



CITY COMMISSION MEETING AGENDA

CITY COMMISSION

DAYTON, OHIO

MARCH 2, 2016

6:00 P.M.

I. AGENDA SCHEDULE

Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.

(Sign-up sheets at entrance of Commission Chambers.)

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearings: **(See Section V)**
12. Discussion Item: N/A
13. Comments by Citizens - Please register to speak with the Clerk of Commission - (Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: **Finance Briefing Committee – (B. LaBrier) - 4:30 p.m.**
City Manager's Large Conference Room
17. Miscellaneous (See Section VI)

II. CITY MANAGER RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

A. Purchase Orders, Price Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

1. Purchase Order:

FIRE

- | | |
|---|--------------------|
| A1. Finley Fire Equipment Company, Inc. (self-contained breathing apparatus parts and related supplies) | \$40,000.00 |
| (and for the period of 01-01-17 through 12-31-18) | 80,000.00 |
| A2. Morning Pride Manufacturing LLC dba Honeywell First Responder Products (protective clothing for structural firefighting) | 142,281.60 |

1. (Cont'd):

A3. Zoll Medical Corp. (Defibrillator equipment and related supplies as needed through 12-31-16) **\$25,000.00**
(and for the period of 01-01-17 through 12-31-18) **50,000.00**

PLANNING & COMMUNITY DEVELOPMENT

B1. Bladecutter's Lawn Service Inc. (building demolition for five properties) **15,000.00**

POLICE

C1. A. E. David's Uniform Company (uniforms as needed through 12-31-16) **9,700.00**

C2. Vance Outdoors, Inc. (tasers and related items) **69,000.00**

RECREATION & YOUTH SERVICES

D1. Tree Care, Inc. (tree removal services as needed through 12-31-16) **55,000.00**

WATER

E1. Interstate Ford, Inc. (three four-wheel drive extended cab pickup trucks) **102,156.00**

E2. Middletown Ford, Inc. (one mid-sized four-wheel drive sport utility vehicle) **29,263.68**

-Depts. of Fire, Planning & Community Development, Police, Recreation & Youth Services and Water. **Total: \$617,401.28**

2. **City of Riverside – Contract** – for technical and economic development services in association with the City of Dayton's Multi-Jurisdictional Source Water Protection Program – Dept. of Water/Environmental Mgmt. **\$84,254.00**
(Thru 12/31/16)

IV. LEGISLATION:

Resolution – First Reading:

3. **No. 6169-16** Authorizing the City Manager to Accept a Grant from the Greater Dayton Regional Transit Authority in an Amount Not to Exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) of Federal Transit Administration Funds.

Ordinance – Second Reading:

4. **No. 31476-16** Authorizing the City Manager to Purchase Fuel for 2018.

V. PLANNING ACTION

A. PUBLIC HEARINGS:

5. To establish Planned Development PD-171 for 28.66 +/- acres adjacent to the Stony Hollow Landfill at 2460 South Gettysburg Avenue. Rezone all property within the boundaries of PD-171 from Suburban Single-Family Residential (SR-1) to Light Industrial (I-1), and allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material removed shall be used exclusively at the Stony Hollow Landfill. -- **Case No. Z-014-2015.**

***** Analysis to Impediments to Fair Housing Study**

VI. MISCELLANEOUS:

ORDINANCE NO. 31477-16

RESOLUTION NO. 6170-16

IMPROVEMENT RESOLUTION NO. 3598-16

INFORMAL RESOLUTION NO. 918-16

CITY OF DAYTON
CITY MANAGER'S REPORT

TO: City Manager

Date March 2, 2016

FROM: Central Services / Purchasing
Department/Division

(CHECK ONE)

Amount \$ 617,401.28

- Purchase Order Lease Agreement
- Price Agreement Estimate of Cost
- Award of Contract Payment of Voucher
- Other 2016 Purchase Orders

Supplier/Vendor/Company/Individual:

NAME See Below

ADDRESS _____

Justification and description of purchase, contract or payment:

FIRE

(A1) P1600715 – FINLEY FIRE EQUIPMENT COMPANY, INC., McCONNELSVILLE, OH

- Self-contained breathing apparatus (SCBA) parts and related supplies.
- These goods are required to maintain life safety equipment.
- Thirteen possible bidders were solicited and three bids were received. This order establishes a price agreement through 12/31/2018.
- The Department of Fire recommends acceptance of the low bid.
- Initial encumbrance authority: \$40,000.00
- Authority to cover additional needs in the following periods:
 - 1/1/17 – 12/31/17 \$40,000.00
 - 1/1/18 – 12/31/18 \$40,000.00

Approved Affirmative Action Program on File Yes No NA

Approved by City Commission

Clerk

Date

Division

Department

City Manager

FIRE (CONTINUED)

(A2) P1600709 – MORNING PRIDE MANUFACTURING LLC dba HONEYWELL FIRST RESPONDER PRODUCTS, DAYTON, OH

- Protective clothing for structural firefighting.
- These goods are required to provide fire suppression personnel with appropriate gear.
- Rates are in accordance with the City of Dayton's existing price agreement RFP 15023K, with firm pricing through 12/31/2019.
- Morning Pride Manufacturing LLC dba Honeywell First Responder Products qualifies as a Dayton local entity.
- The Department of Fire recommends approval of this order.
- Authority: \$142,281.60

(A3) P1600713 – ZOLL MEDICAL CORP., CHELMSFORD, MA

- Defibrillator equipment and related supplies, as needed through 12/31/2016.
- These goods are required to utilize defibrillators in providing Advanced Life Support (ALS) by the Dayton Fire Department.
- Zoll Medical Corporation is recommended as the original equipment manufacturer (OEM), therefore this purchase was negotiated.
- The Department of Fire recommends approval of this order.
- Initial encumbrance authority: \$25,000.00
- Authority to cover additional needs in the following periods:
 - 1/1/17 - 12/31/17 \$25,000.00
 - 1/1/18 - 12/31/18 \$25,000.00

PLANNING AND COMMUNITY DEVELOPMENT

(B1) P1600738 – BLADECUTTER'S LAWN SERVICE INC., HARRISON TOWNSHIP, OH

- Building demolition for five (5) properties.
- These services are required to demolish dilapidated and fire damaged buildings.
- Pursuant to section 86 of the City of Dayton Charter, the Director of Planning and Community Development has declared an emergency, the necessary funds have been encumbered and the suppliers have been notified to proceed.
- Bladecutter's Lawn Service, Inc. qualifies as a City certified entity.
- The Department of Planning and Community Development recommends approval of this order.
- Authority: \$15,000.00

POLICE

(C1) P1600630 – A.E. DAVID’S UNIFORM COMPANY, DAYTON, OH

- Uniforms, as needed through 12/31/2016.
- These goods are required for issuance to the 105th recruit class.
- Rates are in accordance with the City of Dayton’s existing price agreement IFB K13010, with pricing through 3/31/2016.
- This amendment increases the originally authorized amount of \$3,742.50 by \$9,700.00 for a total not to exceed \$13,442.50 and therefore requires City Commission approval.
- A.E. David’s Uniform Company qualifies as a Dayton local entity.
- The Department of Police recommends approval of this order.
- Authority: \$9,700.00

(C2) P1600737 – VANCE OUTDOORS, INC., COLUMBUS, OH

- Tasers and related items.
- These goods are required to replace items worn beyond economical repair and for issuance to new recruits.
- Rates are in accordance with the City of Dayton’s existing price agreement IFB 13050K, with firm pricing through 4/30/2016.
- The Department of Police recommends approval of this order.
- Authority: \$69,000.00

RECREATION AND YOUTH SERVICES – GOLF

(D1) P1600728 – TREE CARE, INC., DAYTON, OH

- Tree removal services, as needed through 12/31/2016.
- These services are required to remove dead/diseased trees from the City golf courses.
- Rates are in accordance with the City of Dayton’s existing price agreement IFB 15062U, with pricing through 8/31/2019.
- Tree Care, Inc. qualifies as a Dayton local entity.
- The Department of Recreation and Youth Services recommends approval of this order.
- Authority: \$55,000.00

WATER – WATER UTILITY FIELD OPERATIONS

(E1) P1600716 – INTERSTATE FORD, INC., MIAMISBURG, OH

- Three (3) four-wheel drive extended cab pickup trucks.
- These vehicles are required to support the daily operations of the Division of Water Utility Field Operations and will replace units #957, #2089 and #2109, which will be disposed of in the best interest of the City of Dayton.
- Rates are in accordance with the City of Dayton’s existing price agreement IFB U15042, with firm pricing through 4/1/2016.
- The Department of Water recommends approval of this order.
- Authority: \$102,156.00

WATER – WATER UTILITY FIELD OPERATIONS (CONTINUED)

(E2) P1600714 – MIDDLETOWN FORD, INC., MIDDLETOWN, OH

- One (1) mid-sized four-wheel drive sport utility vehicle.
- This vehicle is required to support the daily operations of the Division of Water Utility Field Operations and will replace unit #1023, which will be disposed of in the best interest of the City of Dayton.
- Rates are in accordance with the City of Dayton's existing price agreement IFB 15048U, with firm pricing through 3/4/2016.
- The Department of Water recommends approval of this order.
- Authority: \$29,263.68

The aforementioned departments recommend approval of these orders.

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION
 For: SELF CONTAINED BREATHING APPARATUS AND RELATED ITEMS
 Dept./Div.: FIRE
 Requisition No.: Multiple

IFB No.: 16020K
 Bids Opened: 2:00 P.M.; 2/2/2016

No.:				1	2	3
BIDDER NAME & STREET ADDRESS:				Finley Fire Equipment Co., Inc.	Ritz Safety	Warren Fire Equipment, Inc.
CITY:				McConnelsville	Indianapolis	West Carrollton
STATE & ZIP:				OH 43756	IN 46219	OH 45449
Recommended for Award				X		X
QUALIFIES FOR LOCAL PREFERENCE?				NO	NO	NO
QUALIFIES FOR CERTIFIED PREFERENCE?				NO	NO	NO
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?				NO	NO	NO
Item #	ITEM DESCRIPTION	QTY	U/M	UNIT COST	UNIT COST	UNIT COST

PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS

1	4500 PSI backframe assy, with first stage regulator, quick disconnect second stage, PASS device, RIT connection, and HUD, (no facemask or cylinder), include the Scott Pak Tracker NFPA 1981, 2013 Edition Mfr: Scott BrandPart No. SC-75-2013	1	Each	\$3,980.00	\$6,120.34	\$4,426.00
2	Face mask Sizes: small, medium, or large Mfr: Scott Brand AV-3000 Part No. SC-805773-xx	1	Each	\$212.50	\$292.87	\$230.00
3	Face mask Sizes: small, medium, or large Mfr: Scott Brand AV-3000 HT Part No. 201215-xx	1	Each	\$217.75	\$298.70	\$235.00
4	Voice amplifier bracket Mfr: Scott Brand Part No. 200715-01	1	Each	\$24.00	\$25.87	\$25.00
5	HUD Quick disconnect second stage regulator Mfr: Scott Brand CBRN Part No. 200077-10	1	Each	\$1,150.00	\$1,234.92	\$1,110.00

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION
 For: SELF CONTAINED BREATHING APPARATUS AND RELATED ITEMS
 Dept./Div.: FIRE
 Requisition No.: Multiple

IFB No.: 16020K
 Bids Opened: 2:00 P.M.; 2/2/2016

BIDDER NAME & STREET ADDRESS:				1	2	3
No.:				Finley Fire Equipment Co., Inc.	Ritz Safety	Warren Fire Equipment, Inc.
CITY:				McConnelsville	Indianapolis	West Carrollton
STATE & ZIP:				OH 43756	IN 46219	OH 45449
Recommended for Award				X		X
QUALIFIES FOR LOCAL PREFERENCE?				NO	NO	NO
QUALIFIES FOR CERTIFIED PREFERENCE?				NO	NO	NO
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?				NO	NO	NO
Item #	ITEM DESCRIPTION	QTY	U/M	UNIT COST	UNIT COST	UNIT COST
6	EPIC Voice amplifier communication device Mfr: Scott Brand Part No. 201275-01	1	Each	\$372.00	\$413.02	\$375.00
7	SCBA Air Bottles	1	Each	\$734.00	\$901.16	\$740.00
	Discount off list pricing for parts and related supplies			0%	15%	23% Discount applies to SCBA parts ONLY
	Options to renew for additional 12-months January 1, 2017 through December 31, 2017			NO	YES	NO
	Maximum Percentage of increase			5%	0%	23% Discount based on 2017 current year price list
	Options to renew for additional 12-months January 1, 2018 through December 31, 2018			NO	YES	NO
	Maximum Percentage of increase			7%	0%	23% Discount based on 2018 current year price list
TERMS:				Net 30	Net 30	Net 30
FOB:				DEST	DEST	DEST
DELIVERY:				30 DAYS ARO	30 DAYS ARO	45-50 DAYS ARO

• = lowest bid X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

- | | | | |
|--|--|--|--|
| 1. EMM Black's Dist. (DLSB, MBE, SBE)
Dayton OH 45417 | 2. Medic Safe (MBE, SBE, WBE)
Springboro OH 45066 | 3. Grainger
Harrison Twp OH 45414 | 4. ORR Safety
Louisville KY 40229 |
| 5. Municipal Emergency Services
Indianapolis IN 46250 | 6. Pro-Am Safety Warrendale
Warrendale PA 15086 | 7. Process Control Services
Plymouth MI 48170 | 8. Hoosier Fire Equipment
Greenfield IN 46140 |
| 9. Thermo Fisher
Florence KY 41042 | 10. Nowak Supply Co.
Fort Wayne IN 46802 | 11. Bluegrass Uniforms, Inc.
Bowling Green KY 42101 | |

2.

**CITY OF DAYTON
CITY MANAGER'S REPORT**

TO: City Manager

Date March 2, 2016

FROM: Water/Environmental Management
Department/Division

Code 53997-3470-1271-55

Fund Title Source Water Protection

Amount \$ \$84,254 (Through 12/31/16)

(CHECK ONE)

- Purchase Order
- Price Agreement
- Award of Contract
- Other _____
- Lease Agreement
- Estimate of Cost
- Payment of Voucher

Supplier/Vendor/Company/Individual:

NAME City of Riverside
 ADDRESS 5200 Springfield Street, Suite 100
Riverside, Ohio 45431

Justification and description of purchase, contract or payment:

2016 CITY OF RIVERSIDE AGREEMENT

The Department of Water requests permission to enter into a Professional Services Agreement with the City of Riverside, in the amount of \$84,254 for technical and economic development services in association with the City of Dayton's Multi-Jurisdictional Source Water Protection Program. These efforts are essential for the continued protection of the region's drinking water supply.

Funds for this Agreement are provided from the Source Water Protection Fund as approved by the Source Water Protection Board on August 6, 2015. The City of Riverside has approved and signed the Agreement.

The Agreement is effective January 1, 2016 to December 31, 2016 for an amount not to exceed \$84,254. The billings will be submitted for actual costs and expenditures. Any unused amount will remain in the Source Water Protection Fund.

The Professional Services Agreement for the City of Riverside in 2015 was \$82,700. The Agreement expenditure for 2016 is a two percent increase from 2015.

The Agreement has been reviewed by the Law Department as to form and correctness. A Certificate of Funds for \$84,254 and a copy of the Agreement are attached.

Approved Affirmative Action Program on File Yes

No NA

Approved by City Commission

Clerk

Date

Michelle D. Simmons
 Division
James P. Cleveland
 Department
[Signature]
 City Manager

SOURCE WATER PROTECTION AGREEMENT

This AGREEMENT, entered into this ____ day of _____, 2016 is between the City of Dayton, Ohio, (the "City") and the City of Riverside, Ohio ("Contractor").

ARTICLE I - SCOPE OF SERVICES

Contractor shall provide services to reduce the risk of groundwater contamination within the Source Water Protection Area ("Services"). The Services shall include those work elements listed in Attachment 1, Work Program, and Attachment 2, Deliverables, attached hereto and incorporated herein by reference.

ARTICLE II - PAYMENT

The City agrees to pay Contractor a sum not to exceed Eighty Four Thousand, Two Hundred and Fifty-Four (\$84,254.00) for Services provided during year one of this Agreement. The budget shall be that shown on Attachment 3. Upon submission of an invoice by Contractor, the City agrees to pay Contractor Eighty Four Thousand, Two Hundred and Fifty-Four (\$84,254.00) for the first two budget items: "Personnel" and "Operating Expenses." Contractor shall provide documentation of expenses to substantiate the invoiced amount as the City, through the Dayton Source Water Protection Board ("Board"), requires.

Contractor shall promptly convey all unexpended funds to the City upon termination of the Agreement.

ARTICLE III - TERM

This Agreement is effective January 1, 2016, and shall continue for one (1) year. By July 25, 2016, Contractor shall submit to the City a summary of the Services provided under this Agreement to date and by January 30, 2017, Contractor shall submit to the City a final Annual Report.

ARTICLE IV - LIABILITY

The parties agree to release each other from any and all liability, which may be caused by or arise by the wrongful and/or negligent conduct of the parties' respective employees and agents in the performance of the services, duties and responsibilities set forth herein. Notwithstanding, neither party waives any available immunities under the law.

ARTICLE V - INDEPENDENT CONTRACTOR

By executing this Agreement for professional services, Contractor acknowledges and agrees that it will be providing services to the City as an "independent contractor." As an independent contractor for the City, Contractor shall be prohibited from representing or allowing other to construe the parties' relationship in a manner inconsistent with this Article. Contractor shall have no authority to assume or create any obligation on behalf of, or in the name of the City, without the express prior written approval of a duly authorized representative of the City.

Contractor and any employees and persons retained or hired by Contractor to perform the services, duties, and responsibilities under this Agreement are not City employees, and therefore, are not entitled to, nor will they make a claim for, any of the emoluments of employment with the City of Dayton. Further, Contractor shall be solely responsible to withhold and pay all applicable local, state, and federal taxes.

ARTICLE VI - COMPLIANCE WITH LAW

Contractor and its agents and contractors, shall fully comply with all laws, ordinances, rules, and regulations that are applicable to the Services provided for herein. Contractor agrees to indemnify and hold harmless the City and its officers, agents, and employees from all claims, damages, fines, penalties, and expenses resulting from the failure to comply with applicable laws, ordinances, rules, or regulations by Contractor or its agents or contractors.

ARTICLE VII - NON-DISCRIMINATION

During the performance of this Agreement, Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, handicap, age, political belief, or place of birth. Contractor will take affirmative action to ensure that all applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, handicap, age, political belief, or place of birth. Such action shall include, but is not limited to the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Contractor or any person claiming through Contractor, including any contractors or subcontractors, agrees not to establish or knowingly permit any such practice or practices of discrimination or segregation in reference to any matter covered by this Agreement.

It is expressly agreed and understood that Section 35.14 of the Revised Code of General Ordinances (RCGO) of the City of Dayton constitutes a material condition of this Agreement as fully as if specifically written herein and that failure to comply therewith shall constitute a breach thereof entitling City to terminate this Agreement at its option.

ARTICLE VIII - RECORDS TO BE MAINTAINED

All costs and expenditures pertaining in whole or part to this Agreement for the work and Services performed under this Agreement shall be supported by properly executed payrolls, time records, invoices, contracts, vouchers, or other accounting documents, which shall be clearly identified and readily accessible to the City. At any time during normal business hours and as often as the City may deem necessary, Contractor shall make available to the City all of its records related to this Agreement. Contractor shall also permit the City to audit, examine, and make excerpts or transcripts from such records and to have audits made of all contracts, invoices, materials, payrolls, personnel records, conditions of employment and other data pertaining in whole or part to matters covered by this Agreement.

ARTICLE IX - RETENTION OF RECORDS

Contractor shall retain all records pertinent to the expenditures incurred under this Agreement for a period of three (3) years after the termination of all work and services funded under this Agreement. Notwithstanding the above, if there is any action, including without limitation litigation, claims, audits, or negotiations that involves any of the records pertaining to this Agreement that commences prior to the expiration of the three-year period, then Contractor shall retain such records until completion of the action and resolution of all issues, or the expiration of the three-year period, whichever occurs later.

ARTICLE X - TERMINATION

Either party may terminate this Agreement by giving sixty (60) days written notice to the other party. Contractor shall be paid for Services rendered up to the date of termination, as determined by the City.

ARTICLE XI - ENTIRE AGREEMENT

This Agreement represents the entire and integrated Agreement between the City and Contractor. This Agreement supersedes all prior and contemporaneous communications, representations, understanding, agreements, or contracts, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE XII - GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws.

