

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MAY 2, 2022
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 2nd Ward - Dennis McBride; 3rd Ward and Council President Pro Tem -Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– William Logan; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large and Council President – Brian Fischer

The meeting was called to order by Acting Chairman, Council President Pro Tem, Anthony Moore.

1. [ORDINANCE NO. 56-22](#) – GRANTING A SPECIAL USE PERMIT TO PANCHO AVON, LLC (d.b.a. FIESTA HABANERO) TO CONSTRUCT A 929 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 38790 CHESTER ROAD Planning Referral

Ms. Fechter advised Fiesta Habanero opened recently on Chester Road by SR 611. She said they were in front of Council tonight because they would like to add a patio to the back. She said the drawings that Council has in their packet show three parking spaces to the east of the patio. Ms. Fechter stated the Planning Commission asked that those three parking spaces be designated for employee parking only. She advised there was also a drawing showing a walkway that goes from Fiesta Habanero to the neighboring hotel and the restaurant owner has a signed notice from the hotel that the parking can be shared in that area of the hotel parking lot.

Mr. Gasior asked for a copy of the walkway drawing and agreement to attach to the Ordinance.

Ms. Fechter advised she could provide that to Mr. Gasior.

Mr. Gasior advised in that way, if they look at the special use later it will be right there.

2. [ORDINANCE NO. 57-22](#) – GRANTING A SPECIAL USE PERMIT TO ALAN N. JOHNSON, THE OWNER OF PROPERTY AT 1284 MILLER ROAD TO ALLOW HIS TENANT, GREAT LAKES BASKETBALL, LLC, TO OPERATE AN INDOOR TRAINING FACILITY LOCATED IN AN M-1 DISTRICT Planning Referral

Ms. Fechter advised Mr. Johnson has allowed Great Lakes Basketball, LLC to operate in a small building on his property. She said the basketball training has been in operation for a little while now and the City recently found out about it and the owner was not aware that they needed to get a Special Use permit for it. Ms. Fechter stated they do not have a full court, but they only have half a court, and it is for training purposes only. She advised usually from Monday through Friday they operate roughly 3:00 p.m. to 8:00 p.m. and on the weekends they are on site anywhere from 8:00 a.m. to 9:00 p.m. Ms. Fechter said there is parking around that building for the staff and students and typically they work with only 2 to 3 students at a time.

Mr. Witherspoon advised in looking at the surrounding neighborhood from the Planning Referral he was wondering if there are any concerns about hazardous materials around the facility. He said in looking at the overhead map from the County Auditor he could see trucks and who knows what else. Mr. Witherspoon asked if there was any concern by the owner or the basketball company about any hazardous materials being transmitted to some of these young people.

Ms. Fechter advised the Fire Department has been out to the site as well as the Chief Building Official and they have done a safety check around the facility, and they were both okay with it.

3. ORDINANCE NO. 58-22 – GRANTING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY AVON SELF STORAGE LLC, LOCATED AT 1100 NAGEL ROAD TO CONSTRUCT A MINI SELF-STORAGE FACILITY Planning Referral

Ms. Fechter advised a group came to the Planning Commission requesting to install a mini self-storage facility on Nagel Road north of Christian Brothers Automotive. She said the applicant was quite impressed by the appearance of Christian Brothers Automotive and has given quite a bit more proposed landscaping in trying to make their proposed facility look more aesthetically pleasing. Ms. Fechter stated the applicants are targeting the individuals in the community who have the larger “toys” that they want to store. She advised there are representatives from the company present tonight if Council has any questions.

Mr. Radcliffe inquired if they could get a description of the sizes of the garages themselves as to what they would be seeing on this property. He asked if there was going to be water and lighting available.

Jack Doheny of 1462 Hollow Wood Lane, Avon, and principal partner of Avon Self Storage, LLC and Vice President of Business Development with the Krueger Group advised they would be climate-controlled facilities in approximately 30% of the units as well as exterior drive up. He said 5’ x 5’ exterior drive up and climate controlled up to 10’ x 30’ would be the largest size offered.

Mr. Radcliffe inquired as to the ratio of 5’ x 5’ versus 10’ x 30’ units.

Mr. Doheny advised the unit mix is spread out fairly even so that they can have a diverse offering. He said they find that the 10’ x 10’ and the 10’ x 15’ units rent out the most. Mr. Doheny stated about 55% of the site is the 10’ x 10’ and 10’ x 15’.

Mr. Radcliffe asked what type of materials people were storing in these units.

Mr. Doheny advised other than Avon, they have two facilities in the City of Cleveland and he and his cousin, Bobby Krueger, operate the business and they get the whole gamut from those who have a vehicle with no place to store it in the winter, to small contractor type, to the homeowner who keeps their garage cleared out, to a medical sales representative that stores their inventory. He said during the pandemic they saw their occupancy rates increase because people were doing the at-home gym and at-home office and they cleared out extra clutter from their homes.

Mr. Gasior inquired regarding the lease agreement if it prohibits any of the lessees from operating a business from one of these storage units.

Mr. Doheny advised it depends on what type of business. He said typically it aids someone in operating a business. Mr. Doheny stated they could get into the legalities of that.

Mr. Gasior asked if his rental agreement prohibits that activity. He said it sounds as if it does not.

