 village would want to be in that position of who's
23 going to be liable if someone gets hurt or injured.
24 But we have agreed on our side to be able to do
25 that and dedicate land for you within that

1 development. It's just the cost of it that would
2 be the struggle.

3 MAYOR LAYTON: Thanks.

4 DR. MOCKUS: I just want to say that my
5 intention wasn't to try to move the goal post for
6 anyone. I just want to say that out loud. I think
7 my interest is looking forward. This probably is a
8 time and space where we can probably ask for more
9 than we have been able to ask for before.

10 MR. STONER: All right. The next item
11 of our open items for discussion, one of my
12 favorite topics, chicken coops.

13 DR. MOCKUS: It's not just that though,
14 right. It's non-dog, non-cats.

15 MR. MOSER: Yeah, farm animals.

16 DR. MOCKUS: No tigers.

17 MR. MOSER: I already kind of touched
18 on this a little bit. I don't have a significant
19 update for you other than I am working on it. I
20 don't have draft legislation for you. I know Mike
21 had a bunch of examples and there are a ton of
22 examples out in your local other communities and
23 your neighbors that have good regulations. I am
24 working on it and I don't have a final product to
25 you tonight to look at.

1 MR. MCFARLAND: Quick question.

2 MR. MOSER: I'm ready for it.

3 MR. MCFARLAND: This should be pretty
4 easy.

5 MR. MOSER: Yeah.

6 MR. MCFARLAND: And it just occurred to
7 me and I hope you can tell me I'm wrong. It occurs
8 to me that if the zoning board decides to put
9 together some sort of thing, regulation, that says,
10 okay, everybody can have a minimum of -- or a
11 maximum of three chickens or six chickens or you
12 pick the number. Okay. And we put together
13 something, that something, that regulation, that
14 has to go to council to be approved, doesn't it?

15 MR. MOSER: Yeah, if you put it in your
16 zoning code. I looked at that. Not every village
17 puts it in their zoning code. Some do, some don't.
18 Some put it in their -- I looked at it when we
19 talked about it last month and I was here on Zoom.
20 Other provisions of their codified ordinances speak
21 specifically to animals and --

22 MR. MCFARLAND: Well, to me the
23 question becomes then, before we put a bunch of
24 work into it with regulations and stuff, should we
25 simply ask the council whether they would approve

1 chickens?

2 MR. MOSER: Yeah. It might be a good
3 idea.

4 MR. MCFARLAND: Before we put a lot of
5 work into it.

6 MR. MOSER: Well, because -- yes, and
7 I'm glad you bring that up, Mr. McFarland, because
8 I mean, it's good to get another temperature pulse
9 check of this board. Because I know it was a big
10 topic last month and I know you are a big proponent
11 of it, but I just wanted to make sure everybody is
12 on board with it. And maybe our council, you know,
13 representative and mayor as well can get a
14 temperature check from council as well and however
15 way you want to do that.

16 If you would like me to help bring it
17 up to them in an acceptable way, I can do that,
18 too. But I think that's a really good point.
19 Before you spend time and expense drafting new
20 legislation that would require an amendment to the
21 text, is this really something that you want?

22 Because, remember, as it stands right
23 now, the position of the code is that no farm
24 animals are allowed without a variance. If you
25 want to open the door to regulating that and

1 allowing them to some extent, it's fine, you're not
2 alone. I just want to make sure that everybody is
3 on board with it and I think that's a great point

4 MAYOR LAYTON: So we should go to
5 council and say, are you willing to discuss farm
6 animals in town or there to be farm animals in
7 town?

8 DR. MOCKUS: Do you want there to be
9 code on it, right?

10 MR. MOSER: Correct.

11 DR. MOCKUS: That's the question. And
12 I probably am the wrong person to ask because I'm
13 the one that brought it up.

14 MR. MOSER: I know. And I'm sorry I'm
15 looking at you, and it's only because I know you
16 are on council so --

17 MAYOR LAYTON: Well, I mean, the first
18 step of council is, you know, we have somebody that
19 has got some farm animals and want to raise
20 chickens and they want to do this. Do you got any
21 interest in participating in that or trying to
22 figure out what our process should be if we do
23 that?

