

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 2, 2026  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

**PRESENT:**

Council Members: Council-at-Large – Mary Berges; 1<sup>st</sup> Ward – Jennifer Demaline; 2<sup>nd</sup> Ward – Anne Marie Etienne; 3<sup>rd</sup> Ward – Tony Moore; Council-at-Large – Michelle Patton; 4<sup>th</sup> Ward – Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

Council President Brian Fischer called the meeting to order.

**1. UPDATE FROM VILLAGE PROJECT ~ Feeding Families Fighting Cancer**

Melissa Betts, Executive Director

Melissa Betts, Executive Director of Village Project, presented an update on the organization's work in the Avon community. She explained that Village Project provides nutritionally intentional meals to individuals and families undergoing active cancer treatment, recognizing that cancer affects not just the patient but the entire family.

Ms. Betts shared service statistics for Avon:

- 2023: 7 households, 14 individuals, 543 meals
- 2024: 6 households, 13 individuals, 885 meals
- 2025: 10 households, 23 individuals, 1,587 meals

She emphasized the significant growth in meals delivered, noting they had nearly tripled from 2023 to 2025. The meals delivered in Avon during 2025 represented approximately \$47,000 in care value. She explained this growth indicates that cancer treatments are lasting longer, recovery is taking longer, and families need sustained support.

Ms. Betts detailed how the organization operates with multigenerational volunteers preparing three nutritionally dense meals per person in the household, avoiding white sugar and white flour. Each delivery also includes handmade cards signed by all volunteers and a bouquet of flowers. She explained these personal touches have significant meaning for recipients, noting examples of families who treasured these small gestures.

Ms. Betts acknowledged the City of Avon's previous support of \$10,000 and requested continued support at that level, with an additional \$5,000 earmarked as contingency. She noted that Village Project chose not to take the contingency funds last year as they were fortunate with their finances. Most importantly, this support ensures that Avon families, when they face a cancer diagnosis, have one less thing they have to worry about.

Council Members expressed strong support for the organization. Mr. Moore, who serves on the Village Project board, expressed gratitude for the City's support and noted the personal significance of the work due to his own grandfather's cancer experience. Ms. Etienne shared that the presentation was emotional for her, as her mother passed away from cancer in 2019 and would have benefited from such services.

Mr. Fischer confirmed that the City of Avon would continue to support Village Project, calling their work "God's work." Mayor Jensen added that the City would ensure that any Avon residents requiring help would receive it, encouraging Village Project to reach out if needs exceeded the allocated funding.

**2. ORDINANCE NO. 2-26 – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1264.07(f) – ADDITIONAL REGULATIONS FOR ATTACHED SINGLE-FAMILY DWELLINGS, 1264.08(e) – ADDITIONAL REGULATIONS FOR MULTI-FAMILY DWELLINGS, AND SECTION 1292.14(c) – IMPROVEMENT AND MAINTENANCE STANDARDS AS THEY RELATE TO ILLUMINATION ON PEDESTRIAN PATHS AND OPEN AREAS**

Planning Referral

A Public Hearing will be held on Monday, February 9, 2026, at 7:25 p.m.

The third of three readings of Ordinance No. 2-26 will be held on Monday, February 9, 2026.

Ms. Fechter had nothing new to add. There were no questions from Council.

3. [ORDINANCE NO. 4-26](#) – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1222.02 DEFINITIONS; 1270.03(b)(12) SCHEDULE OF PERMITTED USES; 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS; AND 1280.06(nn) TO REQUIRE A SPECIAL USE PERMIT FOR ANIMAL BOARDING IN THE M-1 DISTRICT Planning Referral

A Public Hearing will be held on Monday, February 9, 2026, at 7:20 p.m.

The third of three readings of Ordinance No. 4-26 will be held on Monday, February 9, 2026.

Ms. Fechter had nothing new to add. There were no questions from Council.

4. [ORDINANCE NO. 9-26](#) – TO AMEND CHAPTERS 210, 1040 & 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE WATER & SEWER CODES AND ADJUSTING CERTAIN RATES AND FEES Mr. Bruce

Brian Bruce, Superintendent of Utilities, presented the proposed rate increases for water and sewer services. He provided background on the City's rate history, noting that 2022 and 2023 had no increases due to COVID, and in 2023 the City hired Hazen and Sawyer to develop a financial rate model.

For water rates, Mr. Bruce proposed a 2% increase for both 2026 and 2027, resulting in an 11-cent per thousand-gallon increase. He also explained adjustments to the discounted rate for usage over 25,000 gallons, which had grown disproportionately since its establishment in 2016. The proposed change would standardize the discount at 75 cents less than the normal rate going forward.

