

ORDINANCE NO. 126-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENGAGE THE SERVICES OF THE LAW FIRM OF ROETZEL & ANDRESS TO ASSIST THE CITY IN PREPARING LEGISLATION TO REGULATE THE USE OF THE CITY'S RIGHT OF WAY AND DECLARING AN EMERGENCY

WHEREAS, City Council desires to explore the adoption of regulations that would enable the City to enact reasonable measures ensuring that private (and at time, public) entities seeking to access the City's right of way and install infrastructure conform to a certain set of well-defined standards; and

WHEREAS, to protect the city's interests in this exploration and to achieve the best possible result for the City and all of its residents and businesses, the Law Director recommends the hiring of outside counsel with considerable experience in the area of formulating appropriate right of way regulations; and

WHEREAS, Council, upon recommendation of the Law Director and 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 preparing legislation to regulate the City's vast network of right-of-way.

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 adoption of regulations that would enable the City to enact reasonable measures to ensure that private (and at time, public) entities seeking to access the City's right of way conform to a certain set of well-defined standards.

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. 101-730-5349 in an amount not to exceed Ten Thousand (\$10,000.00) Dollars as set forth in attached Exhibit A.

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

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for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to retain outside special counsel as soon as possible to review existing ordinances and/or recommend revisions where needed to protect the City's interest in maintaining safe and reasonable access to the city's right of way for all existing and future users; 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