

Englewood City Council

March 24, 2009

The Englewood City Council met this date at the Englewood Government Center with Mayor Patricia Burnside presiding.

COUNCIL MEMBERS PRESENT: Jim Campise, Judy Gerhard, Tom Franz, Mike Kline and Marlyn Flee. Mr. Zumwald was out of town. Mr. Campise moved to excuse Mr. Zumwald and Mrs. Gerhard seconded the motion. **VOTE:** Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea; Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea. Motion approved.

CITY STAFF & OFFICIALS PRESENT: Eric A. Smith, City Manager, Cindy McNamee, Assistant Law Director and Karen Sodders, Clerk of Council.

APPROVAL OF MINUTES: The Minutes from the Regular Session meeting held February 24, 2009 were approved as presented.

VISITORS LIST: The visitors list contained one (1) name and is on file in the Clerk's office.

VISITORS & COMMUNICATIONS:

1. Public Hearing – Bill No. 09-4 – APPROVING REZONE #09-3, REMOVING 6.41 ACRES AT THE NORTHEAST CORNER OF WEST WENGER ROAD NAD TAYWOOD ROAD FROM C-4 ZONING DISTRICT AND PLACING SAME IN AN O-1 ZONING DISTRICT

Mayor Burnside opened the public hearing to anyone present who wished to speak to the Council either in favor or against this proposed rezoning. Mr. Don Birdsall, representing Covenant Church, reported that the church was not going to proceed with the purchase of this property. There were no other comments and Mayor Burnside declared the public hearing closed.

2. The floor was opened to anyone else present who wished to speak to the Council regarding any matter not already on the agenda. There was no one to speak at this time.

ORDINANCES & RESOLUTIONS

1. Bill No. 09-4 – APPROVING REZONE #09-3, REMOVING 6.41 ACRES AT THE NORTHEAST CORNER OF WEST WENGER ROAD AND TAYWOOD ROAD FROM C-4 ZONING DISTRICT AND PLACING SAME IN AN O-1 ZONING DISTRICT (1ST reading)

Mr. Franz moved to suspend the rules requiring three readings and pass Bill No. 09-4 on the first reading. Mr. Kline seconded the motion. **VOTE:** Mr. Kline, nay; Mr. Flee, nay; Mr. Campise, nay; Mrs. Gerhard, nay; Mrs. Burnside, nay; Mr. Franz, nay. Motion defeated.

2. Resolution – ACCEPTING RECOMMENDATIONS OF THE ENGLEWOOD TAX INCENTIVE REVIEW COUNCIL (TIRC) RESULTING FROM ITS 2008 ANNUAL ENTERPRISE ZONE PROGRAM AGREEMENT REVIEW

Mr. Kline moved for adoption of the resolution and Mr. Campise seconded the motion. **VOTE:** Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea; Mr. Kline, yea. Motion approved. Resolution No. 11-09 adopted this date.

Englewood City Council

March 24, 2009

3. Resolution – AUTHORIZING A GDRTA CONTRACT, PURSUANT TO THE RTA COMMUNITY GRANT PROGRAM, FOR FUNDING MEASURES ASSOCIATED WITH THE MAIN STREET PEDESTRIAN ACCESSIBILITY PROJECT AT WENGER ROAD

Mr. Franz moved for adoption of the resolution and Mrs. Gerhard seconded the motion. **VOTE:** Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea. Motion approved. Resolution No. 12-09 adopted this date.

4. Resolution – DECLARING THE NECESSITY OF LEVYING A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH

Mrs. Gerhard moved for adoption of the resolution and Mr. Franz seconded the motion. **VOTE:** Mrs. Burnside, yea; Mr. Franz, yea; Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea. Motion approved. Resolution No. 13-09 adopted this date.

5. Resolution – AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH ANTHEM BLUE CROSS AND BLUE SHIELD TO PROVIDE A MEDICAL AND PRESCRIPTION DRUG INSURANCE PROGRAM FOR THE BENEFIT OF FULL TIME CITY OF ENGLEWOOD EMPLOYEES

Mr. Franz moved for adoption of the resolution and Mrs. Gerhard seconded the motion. **VOTE:** Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea. Motion approved. Resolution No. 14-09 adopted this date.

6. Resolution – AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH SUPERIOR DENTAL CARE, INC. TO PROVIDE A DENTAL INSURANCE PROGRAM FOR THE BENEFIT OF FULL TIME CITY OF ENGLEWOOD EMPLOYEES

Mr. Campise moved for adoption of the resolution and Mr. Kline seconded the motion. **VOTE:** Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea; Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea. Motion approved. Resolution No. 15-09 adopted this date.

CITY MANAGER'S REPORT

1. Mr. Smith reported that the Street Lighting case was at the Court of Appeals and would probably end up at the Supreme Court.
2. The properties downtown that the City recently purchased have all been demolished.
3. The new Arcadia Boulevard bridge was installed in one day.
4. The City applied for and received \$200,000 in stimulus money for the resurfacing of Union Boulevard.

Englewood City Council

March 24, 2009

City Manager's Report (continued)

5. Mr. Smith commented briefly on the Maynard lawsuit recently filed. Mr. Franz commented that this frivolous suit is baseless and appears to be nothing more than harassment and retaliation. He also noted that Council members and staff were sued personally for vindictive reasons and moved to have the Law Director look into possible countersuits against Mr. Maynard. Mr. Kline seconded the motion. **VOTE:** Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea. Motion approved.

MAYOR'S REPORT

1. Mrs. Burnside reported that she met on March 5th with the new District Director of the local Boy Scouts of America. She stated that she also met that day with representatives from the State Auditor's Office for a routine review of the yearly audit process.
2. Mrs. Burnside told the Council that she registered the City Council to ride in the Fine Arts Festival Parade on Saturday, August 8th.
3. Mrs. Burnside also reported that she recently did a presentation with the third grade classes at Englewood Elementary about City services.
4. Mrs. Burnside commented that Englewood was again less expensive than most other cities on the recent Water and Sewer Rate Survey that the City of Oakwood conducted for 2009.

BOARDS & COMMISSIONS – Appointments to Fine Arts Commission

Mrs. Burnside told the Council that she had received four letters of application from people who wanted to be appointed to the Fine Arts Commission. Mrs. Gerhard moved to appoint Teresa Guerra, Barbara Hern, Kathy Weherley, Jerry and Jerri Amos to the Fine Arts Commission. Mr. Franz seconded the motion. **VOTE:** Mrs. Burnside, yea; Mr. Franz, yea; Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea. Motion approved.

OLD BUSINESS – Mr. Franz commented on a recent article that was in the *Dayton Daily News* about the Northmont Chamber of Commerce. There was no other Old Business to discuss at this time.

NEW BUSINESS – Liquor Permit Request – WalMart, 7725 Hoke Road. Mr. Franz moved to table the liquor permit request from WalMart and Mr. Campise seconded the motion. **VOTE:** Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea; Mrs. Burnside, yea; Mr. Franz, yea. Motion approved.

ADJOURNMENT – Mrs. Gerhard moved for adjournment and Mrs. Burnside seconded the motion. **VOTE:** Mrs. Burnside, yea; Mr. Franz, yea; Mr. Kline, yea; Mr. Flee, yea; Mr. Campise, yea; Mrs. Gerhard, yea. Motion approved. Council adjourned at 8:15 PM.

Patricia Burnside, Mayor

Karen Soddors, Clerk of Council