For sewer rates, Mr. Bruce proposed larger increases of 6% for both 2026 and 2027, explaining that sewer funds have struggled to keep up compared to water. He provided context on the impact to residents:

- A household using 5,000 gallons monthly would see annual increases of \$37.20 in 2026 and \$39.00 in 2027
- A 2,000-gallon user would see increases of just under \$15 annually in 2026 and slightly over \$15 in 2027

Mr. Bruce also mentioned the addition of a \$50 late fee to the backflow Ordinance to encourage compliance with testing requirements, noting the City is one of few that handles backflow testing in-house rather than outsourcing.

Mr. Bruce also updated Council on the importance of updating Chapter 210, which has been long overdue. He noted that Chapter 210 contains all fees from various Departments consolidated into one central location. However, the existing codification process did not consistently update or transfer these fees, especially on the utility side relating to water and sewer. Mr. Bruce highlighted that some of the references in Chapter 210, such as quarterly references for water and sewer, were outdated and not reflective of current practices. This has caused confusion and underscored the need for it to be revisited. Mr. Gasior confirmed the importance of having the same information from Chapters 1040 and 1042 all incorporated in Chapter 210, so it was easier for people to look up the rates and for all the language to match.

Mr. Gasior advised it was important to note that any increases would be tied to the Cleveland Construction Cost Index. He confirmed that in addition to the rate adjustments, the proposal included a mechanism to tie any future escalations to this index. He emphasized that while Chapter 210 had not been consistently updated with fees and adjustments, aligning increases with the Cleveland Construction Cost Index would ensure a more systematic approach. Mr. Bruce added that linking rate adjustments to this index is not new and has been part of the City's approach for a number of years, ensuring that rate changes and tap fee increases are reflective of broader economic conditions and not arbitrary.

Ms. Berges thanked Mr. Bruce for taking the time to answer all her questions earlier this afternoon. She asked about the \$50 late fee and inquired about the consequences if that fee is ignored. Mr. Bruce explained that the late fee would be assessed after multiple missed notifications. If residents or businesses reached the stage of being charged the late fee, they would have already ignored at least three letters/emails and three phone calls from the City's Utilities office. If the late fee still fails to get their attention, the next step would be to turn off the water service, as required under the Ohio Revised Code for operators of public water systems. It was noted that backflow testing was only required of residential properties for those who have an underground sprinkler system and most businesses require backflow testing.

Mr. Radcliffe requested to see the financial report behind the rate proposals, particularly to understand the 6% increase in sewer rates compared to the 2% for water. Mayor Jensen explained that sanitary sewer rates typically experience larger increases due to changes from Avon Lake or North Ridgeville. He also noted that the rate structure adjustment for larger users would distribute costs more equitably, as previously smaller users had borne the brunt of increases.

Mr. Bruce also informed Council that the City would be changing its online payment system to Xpress Bill Pay, with notices being sent to residents in their water/sewer bill and a notice posted on the website.

Later in the meeting, Mayor Jensen requested that this Ordinance proceed as a first reading only, rather than pass by emergency next week, to allow for additional discussion and public feedback.

5. ORDINANCE NO. 10-26 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT THE SOUTHEAST CORNER OF MIDDLETON ROAD AND PENDLETON COURT, (SUBLOT NO. 1 IN THE MIDDLETON CROSSINGS SUBDIVISION), FROM LIG LAND, LLC Mayor Jensen

Mayor Jensen explained that the purchase agreement has been signed by the seller. He noted there is still a due diligence period, but the Administration is confident the site will work. The Mayor mentioned there are protections in place for the City should any issues arise.

There were no questions from Council.

6. ORDINANCE NO. 11-26 – ADOPTING A NEW PRIVACY POLICY FOR THE CITY OF AVON TO BE POSTED ON THE CITY'S WEBSITE Mr. Gasior

Mr. Gasior, Law Director, explained that this Ordinance would allow Council to adopt a new privacy policy for the City website. He noted that Aaron Jenkins, IT Coordinator, was present to answer questions. Mr. Jenkins explained that most websites today include a privacy policy, typically linked at the bottom of the page, explaining what information might be collected, how it might be used, and how it is protected as well as including public record aspects. Mr. Gasior thought it was appropriate for Council to officially adopt this policy. There were no questions from Council.