ARTICLE XIII - POLITICAL CONTRIBUTIONS

Contractor affirms and certifies that it complies with Ohio Revised Code § 3517.13 limiting political contributions.

IN WITNESS WHEREOF, the City and Contractor, each by duly authorized representative, have executed this Agreement as of the day and date first set forth above.

CITY OF DAYTON, OHIO

CITY OF RIVERSIDE, OHIO

City Manager

By: Erin M. Christman
Title: Interim City Manager

**APPROVED AS TO FORM
AND CORRECTNESS:**

City Attorney

[Handwritten signature]
ELF

**APPROVED BY THE COMMISSION
OF THE CITY OF DAYTON, OHIO:**

December 17, 2015

Min. / Blk. _____ Page _____ Resolution No. 15 - R - 2114

Erin M. Aragon
Clerk of the Commission

ATTACHMENT 1

WORK PROGRAM - 2016

The City of Riverside (Riverside) will assist with the environmentally sound development of the Source Water Protection Area (SWPA) and Water Resources Area WR land within Riverside through the administering of the Source Water Protection Program (SWPP) requirements relating to but not limited to the following activities:

1. Act as a liaison with, and educate, the commercial real estate community concerning the SWPP and financial incentives for groundwater friendly businesses in the SWPA and the WR. Distribute marketing, financial incentives, and informational materials aimed at retaining and recruiting new groundwater-friendly businesses in the SWPAs and the WR. Include SWPP information on Riverside's website.
2. Assist Public Health Dayton & Montgomery County (PHDMC) in identification of potential inventory sources in the new SWPAs and the WR once adopted by Riverside. Assist in identifying businesses and uses that are defined as prohibited with respect to the Zoning Ordinance. Maintain an active inventory of business sites and vacant sites located in the SWPA, including property owner and business owner. Inform PHDMC of any changes.
3. Conduct retention, expansion, and SWPP compliance visits with existing and new businesses in the SWPA and WR and ensure that businesses are knowledgeable with SWPP and Riverside requirements. Update PHDMC within 30 days of existing site visits and inform PHDMC immediately of new businesses so a SWPP inspection can be scheduled.
4. Assist Dayton, Division of Environmental Management (DEM) in obtaining access, including right-of-ways, to property outside the City of Dayton limits in order to install, maintain, and monitor Early Warning Monitoring Wells.
5. Determined if a business in the SWPA is non-compliant relative to zoning/occupancy permit requirements or with SWPP requirements, including but not limited to facilities who have received funding through the Risk Point Buy Down Program., Riverside shall take steps to correct the non-compliance(s) found. Riverside will ensure that follow up documentation identifying deficiencies are sent to the non-compliant facility. Additional enforcement action will be pursued as necessary. Include any enforcement related correspondences/actions in annual report.
6. Attend Source Water Protection Board (Board) and Pre-Fund Board meetings. For Board-funded projects in the SWPA and the WR, work with residents, businesses, contractors, PHDMC, DEM, and CityWide Development on the project to ensure all conditions on the funding are met. Work cooperatively with PHDMC to provide annual updates to the Board regarding the status of Board-funded projects in Riverside and include in annual report. Make presentations as necessary. Attend and participate in at least one DEM / Board sponsored financial marketing event per year. Attend and participate in Multi-Jurisdictional meetings.
7. Attend and participate in meetings of the PROGRESS committee and publication of PROGRESS News. Compose an article for a minimum of one (1) issue of the PROGRESS News newsletter.
8. Assist and participate in the annual Children's Groundwater Festival.
9. Assist DEM and PHDMC in promoting sustainable practices and groundwater protection measures for businesses in the SWPAs and the WR. Provide links to the County's DRG3 and to DEM's Blue-Gold Certification on Riverside's website. Support and work with PHDMC and DEM toward the development and enactment of an appropriate Zoning Code which reflects Dayton's Zoning Code, Water Ordinance and Resolution No. 6125-15. Provide mid-year update to Board.
10. Support and work with PHDMC and DEM toward the development and enactment of an appropriate Zoning Code which reflects Dayton's Zoning Code, Water Ordinance and Resolution No. 6125-15. Provide mid-year update to Board.

ATTACHMENT 2

All the above activities require deliverables to PHDMC, and/or the Source Water Protection Board (Board), and/or DEM *in the 2016 and Annual Report¹ (and Annual Summary) or in the following time frame:*

DELIVERABLE	DATE DUE/COMMENTS
1. Summary report documenting consultation with Real Estate and/or Development Community and on distribution of marketing / financial incentive brochures, guides, and other informational materials	Annual Report
2. Summarize assistance to PHDMC in identifying businesses and prohibitions in the new SWPAs and WR and update Business List and Vacant Sites List	Update PHDMC as needed and incorporate into Annual Report
3. Update PHDMC regarding retention, expansion, and compliance visits to existing and new businesses	Update PHDMC within 30 days for existing and immediately of new. Incorporate list of companies into Annual Report
4. Update efforts in assisting DEM in obtaining access for well installation, sampling, and maintenance	Quarterly and Annual Report
5. List and summarize non-compliant businesses and steps taken to mitigate issues	Include meetings, deficiency notices and compliance status in Annual Report
6. Summary of attendance and participation for Board, Financial Marketing Events, and Multi-Jurisdictional Meetings	Annual Report
7. Provide a minimum of one (1) <i>PROGRESS News</i> article	Include article(s) in Annual Report
8. Summary of participation in Children's Water Festival	Annual Report
9. Provide links to the County's DRG3 and to DEM's Blue-Gold Certification on Riverside's website.	First Quarter 2014 and summarize activities in Annual Report
10. Provide a mid-year update to Board regarding revision status of Zoning Code	Mid-year update to Board and End of year summary in Annual Report

¹A draft Annual Summary, outlining activities performed through June of 2016 is due at the July Pre-Fund Board Meeting. The final Annual Summary is due at the 2016 August Source Water Protection Board meeting.

A draft Annual Report is due at the January 2017 Pre-Fund Board meeting. The final Annual Report is due at the February 2017 Source Water Protection Board meeting.

ATTACHMENT 3

**CITY OF RIVERSIDE
ESTIMATED BUDGET
2016 Source Water Protection Agreement**

Year 17 – Calendar 2016

Personnel

Salary and Benefits	\$ 79,254.00
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Operating Expenses

Mileage	\$ 2,000.00
Supplies	\$ 3,000.00

Total Amount for 2016	\$ 84,254.00
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RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. 50045

Resolution No. 15-R-2114 Passed December 17, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF DAYTON REGARDING THE PROTECTION OF WELLFIELD AREAS WITHIN THE CITY OF RIVERSIDE, OHIO.

WHEREAS, the City Manager does report that the City of Dayton has presented a proposed agreement for services to be provided by the City of Riverside to reduce the risk of groundwater contamination within the Wellfield Protection Area located in the City of Riverside; and

WHEREAS, the City Manager recommends that the City of Riverside enter into said agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That the City Manager be and is hereby authorized to enter into an agreement between the City of Dayton and the City of Riverside to conduct activities to protect the City of Dayton Wellfields, a copy of which is attached hereto, marked Exhibit "A" and incorporated herein by reference.

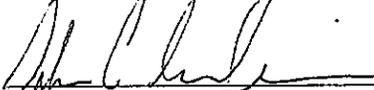
Section 2: That this Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS 17th DAY OF December, 2015.

APPROVED:


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY

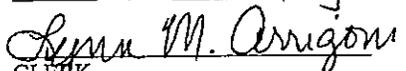
ATTEST:


CLERK

CERTIFICATE OF THE CLERK

I, Lynn M. ARRIGONI, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 15-R-2114 passed by the Riverside City Council on the 17th day of December, 2015.

IN TESTIMONY WHEREOF, witness my hand and official seal this 10th day of February, 2015-2016


CLERK

1st Reading

3.

6169-16

BY..... No.....

A RESOLUTION

Authorizing the City Manager to Accept a Grant from the Greater Dayton Regional Transit Authority in an Amount Not to Exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) of Federal Transit Administration Funds.

WHEREAS, This Commission is committed to the welfare of the City of Dayton and the surrounding communities through the promotion of regional cooperation; and

WHEREAS, Evidence of such cooperation between the City of Dayton and the Greater Dayton Regional Transit Authority has been demonstrated; and

WHEREAS, The Federal Transit Administration provides funds for improvement of public infrastructure for transit use; and

WHEREAS, By action passed by the Board of the Greater Dayton Regional Transit Authority on December 1, 2015, the City of Dayton was awarded a grant in an amount not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) for two projects that will replace defective bus pads Citywide; now, therefore,

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

SECTION 1. That the City Manager or her designee is authorized, on behalf of the City of Dayton, to execute all documents and agreements necessary to accept a grant from the Greater Dayton Regional Transit Authority in an amount not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00).

Adopted by the Commission.....2016

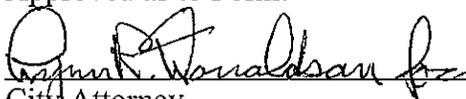
Signed by the Mayor.....2016

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to Form:



City Attorney

Proposed Bus Pad (Alternates)						Existing Removals					
Street	At	Length (FT)	Width (FT)	Area (SF)	Area (SY)	Concrete Bus Pad Removed (SY)	Asphalt Removed (SY)	Valve	MH	CB	Curb
WB East Third	Smithville	100	12	1200	133	0	133				
EB Wyoming	W of Phillips	100	10	1000	111	0	111		1		30
WB Wyoming	St. Joseph	50	10	500	56	0	56				
WB Wyoming	Steele	100	10	1000	111	0	111				15
EB Wyoming	Steele	110	10	1100	122	0	122				50
EB Wyoming	Virginia	110	10	1100	122	0	122			1	
SB Wayne	Jones	105	10	1050	117	0	117				45
SB Wayne	Hickory	90	10	900	100	0	100		1		20
SB Wayne	Oak	107	10	1070	119	0	119		1		20
NB Wayne	N of Fifth	80	10	800	89	0	89		1		20
NB Wayne	Mid Keowee - 35	100	10	1000	111	0	111		3	1	
SB Smithville	Ewalt	100	10	1000	111	0	111				40
NB Smithville	Highview	115	10	1150	128	0	128				85
NB Smithville	Bellaire	110	10	1100	122	0	122				15
NB Main	Fairview	125	9.5	1187.5	132	0	132				
SB Main	Maplelawn	115	10	1150	128	0	128				
SB Main	Packwood	100	10	1000	111	0	111				50
EB Hillcrest	Benson	100	10	1000	111	0	111				
EB Hillcrest	Philadelphia	125	10	1250	139	0	139				
WB Hillcrest	Elsmere	105	9.5	997.5	111	0	111	1			40
WB Hillcrest	Benson	105	9.5	997.5	111	0	111				5
WB Hillcrest	Philadelphia	105	9.5	997.5	111	0	111				
EB Fairview	Emerson	100	12	1200	133	0	133	1			
WB Fairview	Emerson	105	12	1260	140	0	140				10
EB Fairview	Rustic	100	12	1200	133	0	133				40
EB Fairview	Wabash	110	12	1320	147	0	147		1		
WB Fairview	Valley View	100	12	1200	133	0	133				
SB Salem	Hillcrest	115	12	1380	153	133	20				
NB Troy	Warner	100	10	1000	111	0	111			1	
NB Troy	Leonhard	115	10	1150	128	0	128				
SB Martz	Huffman	90	10	900	100	96	14				
EB Radio	Blackwood	100	11	1100	122	0	122			1	
WB Cosler	Alexander	75	10	750	83	83	0				
SB Hearthstone	Eastway	100	10	1000	111	0	111			1	
SB Hearthstone	Masner	110	10	1100	122	0	122			1	60
SB Hearthstone	Corinth	100	10	1000	111	0	111			1	55
NB Gettysburg	McCall	100	11	1100	122	0	122		1		
SB Gettysburg	Kings	100	11	1100	122	0	122				
WB Lakeview	Mt. Clair	100	11	1100	122	0	122			1	
NB Seneca	Oxford	76	10	760	84	84	0	1			
NB Seneca	Haverhill	100	10	1,000	111	111	0				
EB Kammer	Orchard	106	10	1,060	118	118	0			1	
WB Kammer	Woodward	105	10	1,050	117	117	0				
WB Kammer	Kilmer	83	10	830	92	92	0				
NB Wheatley	Santa Clara	100	10	1000	111	0	111				
NB Ardene	Ardery	105	10	1050	117	0	117				
EB Blueberry	England	75	10	750	83	0	83				



MEMORANDUM

February 19, 2016

TO: Shelley Dickstein
City Manager

FROM: Stephen Finke, Deputy Director
Department of Public Works *SF*

SUBJECT: Resolution for Funding from the Federal Transit Administration

Attached is original resolution authorizing the City to accept funding from the Federal Transit Administration (FTA) through the Greater Dayton Regional Transit Authority (GDRTA) for the replacement of deteriorated bus pads citywide. The funds will be utilized for two projects, one each in 2016 and 2017, which will be designed, bid, and inspected by the City. FTA funds will be used for the construction phase.

Please present this resolution to the City Commission at its March 2, 2016 meeting. The Department of Law has reviewed and approved this document as to form.

A copy of GDRTA's correspondence confirming its Board's approval of the funding is attached. If you have any questions, please contact me at 3839.

SJF/kgs

Attachments

2nd Reading

4.

By.....

No. 31476-16.....

AN ORDINANCE

Authorizing the City Manager to Purchase Fuel for 2018.

WHEREAS, The City of Dayton faces financial challenges at the same time that the global economy is volatile, giving rise to the need to conserve financial resources; and

WHEREAS, The City of Dayton, during the course of normal operations, consumes approximately 500,000 gallons, each, of gasoline and diesel fuel in a calendar year; and

WHEREAS, The City of Dayton may have opportunity to cooperate with other entities to potentially leverage larger volume purchases to increase efficiency and further lower the cost of fuel purchases; and

WHEREAS, In order to provide for the usual daily operations of the City of Dayton departments and any other entities that the City of Dayton may agree to cooperate with for the supply of fuel; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the City Manager is authorized to execute purchase orders or other agreements necessary for the City of Dayton to purchase gasoline and diesel fuel in quantities adequate to satisfy operational needs of City of Dayton departments and other entities with which the City may form cooperative procurement agreements for fiscal year 2018.

PASSED BY THE COMMISSION....., 2016

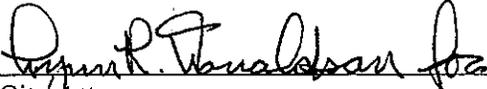
SIGNED BY THE MAYOR....., 2016

Mayor of the City of Dayton, Ohio

ATTEST:

Clerk of the Commission

APPROVED AS TO FORM:


City Attorney



5.

February 1, 2016

TO: Members of the City Commission

FROM: Greg Scott, President
City Plan Board

Greg Scott/ams

*P.H. - March 2, 2016
6:00 P.M.
CASE: Z-014-2015*

**SUBJECT: Transmittal of Report for City Plan Board Case Z-014-2015
An Appeal of a Plan Board Decision Regarding the Rezoning of
28.66 +/- Acres Adjacent to the Stony Hollow Landfill**

Applicant: Mr. Peter Lucas
Stony Hollow Landfill, Inc.
2460 South Gettysburg Avenue
Dayton, OH 45418

Description: Establish Planned Development PD-171 for 28.66 +/- acres adjacent to the Stony Hollow Landfill at 2460 South Gettysburg Avenue. Rezone all property within the boundaries of PD-171 from Suburban Single-Family Residential (SR-1) to Light Industrial (I-1), and allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material removed shall be used exclusively at the Stony Hollow Landfill. The Dayton City Plan Board recommended that the rezoning request be denied. The Stony Hollow Landfill is appealing the Plan Board's decision to the City Commission and is asking the City Commission to approve this rezoning request.

Board Action: Date: October 13, 2015 Decision: Recommended Disapproval

Attachments:

1. City Plan Board Minute Record
2. Plan Board Case Report
3. Correspondence Received
4. Copy of Ordinance

If you have any questions, please contact Ann Schenking at 333-3699.

GS/ams

c: Ms. Shelley Dickstein, w/ attachments
Mr. Aaron Sorrell, w/ attachments
Ms. Barbara Doseck, w/ attachments
Mr. Brian Inderrieden, w/ attachments
Mr. Carl Daugherty, w/ attachments
Ms. Ann Schenking, w/ attachments
Applicant, w/ attachments
Case File



MEMORANDUM

January 26, 2016

TO: Rashella Lavender, Clerk of Commission
Office of the City Commission

FROM: Ann Schenking, Secretary
City Plan Board

SUBJECT: Advertise Public Hearing for City Plan Board Case Z-014-2015
An Appeal of a Plan Board Decision Regarding the Rezoning of
28.66 +/- Acres Adjacent to the Stony Hollow Landfill

Applicant: Mr. Peter Lucas
Stony Hollow Landfill, Inc.
2460 South Gettysburg Avenue
Dayton, OH 45418

Description: Establish Planned Development PD-171 for 28.66 +/- acres adjacent to the Stony Hollow Landfill at 2460 South Gettysburg Avenue. Rezone all property within the boundaries of PD-171 from Suburban Single-Family Residential (SR-1) to Light Industrial (I-1), and allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material removed shall be used exclusively at the Stony Hollow Landfill. The Dayton City Plan Board recommended that the rezoning request be denied. The Stony Hollow Landfill is appealing the Plan Board's decision to the City Commission and is asking the City Commission to approve this rezoning request.

Board Action: Date: October 13, 2015 Decision: Recommended Disapproval

Request: The Clerk is authorized by the R.C.G.O. to set the public hearing and provide the appropriate notice. **It is requested that the Public Hearing be scheduled for Wednesday, March 2, 2016, at 6:00 P.M.**

Advertising: Advertise Public Hearing on **Monday, February 1, 2016**
Advertise in the Dayton Daily News and mail a notice to mailing list when the notice is published

Attachments: Legal Notice
Mailing List

If you have any questions, please contact me at 333-3699.

c: Case File, w/ attachment



**City of Dayton
Office of the City Commission
City Hall • Third & Ludlow
Dayton, Ohio 45402
(937) 333-3636**

Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, March 2, 2016, at 6:00 P.M., or as soon thereafter as the hearing can begin, in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio on the following:

Official Zoning Map Amendment

Case: Z-014-2015

Establish Planned Development PD-171 for 28.66 +/- acres adjacent to the Stony Hollow Landfill at 2460 South Gettysburg Avenue. Rezone all property within the boundaries of PD-171 from Suburban Single-Family Residential (SR-1) to Light Industrial (I-1), and allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material removed shall be used exclusively at the Stony Hollow Landfill. The property that is the subject of proposed PD-171 is owned by the Stony Hollow Landfill and has Parcel Identification Numbers of: R72 16907 0004, R72 16907 0003, R72 16907 0002, R72 16907 0005, R72 16907 0020, R72 16907 0019, R72 16907 0018, R72 16907 0013, R72 16907 0012, R72 16907 0011, R72 16907 0010, R72 16907 0009, R72 16907 0008, R72 16907 0054, R72 16907 0056, and R72 16907 0057. The Dayton City Plan Board recommended that the rezoning request be denied. The Stony Hollow Landfill is appealing the Plan Board's decision to the City Commission and is asking the City Commission to approve this rezoning request.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Jon White in the Department of Planning and Community Development, (937) 333-3683 or jon.white@daytonohio.gov.

By order of the City Commission of the City of Dayton, Ohio.