24 DR. MOCKUS: So, maybe my recollection
25 is incorrect but I thought during a recent council

1 meeting, and almost certainly I remember the Fiscal
2 Officer Interim Administrator Morgan indicating
3 okay, we're going to put this, this, and this on
4 the zoning agenda. Do you remember it that way? I
5 mean, these were the things right, so --

6 MS. MILLER: Yeah. So I took that as
7 council being interested in facilitating and
8 providing guidance on those issues. But having
9 said that, perhaps it make sense to double check
10 and make sure that they want that.

11 MAYOR LAYTON: The thing is I don't
12 think you're going to get a firm commitment out of
13 anybody.

14 MR. MOSER: Sure.

15 DR. MOCKUS: I know, but I think to
16 address Mr. McFarland's point, you know, do we
17 really want this and that's what I interpreted from
18 our counsel meeting recently.

19 MAYOR LAYTON: Six chickens is six
20 eggs.

21 MR. MOSER: Eggs are expensive right
22 now. Eggs are very expensive.

23 MR. STONER: All right. The next item
24 on our open items for discussion is stubbing of
25 roads for new development. What do we think?

1 DR. MOCKUS: It's always me. This is
2 another thing. I just -- so this came out of the
3 Hopewell Cottages and now a new development coming
4 adjacent to that and there is this road that would
5 so nicely connect, but it wasn't stubbed all of the
6 way over and then there is a little hill there and
7 so it's not going to connect.

8 And so my question was, what can we be
9 doing in our proactive work with developers to make
10 sure we take opportunities to stub out the roads so
11 should the next space be developed, there's
12 connectivity. So that residents have yet another
13 option for exit or entry to their home.

14 MAYOR LAYTON: Almost everything we
15 have in the community has two options and the fire
16 department reviews the final design and that's when
17 they make that decision. This is a road that needs
18 to be open so we have access. I think that's what
19 it's based on right now.

20 DR. MOCKUS: Well, part of my
21 motivation in asking that question is folks who
22 live on cul-de-sacs experiencing people just
23 cutting through to what would have normally been a
24 connection point.

25 MAYOR LAYTON: You don't have to live

1 on a cul-de-sac. People walk through my yard all
2 of the time, but the thing is, if -- I'm telling
3 you, I mean, that's the issue.

4 DR. MOCKUS: I didn't say anything.

5 MAYOR LAYTON: But the thing is first
6 and foremost, what we do right now is make sure it
7 meets fire protection standards, anything after
8 that we'll just have to make a decision on what we
9 want to do.

10 Which roads are you talking about? The
11 one down where Clifford is and in that area?

12 DR. MOCKUS: I'm talking about the
13 development, new development up north connecting
14 to -- connecting to the workforce housing and how
15 there's a road almost to where we are developing
16 but they're not able to connect that sort of tie
17 in.

18 MAYOR LAYTON: Okay.

19 DR. MOCKUS: I mean, if no one else
20 supports the idea, I mean --

21 MAYOR LAYTON: I think we address it
22 when somebody comes in and says this here is our
23 plan, and we address it then. What way it really
24 would work nice that way we can participate in it
25 and see if this could connect here and finish that.

1 You know what I mean?

2 DR. MOCKUS: I must have misunderstood.

3 MAYOR LAYTON: So that's what I'm
4 saying. Sands Drive is where White's property is
5 and then White's property is, obviously, going to
6 get developed the Sands Drive is not a road that
7 was conducive to a lot of traffic going up through
8 there and some of the people that have come in and
9 talked about it. But I'm talking about on High
10 Street and Canal Road. So that's where what you're
11 talking about, where it stubs off there at the end,
12 it should continue with that road and do something
13 with it. That's what you're saying, right?

14 DR. MOCKUS: Yes. Yes. That's what
15 I'm saying. I'm saying that if a road dead-ends,
16 and that you're going to build something at the
17 other end of it, it should connect. That's what
18 I'm saying, yes.

19 MR. MCFARLAND: So the development if
20 you got a road that goes down and ends, house on
21 both sides, the road just ends, and if another
22 development comes in, then we would expect the
23 design of that development would not put a house
24 right at the end of that road. That road -- it
25 would be so designed -- the adjoining development

1 would be so designed that that road would continue
2 into that development.