7. ORDINANCE NO. 12-26 – TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH MUSCO SPORTS LIGHTING, LLC FOR THE PURCHASE OF LIGHTING AND APPURTENANCES THERETO FOR BALL FIELDS 1 & 3 AT THE CITY-OWNED VETERANS PARK (AVON LITTLE LEAGUE FIELDS) Mayor Jensen

Mayor Jensen explained this was the next step after Council had appropriated funds for this project. He noted that Musco Sports Lighting is under a government contract as a cooperative purchasing agent, which provides protection for both Council and the City.

Mr. Gasior clarified that under Ohio Revised Code Section 948, the City can take advantage of pricing established through competitively bid contracts. He explained that Equalis is the group the City is a member of, and they have provided a competitively bid price, eliminating the need for the City to advertise for bids.

Ms. Berges asked about the timing for installation of these lights, and Mr. Streator indicated they hope to begin in spring with completion before the games begin.

8. ORDINANCE NO. 13-26 – AMENDING ORDINANCE NO. 105-25 WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL DESIGN GROUP (EDG) TO ACQUIRE PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE FRENCH CREEK GREENWAY PHASE I PROJECT Mr. Gasior

Mr. Gasior explained that this Ordinance would amend a previous Ordinance, Ordinance No. 105-25, passed in November of 2025, adjusting the appropriation from \$73,425 to \$77,500. Mr. Cummins explained that an additional drainage easement of approximately 194 square feet was added at 39036 French Creek Road at one of the culvert extensions, necessitating the increase.

Mrs. Demaline asked about the status of acquiring the easements. Mr. Cummins responded that Environmental Design Group is currently conducting appraisals to determine fair values. He explained that given the minor nature of these easements, there might not be much resident interaction until fair market values are established, at which point property owners would be contacted with official offers to start the negotiation and acquisition process. Mr. Cummins estimated this would likely occur around the beginning of March.

9. REPORTS AND COMMENTS

MAYOR JENSEN announced he will not be at next week's meeting. He also requested that item no. 4, Ordinance No. 9-26, regarding water and sewer rates only proceed with a first reading next week rather than suspending the rules and acting to allow for additional discussion and public input.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE inquired about the City's road salt situation given recent reports of shortages. She also asked about the City's storage capabilities for road salt and if the City should consider adding another storage facility. Mr. Streator explained they can store approximately 4,000 tons in total (2,000 tons in each of two structures) and indicated they should be fine as long as they can obtain salt. Mayor Jensen added that in previous years they have paid for storage elsewhere due to excess supply, but this year began early with heavy usage. He noted they still have 2,300 tons on order that they're waiting to receive and that amount should suffice noting the crews have done a great job under these circumstances.

MRS. DEMALINE, WARD 1, had nothing to report.

MS. ETIENNE, WARD 2, thanked the Avon Library for hosting a meet-and-greet for the Council Members. She remarked that, as a new Council Member, she appreciated the opportunity and found the event enjoyable.

MR. MOORE, WARD 3, mentioned concerns about snow-covered streets in neighborhoods like Wyndermere Way and Kensington Drive. Mr. Streator responded that as the weather warms up it will loosen that packed snow and the crews are scraping the streets in the developments to assist. Mr. Moore also raised concerns about businesses not clearing sidewalks along Detroit Road, causing pedestrians to walk in the street. Mayor Jensen agreed to remind businesses about their responsibilities and have City staff follow up. Mr. Moore indicated there was a small chance he would be absent next week.

MS. PATTON, AT LARGE, thanked the Avon Library for hosting a meet-and-greet for Council and was hopeful it could become an annual event. She also mentioned concerns about outdated language in City Codified Ordinances regarding Group Homes for handicapped persons and suggested this should be reviewed.

MR. RADCLIFFE, WARD 4, reported he would be absent at the next meeting, February 9th.

MR. FISCHER, AT LARGE, had nothing to report.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had nothing to report.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, had nothing to report.

MR. GASIOR, LAW DIRECTOR, distributed a draft Ordinance No. 14-26 regarding property owner responsibilities for the proposed walking path/trail along French Creek. He explained this would clarify that property owners adjacent to the path would only be responsible for shoveling a 5-foot area, with no other maintenance responsibilities. After discussion, it was agreed that this would be introduced at the next Work Session.

Mr. Gasior also informed Council that a civil rights lawsuit had been filed against the City under Federal Code 42 USC 1983. He noted it was filed pro se, (without legal counsel), and did not expect it to proceed far but advised Council Members to refer to him if they received any inquiries.

MR. PRESLEY, FINANCE DIRECTOR, noted a claim had been filed with the City's insurance regarding the lawsuit referenced by Mr. Gasior.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, had nothing to report.

