

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 22, 2019  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

The Chairman, Council President Craig Witherspoon, called the meeting to order and led the Pledge of Allegiance.

**PRESENT**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; 4<sup>th</sup> Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon, Council President; Mayor – Bryan Jensen; Law Director – John Gasior; Clerk of Council – Barbara Brooks

**ABSENT**

Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Anthony Moore; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter; Finance Director – William Logan

**PROCLAMATION**

Proclamation - Mayor Jensen proclaimed April 2019 as Lorain County Community College Month throughout Avon and Lorain County. April has been designated as Community College Month nationally, a campaign to raise awareness about the importance of these institutions to communities and to students across the country, and to acknowledge the more than 1,100 community colleges that have contributed enormously to the availability of higher education in the United States.

Mayor Jensen advised the Lorain County Community College has had such a positive influence on the City of Avon and all of Lorain County. He said it is with great pride he presented that proclamation and thanked the College for all they do for the community. He said his own daughter attended LCCC and is now a teacher in Lorain Schools and although she graduated from Cleveland State, it was a part of the program that goes right along with the Community College.

Steve Sefchik, a representative of LCCC, accepted the proclamation on behalf of the College and thanked Mayor Jensen and City Council and City Officials for their participation in this effort.

**CORRESPONDENCE**

The Clerk reported she had a request from the Ohio Division of Liquor Control for a Transfer of Ownership (TRFO) from James M. Lococo DBA Golf Zone to Copper Golf LLC located at 810 Center Road & Mezzanine, Avon, Ohio for a D-5 permit class.

No questions or concerns were voiced.

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, APRIL 1, 2019**

A motion was made by Mr. Radcliffe and seconded by Mr. Butkowski to dispense with the reading of the minutes of the Work Session of Council held Monday, April 1, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 4 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, APRIL 8, 2019

A motion was made by Mr. Radcliffe and seconded by Mr. Butkowski to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, April 8, 2019, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 4 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, APRIL 15, 2019

A motion was made by Mr. Radcliffe and seconded by Mr. Fischer to dispense with the reading of the minutes of the Special Meeting of Council held Monday, April 15, 2019, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 4 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD WEDNESDAY, APRIL 17, 2019

A motion was made by Mr. Radcliffe and seconded by Mr. Butkowski to dispense with the reading of the minutes of the Special Meeting of Council held Wednesday, April 17, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 4 for and 0 against and the Chairman declared the motion passed.

REPORTS AND COMMENTS

Mayor Jensen had no comments.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mr. Fischer, At Large, asked for an update on the Resthaven Cemetery situation.

Mayor Jensen stated the cemetery is a private entity although the City is working with them by assisting with direction. He said the Superintendent of Streets and the Zoning Enforcement Officer have been to the cemetery and the City is available for assistance. Mayor Jensen advised there has been so much rain that the owners of the cemetery are at a disadvantage right now. He said if the local news and the State Officials in Columbus have not been able to do something it was going to be very difficult for the City to be able to do anything further. Mayor Jensen stated Mr. Gasior is looking at options for what the City can do moving forward. He felt they needed to wait until at least summertime and then push forward.

Mr. Gasior advised there is litigation pending from the entity that owns Resthaven, StoneMor, in West Virginia. He said it was in Federal District Court and was sent to State Court in West Virginia. Mr. Gasior stated an attorney has filed a class action suit on behalf of approximately 140 people who said he would be interested in talking to

anybody here and he passed that information on. He said with all the negative attention the cemetery is receiving, if that does not motivate them to do something he doubted if anything would. Mr. Gasior advised the State has legislation passed as late as October 2018 and he believes some of the local people have utilized the administrative process in the State Code although it is a relatively new provision and he did not know how the State is going to handle it.

Mr. Fischer believes there is a perception in the community that the City has something to do with it or that they can do more. He added but it is a private business and the City was doing what they could to facilitate it, but there are some that believe the City should be doing more.

Mayor Jensen advised we try to assist in any way we can and if there are any City funds that will need to be expended he would have to come back to Council for approval. He said they are trying to let it go through the private channels for now and the City is available to answer any questions, but he does not believe the City wants to get involved with taxpayer dollars to see what can be done.

Mrs. Holtzmeier, At Large, was absent

Mr. McBride, Ward 2, was absent.

Mr. Moore, Ward 3, was absent.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, Council President, had no comments.

#### DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, was absent.

Mr. Farmer, Service Director, was absent.

Ms. Fechter, Economic Development/Planning Coordinator, was absent.

Mr. Gasior, Law Director, advised he handed out a Municipal Attorney Association newsletter to Council Members and the Mayor and City Administration. He said there is an interesting article about Government employees and their off-duty conduct and how that can impact their employment with the governmental entity. Mr. Gasior stated that the article included inappropriate conduct on social media and mentioned it is an interesting article that briefly touches on the topic and provides food for thought. He thought it would be good to distribute to the employee union representatives as a reminder to all who work for the City that when they are off-duty they may not necessarily be off-duty. Mr. Gasior stated the Police and Fire are high profile positions and every employee should be careful today as there are cameras and mobile devices with cameras and video capability. He said everyone is a target especially if you are a public employee.

Mayor Jensen requested the Clerk provide copies of this article for his morning staff meeting tomorrow.

Mr. Logan, Finance Director, was absent.

AUDIENCE:

No comments were made from the audience.

ADJOURN: 7:40 p.m.

A motion was made by Mr. Radcliffe and seconded by Mr. Fischer to adjourn the Regular Meeting of Council, and the vote was: Mr. Fischer, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 4 for and 0 against and the Chairman declared the motion passed.