3 DR. MOCKUS: I mean, I don't --

4 MR. MCFARLAND: Am I misunderstanding
5 that?

6 DR. MOCKUS: No. I think that I don't
7 think that our council and I'm not sure about this
8 board is interested in just allowing cul-de-sacs.
9 What I'm talking about is something like Hamilton
10 is a great example. If that next piece of land was
11 annexed and if that weren't a wetland, and if there
12 were a development down there, would it not make
13 sense to make that connective so that residents
14 could get access through that road as well as other
15 roads?

16 I realize what I'm talking about is
17 wildly unpopular, but what I'm trying to speak to
18 is flow of traffic and what makes sense for the
19 community. So there you have it in a nutshell --
20 is trying to think through. And we have in this
21 development up north -- we have this road that just
22 kind of stops and there is a little hill and I'm
23 sure there is going to be complaints about people
24 driving over that hill and all of the other things,
25 and so there is going to be police calls. And if

1 we had just proactively stubbed it and connected
2 it, we wouldn't have the connectivity issue.
3 That's what I'm talking about.

4 MR. STONER: I'm not necessarily
5 opposed to what you're saying, but I think it's not
6 a one-size-fits-all option because we have ran into
7 this, just like Jim said, when the White property
8 wanted to originally develop next to those
9 apartments and they wanted to connect to Sands
10 Drive and we had a whole room full of people in
11 here complaining because they don't want their
12 drive connected.

13 MAYOR LAYTON: Well, I mean --

14 DR. MOCKUS: But there is a difference.
15 There is a difference. Here is the difference,
16 Sands doesn't go all of the way out, right? If
17 Sands went all -- if the road went all the way to
18 the edge of the last property -- like, if we had
19 the right-of-way and we had put -- help me -- we
20 had put the road all the way to the edge of the
21 land --

22 MR. STONER: Right.

23 DR. MOCKUS: Then everybody living a
24 long that road would have a visual that someday
25 this could happen. That's not how Sands exists.

1 MR. STONER: No, I gotcha.

2 DR. MOCKUS: And that's not how Denison
3 exists.

4 MR. STONER: Right.

5 DR. MOCKUS: And so a lot of these
6 examples that we are putting out there aren't
7 probably great examples, but when you develop, if
8 you develop and you put that there so that it's
9 clear when somebody buys there that this could
10 connect to another development, I think that that's
11 an important indicator to folks who decide whether
12 they want to live somewhere or not. Do you see the
13 difference?

14 MR. STONER: I gotcha.

15 MR. MCFARLAND: I think you make a good
16 point, is that individual development areas
17 regardless of how many houses -- individual
18 development areas are a piece of the whole and if
19 they are designed simply as a standalone
20 development and the ingress and egress is all about
21 the back of the development, then somebody comes in
22 beside of them and the whole neighborhood strategy
23 thing falls apart because the one neighborhood
24 doesn't interact with another one and so there is a
25 overall strategy. I take your point.

1 DR. MOCKUS: And I think being honest
2 with folks who buy along that road so they see
3 clearly that this is a potential.

4 MR. MCFARLAND: Yeah.

5 DR. MOCKUS: I think that's an
6 important indicator as well.

7 MR. MCFARLAND: Yeah.

8 MR. STONER: Okay. Anymore discussion
9 on the stubbing of roads? All right.

10 MAYOR LAYTON: The development back
11 there, the traffic pattern was basically designed
12 by the engineer.

13 MR. BRENNAMAN: And with V3's approval,
14 of course, so both engineering groups work together
15 to come to a common goal.

16 DR. MOCKUS: But I mean, you're --
17 you -- that development is surrounded on three
18 sides by completely impenetrable items, right?

19 MR. BRENNAMAN: Well, technically if
20 you connect back across the creek, we own 17 acres
21 on that side and connect it to the end of the
22 industrial park. But still, I mean, I would just
23 say it's three sides, but not going to limit the
24 potential that Southgate doesn't purchase that
25 property and continue that out.

1 MAYOR LAYTON: Good that they already
2 left, right?

3 MR. STONER: All right. Next item on
4 our agenda is the planning and zoning board member
5 comments. Any board member comments about anything
6 tonight or anything at all?

