

good concrete understanding of what they can do in their next phase. She said the proposal answers 4 or 5 key questions for them through all the tasks that are outlined. Such as:

- What is their network going to look like?
- Will your community support it?
- How much would this network cost the City?
- How can this network be funded?
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Ms. Fowler advised all of the tasks that they see on the proposal really get to the meat of answering all of those questions. She said they start with Task #1 – Kickoff Meeting and Data Collection, which is a great time for all of them to level set and talk about the assessment in a lot of detail and make sure that everyone understands all the tasks involved and review the schedule. Ms. Fowler stated typically they find that a community assessment with all of these different variables takes between 4-6 months to complete and the two months after the fourth month is for the survey so they can be done with a lot of the meat of the work in the first four months. She said the survey is the Demand Aggregation piece of it and that was covered further down in the proposal. Ms. Fowler stated Task #2 – Market Service and ISP analysis, and that is one of the most interesting pieces of work that Lit Communities does because they are able to zone in and see exactly what is in the area. She advised with all the resources that Lit Communities has they are able to dig in and see where that fiber is located and look at all the current internet service levels. Ms. Fowler said they also will take advantage of all the resources they have to look for long haul fiber and really taking a great 35,000 feet in the air overview of exactly what is around Avon and in Avon because that is going to be incredibly helpful as they begin to plan out the next steps.

John Sullivan, Chief Innovation Officer for Lit Communities explained Task #3 – Preliminary Design Set Up and Execution. He said what Lit Communities does during the preliminary design phase is use the data that was gathered during the kickoff and data collection and use that to establish footages and understand some preliminary paths. It is a high level design of what connectivity would look like in Avon both for middle mile as well as last mile. Mr. Sullivan stated that really ends up being the backbone of what eventually becomes the financial model. He advised when they use the data collected, which is primarily GIS data or CAD data and they can look at where the roads are and they typically go along the right-of-way and determine how many demand points such as houses and businesses in Avon to establish the footages and figuring out how many demand points there are so they can feed that into the financial model.

Mr. Sullivan pointed out Task #4 – Preliminary Construction Ride Out and Make Ready Engineering Assessment. He said what they are doing during this piece of the assessment is looking at the ground conditions, the pole conditions and really looking a step further that goes beyond the preliminary design. He said what they are able to do here is do a high level assessment of what conditions look like on the ground and that helps them to figure out the type of preparation costs that it might take to get the poles ready and if there is going to be a lot of make ready costs. This also helps determine how much would be underground versus aerial, which would be on existing utility poles as that heavily factors into the pricing on the financial model. Mr. Sullivan advised once they start building that financial model at the preliminary design stage and then the bill of materials and the financial model would be updated after they do the Construction Ride Out and the Make Ready.

Mr. Sullivan said then Lit Communities provides a detailed Task #5 – Financial Model and Business Plan, and it is more than just a number in a box as this is really a detailed financial model that shows start up costs, operational costs, capital expenditures and what it will cost to maintain this network and they will build this model 20-30 years into the future based on the City's interest. Mr. Sullivan stated the advantage of this is that they could see all the assumptions that are made and talk through them and they would have the freedom and flexibility when working on the financial model to change some of the variables such as what it would look like if Avon decided to build 50% underground and 50% aerial and those percentages can be reviewed and tweaked to fit the needs. He said in that way, they could really see how those costs impact the overall cost of the network.

Mr. Sullivan stated the Business Plan is really the meat to the final report and the reason it is not passed as the last task is because they will receive an iterative version and when they really hone in on that final business plan, they like to center in on a couple of options. What works best for the community? He advised throughout

this process they really end up learning a lot about the desires of the community and what the landscape looks like and what the incumbent makeup is and what the pole conditions are and what the appetite is of the community. Mr. Sullivan said by the end of the assessment there are several ways they could choose to go, but they would really try to hone in on a couple different options that make the most sense for Avon and really lay out the next steps of how to go about doing that.

Mr. Sullivan advised Task #6 – Strategy Session is really strategizing before Lit Communities delivers that final business plan bringing all stakeholders to the table to really talk about what that looks like as well as preparing a presentation to present to the community and at meetings to make sure that everyone is on the same page on what those next steps look like and what the options are for the community.

Mr. Sullivan said then there is Task #7 – Demand Aggregation Study and Residential Survey – Set Up and Execution. He stated the purpose of this is to really find out what is the demand of the community and what are their thoughts and how do the residents feel about incumbent carriers and what do the speeds look like as part of it is a speed test. Mr. Sullivan advised this task ends up marrying up very well with the Market Service Incumbent Analysis because during that phase Lit Communities uses primarily publicly available data. He said they have some tools to look a little bit deeper such as paid services to find out where fiber and other broadband and wireless solutions are in your area so that they have a full understanding. Mr. Sullivan stated that information which is sort of the self report data, they are able to match that up by looking at what the residents are saying about the service as well as doing speed tests to determine if those speeds are really available and to what extent. He said the FCC data is on a per census block and with this Demand Aggregation Survey they are able to go beyond that census block data.