Mr. Doheny stated he would have to look into that.

Ms. Fechter indicated that what Mr. Doheny was trying to say was that a business such as a medical sales representative that stores their inventory in one of these units can operate their business. She advised that Mr. Doheny has told her that there would not be anyone conducting business out of the unit.

Mr. Doheny confirmed that statement and said not where someone is bringing customers to the unit to conduct business. He advised they target customers such as a drywall contractor who stores his tools.

Mr. Gasior advised business storage is fine and not a problem under our code. He said getting back to the lease agreement he asked if it prohibits someone from operating a business where there are customers showing up.

Mr. Doheny advised not specifically.

Bobby Krueger, of 21495 Avalon Drive, Rocky River and partner of Avon Self Storage, LLC and owner/president of the Krueger Group advised the lease agreement referred to, of the facilities they currently operate, have some restrictions. He said they would make sure that they regulate and customize for Avon to ensure the businesses that are operating out of these units do not have transactions taking place on site.

Mr. Gasior advised there was no problem with storing business inventory.

Mr. Krueger advised it is all storage and what they have found is that people use them for various things and Mr. Doheny was speaking to a wide range of things, but they would definitely regulate that.

Mr. Radcliffe inquired as to how far back this property goes. He said if he understands the location, Avon Commerce Parkway from the west would eventually connect east and there was also a future road planned on the other side of Nagel Road near Rose Senior Living.

Ms. Fechter advised there is. She said there was some work when the Jacobs Group came in for the nursing home as to where that road was going to be installed, but she would take another look at that. Ms. Fechter stated she knows the Avon Self Storage property will include the cell tower that is in the middle of their parcel.

Mr. Radcliffe stated the road looks as if it would pass north of the Avon Self Storage property if it was ever completed.

Ms. Fechter said she believes they were looking a little bit further south, but she would look over the exact location this week and provide him with a better answer next week.

Mr. Radcliffe advised he just wants to make sure that the City is continuing with the plans and the possibility of that road coming through.

Mr. Moore inquired if all the units were climate controlled.

Mr. Krueger advised 30% of the units would be climate controlled so the balance of 70% will not although they will be dry.

Mr. Moore inquired about security if there would be someone onsite.

Mr. Doheny advised they would have regulated access hours. He said typically during business hours there will be an employee in the front office from 9:00 to 5:00 to collect rent, sign up new renters, provide keys and the like. He stated and then there are access hours, and they are regulated by the access controls and they will have a tip gate, a full camera system throughout the entire facility and lighting as well. Mr. Doheny advised those access hours at other facilities are 6:00 am to 10:00 p.m. and if that meets Avon's requirements they would like to do something similar here.

4. [ORDINANCE NO. 59-22 – AUTHORIZING THE MAYOR TO ENTER INTO A LETTER AGREEMENT WITH LIT COMMUNITIES BROADBAND, INC TO BEGIN ANALYZING THE FEASIBILITY OF FIBER OPTIC CONNECTIVITY IN THE CITY](#) Mr. Streator

Mr. Streator advised as Council remembers there was a presentation by Lit Communities in a Finance/Legal Committee meeting back in February. He said based on the comments out of that meeting, he, Mr. Jenkins, Mr. Gasior and Mr. Logan went back and discussed it with Lit Communities and some other entities as far as the best way to go about it. Mr. Streator stated they pared down the agreement as they could see and reduced some of the scope of work in that agreement and removed the grant opportunities and the survey. He advised they now wanted to put it back in front of Council to get some information as far as going forward to give the City the opportunity to see what the feasibility in the community is going to be for fiber optics. Mr. Streator stated he would be happy to answer any questions from Council.

Mr. Witherspoon advised what they are doing is considering whether to hire Lit Communities to do a study to see whether the City would benefit from broadband, and they already know that the majority of the City needs broadband. Mr. Witherspoon inquired if there was a company, once Lit Communities does their study, that will be willing to come in and install fiber or was this a stand-alone study.

Mr. Streator advised it is a combination of that. He said the results of this feasibility study will give them an idea of what is here and what can be built out by some of the existing companies and/or bringing in another company such as Lit Communities and it will give the City an idea of what the total cost would be and how much infrastructure would need to be done to build the community out for fiber.

Mr. Witherspoon asked if there is a company that is willing to come in and facilitate the broadband turn over.

Mr. Streator advised Mr. Jenkins could answer that further, but as we have discussed, the City first needs a feasibility study from some company to tell us what it is going to be; whether that is Lit Communities or go out to a bid process and try to find another company. He said he talked with a representative from the City of Hudson who has their own fiber network and Hudson is ahead of a lot of communities and the biggest reason was they own their own power poles and power system which reduces the cost for a community to do this. Mr. Streator stated but Hudson still had to do this first step which is finding out the feasibility and finding out the needs of the community with that feasibility study.

Aaron Jenkins, Avon IT Coordinator advised once Lit Communities provides the City with the feasibility study then they will take the City through how much it will cost if the City follows through. He said the next phase would be to do a survey and then the grant opportunities. Mr. Jenkins stated if Council wants to move forward with those steps, then Lit Communities would build out the fiber network themselves. He advised Lit Communities might hire contractors, but Lit Communities name would be on it.