7 DR. MOCKUS: No pressure, but I'm
8 really excited about the work we're going to be
9 doing soon. I'm talking to you.

10 MR. STONER: I'm excited about both of
11 your work.

12 MAYOR LAYTON: The only comment that I
13 have is I think this board is working hard to do
14 this stuff and it's going to continue to become
15 more and more -- more and more opportunities every
16 day.

17 Since March 2, I bet I've got, 20, 25
18 UP's (phonetic) of people who want to come into the
19 community and build something. That's Licking
20 County. I mean, we used to get two or three a
21 month. Now, we are getting two or three a day
22 sometimes. So it's not going to slow down.

23 We just need to make sure we have
24 everything in place. Redoing the zoning book is a
25 first step and when we did it -- it's going to be a

1 living document. We have places to put things into
2 it. When we redid the zoning book, Airbnb was not
3 what it is today. So we didn't really even address
4 much. So it was a pretty secondhand thought here
5 but we're going to get that fixed.

6 The other thing is we have this other
7 person on board helping Bonnie. So we have an
8 opportunity to maybe get out when the whether is
9 changed to get out and work on some of these things
10 that have been put on the wayside when we were
11 short on people. And that's property maintenance
12 and that kind of stuff. And some of it's basically
13 obvious, if you drive by and look at it, get the
14 address and send them a letter and I think that's
15 what basically we are starting to do now.

16 So we will start moving in the right
17 direction. I'm enthused about this young lady we
18 have hired to help Bonnie. And I think she's
19 pretty sharp and we'll get things going in the
20 right direction.

21 MR. STONER: I have a quick comment.

22 MAYOR LAYTON: Go ahead.

23 MR. STONER: This just popped in my
24 mind after you said what you said, Jim. Is
25 there -- this may already be happening, but I doubt

1 it. Has there ever been any consideration that
2 when a new homeowner buys their home, not build,
3 buys their home in a neighborhood, that someone or
4 somebody from the village actually presents them
5 with zoning regulations so that they know what they
6 can and they can't do?

7 MAYOR LAYTON: Never done it.

8 MR. STONER: Well, maybe that's
9 something we should think about. Because, I mean,
10 when houses sell -- are bought and sold all of the
11 time, and you know, people come into the
12 neighborhood and they just think, you know, it's my
13 property, I can do whatever I want to do. And
14 that's not the case.

15 I mean, every community now has some
16 kind of rules, just about. So I think we put it on
17 the homeowner to figure out what the zoning is or
18 come and ask, but why aren't we being proactive and
19 giving them information about what they can and
20 can't do?

21 MR. MOSER: Can I chime in if I can?

22 MR. STONER: Yeah.

23 MR. MOSER: I just want to say because
24 I have been involved in -- and Deb's listening.
25 She's probably nodding her head, too. And I know

1 Bonnie is in her head, too. We had a big planning
2 kind of strategy session meeting earlier in the
3 year I think it was with Brian from V3, and kind of
4 this unified effort, which is going to take time to
5 kind of synthesize our engineering, our technical
6 review group, our zoning code standards, our
7 building code standards, to kind of make it all
8 more user friendly.

9 So we are talking about your website,
10 our actual literature, right, that we have in the
11 office, that we want to have a nice neat and tidy
12 packet that we can give to new developers, new home
13 builders coming in.

14 So I only mention that just so that you
15 know that you're good village staff has had those
16 discussion and that is definitely part of the
17 plans. It's a great idea.

18 MR. STONER: I'm not suggesting we give
19 the home owner the whole zoning book to read. I
20 mean --

21 MR. MOSER: Here it is.

22 MR. STONER: They will fall asleep in
23 10 minutes.

24 MR. MOSER: Yeah.

25 MR. STONER: I'm just suggesting that

1 if there was some kind of high level overview of
2 do's and don'ts, you're building a deck on the back
3 of your house, whatever, you have to have a permit
4 if you are building a fence in your yard, if you're
5 putting a shed in your yard.

6 I mean, the common things that people
7 do, you know, tell them what they can and what they
8 can't do. And then if they've got questions that
9 is not in that pamphlet, then they can go and ask
10 Bonnie or one of us more about that.