Mr. Sullivan said the last task, Task #8 – Grant Development Services, is really something that happens throughout the entire process and that they engage with the City on during the Kickoff Meeting. He stated this is where they are looking at any available funding options whether State or Federal so that they lay out all of the options as far as what grants are out there and then tell you which ones you would be a good fit for or eligible for and then exactly how to go about seeking those grants. Mr. Sullivan advised they are aware that there are a lot of funds out there right now on the Federal side, but they would really look at other options because there are a lot of cyclical grants and things available that the City may not be aware of that will help the City as they engage and go down the line building this network. He said the more money they can apply for through grants and work those in as part of their strategy only helps the community further. Mr. Sullivan stated those are the eight tasks and he would welcome any questions that Council might have.

Chris Kirkland, VP of Market Startup for Lit Communities was also present by audio.

Mr. Radcliffe asked once the study is complete as to who owns the survey and the data and the actual study for the City's \$76,000.

Mr. Sullivan advised the City of Avon would own it and they could make it available to any extent they desired.

Mr. Radcliffe inquired if Lit Communities has experience doing these surveys for municipalities where Lit Communities was not awarded the contract to continue, but the municipality did it similar to an engineering proposal for design.

Mr. Sullivan advised yes, they have done them all over the country.

Mr. Radcliffe inquired if it was typical that the municipality would go out for an RFP before selecting Lit Communities to conduct the community assessment.

Mr. Sullivan stated he would not say typical. He said it can work either way and it really depends on the desire of the community and what the local regulations are and what makes the most sense for the community. He said in some cases there is an RFP and in other cases there is not.

Ms. Fowler advised they have also found that there are some communities that have done some of the work on some of these tasks themselves and they are at different places in terms of how fast they want to go with

connectivity, and she would agree with Mr. Sullivan that it really depends on where the community at any given time in trying to enhance the connectivity.

Mr. McBride advised the City would own results of the survey and he assumes they would also own all of the research and background information collected. He asked if any of that information was considered proprietary.

Ms. Fowler advised all of the deliverables in the proposal would be for Avon and that would be something that Avon would own completely.

Mr. McBride inquired if the City owns the process by which Lit Communities conducts the survey and obtains the results, the deliverables, all that intermediate work, or was that something that is proprietary in nature.

Ms. Fowler advised Lit Communities partners with a Swedish Company and that Swedish Company develops the survey platform for Avon along with Lit Communities who is guiding and helping every step of the way in creating that survey platform. She said that platform is up and available for six months for any resident within the City of Avon to take. Ms. Fowler stated at the end, they have quite a bit of information and data that Mr. Sullivan mentioned that belongs completely to the City of Avon. She advised the survey does stop after six months and is no longer available for someone to take, so it does have a start and stop date to it. Ms. Fowler said but all the data once it is collected is provided to Avon in a very nice dashboard format that Avon can take and use for whatever purposes they like. She stated that what they are finding especially with the speed test data is that this information they would have from the survey is very helpful when starting to work on grants because it shows that the City has made a commitment to the community to find out what they need. Ms. Fowler said often times what the community needs is corroborating through the survey responses. She stated it is a very nice tool to help Avon find future funding and it is also a great tool to go out and start to engage with the community. She advised lot of times the survey is the first time that anyone in a community is hearing that a City or the municipality is interested in tackling this issue of connectivity and the residents get very excited and they at Lit Communities have seen some very strong responses even from municipalities that thought that no one would answer this survey.

Mr. Sullivan advised Avon will also have access to the platform and the raw data that is collected so Avon will have access to the back end and will be able to download in Excel or a CSV format all of the raw data of anyone who participated in the survey as well as the ability to export GIS data where the survey locations were taken. He said it is not just the dashboard that Avon will have access to.

Ms. Fowler stated it all depends on how much Avon wants to work with that data, but it is available to you in both the dashboard and in that more granular format that Mr. Sullivan reviewed with you.

Mr. McBride asked how that data is held. He inquired if it would be sitting in a database or backed up by an Excel spreadsheet.

Mr. Sullivan advised it is an online portal and platform, but Avon can download into an Excel or CSV format all of the data that was collected during the survey as well as GIS data. He said the information is also held on a server, but that has an end date. Mr. Sullivan explained that it is Avon's data, but it is not being kept and held after the survey is over and that is the purpose of why that survey ends. He said Avon can choose to extend it and keep it available, but he recommends they download the raw data as well as the reports, which is more of the front end dashboard mentioned that is more the results given to you in a digital manner, but a data junkie may like to look at the raw data and they do provide access to that as well.

Mr. McBride advised he was satisfied as long as information is available, and the City owns it and can move it from the Lit Communities server onto the City's and hold it for future purposes.