Mr. Moore advised there have been some comments that businesses would struggle without the availability of fiber. He asked Ms. Fechter if she could speak to whether businesses have ever presented a plan to Avon and said they could not set up shop in Avon with the current internet situation.

Ms. Fechter advised at this time no, she has not had a company come to her and tell her that they could not locate here due to the lack of internet, but she is finding that a lot of them have gone through that exercise prior to arriving in her office and already know what they can and cannot do. She said some of the larger companies such as the Cleveland Clinic or Bendix took care of that on their own.

Mr. Moore advised his concerns are that the City is going to pay \$50,000 for Lit Communities to tell them it is feasible to install our own network, but questions how much that is going to cost. He understands they do not know the cost without the feasibility study, but the City is trying to implement sidewalk connectivity and he wondered if there was another way to do a ballpark figure for installing fiber. Mr. Moore inquired how the City was going to pay for that fiber network installation. He asked if they were just going to hope that the City would be awarded grants as this could be \$40 - \$60 million dollars that could be used for infrastructure projects such as roads and sewer improvements. He said he understands the need, but he also questions how they are going to get there and spending \$50,000 for a study to then have it sit on a shelf is his concern.

Mr. Streator advised they looked at that and asked those questions of those other communities, specifically Hudson and Hudson had to do the same and pay for the feasibility study.

Mr. Moore said he felt Hudson was different because Hudson owns their own power poles.

Mr. Streator agreed with Mr. Moore and advised before Hudson decided whether to go forward, they had to have the study. He said without the feasibility study it is all a big guess as to how much it is going to cost according to these other communities that they have talked to. Mr. Streator said to really come up with that number that Council is looking for, the City is going to have to pay some company to provide that information whether it is Lit Communities or another consulting company.

Mr. Moore felt that the City of Hudson was not a good parallel for Avon because Avon does not have that capability of going from a pole to a house. He said the costs they received from Fairlawn and Wadsworth were significantly higher than Hudson because they did not have that capability.

Mr. Streator agreed and said the total end cost for the City of Hudson is not a good example; however; the fact that Hudson had to do a feasibility study first to see what their costs were going to be is comparable. He advised there is no doubt, from the City Administration's limited research, that if a municipality does not own its own infrastructure the costs are going to be higher. Mr. Streator said the community is asking why there is not fiber or broadband or competitive options for internet and doing a feasibility study is the only way that those questions can be answered and find out how much it would cost.

Mr. Jenkins advised the results of the study will also tell us how much the City will need to put forward. He said they do not know if it will cost the City \$30 million as the cost may end up being around \$2 million, but that is the kind of information that the study will provide and determine what kind of contribution is needed from our end. Mr. Jenkins stated for the most part with business fiber, medium to large enterprises have it covered but it is the small businesses and the residential areas that get the short end of the stick.

Mr. Gasior advised there is no obligation by the City beyond the expense of this feasibility study. He said it really is the cost that every community goes through, which is what Mr. Streator alluded to when he referred to the City of Hudson. Mr. Gasior stated they have to start somewhere as you just cannot embark on installing fiber in a community and go out to bid and spend the money, but they have to find out what is already there and what is available to work with such as grants and things of that sort and then they come up with a dollar figure and that is all the City is trying to do with this study at a little over \$47,000. He advised they are not obligating the City to spend \$10 million as they do not even know the cost until they get the study done. Mr. Gasior said as Mr. Jenkins and Mr. Streator pointed out when the residents ask questions, Council will be able to provide an answer.

Mayor Jensen advised most of Council already knows that regularly residents call and ask why there is not more competition for internet and cable, and they try to explain that there is no way to force a company to come into the City of Avon to be able to provide options to the residents. He said no one likes to spend money, but the Administration also looked at it from the commercial side and while they do not know of any specific business that chose to not come to Avon for this reason, they do not know exactly what they have without the study. Mayor Jensen stated the only way to find out is to have a study done and once that is done, the City will be able to use that for years to come or move forward if Council sees fit, but they cannot answer anything intelligently until they have the results of the study. He advised they will do whatever Council decides, but he felt they needed to get to that point to be able to say this is what we have and this is what it will cost to move forward, both from a commercial and a residential standpoint. Mayor Jensen felt they do not want to be short-sighted and say the study is only for the residential areas because it is for the whole City. He said they all would like to find out what the results of the study would be and that costs money.

Bill Leimkuehler of 1691 Pine Drive, Avon advised he is the resident who chirped in Mr. Jenkins' and the Mayor's ears to ask that they explore this avenue back in the fall of 2021. He said to answer Mr. Moore's question, if Avon has had a business choose not to come to Avon because of fiber internet, the answer is yes. Mr. Leimkuehler stated he is a co-founder of a medical device startup company, and they are looking to move from Cleveland and will not be locating in Avon because of the lack of fiber internet for small businesses. He advised large companies such as Bendix and the Cleveland Clinic can pay tens of thousands of dollars to run their own fiber, but for a smaller business that is growing, that upfront cost is too much for us. Mr. Leimkuehler said it is much easier for him to go to Westlake and choose a location anywhere on Detroit Road in Westlake and know that one community has fiber and almost all those buildings are connected, and he could get fiber internet relatively easily. He stated there is a demand and if they look at the opportunity costs for not bringing those businesses in, they would not be hearing from too many people because they were just going to go elsewhere and were not necessarily going to come and tell the City that they were not coming to Avon. Mr. Leimkuehler advised there is a demand for the small businesses, but he is just the one that Council is hearing from, but there is also demand on the residential side as they well know. He felt for Avon to maintain competitiveness amongst the neighboring suburbs, it needs to explore this option because this problem will only become more relevant and Avon needs to be able to compete with other municipalities and it is severely lacking with only Spectrum

and Spectrum does not provide fiber services to small businesses. Mr. Leimkuehler believes companies are moving elsewhere because of this reason and said he wishes that his small business could move to Avon, but they cannot.