**RASHELLA LAVENDER, CLERK
OFFICE OF THE CITY COMMISSION**

DAN HARRIS
1023 LELAND AVE
DAYTON OH 45402 1132

DAYTON MOTORCYCLE CLUB INC
P O BOX 285
DAYTON OH 45401

DON GILLISPIE
5147 GOODYEAR DR
DAYTON OH 45406 1135

IVAN LOVE
506 GENEVA RD
DAYTON OH 45417 1349

OHIO EDUCATIONAL
110 S JEFFERSON ST
DAYTON OH 45402 2402

QUILLEN RONALD K
3906 STONY HOLLOW RD
DAYTON OH 45417

STEPS NATHANIEL R AND
3622 STONY HOLLOW RD
DAYTON OH 45418

STONY HOLLOW LANDFILL INC
PO BOX 1450
CHICAGO IL 60690 1450

TOMMIE L MC CURDY
3740 STONY HOLLOW RD
DAYTON OH 45418 2836

UPDEGROVE GREGGORY D AND
3961 STONY HOLLOW RD
DAYTON OH 45417

Ann Schenking, Secretary
Plan Board
101 West Third St.
P.O. Box 22
Dayton, OH 45401

Pat Rickman
Southwest Priority Board
1812 Weaver Avenue
Dayton, OH 45417

Michael Hammes, AICP
City of Moraine
4200 Dryden Road
Dayton, OH 45439

Ohio Educational Television Network
2470 N. Star Road
Columbus, OH 45402

Grace M TR Williams
3950 Stoney Hollow Rd
Dayton, OH 45418

Bill Johnson, Chairperson
Madden Hills Neigh. Assoc.
2701 Heartsoul Drive
Dayton, Ohio 45417

Stony Hollow Landfill, Inc., Applicant
Attention: Peter Lucas
2460 S. Gettysburg Avenue
Dayton, Ohio 45418

Kevin Ney
Jefferson Township
One Business Park Drive
Dayton, Ohio 45427

Vance Environmental
2101 Vance Road
Dayton, Ohio 45417

Lisa Rucker, Contact
Pineview Neigh. Assoc.
806 S. Gettysburg
Dayton, Ohio 45417

Irene Alexander, Contact
Belle Vista Residents' Council
2842 Millicent Avenue
Dayton, Ohio 45417

Whitney Young Estates Residents
Association
4412 Germantown Street
Dayton, Ohio 45418

Maurice Wortham, Contact
Highview Manor Association
3928 Cone Court
Dayton, Ohio 45417

Kaamil Slaughter, President
Highview Hills Neigh. Assoc.
3828 Nicholas Road
Dayton, Ohio 45417

Greater Dayton Public TV, Inc.
111 S. Jefferson Street
Dayton, Ohio 45402-2415

Lavon Mann, Pastor
Rock Hill Baptist Church
1404 S. Gettysburg Avenue
Dayton, Ohio 45417

Rashella Lavender, Clerk
City Commission
101 West Third St.
P.O. Box 22
Dayton, OH 45401

Mr. Joseph Dehner
Frost Brown Todd
3300 Great American Tower
310 E. Fourth St
Cincinnati OH 45202-4182

Edna and Jacqueline Drew
3932 Cain Ct.
Dayton, OH 45417

James McGuire, Trustee
Jefferson Township
One Business Park Drive
Dayton, Ohio 45427

Reed
Cheney Schwedler
2/1/66
1:15 P.M.

**This case was heard at two Plan Board meetings:
August 11, 2015 (no action on case) and
October 13, 2015 (case recommended for disapproval).
Minutes from both meetings are attached.**



City of Dayton

City Plan Board

Summary Minute Record August 11, 2015

8. Z-014-2015 – Zoning Map Amendment Public Hearing – Establish Planned Development Overlay, PD-171, on property adjacent to 2460 Gettysburg Road (City Lots #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) and rezone 28.66 acres from Suburban Residential (SR-1) to Light Industrial (I-1) and allow for a soil borrow/ sand gravel operation to be established in association with the Stony Hollow Landfill

Applicant: Mr. Peter Lucas
Stony Hollow Landfill, Inc.
2460 South Gettysburg Road
Dayton, OH 45417

Priority Board: Southwest Neighborhood Planning District: Stoney Ridge

Decision: Tabled to September 8, 2015, meeting

Mr. Payne said he had a conflict of interest concerning this case and would recuse himself.

Staff Comments

Jon White presented the staff report and the proposed Planned Development standards. He said staff believed the determinations outlined in Section 150.125.7 (Amendments to Map) can be made and recommended Plan Board approval of the request as submitted.

The applicant requests to amend the Official Zoning Map to rezone 28.66 acres at properties adjacent to 2460 Gettysburg Road (City Lots #84575#75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844). The existing zoning will change from Suburban Residential (SR-1) to I-1 Light Industrial and will include a Planned Development Overlay (PD-171), also adding Soil and Gravel Operations to the list of permitted uses.

The subject property is located directly south of the Stony Hollow Landfill. The City of Moraine lies directly west of the property across Gettysburg Avenue. Single-family dwellings lie directly south and east along Stony Hollow Road. Currently, the property consists of open space and vegetation on vacant lots. There is one residence located on the site which is owned by the applicant. The applicant has requested to change the existing zoning, Suburban Residential SR-1, to I-1 Light Industrial to correspond with the changing land uses.

The proposal also includes establishing a Planned Development (PD) for the exclusive purpose of removing the existing soil materials to be utilized at the Stony Hollow Landfill, which is located adjacent to the northern boundary of the proposed PD area. On-going operation of the landfill requires soil material for daily, intermediate, transitional and final cover, storm water management features, and site development projects. The landfill has currently utilized on-site soil extraction as well as shipped in soil to meet the daily coverage needs. The on-site soil removal area has been exhausted. The proposed soil borrow area PD is approximately 29 acres. The Stony Hollow Landfill property was previously granted a PD designation (PD-69) for the operation of the landfill in 1992.

Mr. White explained how the soil borrow area will be designed and utilized. A soil landscape mound and vegetation will be installed around the southern boundary of the proposed PD for screening of the soil borrow activities on the site including noise, dust and visual protection. A 50 foot wide buffer yard will be adjacent to Stony Hollow Drive and along all site boundaries.

Vegetation on the landscape mounding will consist of grass, deciduous trees (e.g. maple, oak, dogwood, etc.) and evergreen trees and shrubs (e.g., spruce, fir, pine, etc.) Similar landscape mounding exists at the entrance to the Stony Hollow Landfill along Gettysburg Road. Existing natural or manmade barriers at the site shall remain to provide noise and dust protection as well. Dust control measures will also be provided along the access road by means of a water truck.

Average noise levels generated during soil borrow activities from the equipment are not expected to create a noise levels bothersome to neighboring property owners. The nearest residence to the proposed borrow operations is approximately 220 feet from the soil borrow area excavation limits. At this distance, the noise level may be comparable to a busy roadway. It is important to note that the noise level would not be continuous. Additionally, existing and proposed vegetation and landscape mounding and the proposed 'depressed grading plan' will provide a natural barrier to sound movement. The proposed soil borrow activities are not expected to produce and heat, vibrations, or glare.

The proposed soil borrow area will consist of two sedimentation basins to manage storm water within the borrow area. Access to and from the site from trucks and soil removal equipment will only be available from the adjacent Stony Hollow Landfill site. Soil borrow operations will coincide with landfill operations 6:00 AM-6:00 PM, Monday-Friday.

Overall, Planning Staff supports the proposed uses and submitted development plan. The Stony Hollow Landfill has exhausted on-site soil for State required daily landfill coverage. To supplement the soil coverage requirement, Stony Hollow Landfill ships in soil from around the region. The proposed soil borrow area will allow the landfill to meet their daily soil needs and allow trucks to be taken off the public roads. Natural barriers and proposed soil landscape mounds will deter trespassing and limit access to the area. All soil borrow operations will comply with State and local requirements. Staff has worked with the applicants to ensure that surrounding impacts of the soil borrow operations will be minimized.

Public Hearing Comments

The applicant, Peter Lucas, Stony Hollow Landfill, Inc., 2460 South Gettysburg Road, Dayton, OH, provided additional information about the project and answered questions from the Plan Board.

The West Priority Land Use Board recommended approval of the request.

Edna Drew, 3932 Cain Court, Dayton, OH, spoke in opposition to the proposal. She said she was 84 years old and lives a ¼ mile from the landfill. Once the prison was located here it opened Pandora's Box. It's called environmental racism. Every negative land use in this city is placed on our side of town -- the prison, homeless shelter, and landfill. As a result, property values have dropped and this is a nice area; there is a \$250,000 home on Stony Hollow Road. We were told the landfill would only last 12 years. You will get in your car and go back to Kettering or Centerville and we have to live with it.

Jacqueline Drew, 3932 Cain Court, Dayton, OH, spoke in opposition to the proposal. She is Edna Drew's daughter. She didn't know the landfill was there already until today; she thought a new landfill was being talked about. There have been so many broken promises. What's to stop the existing landfill from expanding? Trucks going to the landfill create a lot of noise. Even with trucks watering the road, the dust created by the trucks sticks to your car and is almost impossible to get off. Property values have gone down and down. She has no real expectation that anything she says will make a difference to this Board. No one really cares about this section of Dayton but us. She lives in the first neighborhood in Dayton where black WWII veterans could buy a new house. They aren't going to come to this hearing because they don't think they have a voice. This proposed rezoning is a slippery slope.

Pat Rickman, Southwest Priority Board, lives at 1812 Weaver Street, Dayton, OH, spoke in support of the project. She said the Southwest Priority Board supports the project. She lives 1 ½ blocks or so from the landfill. The landfill is taking dirt from its own land and that's fair. The landfill does create truck traffic; so does Steve Rausch's landfill. The landfill is always clean; she visits every other day that she can. The landfill has been good to all the neighbors who live around the landfill. Neighbors don't show up at community meetings about the landfill, prison, or homeless shelter so they don't know what's going on. The landfill gives turkeys to 300 and some people in the impacted area each Thanksgiving. Everyone takes the turkey. If the landfill is so bad, why does everyone take the turkey?

Janice McCurdy, 3740 Stony Hollow Road, Dayton, OH, spoke in opposition to the proposal. This is going to affect her; she lives across the street from the landfill. She and her husband have lived on Stony Hollow Road for 29 years but she's ready to leave. When they built there; the landfill was considered farm. She can see and hear the trucks going up the hill to the landfill starting at 6:00 in the morning, and the sound of the trucks dumping. She said the notice she received for the Priority Board meeting on the case stated the wrong time for the start of the meeting. She and her husband are ready to move. You are going to give the landfill what it wants.

Board Discussion

The Plan Board discussed the case. Since only four members of the Plan Board were present, the Plan Board decided to table action on the case to the September 8, 2015 meeting. The applicant agreed with this decision.

Board Action

A motion was made by Mr. Bohardt, seconded by Ms. Pendergast and carried to table action on the case to the Plan Board's September 8, 2015 meeting.

Ms. Beverly Pendergast	Yes	Mr. Jeff Payne	Absent
Mr. David Bohardt	Yes	Mr. Matt Sauer	Yes
Mr. Richard Wright	Absent	Mr. Greg Scott	Absent
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on September 8, 2015.



Ann Schenking, Secretary
City Plan Board



City of Dayton

City Plan Board

Summary Minute Record September 8, 2015

6. Z-014-2015 – Zoning Map Amendment Public Hearing – Establish Planned Development Overlay, PD-171, on property adjacent to 2460 Gettysburg Road (City Lots #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) and rezone 28.66 acres from Suburban Residential (SR-1) to Light Industrial (I-1) and allow for a soil borrow/ sand gravel operation to be established in association with the Stony Hollow Landfill

Applicant: Mr. Peter Lucas
Stony Hollow Landfill, Inc.
2460 South Gettysburg Road
Dayton, OH 45417

Priority Board: Southwest Neighborhood Planning District: Stoney Ridge

Decision: At request of applicant, tabled to October 13, 2015, meeting

Only four members of the Plan Board were present. Mr. Payne said he had a conflict of interest concerning this case and would abstain.

The applicant requested that action on the case be tabled action to the Plan Board's October 13, 2015 meeting. This meeting will begin at 4:30 PM in City Hall in the 6th Floor Training Room.

Board Discussion

None.

Board Action

A motion was made by Mr. Wright, seconded by Ms. Pegues and carried to table action on the case to the Plan Board's October 13, 2015 meeting. This meeting will begin at 4:30 PM in City Hall in the 6th Floor Training Room.

Ms. Beverly Pendergast	Absent	Mr. Jeff Payne	Abstained
Mr. David Bohardt	Absent	Mr. Matt Sauer	Yes
Mr. Richard Wright	Yes	Mr. Greg Scott	Absent
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on October 13, 2015.

Ann Schenking, Secretary
City Plan Board



City of Dayton

City Plan Board

Summary Minute Record October 13, 2015

4. Z-014-2015 – Zoning Map Amendment Public Hearing – Establish Planned Development Overlay, PD-171, on property adjacent to 2460 Gettysburg Road (City Lots #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) and rezone 28.66 acres from Suburban Residential (SR-1) to Light Industrial (I-1) and allow for a soil borrow/ sand gravel operation to be established in association with the Stony Hollow Landfill

Applicant: Mr. Peter Lucas
Stony Hollow Landfill, Inc.
2460 South Gettysburg Avenue
Dayton, OH 45418

Priority Board: Southwest

Neighborhood Planning District: Stoney Ridge

Decision: Recommended Disapproval

There being three members of the Plan Board who were not present for the presentation and public hearing on this case on September 8, 2015, the case presentation was made again and a public hearing was held. Mr. Payne said he had a conflict of interest concerning this case and would recuse himself. Mr. Payne left the meeting.

Staff Report and Staff Comments

Jon White presented the staff report with the use of a PowerPoint presentation. He briefly described the proposal, and summarized the staff report and community feedback received. A copy of his PowerPoint presentation is attached to these minutes. He said staff believed the determinations and findings outlined in Section 150.125.7 (Amendments to Map) can be made and recommended Plan Board approval of the request as submitted.

The applicant requests to amend the Official Zoning Map to rezone 28.66 acres at properties adjacent to 2460 Gettysburg Road. The existing zoning will change from Suburban Residential (SR-1) to I-1 Light Industrial and will include a Planned Development Overlay (PD-171), also adding Soil and Gravel Operations as the permitted use. Mr. White said that no landfilling will occur in the borrow area.

The subject property is located directly south of the Stony Hollow Landfill. The City of Moraine lies directly west of the property across Gettysburg Avenue. Single-family dwellings lie directly south and east along Stony Hollow Road. Currently, the property consists of open space and vegetation on vacant lots. There is one residence located on the site which is owned by the applicant. The applicant has requested to change the existing zoning, Suburban Residential SR-1, to I-1 Light Industrial to correspond with the changing land uses.

The proposal also includes establishing a Planned Development (PD) for the exclusive purpose of removing the existing soil materials to be utilized at the Stony Hollow Landfill, which is located adjacent to the northern boundary of the proposed PD area. On-going operation of the landfill requires soil material for daily, intermediate, transitional and final cover, storm water management features, and site development projects. The landfill has currently utilized on-site soil extraction as well as shipped in soil to meet the daily coverage needs. The on-site soil removal area has been exhausted. The proposed soil borrow area PD is approximately 29 acres. The Stony Hollow Landfill property was previously granted a PD designation (PD-69) for the operation of the landfill in 1992.

Mr. White explained how the soil borrow area will be designed and utilized. A soil landscape mound and vegetation will be installed around the southern boundary of the proposed PD for screening of the soil

borrow activities on the site including noise, dust and visual protection. A 50 foot wide buffer yard will be adjacent to Stony Hollow Drive and along all site boundaries.

Vegetation on the landscape mounding will consist of grass, deciduous trees (e.g. maple, oak, dogwood, etc.) and evergreen trees and shrubs (e.g., spruce, fir, pine, etc.) Similar landscape mounding exists at the entrance to the Stony Hollow Landfill along Gettysburg Road. Existing natural or manmade barriers at the site shall remain to provide noise and dust protection as well. Dust control measures will also be provided along the access road by means of a water truck.

The proposed soil borrow area will consist of two sedimentation basins to manage storm water within the borrow area. Access to and from the site from trucks and soil removal equipment will only be available from the adjacent Stony Hollow Landfill site. Soil borrow operations will coincide with landfill operations 6:00 AM-6:00 PM, Monday-Friday.

Overall, Planning Staff supports the proposed uses and submitted development plan. The Stony Hollow Landfill has exhausted on-site soil for State required daily landfill coverage. To supplement the soil coverage requirement, Stony Hollow Landfill ships in soil from around the region. The proposed soil borrow area will allow the landfill to meet their daily soil needs and allow trucks to be taken off the public roads. Natural barriers and proposed soil landscape mounds will deter trespassing and limit access to the area. All soil borrow operations will comply with State and local requirements. Staff has worked with the applicant to ensure that surrounding impacts of the soil borrow operations will be minimized.

Public Hearing Comments

The applicant, Peter Lucas, Stony Hollow Landfill, Inc., 2460 South Gettysburg Avenue, Dayton, OH, provided additional information about the project using a PowerPoint presentation which is attached to these minutes. He explained how the soil will be used for daily cover at the Stony Hollow Landfill. He said the borrow area will last 3-6 years depending on the progression of landfill. He said existing vegetation along Gettysburg will not be removed. The landscape mounds will be installed where there is no existing vegetation. He said the closest house is 220 feet from the borrow area. The borrow operation will not be continuous or every day. The noise generated will be comparable to the existing noise levels of the landfill. At present, soil for cover purposes is shipped in on 10-15 trucks a day on average. The soil borrow operation will remove 19,000 dump trucks from local roads. The soil borrowing will occur in phases. Once the landfill is finished borrowing in one area, that area will be revegetated. He said the landfill was originally scheduled to be open for 12 -15 years based on tonnage at that time; it has 16 years of life left based on current tonnage rates. The majority of the waste coming to the landfill is from Dayton, Ohio with 40% coming from the Montgomery County transfer station and that's on the rise.

The West Priority Land Use Board recommended approval of the request.

Janice McCurdy, 3740 Stony Hollow Road, Dayton, OH, spoke in opposition to the proposal. Every day she sees and hears the traffic to and from the landfill. She said landfill staff met with her to discuss ways to hide, with landscaping, the borrow area from her property which is across the street from the landfill. She gave Plan Board members a copy of a letter (attached to these minutes) to Waste Management which outlined her and her husband's opposition to the proposed tree barrier. Since the August 11, 2015, Plan Board meeting, she said she asked the landfill to buy her house and the landfill doesn't want to. In six years, when the dirt is gone from this borrow operation, where will the landfill get the rest of dirt it still needs? Will they get it from the other property they own around the landfill?

Tommie McCurdy, 3740 Stony Hollow Road, Dayton, OH, spoke in opposition to the proposal. He said his wife, Janice, covered many of his points. He doesn't know how much more they can put up with. The

people working at the landfill have been more than gracious. They face the landfill every day and he feels he's in a hole. His housing value has dropped and he feels trapped.

Edna Drew, 3932 Cain Court, Dayton, OH, spoke in opposition to the proposal. This is an accumulation of everything that is located in her neighborhood – the prison, pre-release center, gateway homeless shelter, waste water treatment plant, and DuPont chemical plant. This is called environmental racism. When the landfill ran out of room it went up. Remember the golden rule: do unto others as you would have them do unto you.

Jacqueline Drew, 3932 Cain Court, Dayton, OH, spoke in opposition to the proposal. She has practiced law for 33 years. She wants the dump to close and doesn't want the dump to be profitable. The City has never proposed anything that would help her neighborhood or property values. This will open the door to more soil borrowing. She asked the Plan Board to do the right thing.

Board Discussion and Action

The Plan Board discussed the case. Mr. Wright said this is obviously very contentious subject matter. Decisions made years ago regarding the landfill violated the trust of the community. When the landfill was opened the community was told it would last for 12 years and now it has another 15-16 years of life. If expansion is to occur, the community ought to be involved in the decision-making process and be aware of what they can expect from the landfill.

Mr. Bohardt said he is responsible (as Executive Director of St. Vincent DePaul) for the gateway homeless shelter. He is sensitive to the public testimony in opposition. The landfill business is a permitted use. He could not vote in favor; he did not feel comfortable proceeding with the proposal now. He would like to see more evidence of corporate engagement with residents. What happens after the borrow area is depleted and is surrounded by land that Waste Management already owns?

Ms. Pendergast said that if the proposal was approved it would only eliminate 10-15 trucks a day from local roads.

Mr. Scott said the landfill has been in operation longer than it said it would be initially. He disagreed with the staff assessment that Determinations and Findings 2, 3, and 4 on page 5 of the staff report could be made for the long term; he believed they were only true for the short term.

A motion was made by Mr. Bohardt, seconded by Ms. Pegues and carried to recommend City Commission disapproval of the zoning change requested in Case Z-014-2015 based on the Board's inability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8.

Ms. Beverly Pendergast	Yes	Mr. Jeff Payne	Absent; Recused self
Mr. David Bohardt	Yes	Mr. Matt Sauer	Yes
Mr. Richard Wright	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on November 10, 2015.