Mr. Sullivan and Ms. Fowler confirmed that Avon would definitely be able to do that.

Mayor Jensen advised he believes they are all anxious to get this assessment started to see what is out there, but he asked Mr. Gasior if there was anything precluding them from moving forward or was there anything that he could see that would be a problem with hiring Lit Communities for this service as it is almost \$78,000.

Mr. Gasior advised the first thing is that he has not seen any contracts as yet. He said he has been looking at the materials and the materials make it clear that nothing begins without signed contracts. Mr. Gasior stated he would like someone to forward the contract to Mr. Jenkins and they could be forwarded on to him and he could take a look at the contracts. He advised there is the question of this being a contract over \$50,000 and if it would be considered a contract for a personal service or was this an item that could be bid and put out for an RFP. Mr. Gasior said the safest course of action is to do an RFP. He stated when he was looking through the materials, he saw that the City of Brownsville, Texas did an RFP and twelve companies responded to that RFP. Mr. Gasior noted that Brownsville, Texas is seven or eight times the size of Avon, Ohio as he believed they are 180,000 people, but there are other companies out there that do this work and he does not know if that is something that Council wants to consider doing or if they want to decide that perhaps Lit Communities is the only provider in this area and consider it a personal service under the Charter and hire Lit Communities. He emphasized that he has to see the contracts one way or the other.

Bill Leimkuehler of 1691 Pine Drive advised that he personally did the research to find Lit Communities. He said what he has not found are companies that will come and actively respond to do a public/private partnership in the way that Lit Communities is doing. Mr. Leimkuehler stated the goal is not get a Community Assessment, but the goal is to get someone to come here and build out a fiber network. He advised he has reached out to other companies to no avail and if some other company was willing to do this service, they probably would have been able to find that out. Mr. Leimkuehler said that he and Mr. Jenkins have been working on this together for 4-5 months and Mr. McBride and he started working on this over the summer and this is the only option that he was able to come up with. He stated if Avon wants to seek RFP's he felt it was a waste of time because there is no other company that he found and he clarified that he has no financial interest in this project. Mr. Leimkuehler advised his only interest is as a resident of Avon and he found a company that is willing to come do a Community Assessment which is a necessary step to get to the point where they can build out a fiber network. He suggested they not waste time going through an RFP process unless it can be done quickly and the City could check those boxes, but he felt the residents of Avon would want to see this move forward and move forward as quickly as they can rather than waste time on an RFP and save something like \$5,000.

Mr. Gasior inquired if Mr. Leimkuehler was saying this is the only company out there that does a public/private partnership.

Mr. Leimkuehler said Lit Communities was the only company that he found that responded to him. He stated he reached out to a couple of different ones and basically got crickets from everyone else. Mr. Leimkuehler advised Lit Communities has a network in Medina County and they are building west toward Sandusky. He said this Council and Administration know more than he does, and he does not know the history, but from what Mr. McBride has told him and from what he has read in the Mayor's letter there is no one interested in doing anything with regard to a fiber network here. Mr. Leimkuehler stated he reached out and tried to find out how do we bring this to Avon and Lit Communities is the only viable option he has seen, unless the City wants to take on the burden of doing it themselves, which he has heard that is not the direction the City wants to go. He advised if the City wants to do the work themselves and contract with someone else through an RFP and the City wants to own that network and administer it and operate it, then yes, he believes there are a lot of other companies that could do that for the City. Mr. Leimkuehler said if the City wants to find a public/private partner who is going to come in and handle all of the administrative work for a City the size of Avon and the City will not have to worry about people calling City Hall and people complaining about their Internet, then this is the only option he found.

Mr. McBride advised he tends to agree with Mr. Leimkuehler, but the City has to cross the "t's" and dot the "i's" and they have to make sure that because it is going to be over a certain dollar value that they have to jump through a couple of hoops. He said he would hope that they would not have to publicly bid for this service. He indicated other people have suggested that they know of companies that do this work and yet they have not reached out to City officials. Mr. McBride said he has been on Council the longest and cable was not the initial problem as it was just bad telephone service and lack of service and lack of pricing options. He stated there have been major businesses that could not bring their corporate offices to Avon because the telephone service

was not sufficient for a company with a national sales force. Mr. McBride advised the complaints progressed from telephone to cable to Internet year in and year out.

Mrs. Holtzmeier advised she is interested in gauging some timing. She said the assessment period is about six months.

Ms. Fowler confirmed that the assessment period is about six months.

Mrs. Holtzmeier asked Mr. Gasior as to how long the timeline would be if the City were to engage in an RFP.