Mrs. Holtzmeier advised to answer the question of where we start, she felt they have to start somewhere and when it comes to a study, she would prefer to get advice to the questions Council has from a neutral third party who is aware of the business and can advise them on which path and the cost associated with it. She said her rub with what is being presented before them tonight is that the firm that would be conducting the study also would have a hand in the implementation and would seek to financially benefit from that. Mrs. Holtzmeier stated for her that is not enough of a third-party transaction to feel comfortable with the potential millions of dollars that this could cost for years. She said transparency being that she knows there are many communities in Ohio that are looking at this and they do hire third party groups. Mrs. Holtzmeier advised in Seneca County they hired Ice Miller Whiteboard along with Thomas P. Miller and Associates and DLZ Consultants is just one example from a quick news search to tell them that. She said she is interested in where we go from here and we have to start somewhere, by starting with a group that can bring that neutrality of their advice to us. Mrs. Holtzmeier stated the cost of this study is below \$50,000 and she asked Mr. Gasior the minimum cost that they would be required to go out for an RFP or bid.

Mr. Gasior advised they can look at this as a personal service as it is a unique sort of service that many consultants out there are going to be able to provide, although there are consultants. He said if they look at this from a competitive bid standpoint, they could probably say \$50,000 is the threshold, but in a typical RFP situation they are seeking proposals from a number of different groups because there is a competitiveness involved in the type of consultant you would be getting. Mr. Gasior stated in this case, it is fairly straightforward what the City is seeking, and he was not absolutely convinced the City would be bound to go with Lit Communities, but he thought they were treating Lit Communities like they would any consultant. He advised it could go either way, but \$50,000 is the short answer.

Mrs. Holtzmeier advised as they look to hire a third party, hopefully a neutral one, to get information she felt grants were an important part of this process and the current proposal does not include the feasibility of grants within that amount.

Mr. Jenkins confirmed the grant study, and the survey were removed. He advised those items could be approached in a phase 2.

Mrs. Holtzmeier said the grants are an important piece and they are constantly being told that there are funds in play and Avon should look to get its share. She stated from where she stands, she would feel more comfortable having the advice come from someone that does not have a financial stake in the game. Mrs. Holtzmeier added whether they decide to go with Lit Communities or not, she would want to know and be able to represent to the residents that they received the cleanest advice possible.

Mr. Jenkins indicated the last time the grant opportunities for fiber were discussed with Council it seemed as if the discussion leaned toward removing that portion until it was decided the next step after the initial study because that was approximately \$10,000 for Lit Communities to find the grant opportunities and see what kind of funding was available.

Mrs. Demaline advised she was the one who asked about the grants and found that might be more applicable in phase 2, if Council decided it was even feasible on the front end and she appreciated Mr. Jenkins relooking into that option.

Mrs. Demaline inquired of Mr. Logan how the City was looking to pay for this study.

Mr. Logan advised out of the General Fund or if Council so chooses, it could be paid for out of the ARPA Funds.

Mrs. Demaline asked how the Ordinance read as far as paying for this study. She inquired if the legislation was tied to a fund account. Mrs. Demaline asked if that was discussed when they proposed that Ordinance.

Mr. Logan advised the Ordinance has the cost coming out of the General Fund. He clarified that it does not mean that they could not use ARPA funds.

Mrs. Demaline inquired if they requested qualifications for this service or did the City seek out Lit Communities. She asked how it came together.

Mr. Jenkins advised Mr. Leimkuehler introduced the City to Lit Communities and they had an initial discussion approximately 5 months ago. He said afterward they had a conversation with Dave Corrado of Medina County Fiber Network, and he explained how he started his residential fiber project with Lit Communities. Mr. Jenkins stated Lit Communities model seemed that it was within the specifications that he liked and especially being a P3 (public/private partnership) the City would not really have to do much of the leg work except potentially fund the project. He advised they had the initial discussion with the first scope of work being approximately \$76,000 and worked that out and did a phased approach.

Mrs. Demaline asked if the City has gone out and requested qualifications and put this service out in a general RFP or RFQ.

Mr. Jenkins said they have not. He stated all the other people that he has talked to led back to Lit Communities.