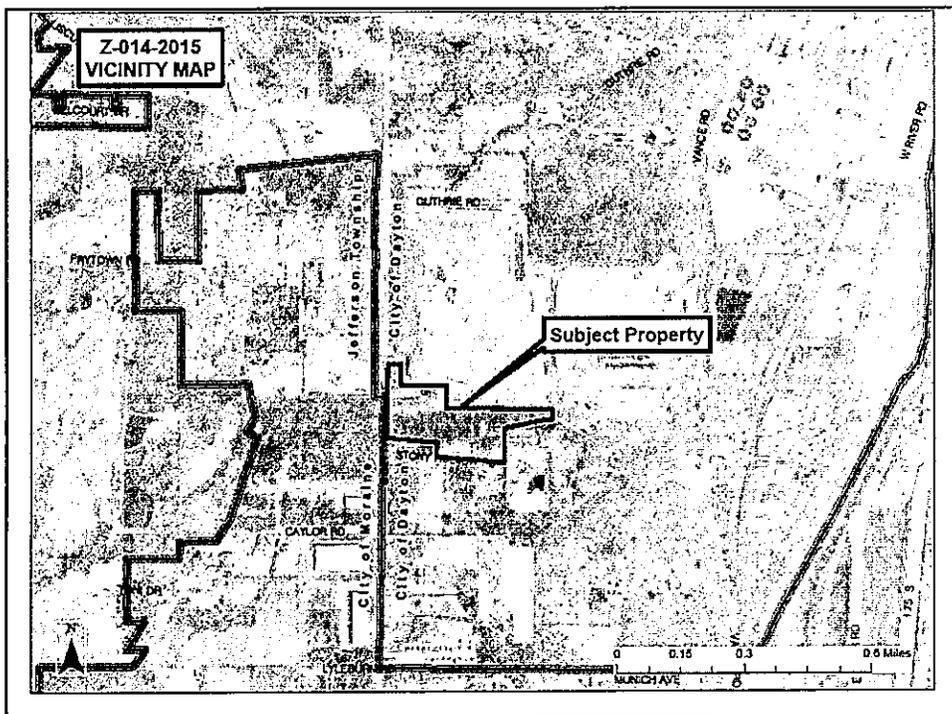


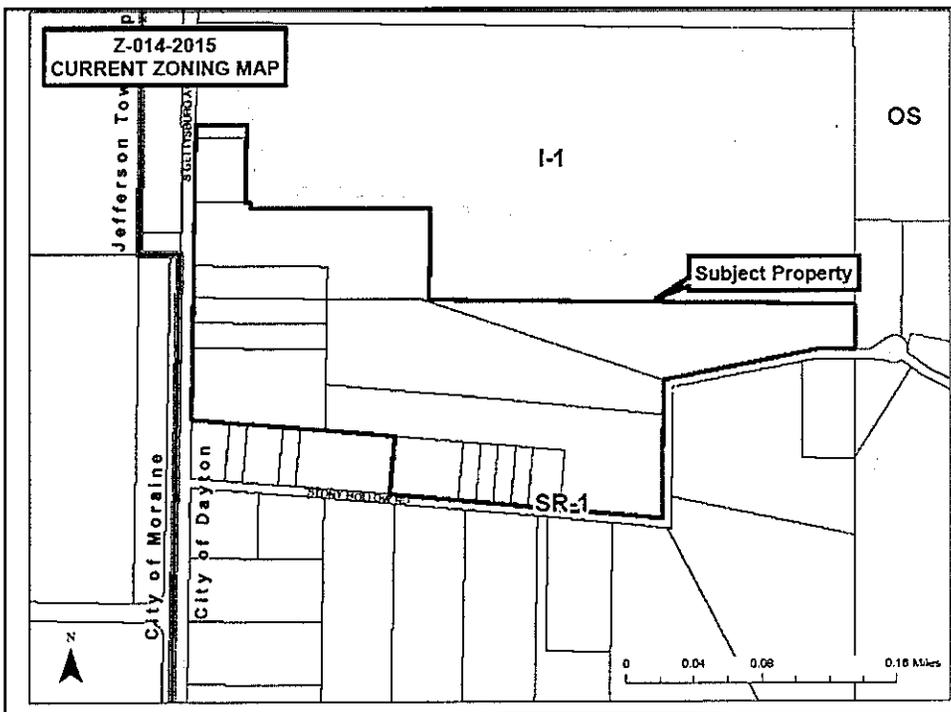
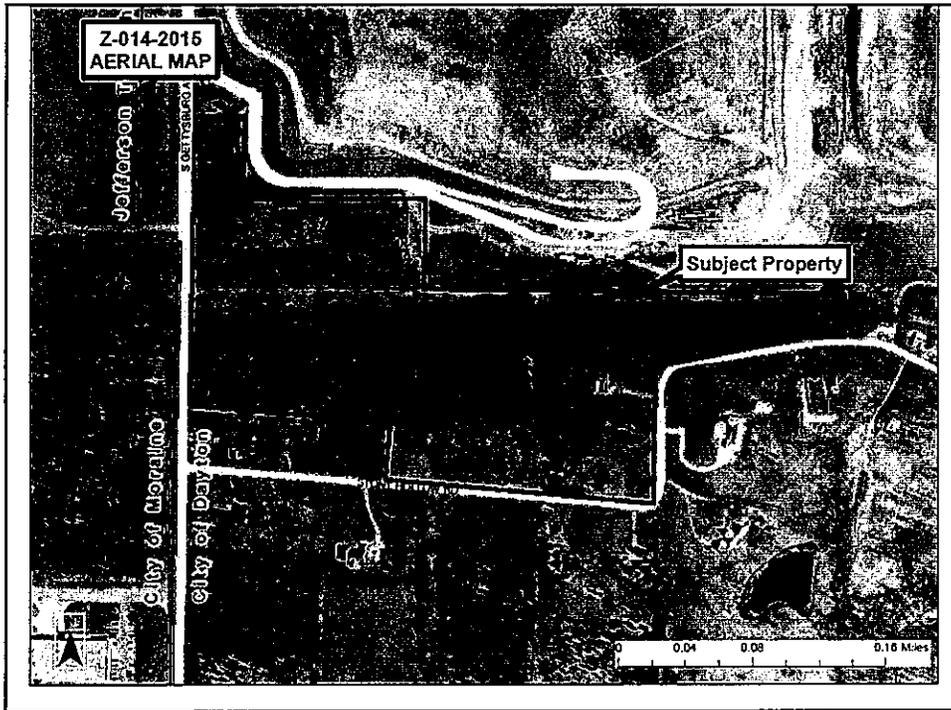
Ann Schenking, Secretary
City Plan Board

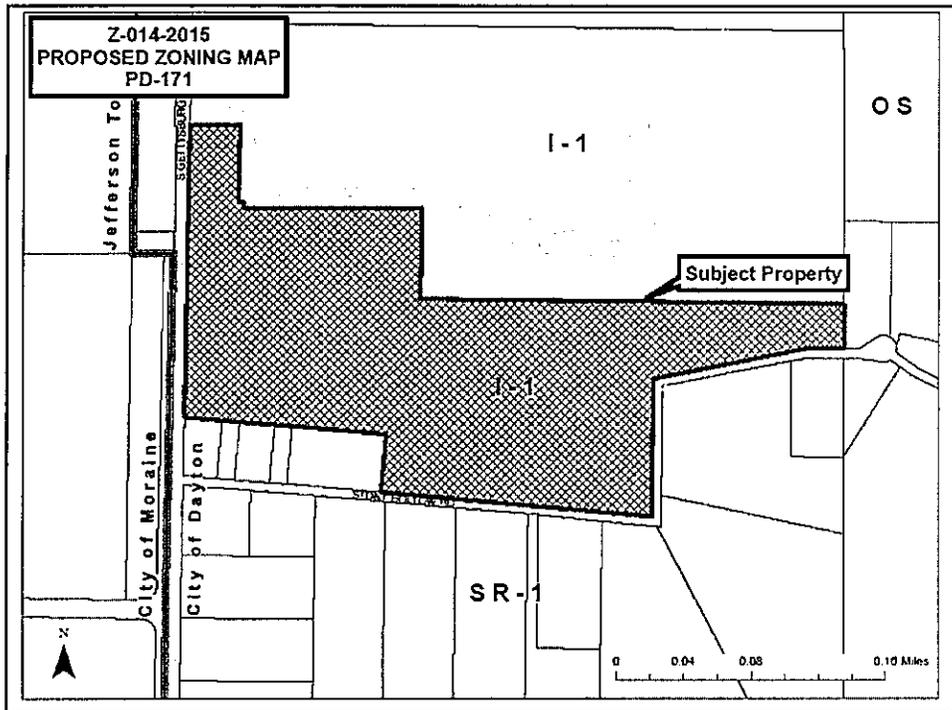
Case Z-014-2015

October 13, 2015
Staff Presentation

Stony Hollow Landfill Soil Borrow Area
PD-171



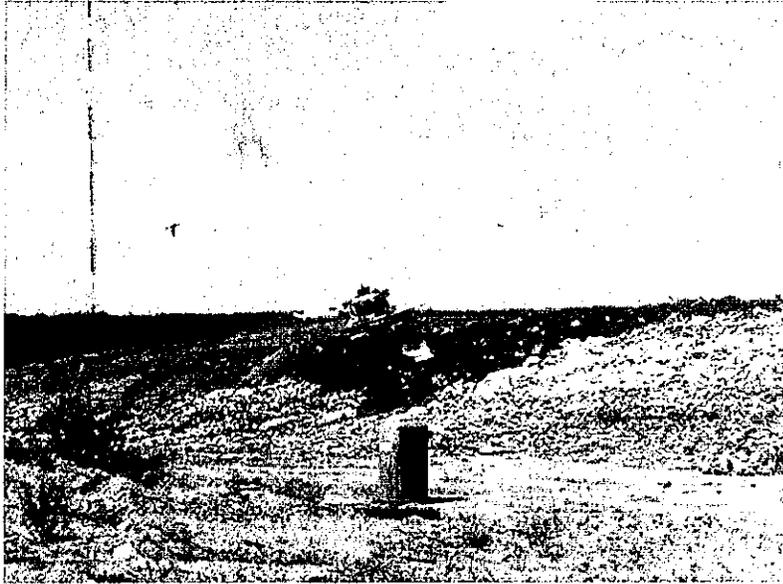




Case Background

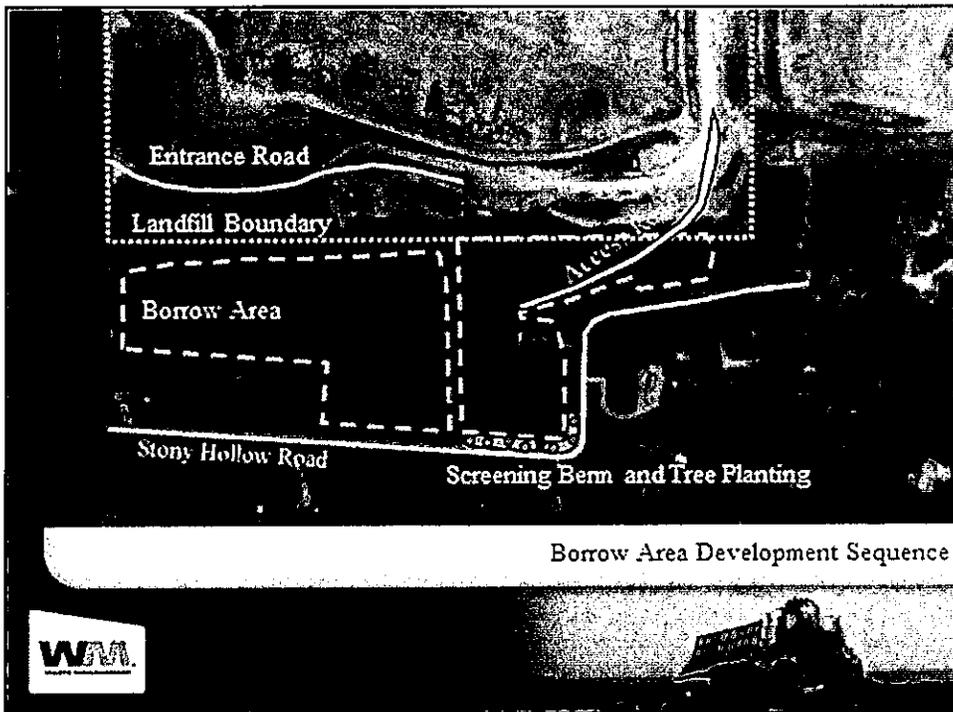
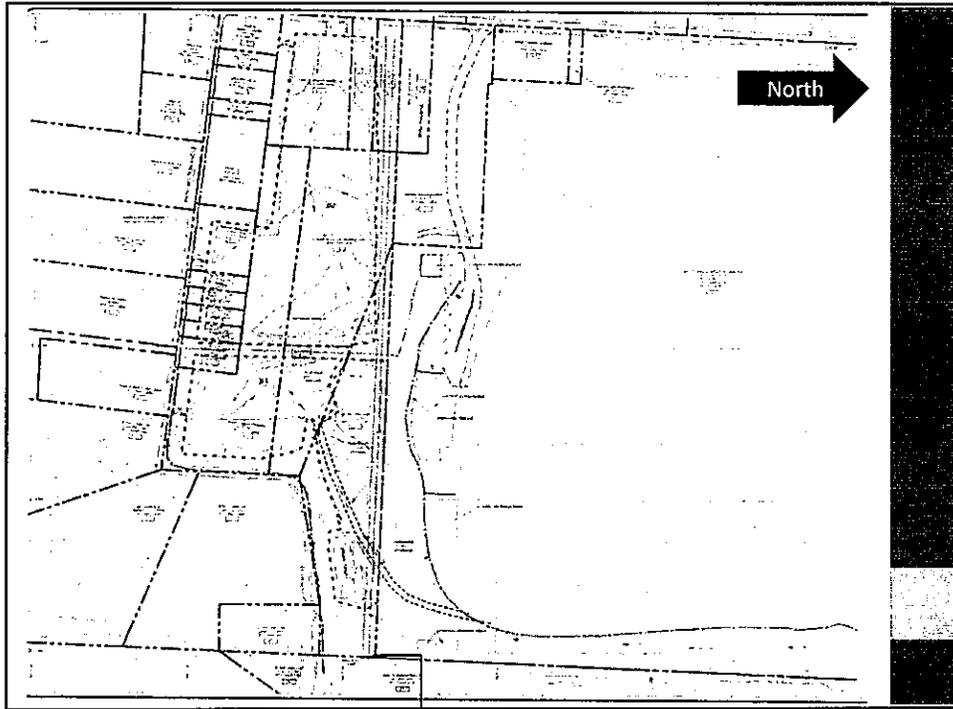
- Establish a PD overlay and rezone 28.66 acres from (SR-1) to (I-1) to allow for a soil borrow/ sand gravel operation
 - NO landfilling in the borrow area
- Property currently consists of open space and vacant lots
- Exclusive purpose of removing soil materials for daily landfill cover
 - Required for daily, intermediate, and final cover
 - Storm water management features
 - Landfill site development projects
- Stony Hollow Landfill currently has been using on-site soil as well as shipping soil in to meet needs

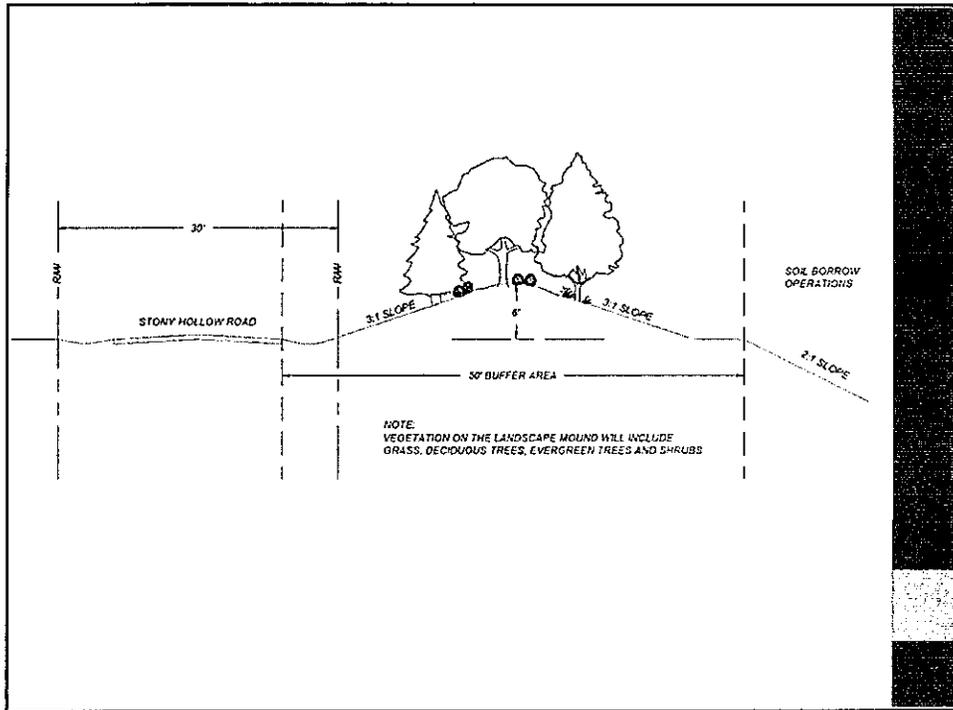
Daily Soil Coverage



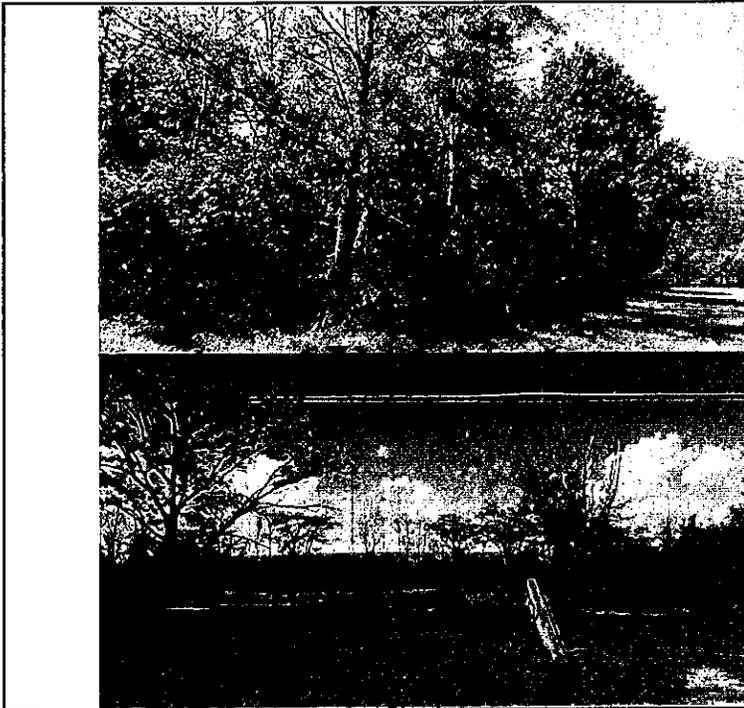
Planned Development Proposal

- Construct access road from landfill to borrow area
 - No trucks on Stony Hollow Road
- Install 50-ft deep/ 6-ft tall soil landscaped barrier mound for screening
 - 3:1 Horizontal to Vertical Slope
- Construct (2) Storm water sedimentation basins within borrow area
- Operations will be in phases
 - Soil will be excavated at 2:1 horizontal to vertical slope
 - Average depth will be 9 feet
 - Range from 6 feet to 24 feet
 - Ground vegetation will be re-established
- No new easements/ No new structures
- Hours of Operation M-F 6:00am-6:00pm

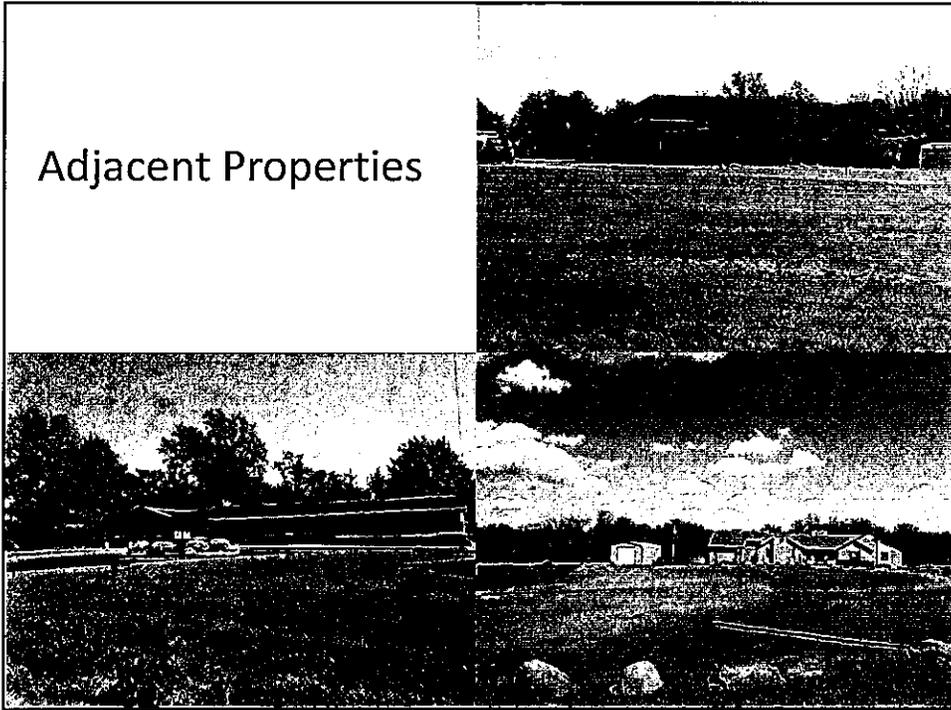




Stony Hollow Road: Looking East



Adjacent Properties



Community Feedback

West Priority Land Use Committee

- Voted for approval of PD-171
- Neighborhood encroachment
- Decrease property values
- Concentration of “undesirable” land uses
 - Jail, shelter, landfill
- Lack of concern for environmental justice
- Timeline

City of Moraine

- Western edge screening
- Horizontal expansion

Staff Recommendation

- Recommend approval of PD-171 and rezoning
 - Worked closely with applicant for impact mitigation

Standards for Rezoning – 150.125.7(A)

- A. When a proposed amendment would result in a change of zoning classification, the Plan Board/City Commission should consider whether:
1. The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.
 2. The change in classification would be consistent with the intent and purpose of this Zoning Code.
 3. The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.
 4. The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.
 5. The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.
 6. Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.
 7. The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.
 8. The proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

Alternatives

- Recommend approval of the requested zoning change as submitted by the Applicant for lots adjacent to 2460 S. Gettysburg Road (City Lots: #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75879, #75873, #75876, #75862, #75863, #75844) from SR-1 Suburban Residential to Light Industrial I-1/PD-171, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8, finding that it is consistent with the CitiPlan:20/20 plan future land use principles.
- Recommend approval with modifications to the requested zoning change as submitted by the Applicant for lots adjacent to 2460 S. Gettysburg Road (City Lots: #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) from SR-1 Suburban Residential to Light Industrial I-1/PD-171, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8, finding that it is consistent with the CitiPlan:20/20 plan future land use principles.
- Recommend denial of the requested zoning change as submitted by the Applicant for lots adjacent to 2460 S. Gettysburg Road (City Lots: #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) from SR-1 Suburban Residential to Light Industrial I-1/PD-171, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8, finding that it is consistent with the CitiPlan:20/20 plan future land use principles.