Mr. Gasior advised he would need to meet with Mr. Jenkins to find out exactly what information the City has to put in an RFP. He said he does not know how long that would take and then send it out and give 3-4 weeks for responses to be received and opened and they would need reviewed and decide who was the best company was to award the contract to. Mr. Gasior stated he was not convinced they have to go that route and the fact that this is sort of a unique approach which is public/private partnership and maybe that was something unique to Lit Communities and perhaps they may not really achieve what the City is looking for by going out for an RFP as they may end up with ten companies with totally different approaches to dealing with this. He said they may need to have someone with a certain skill set and they are satisfied with that skill set and you hire them. Mr. Gasior advised he has only been around this idea for two weeks now and he read the minutes from the last Committee meeting, and he has not done much of anything else. He stated all he really knows from the minutes and from the brochures are that there are contracts that need to be signed before any work begins and he has not seen the contracts yet and he would like to at least start with that before jumping to any conclusions about whether this service needs to be bid or not.

Mrs. Holtzmeier agreed and said that she would like to see some contractual language as well. She asked if Lit Communities had any language in those contracts that would leave anything proprietary to them that would not be supplied to Avon for competitive reasons.

Mr. Sullivan advised the only thing he could think of that is proprietary are the in-house tools that were built as a part of Lit Communities automated design process. He said part of doing a preliminary design, this would be something that there are off the shelf automated tools that a lot of other companies use and Lit Communities has a solution that has been developed, which is really how they take the raw data, the GIS data and then feed it through their algorithms to create the automated design. Mr. Sullivan stated Lit Communities likes to spend the people hours on a Quality Assurance/Quality Control of that design versus trying to build something from scratch. He advised the only thing he could think of that is proprietary are the tools that are used to create that design, but the design that they would receive is in a GIS format so it is a very standard deliverable and he does not feel that it necessarily matters how that was developed, but he did want to make that clarification as that was the only proprietary process that they at Lit Communities do take and Avon will have access to the raw data and the deliverable, but how they go about that is something that they have developed internally.

Ms. Fowler added that with the grant services, Lit Communities Chief Strategy Officer, Rene Gonzalez, who does the Grant Services work has his own internal process for filtering out grants that would be applicable for the City of Avon by figuring out how those grants would phase in. She stated that Mr. Gonzalez's assessment tool would be proprietary for Lit Communities, but everything else would be given to Avon.

Mrs. Holtzmeier advised as Avon is new to Lit Communities and a public/private partnership was discussed she said they always have to keep in mind that even though the City of Avon is not the owners of the service that there is still the perception within the community that the City is and there is the expectation that the City will act in a manner that is useful and helpful and within an economy rate as well. Mrs. Holtzmeier stated that even though the City does not own the Internet provider there is a great reputational risk and expectation from the residents. She said a similar example is the public/private partnership with the refuse hauler and the amount of time that is spent helping the residents navigate that relationship while the City does not control it, they contract. Mrs. Holtzmeier asked if they at Lit Communities could help her understand that Lit Communities by name would be performing the assessment or do they have a sister company or a subcontracting arm that does that to keep the houses separate.

Mr. Sullivan advised Lit Communities does the assessment and when it comes to the public/private partnership portion of things our network in Medina County called Medina County Fiber Network would end up being the public/private partnership as something similar that is available in Ohio although the nature of every public/private partnership is unique to each community. He said the nature of how things work is different and the way that those public/private partnerships are structured is different because there is a quite a lot of input from the community that desires to engage in those and sometimes that is based on what makes the most sense for that community.

Mrs. Holtzmeier asked for confirmation that Lit Communities performs the assessment.

Ms. Fowler and Mr. Sullivan answered yes, that is correct.

Mrs. Holtzmeier asked how they overcome the natural criticism that would come from the vendor performing the assessment and providing the recommendations that go along with it, being the vendor that ultimately prevails and runs the network that the assessment recommended.

Mr. Sullivan advised transparency in the process and having access to how things were done. Ultimately it is up to the City of Avon the route that they want to go. Mr. Sullivan stated they would let them know everything that is available in the community and they would be transparent about current providers and all of the assets that are available and things that are of use and the Council and the City Administration will ultimately make the decision whether Lit Communities is the right partner to go with. Then something could be structured similar or dissimilar to what they are offering if it is not appealing to make those decisions.

Ms. Fowler advised the City of Avon will also have an assessment that gives them a very good idea of what it will cost for the City to build two kinds of networks: a middle mile network and a last mile network. She said plus a really good understanding of all the assets the City has besides financial assets that will assist the City in a network and making themselves as attractive as they can be if the City decides that Lit Communities is not the P3 (public-private partnership) for the City of Avon that they would be as attractive as can be for any other P3.

Mrs. Holtzmeier said Mr. Radcliffe mentioned the scenarios of Lit Communities doing assessments for those who end up using Lit Communities versus communities that Lit Communities did the assessment for that did not end up using Lit Communities. She asked if Lit Communities would be willing to provide a reference list from each of those scenarios.

Mr. Sullivan advised absolutely.

