

ORDINANCE NO. 8-23

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENGAGE THE SERVICES OF
THE LAW FIRM OF ROETZEL & ANDRESS TO ASSIST THE CITY IN
NEGOTIATING A CONTRACT WITH LIT COMMUNITIES
(OR SIMILAR ENTITY) TO EXPLORE THE INSTALLATION/OPERATION
OF A FIBER OPTIC NETWORK WITHIN THE CITY
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon is currently in discussions with LIT Communities Broadband, Inc. and actively exploring the potential installation and operation of a fiber optic infrastructure network project that would service residential, businesses, anchor institutions and backhaul wireless or smart city service (“FTTX”) within the City of Avon; and

WHEREAS, to fully protect the city’s interests in this exploration and to achieve the best possible result for the City of Avon and all of its residents and businesses, the Law Director recommends the hiring of outside counsel with considerable experience in this area; and

WHEREAS, Council, upon recommendation of the Administration, deems it to be in the best interest of the health, safety and welfare of the citizens of Avon that outside special counsel be retained as quickly as possible to assist the Law Director in representing the interests of the city as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - Effective upon the passage of this Ordinance, and pursuant to Article V, Section 2 of the Charter of the City of Avon, Council hereby authorizes the administration to retain the services of Roetzel & Andress, (hereinafter referred to as Roetzel, as special counsel to assist the Law Director in all matters relating to exploring the potential installation and operation of a fiber optic infrastructure network that would service residential, businesses, anchor institutions and backhaul wireless or smart city service (“FTTX”) within the City of Avon.

Section 2 - That the proposal for these services submitted by Attorney William R. Hanna of Roetzel is hereby accepted. Said proposal is marked as [Exhibit A](#) and made a part of this Ordinance by reference.

Section 3 - The Finance Director is hereby authorized to make payment from the General Fund No. 101-730-5348 in the amount set forth herein.

Section 4 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of

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Avon, the immediate emergency being the necessity to retain special counsel for matters concerning the potential installation of a fiber infrastructure network project within the city; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

BY: _____
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director