Questions

Development Standards

Land Use Regulations

- A. The following uses shall be permitted by right by this Planned Development:
 - Soil borrow excavation/ Sand and Gravel Operation
- B. No new facilities or structures shall be constructed on the proposed soil borrow area.

Parking and Loading

- A. None. The public will not be permitted on site.

Landscaping, Fencing & Screening

- A. Soil mounding and landscaping shall be installed along Stony Hollow Road as soil borrow operations dictate to provide screening of operations to adjacent neighbors as shown on Landscaping Soil Mound Cross-Section attachment. Existing trees and brush shall remain within the designated setback area of 50 feet. The mound shall be approximately 6 feet tall and extend the width of the setback area at a 3:1 [horizontal: vertical] slope.
- B. Trees and vegetation shall be installed on the soil mounding to provide further screening from the soil borrow operations. The trees and vegetation will consist of grass, deciduous trees (e.g. maple, oak, dogwood, etc.) and evergreen trees and shrubs (e.g. spruce, fir, pine, etc.) The large evergreen trees shall be at least six (6) feet in height when planted, and allowed to grow to a minimum of ten (10) feet. The small evergreens planted shall be at least (4) feet in height when installed and allowed to grow to a minimum of six (6) feet.

Development Standards

• Storm Water Management

- A. Two storm water sedimentation basins shall be installed to effectively manage storm water within the soil borrow area.
- B. The storm water basins shall be designed to provide ample capacity to meet the required storm water runoff based on the Ohio Department of Natural Resources Ohio Land Development Manual.
- C. Storm water erosion controls shall be installed including silt fences, straw bales, and vegetation as the soil borrow operations progress. Ground vegetation shall be re-established as the design excavation grades are achieved.
- D. All storm water controls shall comply with applicable State (Ohio EPA) and City of Dayton storm water permit requirements.

Development Standards

Traffic Access Regulations

- A. No vehicular access from the soil borrow facility to Stony Hollow Road is permitted.
- B. Access to the Soil Borrow Area will be provided directly from the Stony Hollow Landfill property. No trucks or soil hauls will be permitted to be on Stony Hollow Road.
- C. An Access Road will be installed according to the Site Plan.
- D. The Access Road will be restricted to landfill related traffic only.

Outdoor Storage Regulations

- A. No truck or soil haul vehicles will be permitted to park on site after soil borrow operational hours. Truck and soil haul vehicles shall be stored on site of the Stony Hollow Landfill.

Development Standards

Sign Regulations

- A. No freestanding identification signs shall be permitted.
- B. Site entrance and exit signs are permitted or any sign situated to promote safe traffic circulation by indicating appropriate places of ingress and egress.

Exterior Lighting Standards

- A. All exterior lighting shall conform to R.C.G.O. Section 150.420.3 – Supplemental District Regulations, Exterior Lighting Standards.

Utility Regulations

- A. A site drainage plan shall be submitted to the Divisions of Water Engineering and Civil Engineering for approval.
- B. All proposed utilities shall comply with City standards as determined by the Divisions of Water Engineering and Civil Engineering.
- C. All future utilities including service feeds to the building shall be placed underground.
- D. Utility placement may be modified by the Plan Board with due consideration to environmental concerns.

Development Standards

Additional Requirements

- A. Routine surveying by the property owner will be required to ensure proposed sloping levels are maintained to Site Plan specifications to ensure stability of the soil excavation and to provide safeguards against vertical highwalls.
- B. Potential dust generation of soil borrow operations shall be controlled by the application of water to the haul road(s) utilizing the Stony Hollow Landfill water truck.
- C. Soil Borrow operations shall comply with all applicable State and local requirements.

Hours of Operation

- A. Hours of operation will be restricted to the hours of 6:00A.M.-6:00P.M. Monday- Friday to coincide with landfill operations.

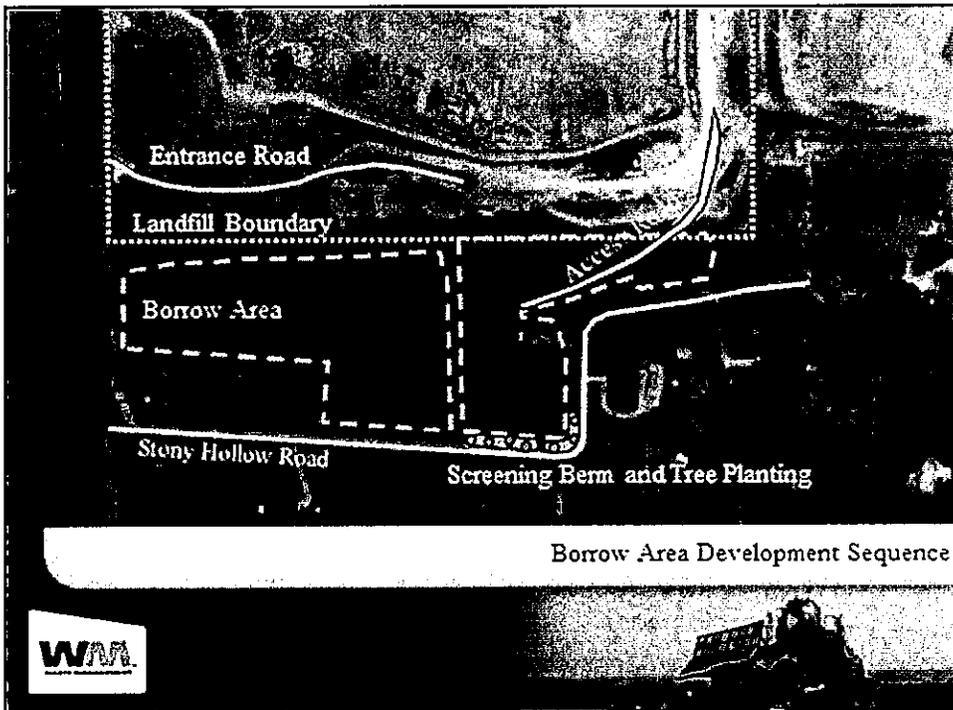
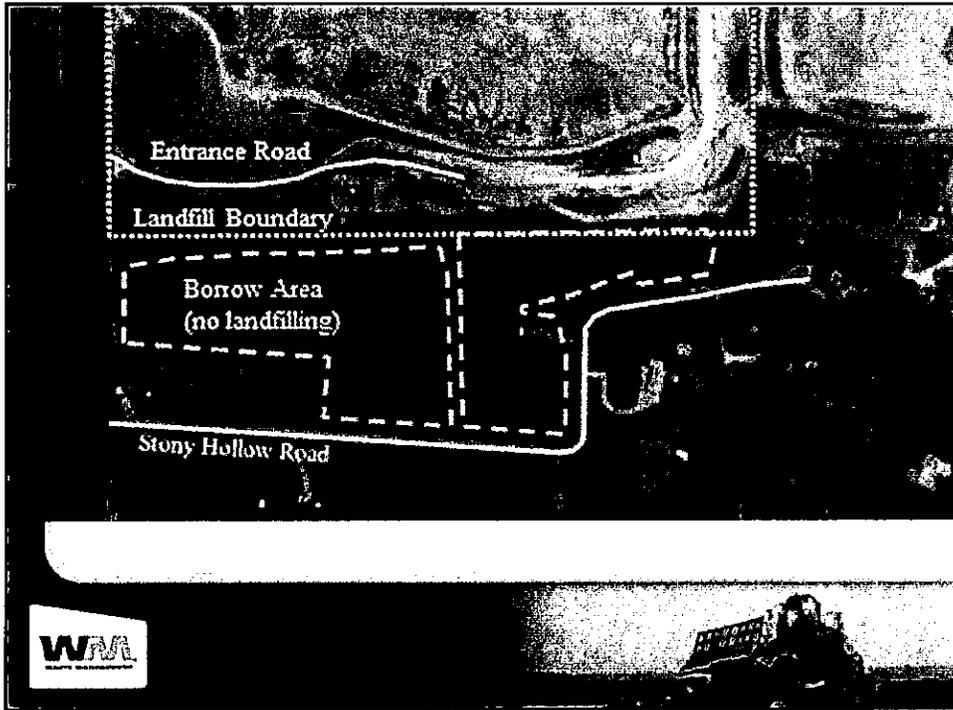
Development Standards

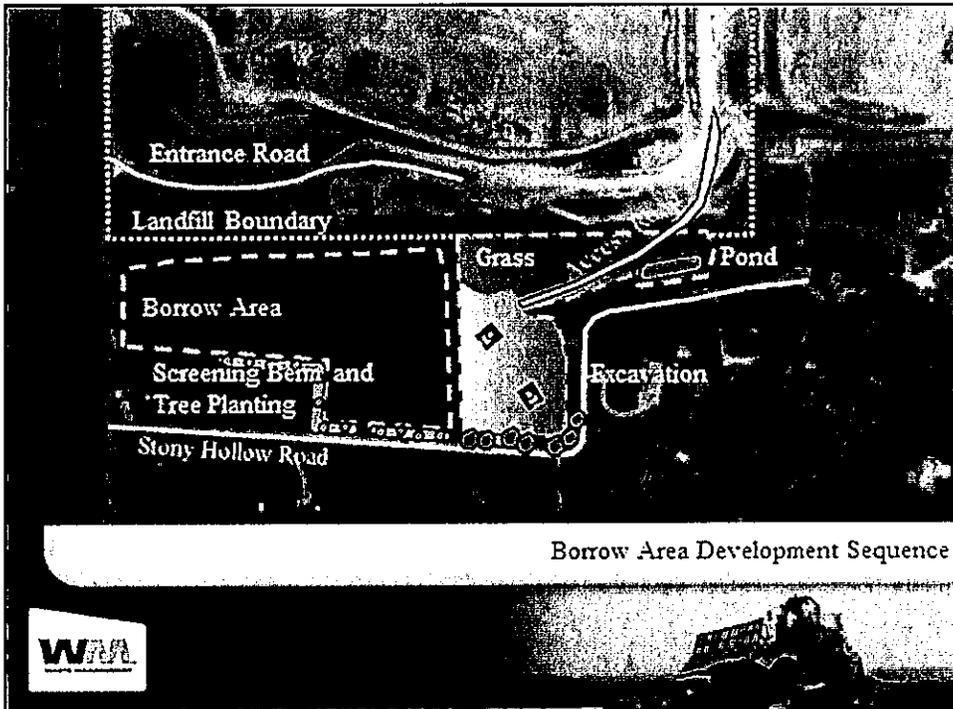
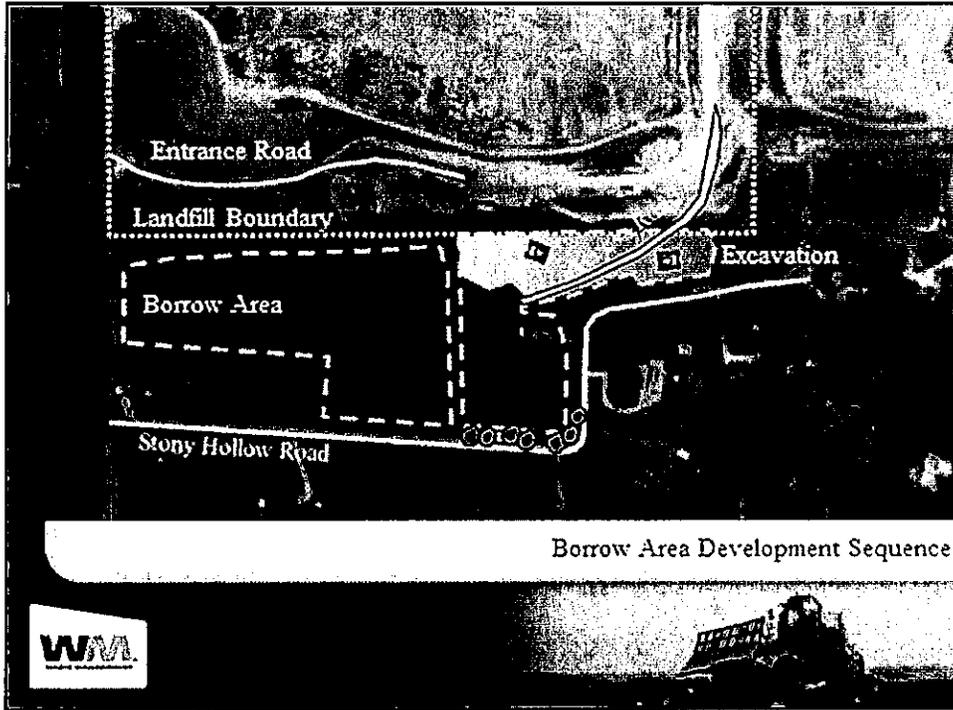
Dimensions

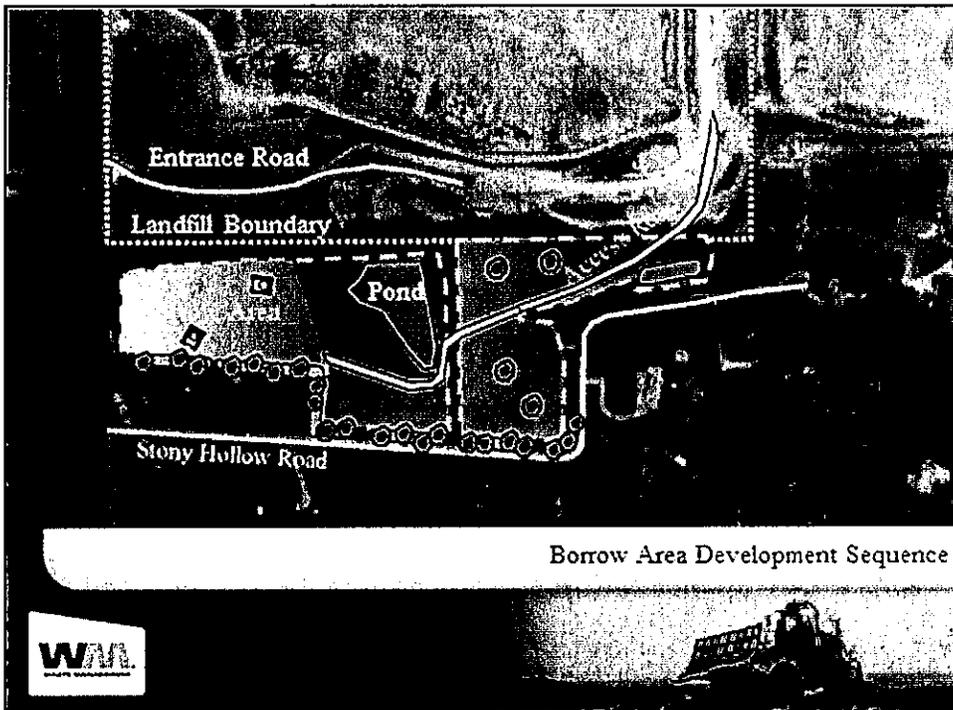
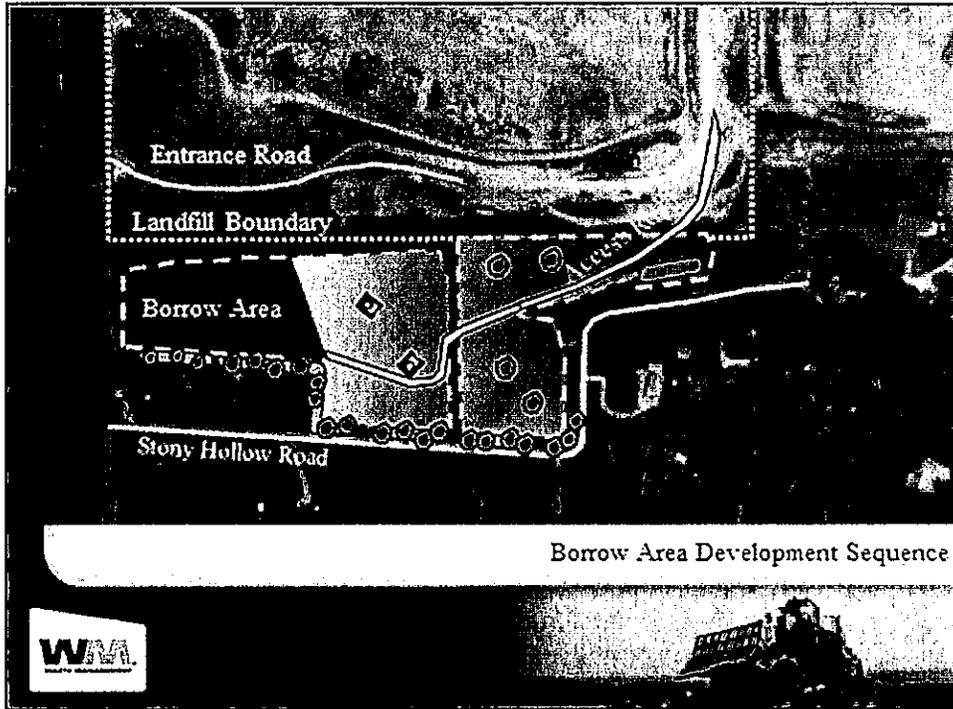
- All dimensions on the Development Plan shall be binding, and the appropriate scale shall be used to interpret where dimensions are lacking, unless modified as prescribed in the "Plan Adjustments and Interpretation" section of these development standards.