Mrs. Holtzmeier advised she appreciates that transparency and having that information and the contract was something she would like to see.

Mrs. Demaline inquired regarding the study as to what avenues do they use to reach out to those who would be interested in taking the survey. She asked how Lit Communities would connect with those people.

Ms. Fowler advised what they have done in the past when working with other municipalities is it can run the gamut of using Lit Communities engagement tools and tactics that are unique to each community. She said for example a lot of the standard stuff they do such as placing something on the municipality's website. Ms. Fowler stated they also promote it through Lit Communities social media channels and have it be announced at all kinds of municipal meetings. She advised one community Lit Communities worked with published a small insert for their tax tickets and another published an insert for their utility bills. Ms. Fowler said when they sit down to figure out the best way to market the survey, they will go through a pretty exhaustive list of what avenues the City might have that would be helpful for Lit Communities to know to help the City promote it.

Mrs. Demaline asked if they were strictly looking at residential for this assessment.

Ms. Fowler said Lit Communities does have a spot for business as well. She stated they can ask the respondent if they are answering the survey as a resident or a business.

Mr. Sullivan advised one thing that will be a part of the process is that typically with businesses Lit Communities asks for some sort of participation from the local Chamber of Commerce as that is where the validity of the survey gains strength because businesses tend to delete inbound emails from outside sources, so they try to find out the best ways to reach businesses in the community to ensure that they take the survey.

Mrs. Demaline inquired regarding the grant development services as to what the average dollar amount is that Lit Communities secures for their clients in grants.

Mr. Sullivan said he does not know if he is in a position to answer that question, but that is something that they can certainly follow-up with additional information. He stated he does not want to speak out of turn, but he knows that Lit Communities Chief Strategy Officer who handles the grants can help bring clarity to that and give Council a better understanding about the grants that they have applied for and helped the communities that Lit Communities has worked with. Mr. Sullivan said it is not always Lit Communities applying for the grant funds; the grant research that is done as a part of this assessment is to show Avon what they qualify for and what needs to be done to go after that grant so it is not always Lit Communities going after the grant themselves although they have done that in some of the communities.

Mrs. Demaline advised she would be interested to understand for the \$10,000 for grant development services what exactly that entails, and she would like to see that explained in the contracts. She inquired under the pricing and the scope of the assessment if a part of it could be pieced out. Mrs. Demaline asked what if the City hired Lit Communities for the assessment and then decided they were not going to move forward, but they already spent \$10,000 in grant development services for a project they may not be moving forward with. She inquired if it can be pieced out and added on after the City has received some survey results.

Ms. Fowler advised that is one option and they could talk about how to time that out. She said they have had a couple of communities do that. Ms. Fowler stated they might want to think a little bit more about that in terms of what kind of funding will be available from the State of Ohio and she would take a look and see what kind of risk might be run into pausing it for six months and not doing anything with that information.

Mr. Jenkins advised overall why they decided to keep talking with Lit Communities is because Lit Communities is all about where the City wants to start and not where someone else wanted to start for the City of Avon. He agrees with Mr. Leimkuehler that he does not believe the RFP is the way to go. Mr. Jenkins said if the City was doing their own ISP then yes, but he does not believe that any of them want to get into that. He stated that he liked that the City can let Lit Communities know where the City wants to start and they will provide the City those cost analysis and if Lit Communities feels as if there is another area that could benefit at a lower cost then he was sure they would let the City know from the assessment. Mr. Jensen advised he understands where Mrs. Holtzmeier was coming from with potentially getting some harsh feedback from residents if something is going wrong or someone wants it to happen sooner than it is ready and so forth. He suggested that the City of Avon not name the network Avon Fiber or something similar to avoid that close association that the City and the network are one and the same. Mr. Jenkins stated they could discuss with Lit Communities about how they will name the network. He clarified it could still present some issues, but he does not feel they should put their nametag on it.

Mrs. Demaline asked if Mr. Jenkins was going to be the point person on this project.

Mr. Jenkins answered, yes, along with Mr. Streater and possibly a couple of other people.

Mayor Jensen suggested once they have copies of the contracts, if Council could get answers to any remaining questions prior to another meeting as he felt it was imperative that they try to move forward if they are going to hire Lit Communities. He said if they are going to go out for an RFP, then they need to do so as soon as possible.

No further comments were made.

3. ORDINANCE NO. 14-22 – TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY Planning Referral

Second of Three Readings will be on Monday, February 28, 2022
A Public Hearing will be held on Monday, March 14, 2022 at 7:25 p.m.

Ms. Fechter advised she had no additional comments.

