

**SPECIAL COUNCIL WORK SESSION
MONDAY, JULY 18, 2011**

5:15 P.M. PROMPT

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- **DISCUSSION OF AGENDA -**

Bedford, Ohio

July 18, 2011

Bedford City Council met in a Special Work Session at Bedford City Hall on Monday, July 18, 2011 at 5:15 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Hank Angelo Finance Director Frank Gambosi, Bobbie Dulaney, NT Administrator.

Absent: Ken Schuman, Law Director

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Ordinance 8859-11 authorized the City Manager to enter into a contract with Time Warner Inc. (1st Reading July 11, 2011).

Ms. Dulaney explained effective August 15, 2011 the City's franchise agreement with Time Warner (Adelphia) would terminate. Time Warner had offered a one time contract extension at the City's prerogative, which could not be renewed. Basically Time Warner wanted to slowly get out of the fiber optic business. Ms. Dulaney said she was in the process of getting the fiber footage measured to ensure the measurement that Time Warner was accurate. She said as a result Time Warner was now going to charge the City of Bedford a monthly fee for the use of the dark fiber I-Net installed as a result of the franchise agreement. She stated the City had used Time Warner's fiber connections from City Hall to the Recreation and Service Departments to provide telephone service and internet to satellite buildings.

Ms. Dulaney stated the use of DSL or Wireless solutions was not an option because they would not provide sufficient band width for high volume voice and data traffic. She explained these solutions would also require additional modifications of the telephone system and equipment to facilitate the interfaces. She noted there was also an ongoing monthly cost associated with these services. She researched estimates from outside providers for service with adequate bandwidth and the information she obtained was in the \$1,400 to \$2,000 per month range. She noted this was an ongoing charge for perpetuity.

She explained after reviewing the options, and consulting with other professionals including Bob Coppedge, it was her recommendation that the City of Bedford sign a one (1) year agreement with Time Warner, which would allow the City time to pursue the installation of replacement fiber with expanded capabilities. She said the fiber would then belong to the City and would be maintained by the City with no monthly fees.

Mr. Pozar questioned why another company couldn't provide service from City Hall to the Park and Recreation and Service garage facilities without using the current wires. Ms. Dulaney explained it had to be point to point connectivity and the connection needed to a direct line to City Hall. Mrs. Mizesak asked when the City bought the dark fiber. Ms. Dulaney replied, 2003. Mr. Saunders wondered why the City couldn't take it by eminent domain. He commented the State of Ohio surely didn't help this issue either. Ms. Dulaney explained the wires at the street splices into a lot of other wires not belonging to City Hall so eminent domain was not an option.

Mr. Pozar questioned if the City went with another company would that company be in business in five (5) years. Ms. Dulaney said that's why she suggested the City install its own fibers. Mr. Pozar referred to storing information in a "cloud" by using wireless. Ms. Dulaney said she had already discussed with Bob

Coppedge about the City going wireless and he also was not in favor of it. There was a short discussion about the Service garage needing video options.

Mr. Angelo added the schools submitted some information to Ms. Dulaney as to who owns what lines. Ms. Dulaney noted it would be more cost effective for the City to use the telephone poles rather than trenching. There was a short discussion about the squirrels eating the wires. Mr. Gambosi questioned if the schools were doing their own contract. Ms. Dulaney replied the City and the school would be sharing some of the costs. Mr. Saunders questioned how other cities were addressing this issue. Ms. Dulaney informed everyone that Bedford was the last on the list to know of Time Warner's future plans. She noted that Time Warner was forcing the City to make a non-renewable decision. It was clarified by Mr. Angelo that the City would stay with AT&T as its provider.

Mr. Pozar thought a one (1) year contract would be the best way to go and the City to purchase its own fiber. Council understood whatever length of contract they chose would not be renewable and it was certain the City would be better off ahead if it installed its own fiber.

Discussion of the Regular Meeting Agenda was concluded.

At 5:45 p.m., Bedford City Council adjourned to conduct the Special Council Meeting.



George Sillers

Clerk of Council



Daniel Spaul

Mayor – President of Council

SPECIAL MEETING

BEDFORD CITY COUNCIL

DATE: JULY 18, 2011

AGENDA

STATE OF OHIO

COUNTY OF CUYAHOGA

TIME: 5:30 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. NEW BUSINESS

a. Ordinance No. 8859-11,

authorizing the City Manager to enter into a contract with Time Warner Inc.
(1st Reading July 11, 2011)

4. ADJOURNMENT

Bedford, Ohio

July 18, 2011

Bedford City Council met in Special Session at Bedford City Hall on Monday, July 18, 2011. Mayor Pocek called the meeting to order at 5:46 P.M.

The meeting was opened by Mayor Pocek. The roll was called. Present: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. [Absent: Ken Schuman]

The Mayor explained Ordinance No. 8859-11 was read on July 11, 2011 as First Reading. There was discussion that since the City did not have a firm figure that it would be best to amend the legislation to read "not to exceed" the current amount that was stated in the legislation, which was \$782.53 per month. Mr. Pozar thought if the legislation was amended to read "not to exceed" it would affect Ms. Dulaney's ability to reduce the amount. Ms. Dulaney stated the fiber length was what it was and Time Warner quoted what was on their records, which was incorrect per her report.

ORDINANCE NO 8859-11, an ordinance authorizing the City Manager to enter into an agreement with Time Warner Inc. to provide dark fiber to the City of Bedford enabling the city to have telephone and internet service in the Recreation Department and Service Garage and declaring an emergency was read by title only.

Motion to amend made by Zolata seconded by Mizesak for Ordinance No. 8859-11, Section 2 to read "not to exceed" Seven Hundred Eighty Two Dollars and Fifty Three Cents per month from the appropriate fund line items already listed.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

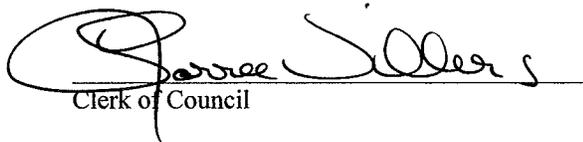
Motion made by Mizesak and seconded by Saunders to place Ordinance No. 8859-11 on third and final reading and passed.

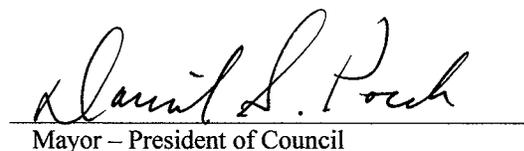
Mr. Pozar understood based on the information Council was provided in this evening's work session Council was essentially doing a "common sense thing", which was the City installing its own fiber optics with the cost not to exceed \$35,000.00 per year. Council understood that as well. Mr. Angelo added this was a one (1) year contract and Ms. Dulaney was currently working on additional bids. He was in favor of trenching some of the lines. The Mayor asked what the time frame would be for the installation. Ms. Dulaney replied within 60 to 90 days after signing the contract. Mr. Saunders wanted to know if the agreement for the telephone poles would be done at the same time or ahead of the fiber optic installation schedule. Ms. Dulaney said the telephone poles would be addressed immediately with Mr. Schuman and First Energy. Mrs. Mizesak questioned why First Energy. Ms. Dulaney responded First Energy owned the telephone poles and AT&T owned the first 27 feet.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Koci and seconded by Zolata to adjourn. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Meeting adjourned at 5:58 P.M.


Clerk of Council


Mayor – President of Council