11 But, the fact that, you know, we're
12 not -- in my mind, I don't feel like we are
13 proactive enough yet.

14 MR. MOSER: No, not yet. But -- Deb, I
15 hear Deb trying to chime in.

16 MS. MORGAN: Yes. And I thank David
17 for saying something. Yes, we have and we're
18 actually starting this process since Brigette has
19 been on board, which has been an amazing help.
20 She's already creating flow charts for every
21 process that we have in our manual to make it
22 easier for developers so that we don't just say,
23 well, go look at our manual. Here is a document
24 that, you know -- and especially, at the bottom
25 we're making sure that we say, for complete

1 details, please see the manual and you can find it
2 here.

3 We are coming up with more simplified
4 forms, more uniformed in the way they are presented
5 and our next goal is also then to present and have
6 a form that we can hand out to new residents that
7 just touch on the subject such as fence and more
8 common items. So that all is in the process.

9 We started this process, probably, I'd
10 say at the end of the year and we're making great
11 strides to where we can make this -- we're going to
12 put the forms on the website. We are streamlining
13 and making it more user friendly for the residents
14 and for developers as well.

15 MR. STONER: Great. Thank you, Deb.

16 MR. MOSER: People are so visual, we
17 all like visual, you know, summaries. So it's
18 going to be a lot more nicer than -- I mean, you
19 have to have a zoning code and that's why I'm here.
20 I'm not a graphic designer, but you're going to use
21 your good people that you have to make zoning
22 charts for what's the variance process, what's the
23 zoning amendment procedure, so you can see it with
24 arrows and boxes. It will be very nice and user
25 friendly. So, I'm glad to have mentioned that.

1 MR. STONER: Great.

2 MS. MORGAN: And I've seen some of the
3 ones that Brigette has already completed and I have
4 been very impressed with them. And once we're
5 completed and were done with all of them, I'm
6 planning on having Bonnie and Brigette put just a
7 brief sample together for planning and zoning to
8 see. But if you could just give us a little more
9 time. It's been a long lead time for this to come
10 to play. So it's going to take us a little time to
11 take every item in that book so that we can make
12 sure it's streamlined. So once we're done, we'll
13 present what we have available for our residents.

14 MR. STONER: Great. Thank you, Deb.
15 That's all of the comments I had.

16 Scott or Mike, do you got any?

17 MR. MCFARLAND: I'll make one short
18 comment. As a lifelong resident of Hebron, I think
19 it's exciting to see the development that's coming
20 our way.

21 You know, we have been a quiet town out
22 here for many, many years. Even back when the
23 stagecoach went through town, this has been a
24 interesting place and now development is coming at
25 us like a freight train. I sometimes refer to it

1 as a tsunami that's coming from the west.

2 My concern is that for those folks who
3 have lived here for a long time and have paid the
4 freight for things -- they have paid for the water
5 plant. They have paid for the sewer plant. They
6 paid for the parks. They paid for the streets.
7 They paid for the sidewalks. They have, you know,
8 done a lot of things through the collections of
9 taxes and other ways, volunteers, donations all
10 kinds of things, to polish the village if you will.

11 One of the things I'm concerned about
12 is that the people who are coming here and are
13 going to be coming in all of these houses, how can
14 they participate in helping to polish Hebron?
15 Should that be an impact fee of some sort or
16 another because they are certainly going to have an
17 impact on the village? They are going to have an
18 impact on water and sewer. They are going to have
19 an impact on the police, the public works, every
20 service that Hebron provides, then the additional
21 people coming here are going to have impact on
22 that.

23 And I know they are going to come in
24 and they're going to, you know, pay for their
25 houses -- put their money down, pay for their

1 houses, probably take care of their properties.

2 But here in Hebron we have minimal
3 property taxes. The property taxes that we pay are
4 primarily for the schools. They are for some
5 county issues. But for the Village of Hebron we
6 are looking at what, 6 mills?

7 Deb, help me out. Is that right?

8 Anyway, I know that we have -- we are
9 paying -- well, we used to pay four and two mills
10 for fire protection. We don't have any mills here
11 in town for police protection.