4. ORDINANCE NO. 22-22 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY, SECTION 5 (CLASSIFICATION AND COMPENSATION) BY INSERTING SUBSECTION 5.18 WHICH ADOPTS A NOTARY REIMBURSEMENT POLICY Diane Szlempa, HR Specialist

Ms. Szlempa advised there are a number of employees who are notaries throughout the different departments in the City. She said she believed there are at least four employees at City Hall who are notaries, which is beneficial for the residents who have documents that need to be notarized. Ms. Szlempa stated the process for renewing your notary status every five years used to be more simplified, but now it is more involved as the applicant must pay the renewal filing fee after having completed a background check and taking a one-hour online refresher course in addition to ordering their notary supplies. She advised the Administration felt between the ten to fifteen notaries that the City has in their employment this would be something that the City could provide reimbursement for those expenses incurred. Ms. Szlempa stated most of the notaries in the City employment use their notary solely for work related purposes.

Mr. McBride advised he is in favor of this update to the policy manual, and he felt the fees that would be reimbursed are pretty nominal.

Ms. Szlempa advised there was a \$15 filing fee for the renewal, but there was also the cost of the background check and the continuing education online class. She said they are asking for all of those dollars to be reimbursed for the employees to keep their notary status current.

Mr. Fischer asked as to the typical amount that would be reimbursed.

Ms. Szlempa estimated that it was between \$60 and \$75 for a notary renewal. She said it was between approximately \$125 to \$150 for a new notary.

Mr. Radcliffe inquired if the City needs to have 15 notaries in the City employment. He asked if she felt this reimbursement policy would spur others to acquire their notary status and the City was not paying for 30 employees for example.

Ms. Szlempa advised they took a quick survey of how many notaries were in the City employment. She said the four employees who are notaries at City Hall are: a Building Department Clerk, the Mayor's Court Clerk, the Mayor's Administrative Assistant, and the Council Clerk. Ms. Szlempa stated there are a number of police officers who are notaries that can perform notary services for residents and businesses who come into the Police Department. She added that the Safety/Service Director also has his notary. Ms. Szlempa advised this service is a matter of convenience for Avon residents to get things notarized. She felt they would not see an increase in the number of notaries that the City has in their employment because of this reimbursement policy.

Mayor Jensen advised it helps having multiple people in the building who can provide notary services because when one employee is not available residents can still get a document notarized. He stated there are a lot of people who come in seeking notary services and it is a service to the community and the residents at very little cost.

Ms. Szlempa added that each notary certification is valid for five years making the cost truly nominal.

5. ORDINANCE NO. 23-22 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY BY ADDING SECTION 6.12 (PAID TIME OFF - PART-TIME EMPLOYEES) Ms. Szlempa

Ms. Szlempa advised this is something the City is asking Council to adopt for all of the permanent part-time City employees and there are about 40 employees who fall under this category. She said the policy has a pre-requisite that an employee must be with the City for at least one year. Ms. Szlempa stated there are currently about eleven employees that have not been with the City employment for one year so they will not qualify for this year, but they will qualify for following years. She advised they also added a longevity scale as there are a number of employees who have been working for the City of Avon on a permanent part-time basis for some time and this is one way to thank them for their loyalty to the City. Ms. Szlempa stated the purpose of this policy change is to cover the holidays that most of the time these permanent part-time employees are working the day before and the day after a holiday and are not paid for the holiday as that has only been a benefit given to the full-time employees. She said this is another way to thank those employees and give them an adjustment and some movement with their time.

Mrs. Demaline advised she felt this was a great idea to offer the permanent part-time employees some more benefits. She read under section (E) of the Exhibit, "...an employee may not request time off for normal scheduled working hours, except in the case of illness..." and asked what if someone was going on vacation. Could the employee use PTO for that purpose?

Ms. Szlempa advised they could, and it is written into the policy because they wanted to make sure that it was up to the Supervisors to make that decision. She said it should be communicated by the employee to the Supervisor and then it would be the Supervisor's decision to allow for that in the policy. Ms. Szlempa stated she believes that is outlined in section (F) of the Exhibit, "Exceptions to the time requirements may be made with the consent of the Department Head or designee." She advised it is also written in the policy that the employee would be able to use that time for extended periods and not just one holiday at a time. Ms. Szlempa added that in section (E) of the Exhibit it also states that, "...and other exceptions as approved by the Department Head and/or designee." She said that leaves that leeway for that Department Head to be able to allow the employee more time off in a block if they so choose. Ms. Szlempa clarified that the employee cannot use more paid time off in any given week than what they would work in an average work week.

Mrs. Demaline advised she is a big believer that employees should be allowed to use their paid leave time how they see fit, whether for medical reasons or leisurely for vacation so she is glad the policy provides that flexibility.

Mr. Fischer asked how many permanent part-time employees does the City currently have and does she have a breakdown of what departments.

Ms. Szlempa advised the City has permanent part-time employees at the Senior Center, in the Parks Department, Utilities Department, Street Department and in the Finance Department. She said she believes there are permanent part-time dispatchers in the Police Department and there are some in the Fire Department as part-time firefighters.