Mr. Leimkuehler advised the genesis of this proposal goes back to the fall when he talked to Mr. Jenkins and obviously the fiber issue in Avon is known. He clarified he has no financial interest in any of this as he is just a resident and business owner and for him if they cannot get this result, he will probably end up moving out of Avon at some point and he felt he had a civic responsibility to look into this possibility. Mr. Leimkuehler said from what he has heard, the City is not interested in owning its own internet service provider and investing tens of millions of dollars into this project and if that is what the City wants to do there are plenty of companies that the City could seek bids for a neutral network design and have a party come in and do that. He stated there are very few fiber network builders that are doing designs as well as public/private partnerships where they will basically do the implementation and they were just looking for a buy-in from the community.

Mr. Leimkuehler advised Lit Communities was the only one out of the dozen or so companies that he contacted that responded and there are very few that actually do the public/private partnership. He said he knows of two such companies and Lit Communities was the only one that responded, and they happen to already be here in Ohio. Mr. Leimkuehler stated if they are looking at it from the lens of the City wants to become an internet service provider and build out its own fiber network and provide those services and answer those calls from residents then he would answer yes, send it out to bid and go that route. He advised if the City does not want to do that route, then he would say that they are looking at joining this public/private partnership. Mr. Leimkuehler felt there was some inherent conflict that Lit Communities will be conducting the assessment, but that does not mean that Lit Communities should not build it because Lit Communities will give it to the City and the City can decide if there is a conflict or not to move forward with Lit Communities. He stated the City could build it themselves or hire someone else to come build it or they could have someone come do their public/private partnership such as Lit Communities and bring that fiber to the City.

Mr. Leimkuehler said that is the background and with what he has seen this is the best opportunity for the City of Avon to implement a fiber network in some reasonable time frame. He advised they have not seen any of the existing internet providers show interest in Avon whether Wow! or AT&T or CenturyTel although there is some talk of it, but there is not action on anything, and he felt the longer this goes on there is a significant opportunity cost for the residents and the businesses. Mr. Leimkuehler said Council could send this out for bid, but he felt if they want to do that, they needed to go into it with the mindset that the City would be investing tens of millions of dollars doing it because otherwise why were they considering hiring a third party. He stated Lit Communities could come in and would have to do their own due diligence on a third party's work anyway because a private company was not going to say that they would fully accept what someone else designed unless they have done their due diligence on it and know it will work unless the City would be paying for it in its entirety. Mr. Leimkuehler felt the City needed to look at it from a strategic perspective asking what they want to do as a City. He said if the City wants a public/private partnership where they would not have to invest tens of millions of dollars then this is the only way that he has found. He said if the City brings in one or two businesses then this \$47,000 is completely

moot and he felt that Council should ask themselves what they would be missing out on by not doing this. How many other businesses was the City going to lose over the next year or two? Mr. Leimkuehler asked Mr. Jenkins if he found any other companies that do anything like what Lit Communities can provide.

Mr. Jenkins advised there are very few offering a public/private partnership. He said he knows of one other company, and he felt like that was a pump and dump scheme situation.

Mr. Leimkuehler suggested Council hear from Dave Corrado who has run the Medina County Fiber Network and has worked with Lit Communities, and he could probably speak to a lot of this better than him.

Dave Corrado, of 2037 Sperrys Forge Court, Westlake, CEO of Medina County Fiber Network advised he was here tonight to help them. He said Lit Communities does not pay him and they do not pay Medina County for his services, and he has been in this business for forty years. Mr. Corrado stated he was brought on as the CEO ten years ago for an idea they had in Medina County. He advised to answer a couple of questions he hears that many of them have different ideas of the end game from this partnership. Mr. Corrado said if the City is going to consider any ARPA funds to be placed into the build of the network, the City will need to place out an RFP for any network greater than \$10 million. He stated the information from the assessment, especially the financial model and the LIBOR study are the two biggest pieces of the cost of the \$47,000, and the City will need that to build the RFP, which Medina County Fiber Network did. Mr. Corrado advised as a CLEC, Competitive Local Exchange Carrier, Lit Communities could look at an area and cherry pick, apply for permits, go on poles, underground and the like and set up their ISP and conduct business and they do not have to talk to the City at all; that is the law.

Mr. Corrado said he went through four years of research beginning in 2017 and traveled all over the United States and Canada looking for a partner to build off the 150-mile broadband access established in Medina because they knew that they were receiving quite a few comments from residents and small businesses. Mr. Corrado stated their network deals mostly with medium size to large businesses, it is dedicated fiber, and that is what it focuses on. He advised they have 5,000 small businesses in Medina County, and they had approximately 75,000 homes. Mr. Corrado said it is not just internet that Avon will be looking at, but they will be looking at community involvement to companies that are looking to relocate here. He indicated there is an Austrian company that decided to come to Medina County Fiber and in the executive meeting where they were looking at areas around the Country and the third question asked was, "Do you have community infrastructure to support our connectivity back to Austria?". Mr. Corrado stated ten years ago that question was not asked, and they did not ask if Spectrum or Comcast was available, but they asked what has their community done to support his business. He advised they have a very robust network and they have found that in the past five years, \$650 million has been reinvested by the companies in Medina County that are on their fiber out of the \$1.2 billion of economic development that is done in Medina County. Mr. Corrado said he traveled around for 3-4 years to find partners; they had some large PPP out of Indiana that wanted to come in and absorb the bond debt and kick them out. He stated there were other people that wanted to buy them for three times EBITDA (Earnings Before Interest, Taxes, Depreciation, and Amortization). Mr. Corrado advised this was going on and executive teams were flying in, and he was flying out and talking with boards, etc. He said after all of that when they found the communities, they put them through six months of their own board for four meetings and then a third party was hired to do an analysis on the liquidity of the company and the ability to perform. Mr. Corrado stated he is here to help other governments and he can see where they have fallen down in broadband and what he has found is that the public private partnership through municipal involvement has really changed that. He is currently in discussions with Sandusky, Rocky River, LaGrange, Grafton and Summit County. Mr. Corrado advised they are trying to assist Avon in making these decisions by giving some of their data.

