

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 23, 2026
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

The Chair, Council President Brian Fischer, called the meeting to order and led in the Pledge of Allegiance.

PRESENT:

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

MINUTES OF THE SERVICE COMMITTEE MEETING OF COUNCIL HELD MONDAY, FEBRUARY 2, 2026

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to dispense with the reading of the minutes of the Service Committee Meeting of Council held Monday, February 2, 2026, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 2, 2026

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to dispense with the reading of the minutes of the Work Session of Council held Monday, February 2, 2026, and to approve said minutes as published, and the vote was: Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 9, 2026

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, February 9, 2026, and to approve said minutes as published, and the vote was: Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

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

The Clerk read Ordinance No. 9-26 by title only, entitled:

**AN ORDINANCE 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
AND DECLARING AN EMERGENCY**

The Chair declared this to be the second of three readings of Ordinance No. 9-26.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 9-26, and the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Ms. Berges and seconded by Ms. Etienne to adopt Ordinance No. 9-26, and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

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

The Clerk read Ordinance No. 10-26 by title only, entitled:

AN ORDINANCE 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 AND DECLARING AN EMERGENCY

The Chair declared this to be the second of three readings of Ordinance No. 10-26.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 10-26, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to adopt Ordinance No. 10-26, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

ORDINANCE NO. 14-26 – AMENDING SECTION 660.05 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROVIDE REGULATIONS GOVERNING THE RESPONSIBILITIES OF ADJACENT PROPERTY OWNERS AND OCCUPIERS FOR THE CITY’S WALKING PATHS AND TRAILS

The Clerk read Ordinance No. 14-26 by title only, entitled:

AN ORDINANCE AMENDING SECTION 660.05 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROVIDE REGULATIONS GOVERNING THE RESPONSIBILITIES OF ADJACENT PROPERTY OWNERS AND OCCUPIERS FOR THE CITY’S WALKING PATHS AND TRAILS AND DECLARING AN EMERGENCY

The Chair declared this to be the second of three readings of Ordinance No. 14-26.

Mr. Fischer announced that Ordinance No. 14-26 would be placed on the Work Session agenda for the following Monday for further discussion, with a final draft anticipated and passage expected at the March 9 meeting. He directed any questions in the interim to Mr. Gasior.

Two members of the public, both residents along French Creek Road, addressed Council during the audience portion regarding this Ordinance (see below).

ORDINANCE NO. 15-26 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MKSK TO PERFORM SITE DESIGN SERVICES FOR THE TRAXLER PARK/ARBORETUM PROJECT IN THE CITY OF AVON

The Clerk read Ordinance No. 15-26 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MKSK TO PERFORM SITE DESIGN SERVICES FOR THE TRAXLER PARK/ARBORETUM PROJECT IN THE CITY OF AVON AND DECLARING AN EMERGENCY

The Chair declared this to be the second of three readings of Ordinance No. 15-26.

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to suspend the rules and act on Ordinance No. 15-26, and the vote was: Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to amend Ordinance No. 15-26, and the discussion was:

Mr. Gasior explained that the amendment involved revisions to several "Whereas" clauses. References to identified locations for vehicle and pedestrian access to the park were deleted because those locations had not yet been determined.

And the vote was: Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to adopt Ordinance No. 15-26 as amended, and the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

ORDINANCE NO. 16-26 – CREATING THE AVON COMMUNITY IMPROVEMENT CORPORATION AND AUTHORIZING THE MAYOR TO SIGN AND FILE THE APPROPRIATE ARTICLES OF INCORPORATION

The Clerk read Ordinance No. 16-26 by title only, entitled:

**AN ORDINANCE CREATING THE AVON COMMUNITY IMPROVEMENT
CORPORATION AND AUTHORIZING THE MAYOR TO SIGN AND FILE THE
APPROPRIATE ARTICLES OF INCORPORATION
AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 16-26.

Mayor Jensen noted Mr. Beachler would be asked to return the following Monday to participate in the Work Session discussion to allow Council Members to ask additional questions and explore the timeline for the corporation to be established.

Mayor Jensen also requested an Economic Development Committee Meeting be called for March 16th to discuss what economic development would mean for the area before the Ordinance came to a vote on the third reading. The Economic Development Committee Members agreed that such a meeting should be called. The Clerk was asked to coordinate the scheduling of the Economic Development Committee Meeting for Monday, March 16, 2026, at 6:30 P.M.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, had no comments.

MS. ETIENNE, WARD 2, had no comments.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, had no comments.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, had no comments.