Mayor Jensen advised Council should realize that they would not be giving these permanent part-time employees that much paid time off when looking at all the vacation time given to the full-time employees. Mayor Jensen stated it is PTO and it can be used for more than holidays and the City wanted to be able to give paid time off if an employee was sick along with those holidays where the full-time employees are paid while off from work. He said most of these employees prefer to remain part-time employees if they can and this is a way the City can say, "thank you". Mayor Jensen advised the employees who have stayed with the City a long time and have been very loyal, but they do miss out on these benefits and if they become sick, they have no way to be compensated. He said he does not feel that there is much danger of an employee taking advantage because it is not that much PTO involved.

Mr. McBride agreed and said there are those people who are good employees that cannot work full-time and he felt the last thing they want is for these employees to shop around for a job they can work part-time and pick up some additional benefits or a more flexible schedule. He advised the City does not want to lose that knowledge and training. Mr. McBride said it is not big dollars and it is not like the City budget will be strained.

Ms. Szlempa thanked City Council for their consideration on this item.

6. ORDINANCE NO. 24-22 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY, SECTION 6.1, (HOLIDAYS) Ms. Szlempa

Ms. Szlempa advised the AFSCME union approved and Council approved for these employees to have paid time off on Martin Luther King, Jr. Day and the Teamsters union also added to their contract that same holiday for those employees. She said in doing so the Administration believes that the non-bargaining unit employees should also have that same day as a paid holiday. Ms. Szlempa advised the other part of this Ordinance is the changing of the language for three floating holidays, one of which is in consideration of the employee's birthday. She stated this language has been updated in all of the contracts and the Administration wanted to update the language in the personnel policy manual to reflect the same language as what is in the contracts. Ms. Szlempa summarized that the Administration is requesting to have Martin Luther King, Jr. Day added to the non-bargaining unit employees schedule of holidays and the representation of the floating holidays to be three.

Mr. McBride commented that Juneteenth would most likely come up for consideration at some point in the future.

Ms. Szlempa advised Juneteenth was brought up for consideration during contract negotiations and it was felt that Martin Luther King, Jr. Day has been a recognized federal holiday for more than 40 years that was not a part of the City holiday schedule. She said it was felt that it was important to have Martin Luther King, Jr. Day be remembered and with Juneteenth being a newer federal holiday, she does not know what that will hold for the future.

7. ORDINANCE NO. 25-22 – AMENDING SECTION 222.01 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING PLACES TO POST ENACTED LEGISLATION Mr. Gasior

Mr. Gasior advised under the Charter the City has to post Ordinances in designated areas and Section 222.01 identifies where those designated areas are located. He said with the imminent closing of Buck's Hardware the City is looking for a new place to post legislation and the Avon Public Library is available and replaces Buck's Hardware on the list of places.

8. ORDINANCE NO. 26-22 – APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH Mr. Gasior

Mr. Gasior advised this is a housekeeping matter as it is done every six months. He said all of the Ordinances that Council passed last year that have bearing on the City's Codified Ordinances are updated pursuant to the corresponding Codified Ordinances listed in Section 1 of the legislation. Mr. Gasior stated in Section 2 of the Ordinance are sections that closely match a section in the Ohio Revised Code so when the State Legislature makes an amendment to the provision in the Ohio Revised Code, the Codifier picks up on that amendment and changes our local Ordinance that corresponds with that Statute in the Ohio Revised Code section. He said once Council adopts those changes by this Ordinance then the Codifier updates in the proper section of the Avon Codified Ordinances.

8a. ORDINANCE NO. 27-22 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIO EDISON COMPANY (OE), AND THE CLEVELAND ILLUMINATING COMPANY (CEI), TO PROVIDE LIGHT-EMITTING DIODE (“LED”) STREET LIGHTING SERVICE TO THE COMPANY OWNED STREET LIGHTING FACILITIES LOCATED IN THE CITY OF AVON Mr. Streator

Mr. Streator advised this Ordinance allows the Mayor to enter into a contract with the Cleveland Illuminating Company, Ohio Edison and First Energy. He said when a street light goes out they will be changed to a new LED light from the current halogen bulbs. Mr. Streator said these streetlights will get updated as we go along

rather than incurring the cost all at once. He advised there are three different options listed in the agreement and with the first two options, the City can pay the lighting company to replace lights in a certain area or it can be done as we go when a light goes out. Mr. Streator said they have the ability in the future of utilizing the other two options for certain areas and it does not change the contract.

Mrs. Holtzmeier inquired if there is an expectation of service delivery included in that contract that once the City lets them know of a street light being out that they would respond within a reasonable time.

Mr. Streator advised his experience has been that they have responded within a very reasonable time. He said he estimates the power company responds within a week of the City notifying them of an outage.

9. RESOLUTION NO. R-5-22 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY PICK’S, LLC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 35669 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-015-110-022 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 10.71 ACRES Mr. Gasior
A Public Hearing will be held on Monday, February 28, 2022 at 7:25 p.m.

