

Oakwood, Dayton, Ohio

April 1, 2009

The planning commission of the City of Oakwood, State of Ohio, met this date in the council chambers of the City of Oakwood, city building, 30 Park Ave., Dayton, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the Clerk, Mrs. Cathy Gibson, recorded.

Upon call of the roll, the following members responded to their names:

MR. JEFFREY B. SHULMAN	PRESENT
MR. ANDREW AIDT	PRESENT
MRS. REBECCA BUTLER	ABSENT
MRS. HARRISON GOWDY	PRESENT
MR. STEVE BYINGTON	PRESENT

Officers of the city present were the following:

- Mr. Norbert S. Klopsch, City Manager
- Ms. Dalma Grandjean, City Attorney
- Mr. Jay A. Weiskircher, Assistant City Manager
- Mr. Kevin Weaver, P.E., P.S., Public Works & Engineering Department

The following visitor was present:

Nancy Bain, 444 Acorn Drive

It was moved by Mr. Aidt and seconded by Mr. Shulman that the absence of Mrs. Butler be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

It was moved by Mrs. Gowdy and seconded by Mr. Aidt that the minutes of the commission meeting held January 7, 2009 be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Shulman asked for information on the Phase II Stormwater Plan. Mr. Klopsch explained regulations are required based on federal requirements and how fully the city is developed since stormwater runoff has a cumulative impact on the infra-structure. Unlike other communities, the city has had a stringent stormwater code in place since the 1980's requiring infiltration trench drains for small developments up to engineering studies for larger development. He reviewed the required trench he installed for the garage project at his home. The proposed legislation would affect three parts of the Code, including minor edits in zoning, subdivision regulations and the new Part Twelve outlining the Stormwater Regulations.

Mr. Klopsch explained these regulations are based on the Federal Clean Water Act and the United States Environmental Protection Agency (USEPA). To comply with the Ohio Environmental Protection Agency (OEPA) permit, they need more stringent regulations and he forwarded an updated copy of those regulations. The Planning Commission needs to review the minor modifications to the Zoning Code and forward a recommendation to Council. Although Part 12 is not part of the Zoning Code and action isn't required, he'd like the Commission's input since they review a lot of construction activity. Mr. Klopsch noted the proposal will be given a first reading by Council in April, second reading and vote in May and then in effect 30 days thereafter.

Mr. Klopsch submitted to the Commission a copy of his January 29, 2009 memo to Council about the Stormwater Ordinance, the Phase I and Phase II requirements and six control measures. The first two relate to public education/outreach and public participation/involvement for which the city has received assistance from the Miami Conservancy District (MCD). The next measure relates to illicit discharge detection/elimination. The next two sections (construction site runoff control and post-construction stormwater management control) are addressed by establishing Part 12; and the final measure relates to internal city operations. He referenced the three Zoning Code edits; Table of Contents adds Section 407 regarding Stormwater Management; new Section 407 and minor edits that reference Part 12.

Mr. Shulman opened the public hearing.

Ms. Nancy Bain, 444 Acorn Drive, believes there are better ways to educate the community and based on implications of flooding, loss of soil, water pollution, etc., the costs to taxpayers are huge. She believes working through the MCD on public outreach is not enough and reviewed her concerns with evasive plants (honeysuckle and gallery pear trees) that inhibit stormwater from being absorbed and recommended the use of native plants. Ms. Bain indicated on April 20, there is a stormwater management seminar in Piqua on low impact design. She suggested working in natural areas to help reduce the cost of stormwater management, particularly since Oakwood is at the top of the watershed and impacts the area.

Mr. Byington asked if she is aware of other cities that have good outreach programs. Ms. Bain responded yes, but not in Ohio. Mr. Byington asked if she could get them names of those cities and funding sources to help with outreach programs. Ms. Bain indicated there are local grants available. Discussion ensued in regard to the upcoming seminar and Ms. Bain being given a copy of the proposed code for review and comment. Mr. Shulman wondered since the MCD doesn't provide enough public education on stormwater management issues, what suggestions she has to better educate Oakwood. Ms. Bain is not criticizing MCD but suggested the Environmental Committee (although they are more horticultural than conservationists), the Johnny Appleseed Program, newsletter, Arbor Day activities, That Day in May, ecology club, etc. Mr. Shulman suggested the group she is involved in that reviewed the landscaping at Sugar Camp be involved. Mrs. Gowdy referenced the rain barrel program sponsored by Metro Parks and other programs that could be handled by the Community Center. Mr. Shulman suggested Ms. Bain prepare a short educational article for the next city newsletter.

There being no further comments, the public hearing was closed. Mr. Klopsch reviewed requirements for the Planning Commission's review of Zoning Code text amendments.