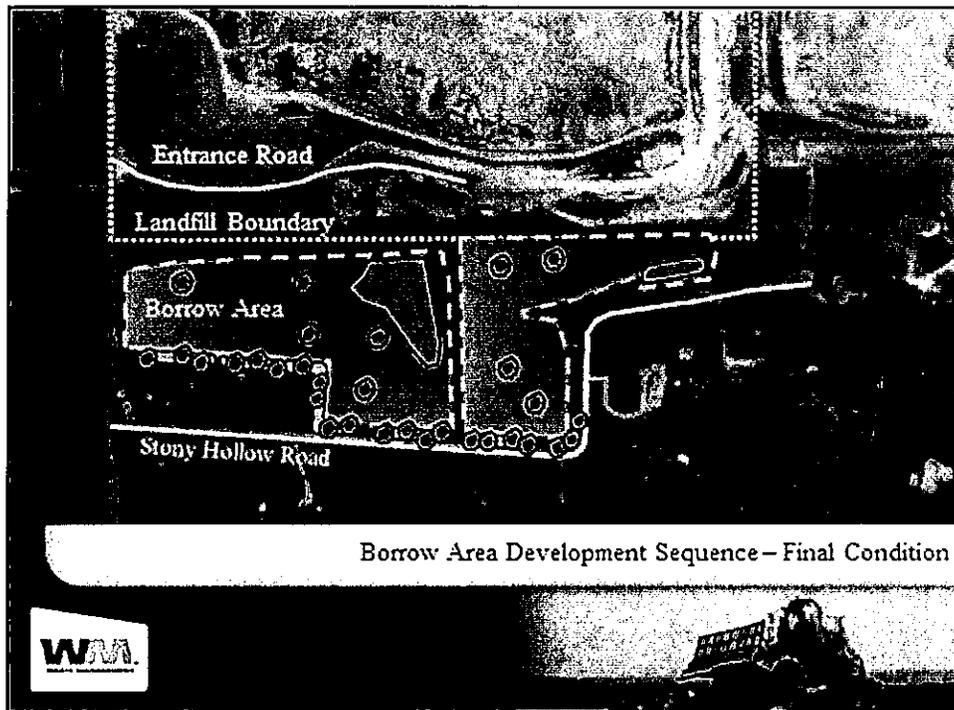
Plan Adjustments and Interpretation

- After the Commission has approved a Planned Development, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Development. However, minor adjustments in the final plan, resulting from field conditions, detailed engineering data, topography, or critical design criteria pertaining to drives, curb data, retaining walls, swimming pools, tennis courts, fences, building locations, and building configuration, parking area locations, or other similar project particulars, may be authorized in writing with the concurrence of the Planning Director and the City Chief Building Official. These minor adjustments may be permitted provided they do not increase density, decrease the number of parking spaces, or allow buildings closer to perimeter property lines. Further, such adjustment requests shall be supported by documentation, reviewed by the Planning Director and the City Chief Building Official and determined by them to conform to the original purpose and intent of the Planned Development approval. If both the Planning Director and the City Chief Building Official do not agree, such adjustments shall not be allowed except by amendment. The Plan Board shall be advised of all minor adjustments authorized.









Impact Mitigation

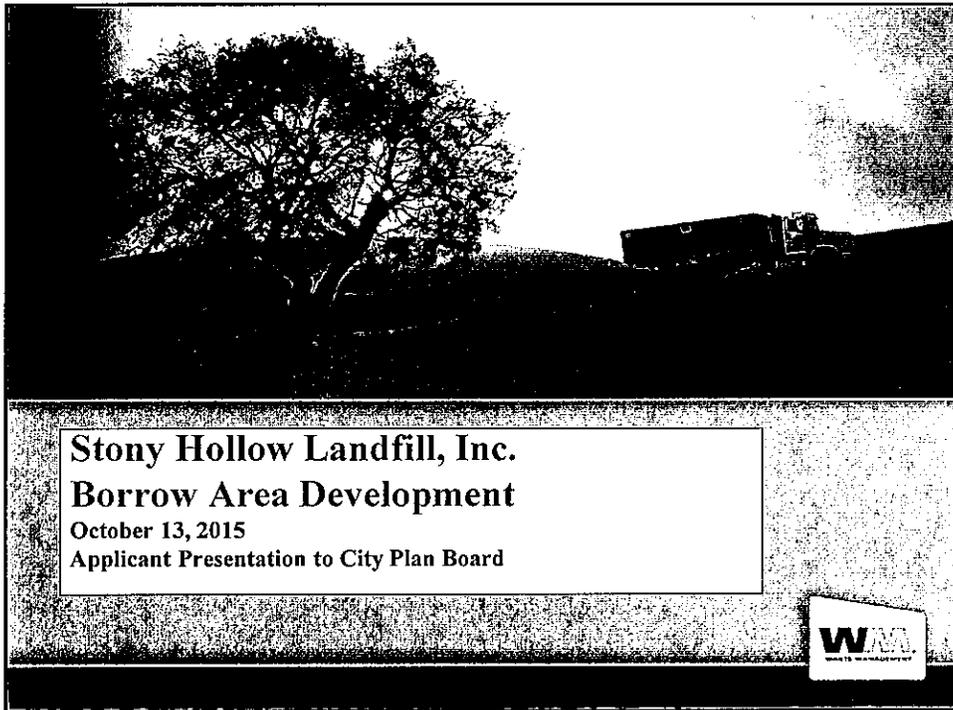
- Screening
 - 6 ft tall Landscaped Soil Barrier Mound along Stony Hollow Road
 - Will include grass, deciduous trees, evergreen trees
 - Dense vegetated areas within 50 feet barrier will remain
- Noise
 - Not expected to create bothersome noise levels
 - May be comparable to a busy roadway
 - Will not be continuous
 - Nearest residence is 220 feet from excavation limits
 - "Depressed grading plan" will provide a natural barrier to sound movement
 - Screening will act as barrier as well

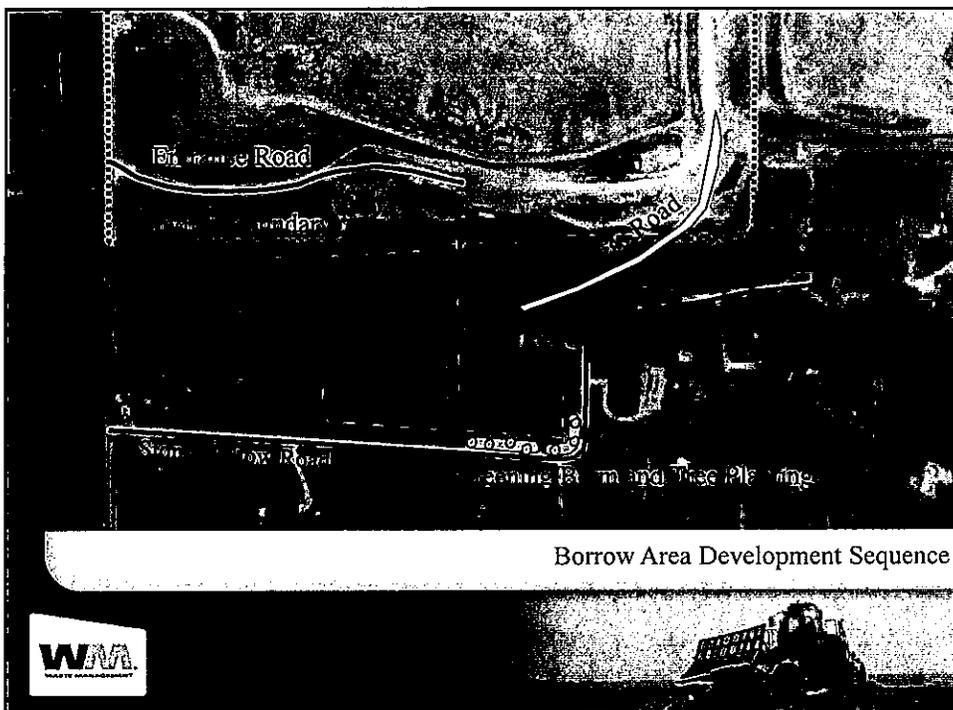
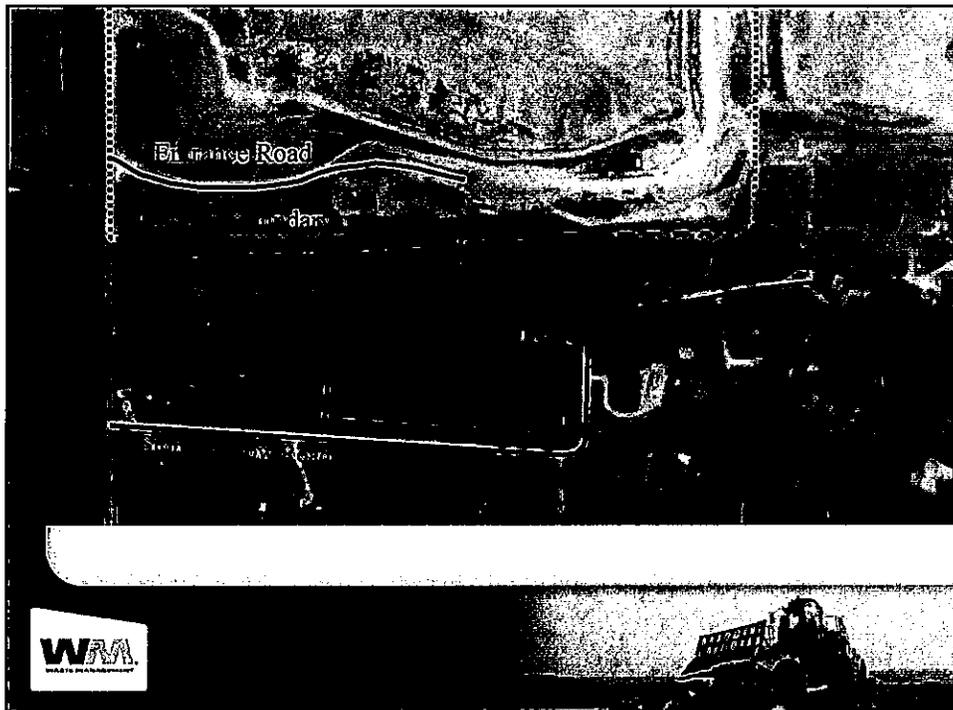
Impact Mitigation

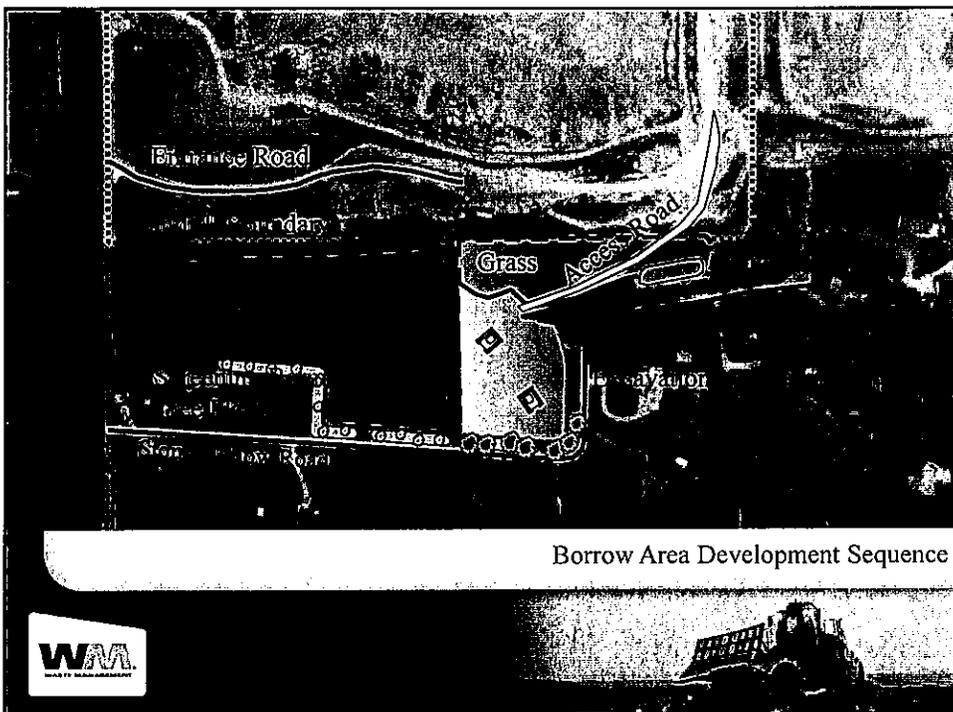
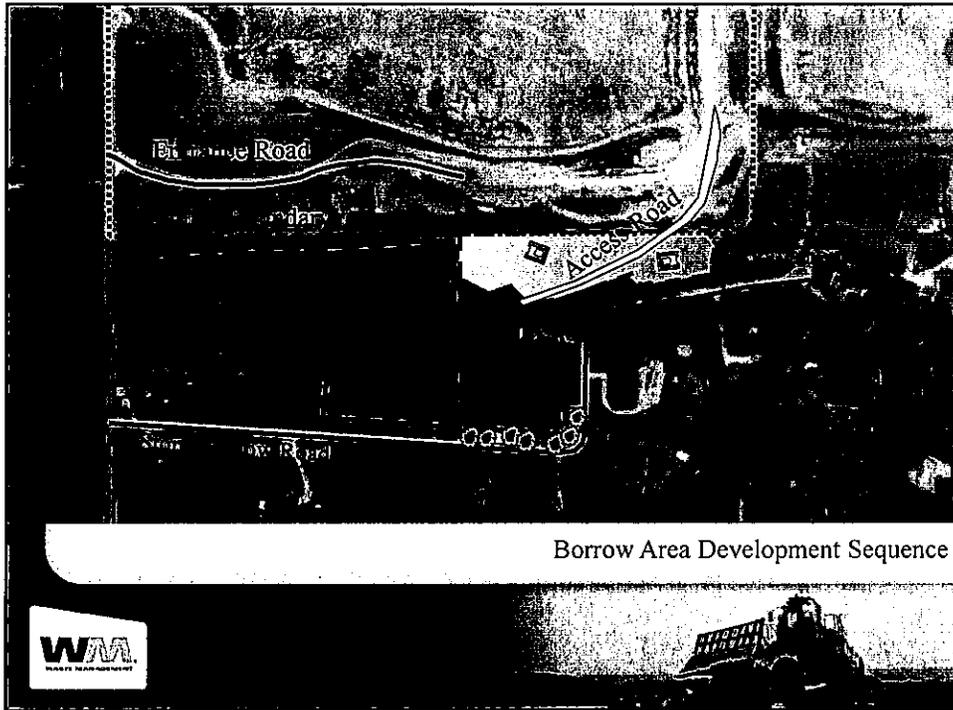
- Storm Water
 - Construct (2) sedimentation basins within the borrow area
 - Basins will include erosion controls:
 - Silt fences, straw bales, vegetation
 - Designed to Ohio Department of Natural Resources Ohio Land Development Manual standards
 - Will comply with State EPA and City of Dayton water permit requirements
- Site Access
 - Access from Stony Hollow Landfill
 - No access/ trucks from Stony Hollow Road
- Dust Control
 - Water trucks application along haul roads

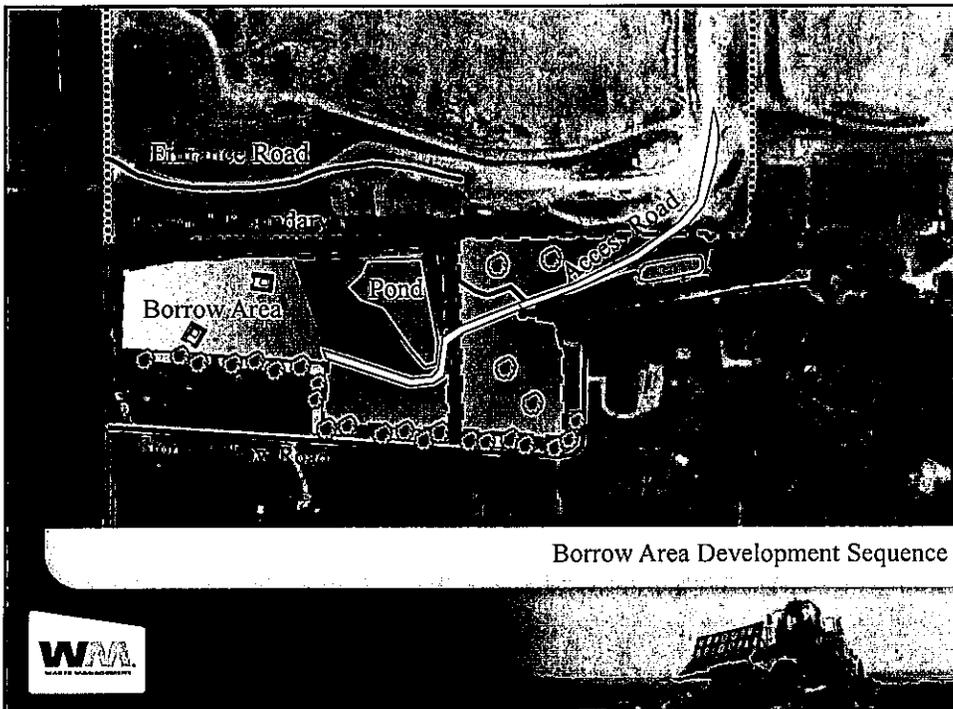
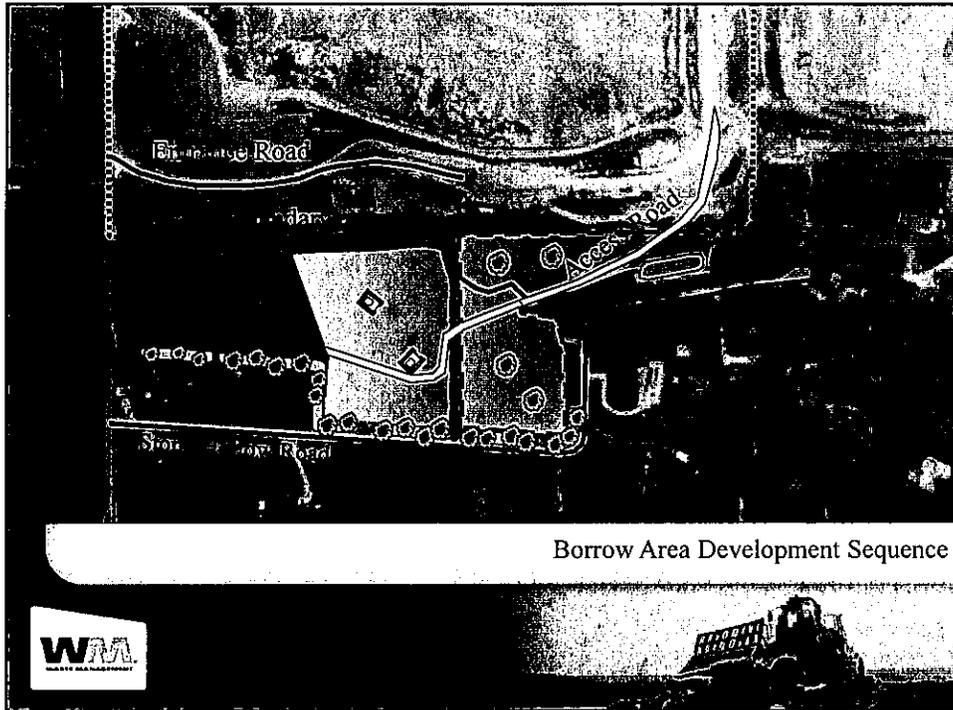
Dust Control: Water Trucks