Mr. Corrado stated Mr. Gasior is correct in saying that Avon is not bound past the assessment to have Lit Communities build or run the network. He said it all depends on the model that Avon will be looking at in the public private partnership. In his case, they leveraged their fiber, so Medina County receives a revenue share from them, but in their most recent project they added 6500 more homes through ARPA and that is different from a revenue sharing agreement. He said Medina County put \$11 million of ARPA monies and the requirement of the RFP is that the awarded contractor must put in \$11 million of their own funds and Lit Communities with their investors made that commitment and that is very difficult to find. Mr. Corrado advised they were able to find

someone to do a design of the areas and they were able to find someone to construct it. He said they had to have a business plan in place in order for a particular contractor to recoup their \$11 million. Mr. Corrado stated that the second most expensive piece of the assessment is that financial model and he cannot stress that enough. He said they are now making money and paying the loan back at 5.42% interest. Mr. Corrado advised it is extremely important to look at how the revenues are going to be generated and whether the service provider is going to bring money in and generate revenue for themselves to reduce the cost to the City. He said Lit Communities constantly worked with them in Medina County and so far, they are up to 65,000 homes that will be connected, and they are working on the last 10,000 to get connected that will start in 2025. Mr. Corrado stated that is more of the research he did on Lit Communities and the team was put together and they are only 3 years old, but they were all put together from other large projects where they have been involved for 10 or 20 years and that is how he was able to find them. He asked how they want this network to look for Avon. Mr. Corrado said there are many different pieces of the public private partnership, and he is on the board for the 26 community networks that exist today in Ohio and there are probably 5 or 6 different models among those 26 from the FairlawnGig where they only sell FairlawnGig services to Medina County where they sell other carrier services over their fiber, but they do not sell their own branded product and on and on from there.

Mr. McBride advised they have heard tonight the same thing they heard a few months back. He said yes, Lit Communities is doing the study, but the City does not have to select Lit Communities going forward. Mr. McBride stated no one else is here looking to assist and he felt they should move forward with Lit Communities and get the study done and while no one wants to spend the \$50,000, in the large scheme of things it is not a lot of money. He stated he does not think the City should be in the business of being the internet service provider, but he believes that the City potentially might want to own fiber as he felt that was a good way to help subsidize things and pay some of the debt service on the bonds. Mr. McBride said he could not see the City spending \$30 million, but he could see \$5 million, and he suggested they get the study done and see where they go from this point and move forward.

Mr. Corrado advised Mr. Moore brought up the point that they know they need internet in Avon and questioned why they need a study to tell them that. He felt that what the study is going to tell them is what type of public private partnership and fiber infrastructure that they want to employ in Avon. Mr. Corrado asked if it would be a dig once policy where when installing fiber, they put in 3 or 4, four-inch conduits with inner sleeves that the City will lease to every utility including power, phone and whomever and generate revenue on and on and that also saves on the cost of tearing up tree lawns etc. He indicated there were many avenues that could be chosen, and it depends on what is best for your community and the reason that the public private partnership offers that flexibility. Mr. Corrado said there are a lot of decisions that need to be made, but he felt that the information that would come from the assessment would answer a lot of those questions. He stated Ice Miller Whiteboard was the first company he hired when he started 10 years ago, and he used them to do the assessment on Lit Communities when they were vetting them.

Mr. Radcliffe advised he agreed they should get the assessment done and move this along. He said he follows a lot of municipal bidding projects, and he is starting to see more public private partnerships. Mr. Radcliffe stated it is no longer just a City going out for bid or a City with an engineering firm going out to bid along with an actual construction contractor because they are bringing knowledge to the design and to the development of that project that was not there otherwise especially the cities that do not have all the staff and expertise that may have been included 20-30 years ago. He advised while a design may come out and involve those three entities, that contractor who has a direct possibility of benefiting from that if they were to be awarded that project, a lot of times do not win the award for the bid. Mr. Radcliffe said he agrees wholeheartedly with being transparent, but also thinks that having that experience and expertise on the side of the public partnership is not something that is common and to get that expertise now for a cost of under \$50,000 he believes is money well spent.

Mrs. Demaline asked Mayor Jensen who is going to be on the team for this project from the Administration.

Mayor Jensen advised he does not know if he would formally say a team has been put together, but Lit Communities will need to do their evaluation and then it will be brought back to Council to see what the study has revealed. He said that Mr. Jenkins will be working with Lit Communities, but it will be brought to Council before going further.

Mrs. Demaline advised she read in the schedule of tasks that there is a kick-off meeting, there are multiple tasks and then there are strategy sessions. She asked who from the City is going to be involved in those meetings. Mayor Jensen advised that would be Mr. Jenkins, Mr. Streater, Mr. Logan and Mr. Gasior.