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the Planning Commission held a public hearing on this date and reviewed the proposed amendments to the Zoning Code as it relates to Stormwater Management, new Section 407 and accessory amendments are consistent with the Comprehensive Plan and in the best interest of the city as a whole; and recommend approval of those amendments to City Council. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Klopsch reviewed highlights of new Part 12, Stormwater Management Control. Chapter 1201 outlines Intent, Scope and Administration as it relates to the NPDES Phase II Stormwater Program and Clean Water Act; OEPA General Permit No. OHQ000002, protection of the land and water resources, and control of soil erosion and stormwater resulting from earth-disturbing activities based on seven factors. The Scope relates to development and redevelopment of residential and commercial, doesn't apply to agricultural activities, and that work may not commence until a plan has been approved. The Scope is the responsibility of the City Manager and fees may be applied. Mr. Byington wondered how citizens will know what is "uncontaminated". Mr. Klopsch responded based on common sense.

Mr. Klopsch explained Chapter 1202 includes several Definitions. Chapter 1203 relates to Illicit Discharge Detection including home sewage treatment systems, complaint procedure and notifying officials. He noted Chapter 1204 deals with Development of Construction and Post-Construction Site Runoff Control and performance standards. Chapter 1205 covers Implementation and Enforcement of Construction and Post-Construction Site Runoff Control including performance standards, requirements/procedures and inspection/enforcement. Mr. Klopsch indicated Chapter 1206, Operation and Maintenance of Permanent Stormwater Management Controls, is currently not in the existing regulations. He noted Chapter 1207 relates to Technical Design Information and 1207.03 deals with requirements for lots less than one acre.

Mrs. Gowdy wondered if housing inspections will include a review of whether the stormwater management systems are still functioning. Mr. Klopsch concurred. He referenced Chapter 1208 that

deals with Violations and Penalties, a fourth degree misdemeanor with a maximum \$250 fine for an individual. Mr. Byington asked what kind of tests would be done to determine whether an owner has maintained the mitigation system. Mr. Klopsch explained Mr. Bunting inspects the excavation and connection at the time of installation; and the city receives stormwater complaints. Mr. Weiskircher concurred, although not a lot of complaints, staff reviews concerns; and he commended Mr. Foell for being ahead of his time with the impervious surface regulations adopted in the mid-1980's. Mr. Klopsch submitted to the Commission the informational packet that is currently given for small projects as to the drainage requirements. He also referenced a flow chart that shows the different direction a project can take based on square footage, etc.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that the Planning Commission has reviewed a draft of Part 12, Stormwater Management Code and believe it complies with the USEPA Phase I and II requirements, complies with the OEPA and after a thorough review by the city manager, recommend approval to Council of the regulations. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Klopsch extended thanks for their endorsement. Mr. Shulman asked for updates on several miscellaneous projects. In regard to the Routsong's application, Mr. Weiskircher referenced a recent meeting with the owner's attorney, architect and site engineer on the plan. Staff expressed concerns with the parking along Oakwood Avenue, proposed drive-thru feature, and the number of parking spaces proposed for the site. The team will meet with the owner to hopefully adjust the plans which staff would like to review with the neighbors prior to returning to the Commission, hopefully in May. Mr. Shulman asked if the tenant is known. Mr. Weiskircher responded no. Mrs. Gowdy believes the drive-thru is a dis-service to Irving. Discussion ensued in regard to details being worked out on final architecture on the one-story structure; tenant use must meet the Neighborhood Business District guidelines, etc.

In regard to Sugar Camp/Pointe Oakwood, Mr. Klopsch had recently taken council on a tour of the Pointe Oakwood site. He was told by Balsbaugh Construction that preparing the site to be "shovel ready" exceeded any project they'd undertaken in more than 30 years of being in business. Mr. Klopsch was pleased they didn't run into any barrel/drums and there have been no environmental hazards as was expected given the number of tests that had been done in advance of this project. He noted Dr. Eastman has reported to the Board of Health that everything is fine. They are now preparing plans for the access roadway which should be completed by early fall. The majority of work on Far Hills has been completed with some lane striping remaining. Mr. Klopsch was pleased to report there are currently 150 people working on the commercial side of the site. He presented two drawings that depict the first two residential structures; the double which will be closer to the Old River Fields; and a single-family dwelling along Far Hills by Springhouse. Construction on the two models is scheduled to get underway in May. Mr. Klopsch indicated the original approval required the builder to submit the building materials to Council for their review which will happen at next week's meeting. He noted thanks to the estate tax the city has not incurred any long-term debt on the roadway to the fields.

Mr. Klopsch reviewed the Athletic/Recreation Master Plan and indicated the city sent out an RFP to approximately 29 consulting firms and to date, Mr. Weiskircher has already been contacted by ten interested in submitting a proposal. He noted they aren't certain of which direction this will take, but will obtain a lot of public input.

There being no further business, it was moved by Mr. Aidt and seconded by Mrs. Gowdy that the Planning Commission adjourn. The public meeting concluded at 6:07 p.m.

CHAIR

ATTEST:

CLERK