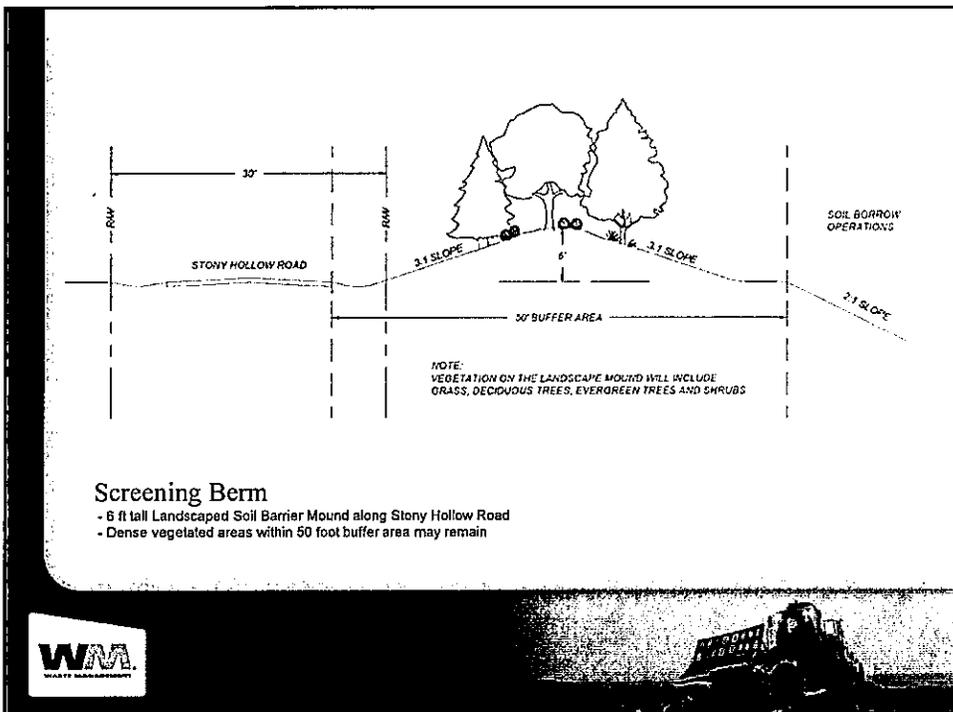
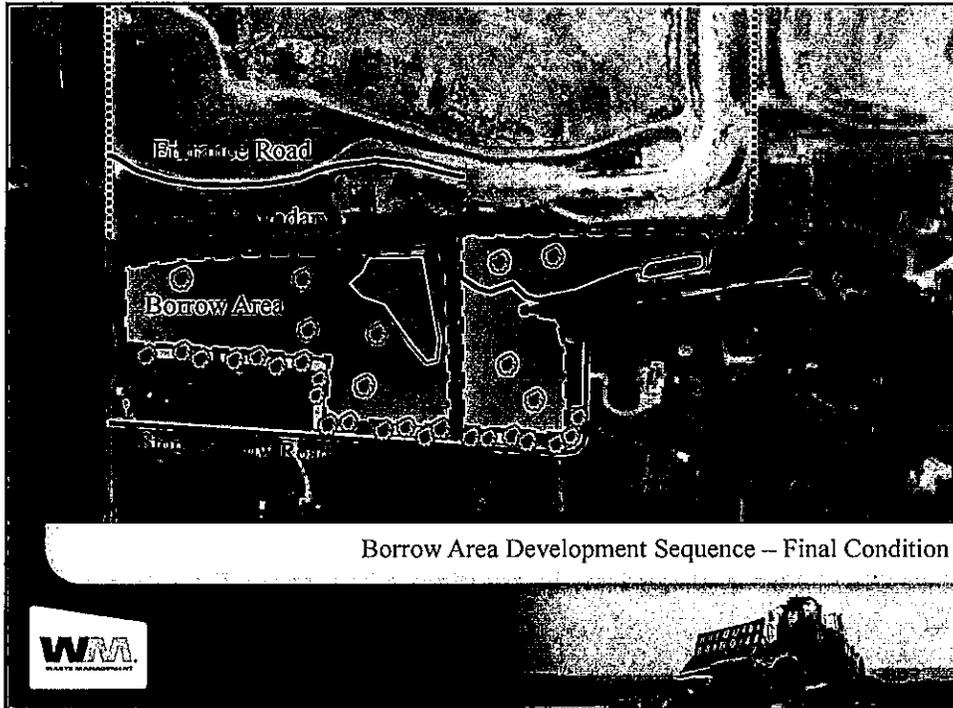














Screening Berm Details



Screening Berm Details



Borrow Area Development Timeline

- Variable – Dependent on:
 - Landfill fill progression
 - Daily waste tonnage received
 - Daily, Intermediate, Transitional soil cover needs
- Site Development Projects
 - Haul roads
 - Storm water management features
 - Construction projects
- Estimated Timeline within Soil Borrow Area – 3 to 6 years



Impact Mitigation

- Screening
 - 6 ft tall Landscaped Soil Barrier Mound along Stony Hollow Road
 - Will include grass, deciduous trees, evergreen trees
 - Dense vegetated areas within 50 foot buffer area may remain
- Noise
 - Not expected to create bothersome noise levels
 - May be comparable to a busy roadway
 - Will not be continuous
 - Nearest residence is 220 feet from excavation limits
 - “Depressed grading plan” will provide a natural barrier to sound movement
 - Screening will act as barrier as well



Impact Mitigation

- Storm Water
 - Construct (2) sedimentation basins within the borrow area
 - Basins will include erosion controls:
 - Silt fences, straw bales, vegetation
- Site Access
 - Access from Stony Hollow Landfill
 - No access/ trucks from Stony Hollow Road
- Dust Control
 - Water trucks application along haul roads



Dust Control: Water Trucks



Important Features

- No landfilling in the borrow area
- Work will progress in small sections
- Strict compliance with State, local, and other applicable regulations
- Work subject to inspections, record-keeping, and maintenance in compliance with regulations throughout project
 - Storm water control, dust control - best management practices (BMPs)
 - Noise, safety, and visual appearance of the work area
- Work performed during normal business hours
 - Work will be during part of the day, not entire day



Important Features

- Reduction in dump-truck traffic on local roads
 - Approximately 190,000 cy of soil within Borrow Area
 - Dump-Truck capacity of 10-15 cy
 - Remove up to 19,000 dump-trucks from roads
- Advantages
 - Reduce wear and tear on local roads
 - Imported soil volume reduced
 - Readily available soil for the site



Vegetation and Closure Plan

- Screening berm with grass, evergreen trees, deciduous trees, and shrubs
- For each section: re-establish vegetation during next growing season once excavation grades are achieved
- Closure activities
 - Fine grading to promote drainage
 - Vegetation – grass, trees
 - Ponds – collect storm water and remove sediment



Design Drawings/Rendering



Questions?



October 12, 2015

Tommie and Janice McCurdy

3740 Stony Hollow Rd

Dayton, Ohio 45417

937-263-1165

To Management of Waste Management of Dayton, Ohio

Thank you for submitting your proposal. After careful consideration, our concerns prevent us from finding the proposed tree barrier to be an adequate solution.

Our objections are as follows.

1. As proposed, the roots will grow toward the leach fill.
2. The water meter and water supply line is located in the front of the property.
3. There is a ten foot easement on the west side, which still gives sight of the shelter and the service trucks coming into the landfill.
4. Care and maintenance of the tree row to hide the landfill is required (watering, mulching cost, weeding, etc.). Responsibility of tree replacement in the event of disease or death is unclear.

Beyond the maintenance issues illustrated above, the proposal does not address the immediate issue. It will take approximately sixteen years to reach the growth to cover/block the sight landfill. At our ages (78 and 68 yrs. old), the time frame needed for this to be a proper resolution is not realistic.

Janice R McCurdy
Tommie McCurdy

Stony Hollow Rd

Stony Hollow Rd

Stony Hollow Rd

Stony Hollow Rd



October 13, 2015

CITY PLAN BOARD REPORT
Case: Z-014-2015; Stony Hollow Soil Borrow Area

BACKGROUND:

Applicant:

Stony Hollow Landfill, Inc
2460 S. Gettysburg Avenue
Dayton, Ohio 45418

Owner(s):

Same as Applicant

Priority Board: Southwest

Neighborhood: Stoney Ridge

Request/Description:

Establish Planned Development Overlay, PD-171, on property adjacent to 2460 Gettysburg Road (City Lots #75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) and rezone 28.66 acres from Suburban Residential (SR-1) to Light Industrial (I-1) and allow for a soil borrow/ sand gravel operation to be established in association with the Stony Hollow Landfill.

Board Authority:

§ 150.125.1 through 150.125.8 R.C.G.O. City Plan Board actions for amendments to the Official Zoning Map.

Applicable Plans and Policies:

CitiPlan 20/20: Goals

- We are the best at the 4 Rs – redevelopment; reuse; revitalization of our neighborhoods, business districts, downtown, and undeveloped land; and retention of our job base

CitiPlan 20/20: Revised Land Use Principles (2007)

- Support the reuse of previously developed lands (brownfields and greyfields) and encourage the adaptive reuse of existing structures.
- Encourage planned development overlays and other special controls to facilitate development in undeveloped areas, underdeveloped areas, and areas where the proposed use may require additional conditions to ensure compatibility with surrounding land uses.

- Whenever possible, promote good urban design by using the Urban Design Guidelines and Pedestrian Oriented Design Standards when reviewing projects.

Agencies and Groups Contacted:

Property Owner's within 250 feet
West Priority Land Use Committee
City of Moraine
Jefferson Township
Madden Hills Neighborhood Association
Highview Hills Neighborhood Association

IMPACTS AND COMMENTS

Proposed Land Use/Zoning: Soil Borrow/ Gravel Extraction Operation (I-1) PD-171

Surrounding Land Use/Zoning: North: Stony Hollow Landfill; I-1
South: Residential Dwellings; SR-1
East: Residential Dwellings; SR-1
West: City of Moraine

GENERAL LAND USE ISSUES AND ANALYSIS:

The Applicant requests to amend the Official Zoning Map to rezone 28.66 acres at properties adjacent to 2460 Gettysburg Road (City Lots #84575#75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844). The existing zoning will change from Suburban Residential (SR-1) to I-1 Light Industrial and will include a Planned Development Overlay (PD-171), also adding Soil and Gravel Operations to the list of permitted uses.

The subject property is located directly south of the Stony Hollow Landfill. The City of Moraine lies directly west of the property across Gettysburg Avenue. Single-family dwellings lie directly south and east along Stony Hollow Road.

Currently, the property consists of open space and vegetation on vacant lots. There is one residence located on the site which is owned by the applicant. The Applicant has requested to change the existing zoning, Suburban Residential SR-1, to I-1 Light Industrial to correspond with the changing land uses.

The proposal also includes establishing a Planned Development (PD) for the exclusive purpose of removing the existing soil materials to be utilized at the Stony Hollow

Landfill, which is located adjacent to the northern boundary of the proposed PD area. On-going operation of the Landfill requires soil material for daily, intermediate, transitional and final cover, storm water management features, and site development projects. The landfill has currently utilized on-site soil extraction as well as shipped in soil to meet the daily coverage needs. The on-site soil removal area has been exhausted. The proposed soil borrow area PD is approximately 29 acres. The Stony Hollow Landfill property was previously granted a PD designation (PD-69) for the operation of the landfill in 1992.

Land Use:

The Applicant requests that the subject property be rezoned to I-1 Light Industrial from SR-1 to be used as a soil borrow area for the adjacent landfill. The Planned Development Overlay will include this zoning change within its development standards. The soil borrow area will be utilized for the purpose of removing the existing available soil materials located within the planned development area. Soil will be excavated with a maximum 2:1 (horizontal: vertical) slope and an average depth of approximately nine (9) feet. The proposed excavation depths range from six (6) feet to 24 feet in total height.

The proposed soil borrow area will also consist of two (2) sedimentation basins to manage storm water within the borrow area. The basins will be designed to provide ample capacity to meet the required storm water runoff based on the Ohio Department of Natural Resources Ohio Land Development Manual. Storm water erosion controls (e.g. silt fence, straw bales, vegetation, etc.) will be utilized as the soil borrow area operations dictate. Ground vegetation will be re-established as the design excavation grades are achieved. The proposed operations will comply with Ohio EPA and City of Dayton storm water permit requirements and design standards.

The development plan does not include any new structures or permanent building features within the area. Soil landscape mounding and/ or vegetation is to be installed within the proposed 'buffer area' located along the southern boundary of the soil borrow area as identified on the site plan. The property currently contains existing easements, which will remain during soil borrow operations. No new easements or restrictions are proposed.

Screening/ Impact Mitigation:

A soil landscape mound and vegetation will be installed around the southern boundary of the proposed PD for screening of the soil borrow activities on the site including noise, dust and visual protection. The proposed landscape mounding will peak at six (6) feet tall and consist of three (3) horizontal to one (1) vertical (3:1) exterior slopes. The 50 foot wide buffer yard will be adjacent to Stony Hollow Drive and along all site boundaries.

Vegetation on the landscape mounding will consist of grass, deciduous trees (e.g. maple, oak, dogwood, etc.) and evergreen trees and shrubs (e.g. spruce, fir, pine, etc.) Similar landscape mounding exists at the entrance to the Stony Hollow Landfill along Gettysburg

Road. Existing natural or manmade barriers at the site shall remain to provide noise and dust protection as well. Dust control measures will also be provided along the access road by means of a water truck.

Average noise levels generated during soil borrow activities from the equipment are not expected to create a noise levels bothersome to neighboring property owners. The nearest residence to the proposed borrow operations is approximately 220 feet from the soil borrow area excavation limits. At this distance, the noise level may be comparable to a busy roadway. It is important to note that the noise level would not be continuous. Additionally, existing and proposed vegetation and landscape mounding and the proposed 'depressed grading plan' will provide a natural barrier to sound movement. The proposed soil borrow activities are not expected to produce and heat, vibrations, or glare.

Storm Water Protection:

The proposed soil borrow area will consist of two sedimentation basins to manage storm water within the borrow area. The basins will be designed to provide ample capacity to meet the required storm water runoff based on the Ohio Department of Natural Resources Ohio Land Development Manual. Storm water erosion controls including silt fences, straw bales, and vegetation will be utilized. As the soil borrow operations progress, ground vegetation will be re-established as the design excavation grades are achieved.

Site Access:

Access to and from the site from trucks and soil removal equipment will only be available from the adjacent Stony Hollow Landfill site. An access road will be installed at the northeast corner of the site. The access road will be restricted to landfill related traffic only. No excavation or soil haul equipment will utilize public roadways for the transportation of the excavated soil materials. Heavy equipment utilized for the site will be similar to those used at the existing Stony Hollow Landfill. Truck parking is not proposed within the site. All the storm water controls will comply with applicable Ohio EPA and City of Dayton storm water permits.

Hours of Operation:

Soil borrow operations will coincide with landfill operations 6:00AM-6:00PM, Monday-Friday.

Conclusion:

Overall, Planning Staff supports the proposed uses and submitted development plan. The Stony Hollow Landfill has exhausted on-site soil for State required daily landfill coverage. To supplement the soil coverage requirement, Stony Hollow Landfill ships in soil from around the region. The proposed soil borrow area will allow the landfill to meet their daily soil needs and allow trucks to be taken off the public roads.

The 2:1 sloping of the excavation will also safeguard against vertical highwalls along the outside boundary for safety concerns. Natural barriers and proposed soil landscape mounds will deter trespassing and limit access to the area. All soil borrow operations

will comply with State and local requirements. Staff has worked with the applicants to ensure that surrounding impacts of the soil borrow operations will be minimized.

DETERMINATIONS AND FINDINGS

Section 150.125.7 (A), R.C.G.O. states when a proposed amendment would result in a change of zoning classification of any property, the Plan Board and City Commission should consider:

(1) The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.

Staff believes the change in zoning classification is in the best interest of the City and the amendment will designate the appropriate zoning classification based upon the goals, strategies, principles, and priorities set forth by the City Commission in the City of Dayton Comprehensive Plan (i.e. CitiPlan 20/20).

(2) The change in classification would be consistent with the intent and purpose of this Zoning Code.

The purpose of the Zoning Code is to promote and uphold the public health, safety, and general welfare of the City through regulation of land and of the type, size, and use of structures. The proposed Zoning Map amendment would allow an adjacent landfill adequate resources for excavation of soil for required daily coverage of the landfill.

(3) The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.

The landfill is required by the State to be covered each day with soil to prevent the exposure of trash and waste. The landfill has exhausted available on-site soil for continued excavation. The proposed PD will allow the landfill to provide enough soil for daily coverage on-site.

(4) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The properties within the surrounding area are a mixture of residential and open space with the predominant land uses affiliated with the adjacent landfill. The proposed soil borrow area is needed to meet daily soil coverage requirements for the landfill.

(5) The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.

The uses that would be permitted if the property were reclassified will minimally impact the immediate surrounding areas to the south in terms of air and noise standards. However, impacts will be mitigated through installation of a 50 wide and 6 feet high mound covered with vegetation. Any natural barriers will remain including dense vegetation where existing. Noise will be only an issue during typical work hours as associated with the existing landfill. State and City Storm Water standards will also be enforced on the site.

(6) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

Adequate utilities currently exist to serve the properties within the area of the proposed Zoning Map amendment.

7) The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.

The development of the current zoning, SR-1 Suburban Residential, is unlikely due to the immediate proximity to the landfill.

(8) The proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

No such error appears to exist.

ALTERNATIVES

1. Recommend approval of the requested zoning change as submitted by the Applicant for Stony Hollow Landfill (City Lots #84575#75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) from SR-1 Suburban Residential to Light Industrial I-1/PD-171, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8, finding that it is consistent with the CitiPlan:20/20 plan future land use principles.

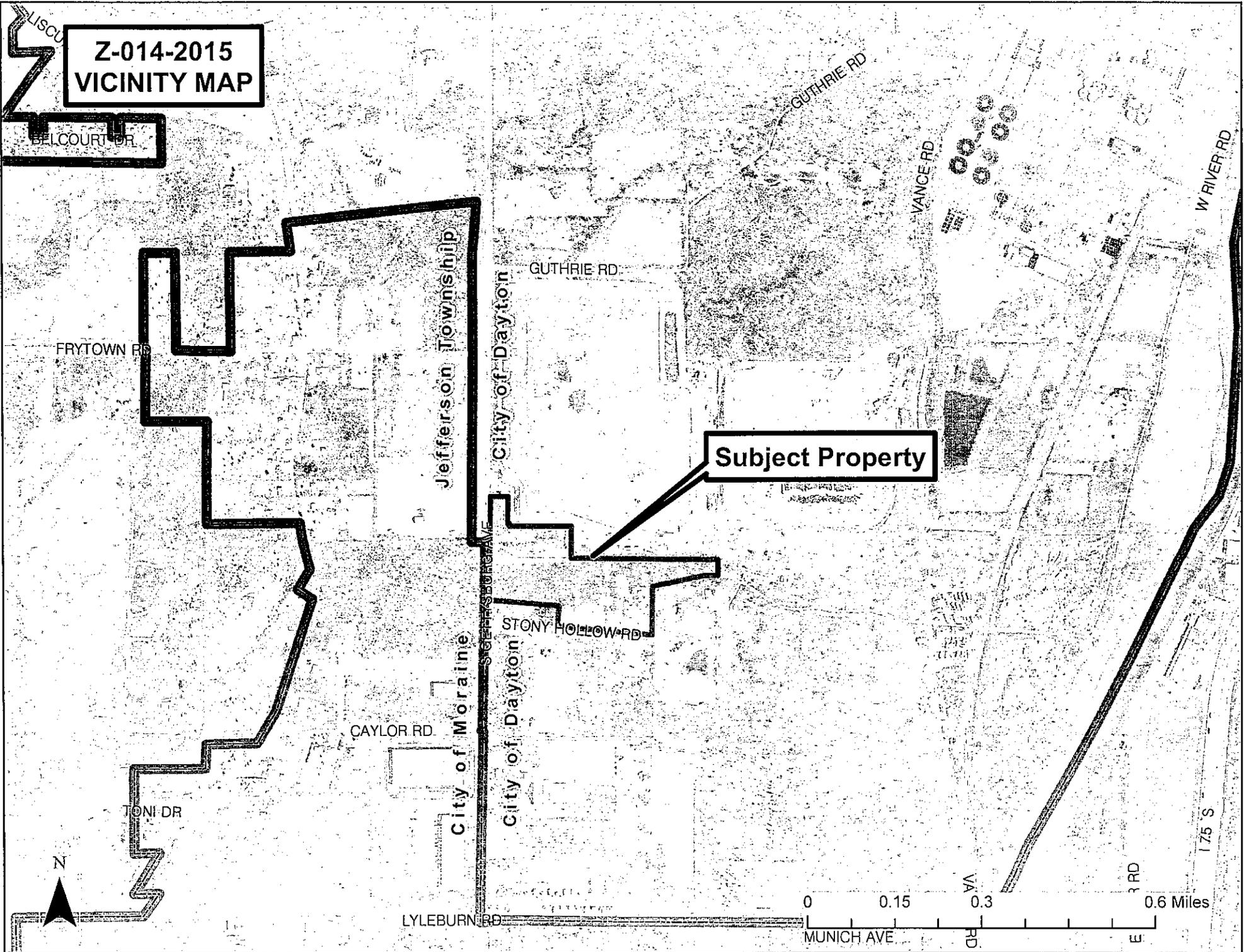
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2. Recommend approval with modifications to the requested zoning change as submitted by the Applicant for Stony Hollow Landfill (City Lots #84575#75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) from SR-1 Suburban Residential to Light Industrial I-1/PD-171, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8, finding that it is consistent with the CitiPlan:20/20 plan future land use principles.