#### AUDIENCE:

Dave Selestak, 39332 French Creek Road, asked for clarification about the French Creek Greenway trail. He expressed concerns regarding the types of users, such as pedestrians, cyclists, and scooter riders, and the potential liability that might arise from their use of the trail.

Mr. Selestak recalled a previous incident where a cyclist had accidentally ridden off the edge of the sidewalk into the creek as there was no guardrail, resulting in a broken neck and lawsuits involving multiple parties, including the City. Despite none of that leading to liability, Mr. Selestak described the experience as stressful and was understandably concerned about avoiding similar future scenarios.

Mr. Gasior, the Law Director, explained that Ohio's recreational user statute offers protection from liability for property owners when individuals engage in recreational activities, as the recreational user assumes the risk of injury when they engage in recreational activities under the Ohio Revised Code. He also noted that Council is considering regulations for scooters and the like on such trails though enforcement is likely to be a significant challenge.

Mr. Gasior clarified further that the draft Ordinance No. 14-26 was specifically intended to outline and limit the responsibilities of adjacent property owners only in regard to snow removal for a 5-foot area of the walking path/trail along French Creek Road, with no additional maintenance duties required.

Mr. Selestak asked if the City uses brine on the roads. Mr. Streator confirmed that the City does have brine capabilities and employs pretreating methods on the roads when necessary. This practice involves applying brine before snowfalls to help prevent snow and ice from bonding to the pavement, making it easier to remove with plows later on as well as conserve the salt supply.

Mr. Selestak inquired about the function and necessity of the emergency clause in the City's legislation. He expressed curiosity regarding its frequent use and the standard inclusion of language mentioning its necessity for the immediate preservation of public peace, health, safety, and welfare. Mr. Gasior explained that the emergency clause enables the Council to expedite the legislative process by allowing the passage of Ordinances without the typical three readings. He clarified that this is particularly useful for timely actions, like construction or other projects where delays could hinder the City's objectives. Mr. Gasior also mentioned that it's crucial to include a

specific rationale for the emergency designation, as courts require justification beyond standard language. Although the term "emergency" might suggest urgency, he emphasized that the clause is more about expediency and administrative convenience rather than an actual crisis. The discussion highlighted the balance between efficient governance and mindful legislative processes, ensuring decisions benefit the public while adhering to legal frameworks.

Skip Conant of 36500 Mills Road provided a copy of a letter to each Member of Council from him and then read it into the record as follows: "I have been an Avon resident for 38 years. In addition to my residence, I own 33 acres of property on Detroit Road. I am writing to formally go on the record to ensure Council is aware that my wife and I offered to donate, at no cost, two acres of land that we own for the construction of the proposed new Fire Station. This property is located along the future Middleton Road extension, approximately 600 feet west of the current proposed Fire Station site.

By eliminating the need to purchase the land for the Fire Station, the City could redirect those funds towards construction of a significant portion of Middleton Road extension, while also securing the donated two-acre site. The Middleton Road extension is a critical infrastructure project that would substantially reduce traffic congestion at the Lear Nagle interchange as well as along Detroit Road.

Additionally, during the subsequent discussions, we expressed the willingness to consider donating additional land south of the Middleton Road extension for the development of a City Park, should the City find that opportunity beneficial.

As a final observation, I closely monitor land transactions within Avon, and to my knowledge, there has never been a land sale in the community even close to one million dollars per acre. Given this context, the proposed land purchase price for the Fire Station site appears excessive, particularly when other viable options exist in close proximity that may offer meaningful cost savings to the City.

Thank you for your time and consideration of these matters."

Mayor Jensen responded to Mr. Conant's comments by stating that the Administration was aware of Mr. Conant's offer to donate two acres of land for the fire station. However, he noted that there were several challenges associated with this proposed location, including wetlands and storm retention considerations that would need to be addressed, among other factors. Mayor Jensen emphasized that the Administration had to weigh these challenges alongside the immediate needs of the fire station, recognizing that relying on Mr. Conant's land could result in years of delays due to regulatory and infrastructure requirements. Moreover, the current proposed site was ready to build upon, which added a layer of immediacy to their decision-making process. While acknowledging the significant role that the Middleton Road extension could play in reducing traffic congestion and improving City infrastructure, Mayor Jensen highlighted that the pressing need for the fire station and the ability to address community safety needs without extended postponement were central to the proposal currently under consideration by the City.

10. ADJOURN: 8:45 p.m.

There being no further business, the Work Session of Council was adjourned.

PASSED: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_  
Brian Fischer, Council President

ATTEST: \_\_\_\_\_  
Barbara Brooks, Clerk of Council