Mr. Moore asked after the assessment is complete, is there was a time limit. He inquired if a year and a half pass and then the City decides they want to implement this process was Lit Communities going to say that it has been a year and a half and that another assessment would need to be conducted.

Mr. Corrado advised the only thing that would really change over a year and a half would be material costs. He said there is a time frame as the City could not go 5 years out, but unless they see radical changes to pole lines or 15 new housing developments going in and those types of things, that would be the only thing that would change the assessment. Mr. Corrado said aerial for utilities have not been adding poles for the most part so they would not see Ohio Edison install 2,000 poles that would change their make ready assessment as that was pretty well set. He stated the only poles they typically see going up are mini poles to handle 4G and 5G densification. Mr. Corrado stated that would need to be part of the contract in writing the length of time that the assessment would be valid if significant changes do not occur. He advised Medina County almost went 2 years between the assessment and construction.

5. [ORDINANCE NO. 60-22 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR FIELDSTONE LANDING SUBDIVISION NO. 1](#) Planning Referral

Ms. Fechter advised this is a positive referral from the Planning Commission. She said the City has been working with Fieldstone Landing Subdivision No. 1 for months now. Ms. Fechter stated the applicants are asking for approval of their Subdivider Agreement so they can begin their public improvements. She advised required deposits were made on Friday and the applicants worked closely with the City Engineer and the utilities to make sure that this meets all the requirements.

6. [ORDINANCE NO. 61-22 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR NAGEL FARMS SUBDIVISION](#) Planning Referral

Ms. Fechter advised this subdivision is located off of Middleton Road just east of Drug Mart on Detroit Road. She said the applicant is asking for approval so they can begin their public improvements.

Mr. Logan confirmed that the applicant made all the required deposits.

Mr. McBride advised these are just two subdivisions that will not have duct bank referring to the fiber discussion earlier and that is 50 lots. He commented that the City could start requiring the developers to install the duct.

Mayor Jensen advised that is something that could be discussed.

7. [ORDINANCE NO. 62-22 – REAPPROPRIATIONS](#) Mr. Logan

Mr. Logan outlined the reappropriations as follows:

Special Revenue Funds:

Police Equipment Fund No. 220

Increase appropriations \$22,000.00 for camera installation at the Detroit Road water tower.

Park Operating Fund No. 250

Increase appropriations \$30,000.00 for camera installation at Eagle Point Park.

Avon Isle Fund No. 255

Increase appropriations \$18,000.00 for camera installation at the Avon Isle.

~~Stadium Highway Marquee Fund No. 284~~

~~Increase appropriations \$34,287.78 for an upgrade to the Stadium sound system.~~

Mr. Logan requested the Stadium sound system line item be removed as the Administration was still in discussions with Mr. Kramig about this item.

Total Special Revenue Fund Re-appropriations \$70,000.00

Total Re-appropriations All Funds \$70,000.00

8. [RESOLUTION NO. R-17-22 – TO ADVERTISE FOR BIDS FOR THE 2022 PAVEMENT MARKING PROGRAM](#) Mr. Cummins

To be addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised this Resolution is to authorize the public bid for the yearly pavement marking program for all the pavement markings throughout the City.

9. [RESOLUTION NO. R-18-22 – TO ADVERTISE FOR BIDS FOR THE MAIN STREET & MIDDLE ROAD PAVEMENT RESURFACING PROJECT](#) Mr. Cummins

To be addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised this Resolution is to authorize the bid similar to the one before it and the two that follow. He said once all the bids are received, those bids will be brought back before City Council with a recommendation as to how to proceed. Mr. Cummins stated it would only be at that time that Council would be entering into a contract as this legislation just allows the bid process to occur.

Mr. Cummins advised this project would be for the resurfacing of Main Street and Middle Road, which is adjacent to City Hall. He said that roadway is definitely in need of some improvement, and they are looking to bid that out in the coming days.

Mr. Witherspoon inquired as to the scope of the work if it was a complete tear out.

Mr. Cummins advised no; they would be doing a surface grind to take some amount of the surface material off. He said in some areas the ruts are such that the grind may not even reach those areas. Mr. Cummins stated the lower areas will have a good amount of full depth base repair involved and they will be cutting out the bad areas, building it up with an appropriate section and resurfacing over top. He advised they would also try to get a little more pitch and slope with the resurfacing to get some better drainage and match up with the current line elevations.

10. [RESOLUTION NO. R-19-22 – TO ADVERTISE FOR BIDS FOR THE 2022 AVON PARKS PAVING PROJECT](#) Mr. Cummins

To be addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised this is for bids to pave the Aquatic Facility in what is the current gravel parking lot area. He said it will be paved in asphalt and have permanent parking space markings applied to it.

Mrs. Demaline asked what the timeline was on that paving project.

Mr. Cummins advised as it stands right now, they will be bidding in May and be back before Council probably in early June and the earliest the contractor would be available is typically about a month from the time that he asks Council to award a contract until they start applying some pavement. He said they were looking at the July timeframe. Mr. Cummins stated in discussions with the Administration they talked about setting up the contract in a way to give the contractor options of either waiting until mid to late August to begin and do the work during the day or do it earlier in the season, and do the work at night because there is so much use during the daytime

hours while the pool is open. He advised they would have to do some juggling of the work schedule in the contract language and bid language to give the contractors in the City the most flexibility.