Mr. Gasior advised this is pretty standard when the City deals with these agricultural district designations. He said they except out the assessments for water and sewer lines and the whereas clauses speak for themselves as to what goes on as it was all covered under Chapter 929 of the Ohio Revised Code. Mr. Gasior stated he was happy to answer any questions.

10. RESOLUTION NO. R-6-22 – TO APPOINT A REPRESENTATIVE FOR THE CITY OF AVON TO THE LORAIN COUNTY BOARD OF HEALTH Mayor Jensen

Mayor Jensen advised Ed McNamara has served in this position since 2017 and he is asking to be reappointed. He said Mr. McNamara has been a great representative for the City of Avon and Avon Lake and he is pleased that Mr. McNamara wants to continue to serve in this capacity. Mayor Jensen reminded everyone that Mr. McNamara is one of the founders of the Prayers from Maria Foundation. He stated Mr. McNamara is just as much a part of the City of Avon as he is Avon Lake, and he represents both communities well and he is happy that Mr. McNamara is still willing to serve.

11. RESOLUTION NO. R-7-22 – TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT THE AVON AQUATIC CENTER, NORTHGATE PARK AND AT THE YET TO BE NAMED PARK ON DETROIT ROAD (FORMERLY THE KURTZ BROS. PROPERTY) Mr. Cummins

Mr. Cummins advised the City has engaged an architect, Sixmo Architecture, to design three structures. He said they would all be bid as one package even though the construction would occur at the three sites. Mr. Cummins stated this is just asking for authorization to bid and once the bids are secured, they would be coming back to City Council to present the results of those bids and then ask to move forward with the construction contract.

Mrs. Demaline inquired if there were plans for restroom facilities at Every Child’s Playground.

Mr. Cummins advised the Aquatic Center is the same location at the north end of Every Child’s Playground.

Mrs. Demaline asked if the restroom would be outside of the locked pool gate.

Mr. Cummins confirmed such and advised the restroom would be directly adjacent to what is now the gravel parking lot, which is slated to hopefully be paved as well.

Mrs. Demaline said she is happy to hear that, and she thanked Mr. Cummins.

Mayor Jensen clarified the restroom is located at the playground and is for the playground. He advised the Aquatic Center encompasses the whole campus but the restroom will be located at the playground itself.

Mr. Fischer advised he is assuming there are already restrooms inside the pool gate area.

Mayor Jensen confirmed there are and advised this restroom is planned for directly adjacent to the playground. He said Mr. Cummins can bring a rendering of it is available to show Council exactly where the locations would be. Mayor Jensen confirmed the area has been plumbed in answer to a question from Mr. Fischer.

Mr. McBride indicated that he was assuming that the area near the structure would be monitored by City cameras to discourage vandalism and other unwanted activity.

Mayor Jensen advised they would show Council the layout and landscaping plan and said that all three structures would be designed very similar to each other. He said at Northgate they would like to have a restroom on the playground side by the pond as currently people have to cross the street to use the restroom. Mayor Jensen stated they looked at both privacy issues and safety issues. Mayor Jensen stated from the parking lot they wanted people to be able to access the restroom directly instead of running around the building to find the entrance.

12. REPORTS AND COMMENTS

MAYOR JENSEN advised Mr. McBride brought up a point about the holidays and union negotiations and the consideration for Juneteenth. He indicated for years Council has not met on the evening of Martin Luther King Jr., Day and they felt that was a very important distinction to make. Mayor Jensen said the unions previously have not recognized that as a holiday for the employees. He stated when the negotiations started this year, it was important to him and the Administration when the discussions around holidays came up that the significance and the importance of what Martin Luther King, Jr. meant to our country and the impact that he made be recognized and all the unions agreed. Mayor Jensen advised as Juneteenth is discussed in future negotiations and the holiday list grows that a determination may have to be made to reduce the number of floating holidays each employee receives or exchange it for one of the other approved holidays. He said but as for Martin Luther King, Jr. Day it was one that probably should have been formally recognized a long time ago. Mayor Jensen stated he is thankful as an Administration that they are able to make this change throughout the City employment to formally remember Martin Luther King, Jr.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 asked Mr. Cummins where they stand with draining the swamp.

Mr. Cummins advised there was to have been a meeting last Tuesday. He said he has been reaching out to get information about that and he has not gotten any information, but as soon as that is received he will pass that information along. Mr. Cummins stated they are claiming that they are moving forward.

Mr. McBride thanked Mr. Cummins and hoped that issue would finally be resolved. He added that they need to make sure the equipment is going up Healthway Drive to Detroit Road.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no further comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE welcomed Ms. Jankowski back to the meetings and said it was great to see her again.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

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

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR had no further comments.

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

AUDIENCE:

There were no comments from the audience.

13. ADJOURN: 8:56 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