12 MAYOR LAYTON: Yes, we do. We have a 5
13 mill continuing levy that's down to about 1.5 mill
14 now.

15 MR. MCFARLAND: Oh, we do?

16 MS. MORGAN: We have a permanent police
17 levy that's been on since --

18 MR. MCFARLAND: Well, that's good.
19 That's good.

20 MAYOR LAYTON: But it did start at 5
21 mills and it's down to like 1.4 now.

22 MR. MCFARLAND: Yeah. It tends to roll
23 down as evaluations go up. But, I guess, what my
24 concern is that those folks who come to town, help
25 to finance, help to fund the services that Hebron

1 provides. I'm not quite sure how that's going to
2 get done, but I don't want to see it all roll onto
3 the shoulders of the people who are here now.

4 MAYOR LAYTON: Mike, one of the first
5 things that is going to come out of their mouth and
6 I've had this told to me a couple of times now in
7 the last four years, I'll pay my taxes just like
8 you pay yours. I'll pay my property taxes, but
9 work outside of town and I have to pay an income
10 tax to Hebron, I'll do that. I'll pay whatever
11 taxes you have for me. I will pay just as you do.

12 MR. MCFARLAND: I understand.

13 MAYOR LAYTON: If you want me to pay
14 for the past stuff, you know, they are not
15 interested in that.

16 MR. MCFARLAND: I'm not saying that.
17 I'm saying that there is going to be an increase
18 and if that's the case, then maybe there are some
19 other taxes -- I didn't say that, did I? Some
20 other taxes that maybe should be considered.

21 MAYOR LAYTON: Well, we're in the
22 process of reviewing water and sewer rates.

23 MR. MCFARLAND: Yeah.

24 MAYOR LAYTON: We look at the rates all
25 of the time and Debbie is very good about

1 projections and forecasts and that kind of stuff.
2 We look at the money constantly and, you know,
3 that's our responsibility as the elected officials
4 to make sure that we are bringing enough money in
5 to cover the expenses.

6 And if it gets out of line, then you
7 have to determine what you're going to do. Do you
8 want to put a police tax on? I think we should. I
9 think we should put 3 or 4 mills on. Not 5 again,
10 but 3 or 4 mills. That would cover that. All of
11 our money comes -- most of the money for the police
12 and those things come out of income tax.

13 The parks, you know, water and sewer,
14 you can't do anything with it. That's an
15 enterprise fund. Whatever you take in for the
16 water bill, goes back into the water department.
17 You can't do anything else with the money. So you
18 just got to pay attention and do it.

19 But I'm not sure -- you're kind of
20 going to the point where we've paid for all of this
21 stuff to start with, well, that's true. We have.
22 And we pay for the park and there are people from
23 Buckeye Lake and Thornville and Millersport and
24 everybody else that comes in and uses it. But, in
25 return sometimes we go out and use those facilities

1 out there. But the thing is I think that as long
2 as everybody pays the tax, that's what they are
3 going to say. I'm paying my taxes just like you.

4 MR. MCFARLAND: I have nothing further.

5 MR. STONER: Dr. Mockus, anything?

6 DR. MOCKUS: No, thank you.

7 MR. STONER: Jim?

8 MAYOR LAYTON: No.

9 MR. STONER: All right. The next
10 regularly scheduled meeting is May 1 at 6:30. Do I
11 have a motion to adjourn?

12 DR. MOCKUS: So moved.

13 MAYOR LAYTON: Second.

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

15 Dr. Mockus?

16 DR. MOCKUS: Yes.

17 MR. STONER: Mr. McFarland?

18 MR. MCFARLAND: Yes.

19 MR. STONER: Mr. Jacobs?

20 MR. JACOBS: Yes.

21 MR. STONER: Mr. Layton?

22 MAYOR LAYTON: Yes.

23 MR. STONER: Mr. Stoner is yes. We are
24 adjourned and it's 8:18.

25 - - -

1 (THEREUPON, THE MOTION WAS APPROVED AND THE MEETING
2 WAS ADJOURNED AT 8:18 P.M.)

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CERTIFICATE

I, Rebecca A. Gause, Court Reporter,
do hereby Certify that the foregoing is, to the
best of my knowledge and ability, a true and
accurate transcription of the audio recording.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my seal of office at
Newark, Ohio on this 5th day of July 2023.

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

My commission expires May 21, 2024.

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