Mrs. Demaline advised that was her concern with the upcoming pool season.

11. RESOLUTION NO. R-20-22 – TO ADVERTISE FOR BIDS FOR THE DETROIT ROAD SANITARY SEWER EXTENSION PROJECT Mr. Cummins

To be addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised this is to authorize the bid for a project that will extend sanitary sewer along a portion of Detroit Road to bring service to what is now the Eagle Point Park area to support the installation of a restroom facility in that area next to the new fishing pier and parking area. He said also some sanitary and water main work in the main part of Veterans Park to facilitate a future construction of a restroom facility there as well. Mr. Cummins stated these will come back before Council for consideration of the bid award.

12. REPORTS AND COMMENTS

MAYOR JENSEN advised Council had a copy of a letter from the Lorain County Board of Elections asking Council if they are interested in looking at the Ward maps and changing the district sizes. He asked Council to let him know if they have any intention of bringing something forward this year as the Board of Elections would like something provided to them by July 15, 2022. Mayor Jensen stated Mr. Gasior has within the Charter Review Commission discussed placing something on the ballot that the Ward District sizes be reviewed periodically.

Mayor Jensen advised the City is losing someone they have all become fond of; Mr. Dylan Reynolds will be leaving the Chronicle Telegram and this is one of his last meetings covering the City of Avon. He said the Administration and Council appreciated how Mr. Reynolds has covered the City of Avon fairly and they appreciate all his hard work and realize that there is not a lot of money to be made in newspaper coverage, which is sad in most respects. Mayor Jensen thanked Mr. Reynolds for writing fair and objective stories, and he wishes him well in his future endeavors and he hoped they would see him back at meetings occasionally.

Mr. Reynolds thanked the City Administration and City Council and indicated he appreciates the kind remarks.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised back in February Council approved to go out for bids for the construction of restroom facilities for various parks; the Aquatic Center, Northgate Park and Eagle Point Park. She asked where those projects stood.

Mr. Streator advised he just received the drawings today from the architect and they are currently reviewing those to respond back to the architects. He said he hoped to provide the information going out to bid at an upcoming Work Session.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE was absent.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised he wanted to let City Council know that earlier tonight the company he works for, Chagrin Valley Engineering, was hired by the City of Avon Lake to represent them as well. He said as an abutting community he wanted to make sure that they were aware of that and if they had any comments or concerns or questions that they should feel free to reach out to him.

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

MR. GASIOR, LAW DIRECTOR advised to follow-up on the Mayor's comment regarding Ward Districts and the Board of Elections, there is that letter that Council was handed. He said he spoke with Dave Stambol at the Lorain County Board of Elections about a month ago because the Charter Review Commission was looking into this issue. Mr. Gasior stated Mr. Stambol indicated that there was no concern for the City of Avon until 2025 because there will not be an election that impacts the Wards until that time. He advised if Council wanted to do something this year they could, but they certainly have a couple of years to do something. Mr. Gasior said there was no doubt that something should be done, even Mr. Stambol pointed that out to him. He stated the Charter Review Commission is going to suggest a Charter Amendment be added that Council shall consider redrawing any Ward boundaries every ten years after the results of the decennial U.S. Census comes out. Mr. Gasior advised if the voters approve this to be added to the Charter, it should be on the radar of the Administration and Council every ten years when the Census comes out by official word of the City's population that is sent to the Finance Director by the Secretary of State and that will be the trigger for the Ward boundaries to be reviewed. He said the 2020 Census results were received in September of 2021 and they would probably see that again in September of 2031 and it will most likely be in the Charter at that point that Council should begin to look into whether or not the Ward boundaries need to be changed.

Mr. McBride asked how unbalanced the Wards are currently.

Mr. Gasior advised he believes that Ward One contains almost half of the population. He said it is significant and Ward One is way too large. Mr. Gasior stated what is going to have to happen is that Ward One is going to have to be pared down. He suggested one way to do it would be if they start on the east end with Ward Four and each Ward would pick up as they head west until Ward One is reduced in size; although he was unsure about how that would work for Ward Two, but Ward One is significantly bigger than the other three Wards.

Mayor Jensen pointed out that Ward Four is also increasing in population.

Mr. Gasior said Ward Three is probably also due to become a little larger. He advised they would start looking at it and he does not believe there is any great need to do anything in 2022, but certainly in 2023 and 2024 they would need to get it on their radar.

MR. LOGAN, FINANCE DIRECTOR pointed out that it seems like Avon Lake was starting to take a lot of things from Avon personnel wise, engineering wise, etc. He said he was glad to see Avon Lake's Mayor Zilka speak last at the Mayors State of the City Addresses.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR advised with all the road projects that are upcoming that traffic can become a problem. He said they are trying to put out information to the public as quick as it is received as far as road closures and one lane areas. Mr. Streator stated they are trying to get the information out and he asked that motorists and residents be patient because the orange barrel season was among them. He advised they received information today that work on Moore Road would be starting soon.

AUDIENCE:

There were no comments from the audience members.

13. 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