 3. Recommend denial of the requested zoning change as submitted by the Applicant Stony Hollow Landfill (City Lots #84575#75827, #75882, #75878, #75866, #75866, #75865, #75869, #75875, #75870, #75879, #75879, #75873, #75876, #75862, #75863, #75844) from SR-1 Suburban Residential to Light Industrial I-1/PD-171, based on the Board's inability to make the necessary determinations found in R.C.G.O. Section 150.125.7 (A) 1 through 8, finding that it is inconsistent with the CitiPlan:20/20 plan future land use principles.
-

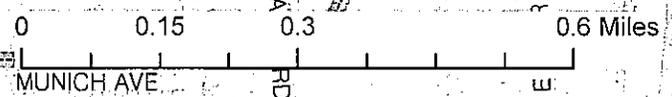
FUTURE ACTIONS:

If the Plan Board recommends approval of the proposed map amendment, the request will be forwarded to the City Commission for public hearing.

**Z-014-2015
VICINITY MAP**



Subject Property



**Z-014-2015
AERIAL MAP**

Jefferson Twp

S GETTYSBURG AVE

City of Moraine

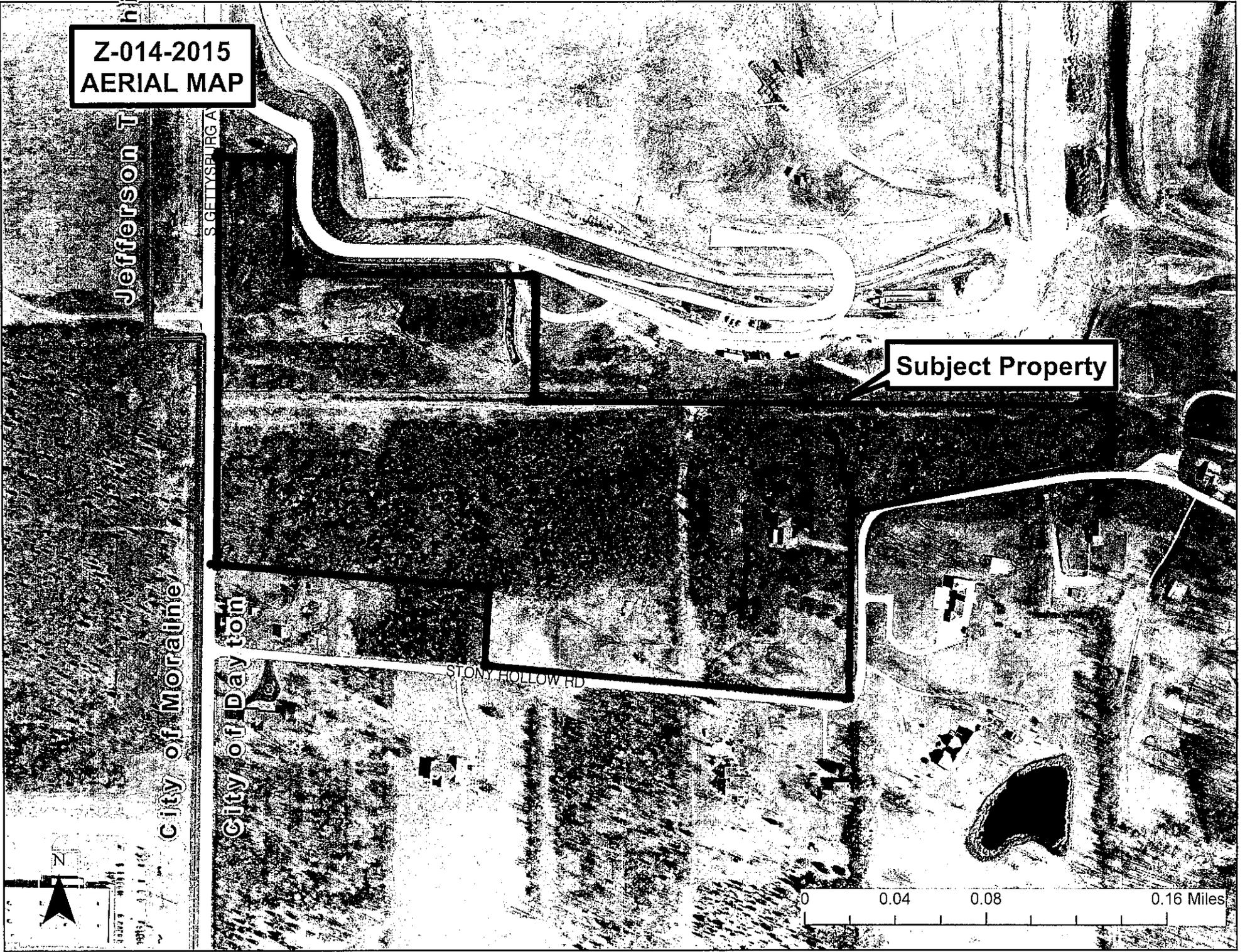
City of Dayton

STONY FELLOW RD

Subject Property



0 0.04 0.08 0.16 Miles



**Z-014-2015
CURRENT ZONING MAP**

Jefferson Tow

S GETTYSBURG AVE

City of Moraine

City of Dayton

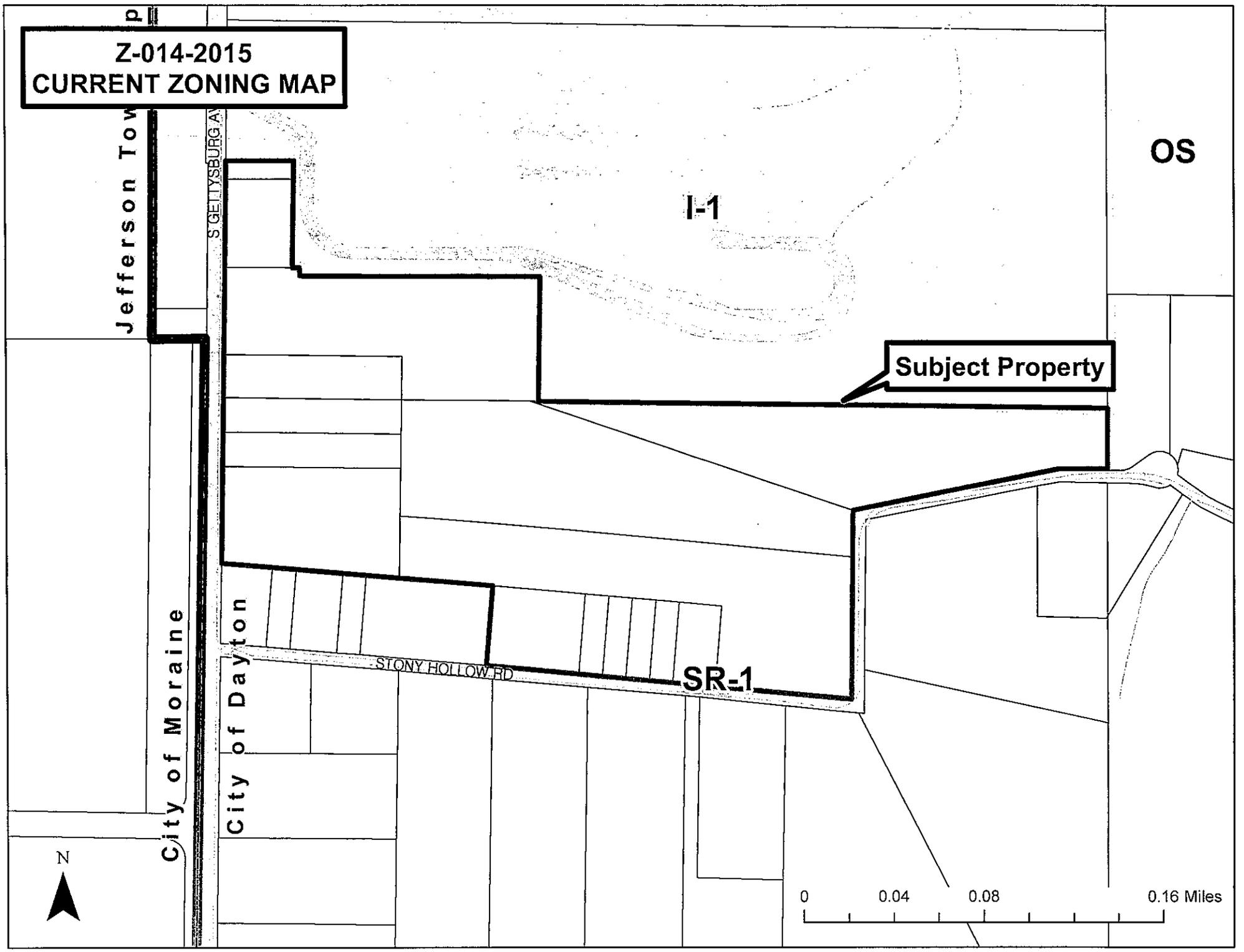
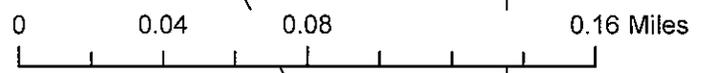
STONY HOLLOW RD

I-1

SR-1

OS

Subject Property



**Z-014-2015
PROPOSED ZONING MAP
PD-171**

Jefferson To

S GETTYSBURG

City of Moraine

City of Dayton

STONY HOLLOW RD

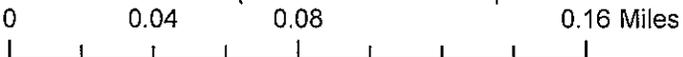
OS

I-1

Subject Property

I-1

SR-1





WEST PRIORITY LAND USE COMMITTEE

August 6, 2015

TO: Jon White, Planner
Division of Planning

RE: Plan Board Case # Z-014-2015 – 2460 S. Gettysburg Avenue

The West Priority Land Use Committee held a meeting, Wednesday, August 5, 2015, to review and discuss the case mentioned above. It is the recommendation of the WPLUC that the Plan Board approve the Planned Development request, including the modifications, as submitted. It is the belief of the committee that the applicant intends to make good on its plans to provide the necessary requirements related to this application.

For the Plan Board's awareness, the following represent some of the discussion items presented to the West Land Use Committee:

1. That the Land fill was expanding its operation which would further encroach on the adjacent neighborhood.
2. That the additional activity would further decrease property values.
3. That the activity is adding onto the other unwanted activity by current institutions, such as the prison, the Gateway shelter and are a demonstration of the City's lack of concern for the impact to current residents.
4. A resident within the impacted area has concerns that the activity will only increase the current issues with the landfill such as rodent infestation, roadway traffic, etc.
5. The City's lack of concern for environmental justice as it relates to the residents currently living in the adjacent neighborhood by continuing to allow/permit such an expansion/activity to occur.
6. The timeline involved in planning for the need to make this request. Are there other foreseeable plans that may require additional or similar requests?

Sincerely,

Maurice A. Wortham

Maurice Wortham, Chairperson
West Priority Land Use Board

White, Jon

From: Mike Hammes <Mhammes@moraineoh.org>
Sent: Friday, August 07, 2015 4:15 PM
To: White, Jon
Cc: David Hicks; Michael Davis; plucas2@wm.com
Subject: City of Moraine - Official Statement - Case Z-014-2015 (Waste Management)

Jon,

Thank you for providing copies of the application and supporting documents for Waste Management's zoning application for the 28.66 acres south of the Stony Hollow Landfill. Staff has reviewed these documents, as well as comments from Waste Management during the August 4th Stony Hollow Community Forum. Our feedback is listed below.

The City of Moraine has no specific objection to the proposed rezoning and PD overlay, provided that the following items are explicitly addressed by the property owner.

- The western edge of the subject property must be adequately screened from Gettysburg Road. At present, the applicant notes that the existing vegetation will serve as an adequate screen, and a visual inspection shows that this might work. However, if the natural vegetation dies off or thins (perhaps due to the nearby excavation), we would expect that the applicant would augment the now inadequate vegetation with additional growth, or with a mound and plantings to match the buffer along the south and east edges of the site. The applicant should commit to maintaining this buffer area on all external edges of the site, so that the site remains adequately screened.
- Obviously, a horizontal expansion of the authorized disposal area for Stony Hollow would be met with no small amount of concern. We understand that the proposed zoning does not allow for disposal operations - and nor does the overlay. An explicit statement from the applicant acknowledging this and confirming that no disposal operations will take place on the site would address any concerns about this being the first step in a renewed expansion of the Stony Hollow site.

Please enter this e-mail into the record for this case. We may make an additional statement at the plan board hearing, if comments from the public or the applicant raise additional questions - but at the moment, the above statement sums up our concerns.

Feel free to contact me with any questions or concerns. Thanks again,

-Michael Hammes

Michael J Hammes, AICP
City Planner
City of Moraine, Ohio
(937) 535-1037
(937) 535-1284 Fax
mhammes@moraineoh.org

By

No

AN ORDINANCE

Amending the Official Zoning Map to Establish
Planned Development PD-171 for Property Adjacent to
2460 South Gettysburg Avenue and Rezone 28.66 acres
from Suburban Single-Family Residential (SR-1) to
Light Industrial (I-1), Allow a Soil Borrow Facility, and
Declaring an Emergency.

WHEREAS, Waste Management has requested that Planned Development PD-171, Stony Hollow Soil Borrow Facility, be established for 28.66 +/- acres it owns adjacent to its Stony Hollow Landfill at 2460 South Gettysburg Avenue and that all property within the boundaries of PD-171 be rezoned from Suburban Single-Family Residential (SR-1) to Light Industrial (I-1), and that PD-171 allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material removed shall be used exclusively at the Stony Hollow Landfill; and,

WHEREAS, The Plan Board, on October 13, 2015, in Case Z-014-2015, recommended disapproval of the applicant's request; and,

WHEREAS, To allow the applicant to begin work on its proposal as soon as possible and to provide for the immediate preservation of the public peace, property, health or safety, it is necessary that this ordinance take effect immediately upon its passage; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. Planned Development PD-171, Stony Hollow Soil Borrow Facility, is established for property located adjacent to 2460 South Gettysburg Avenue, as shown on Exhibit A, Planned Development PD-171 Boundaries, attached hereto and incorporated herein. The Parcel Identification Numbers that comprise PD-171 are: R72 16907 0004, R72 16907 0003, R72 16907 0002, R72 16907 0005, R72 16907 0020, R72 16907 0019, R72 16907 0018, R72 16907 0013, R72 16907 0012, R72 16907 0011, R72 16907 0010, R72 16907 0009, R72 16907 0008, R72 16907 0054, R72 16907 0056, and R72 16907 0057. All property within PD-171 is rezoned from Suburban Single-Family Residential (SR-1) to Light Industrial (I-1), and the PD-171 requirements will allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material excavated shall be used exclusively at the Stony Hollow Landfill. The City's official zoning map shall be redrawn to reflect the establishment of PD-171, the rezoning of all property within PD-171 from Suburban Residential (SR-1) to Light Industrial (I-1), and the PD-171 requirements will allow for a soil borrow/sand, limestone, shale, clay, and dirt operation where the material excavated shall be used exclusively at the Stony Hollow Landfill.

Section 2. In addition to the requirements applicable to all properties zoned Light Industrial (I-1), the property described in Section 1 of this ordinance is subject to the

conditions and land use controls set forth in Section 3 of this ordinance, and collectively referred to as Planned Development 171, Stony Hollow Soil Borrow Facility.

Section 3. The intent and purpose of Planned Development 171, Stony Hollow Soil Borrow Facility, is to meet the goals and objectives of the applicant with the facilities that are required, while ensuring the development is compatible with the characteristics of the surrounding neighborhood. Lots and property within Planned Development 171, Stony Hollow Soil Borrow Facility, are restricted and subject to the following uses, conditions and requirements.

Land Use Regulations

- A. A soil borrow excavation/sand, limestone, shale, clay, and dirt operation where the material removed shall be used exclusively at the Stony Hollow Landfill, shall be permitted by right by this Planned Development.

No other I-1 uses (permitted or conditional) are permitted.

- B. No new facilities or structures shall be constructed on the proposed soil borrow area.

Parking and Loading

None. The public will not be permitted on site.

Landscaping, Fencing & Screening

- A. Soil mounding and landscaping shall be installed along Stony Hollow Road as soil borrow operations dictate to provide screening of operations to adjacent neighbors as shown on Exhibit B, Landscape Soil Mound Cross-Section, attached hereto and incorporated herein. Existing trees and brush shall remain within the designated setback area of 50 feet. The mound shall be approximately 6 feet tall and extend the width of the setback area at a 3:1 [horizontal: vertical] slope.
- B. Trees and vegetation shall be installed on the soil mounding to provide further screening from the soil borrow operations. The trees and vegetation will consist of grass, deciduous trees (e.g., maple, oak, dogwood, etc.) and evergreen trees and shrubs (e.g., spruce, fir, pine, etc.) The large evergreen trees shall be at least six (6) feet in height when planted, and allowed to grow to a minimum of ten (10) feet. The small evergreens planted shall be at least (4) feet in height when installed and allowed to grow to a minimum of six (6) feet.

Storm Water Management

- A. Two storm water sedimentation basins shall be installed to effectively manage storm water within the soil borrow area.
- B. The storm water basins shall be designed to provide ample capacity to meet the required storm water runoff based on the Ohio Department of Natural Resources Ohio Land Development Manual.
- C. Storm water erosion controls shall be installed including silt fences, straw bales, and vegetation as the soil borrow operation progresses. Ground vegetation shall be re-established as the design excavation grades are achieved.
- D. All storm water controls shall comply with applicable State (Ohio EPA) and City of Dayton storm water permit requirements.

Traffic Access Regulations

- A. No vehicular access from the soil borrow facility to Stony Hollow Road is permitted.
- B. Access to the soil borrow area will be provided directly from the Stony Hollow Landfill property. No trucks or soil hauls will be permitted to be on Stony Hollow Road.
- C. An access road will be installed according to Exhibit C, Site Plan, Sheet No: C.3, attached hereto and incorporated herein.
- D. The access road will be restricted to landfill related traffic only.

Outdoor Storage Regulations

No truck or soil haul vehicles will be permitted to park on site after soil borrow operational hours. Truck and soil haul vehicles shall be stored on site of the Stony Hollow Landfill.

Sign Regulations

- A. No freestanding identification signs shall be permitted.
- B. Off-premise signs shall be prohibited.
- C. Site entrance and exit signs are permitted or any sign situated to promote safe traffic circulation by indicating appropriate places of ingress and egress.

Exterior Lighting Standards

All exterior lighting shall conform to R.C.G.O. Section 150.420.3 – Supplemental District Regulations, Exterior Lighting Standards.

Utility Regulations

- A. A site drainage plan shall be submitted to the Divisions of Water Engineering and Civil Engineering for approval.
- B. All proposed utilities shall comply with City standards as determined by the Divisions of Water Engineering and Civil Engineering.
- C. All future utilities including service feeds to the building shall be placed underground.
- D. Utility placement may be modified by the Plan Board with due consideration to environmental concerns.

Additional Requirements

- A. Routine surveying by the property owner will be required to ensure proposed sloping levels are maintained to specifications shown on attached Exhibit C to ensure stability of the soil excavation and to provide safeguards against vertical high walls.
- B. Potential dust generation of soil borrow operations shall be controlled by the application of water to the haul road(s) utilizing the Stony Hollow Landfill water truck.
- C. Soil borrow operations shall comply with all applicable state and local requirements.

Hours of Operation

Hours of operation will be restricted to the hours of 6:00 A.M. - 6:00 P.M., Monday - Friday to coincide with landfill operations.

Dimensions

All dimensions on attached Exhibit C shall be binding, and the appropriate scale shall be used to interpret where dimensions are lacking, unless modified as prescribed in the "Plan Adjustments and Interpretation" section of these development standards.

Plan Adjustments and Interpretation

After the Commission has approved a Planned Development, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Development. However, minor adjustments in the final plan, resulting from field conditions, detailed engineering data, topography, or critical design criteria pertaining to drives, curb data, retaining walls, swimming pools, tennis courts, fences, building locations, and building configuration, parking area locations, or other similar project particulars, may be authorized in writing with the concurrence of the Planning Director and the City Chief Building Official. These minor adjustments may be permitted provided they do not increase density, decrease the number of parking spaces, or allow buildings to be closer to perimeter property lines. Further, such adjustment requests shall be supported by documentation, reviewed by the Planning Director and the City Chief Building Official and determined by them to conform to the original purpose and intent of the Planned Development approval. If both the Planning Director and the City Chief Building Official do not agree, such adjustments shall not be allowed except by amendment. The Plan Board shall be advised of all minor adjustments authorized.

Section 4. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission, 2016

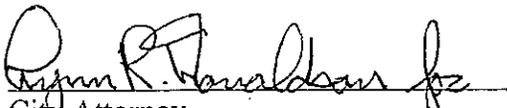
Signed by the Mayor, 2016

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form:



City Attorney

**Exhibit A
Planned Development PD-171
Boundaries**