AUDIENCE COMMENTS:

Dave Selestak of 39332 French Creek Road addressed Council with comments related to Ordinance No. 14-26. He first expressed appreciation for the modifications made to the sidewalk Ordinance to incorporate walking trails. He then raised two questions. First, he noted that the existing sidewalk provisions covered both maintenance and repairs, whereas the new language for walkways appeared to reference only maintenance, and he questioned whether repair language should be included given the presence of utilities—water, gas, electric, cable, and phone lines—running beneath the paths that may require boring or cutting. Law Director, Mr. Gasior, indicated that if the final sentence included "maintenance or repair," that would be satisfactory, and confirmed he would add repair language. Second, Mr. Selestak raised the question of liability, noting that while the State Code appeared to adequately cover the City and property owners when a trail user injures themselves, he was less certain about the situation where a property owner, such as a resident backing out of their driveway, might cause an accident involving a trail user. Mr. Gasior responded that neither the State Statute ORC1519 nor the City could absolve a property owner of liability for their own negligent or intentional acts, explaining Ohio's comparative negligence standard. He clarified that if a trail user simply injures themselves—falling off a bike or roller blades in front of a property—that would not create liability for the adjacent property owner. Mr. Selestak shared a personal anecdote about a prior incident in which a bicyclist rode off the end of a sidewalk into a creek and broke his neck; his insurance company handled the matter, and the rider was ultimately found to bear responsibility for his own well-being. He expressed general concern that the increased volume and variety of users, including e-scooters and e-bikes, would create greater opportunities for incidents, and that the year-long period of uncertainty while the prior case wound through the judicial system was stressful. Mr. Fischer reiterated that the Ordinance would be discussed further at the upcoming Work Session with a final vote anticipated on March 9th.

Craig Young of 39278 French Creek Road addressed Council also in relation to the walking path Ordinance and the broader trail project. He referenced a December 2019 Avon and Sheffield master plan for bike paths prepared by NOACA and the Metro Parks, which he indicated was the original impetus for the Greenway Trail. He quoted from the plan's executive summary, which stated that “the target of bicycle recommendations focused on creating an off-road trail network to link desired assets rather than constructing facilities along high-speed rural roadways where residents felt unsafe”. Mr. Young questioned why the path was being routed along French Creek Road, which he characterized as a busy rural roadway, and asked whether that description applied. Mayor Jensen discussed the point, noting that French Creek Road was not classified as a high-speed rural roadway comparable to a 50-mile-per-hour road, and that the route was identified through the study as a means of connecting to the Sheffield Metro Parks and to the City's own recently acquired Metro Parks property. Mr. Young also reported that he had spoken with a retired Metro Parks employee who indicated that the Lakewood-to-Edgewater path project was stopped by the Cleveland Metro Parks for reasons similar to those being raised—specifically, safety concerns arising from the higher volume and speed of users on a two-way path replacing a traditional sidewalk. Mr. Young further asked when rules and regulations governing the path—such as speed limits and permitted vehicle types—would be defined and presented to Council. Mayor Jensen explained that any restrictions beyond the ordinary would be established legislatively by Council.

Mrs. Demaline followed up by asking for confirmation that rules and regulations for a path are followed by Council action. Mayor Jensen responded, clarifying that if there are to be any additional restrictions, such action would typically be legislatively enacted by the Council. Law Director, Mr. Gasior, added that because the project was federally funded, he and City Engineer, Mr. Cummins, would need to review the original grant to determine what restrictions the City was permitted to impose, and noted there were many variables still in play. Mayor Jensen observed that existing paths on Detroit Road at Arlington Drive and along portions of French Creek Road

onto Long Road had not yet generated complaints, though he acknowledged the e-scooter and e-bike issue was already presenting challenges on Detroit Road and would be the more pressing regulatory question going forward. Mr. Gasior added that the Ordinance would be further discussed, and any necessary restrictions could be revisited in the future, particularly if new issues arose with the path's use.

Mr. Selestak of 39332 French Creek Road returned briefly to add that, unlike the paths at Arlington Drive and Amberwood Drive—which run along the back sides of properties with no driveways crossing them—the French Creek Road path would cross driveways, and suggested the Reserve of Avon path, which does cross driveways, might serve as a useful reference point for gauging near-miss frequency. Mr. Gasior acknowledged the suggestion but noted the difficulty of drawing meaningful conclusions without reliable data on total user volume.

EXECUTIVE SESSION: 8:03 P.M.

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to enter into executive session for the purpose of discussing the purchase of real estate and for the purpose of discussing a collective bargaining agreement, and invite Mayor Jensen, Mr. Gasior, Mr. Streator, Mr. Presley, Fire Chief Swope, Human Resources Coordinator Ms. Diane Szlempa, and Ms. Melissa Fisco and Ms. Lauren Hire of Clemans, Nelson & Associates.

And the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

Chief Swope, Ms. Szlempa, Ms. Fisco and Ms. Hire left the Executive Session at 8:23 P.M.

RECONVENE: 8:29 P.M.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to reconvene the Regular Meeting of Council, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

ORDINANCE NO. 17-26 – TO ACCEPT THE FACT FINDER’S REPORT IN THE MATTER OF THE CITY OF AVON AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 4310 SERB CASE NO: 2025-MED-08-0780

The Clerk read Ordinance No. 17-26 by title only, entitled:

**AN ORDINANCE TO ACCEPT THE FACT FINDER’S REPORT IN THE MATTER OF
THE CITY OF AVON AND THE INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL 4310 SERB CASE NO: 2025-MED-08-0780
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to suspend the rules and act on Ordinance No. 17-26, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to adopt Ordinance No. 17-26, and the vote was: Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

ADJOURN: 8:31 P.M.

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to adjourn the Regular Meeting of Council, and the vote was: Ms. Etienne, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

PASSED: _____

SIGNED BY: _____
Brian Fischer, President of Council

ATTEST: _____
Barbara J. Brooks, Clerk of Council