

ORDINANCE NO. 2017-10

AN ORDINANCE

AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY OWNED BY THE VILLAGE OF WAITE HILL FOR THE PURPOSE OF ERECTING AND MAINTAINING TELECOMMUNICATIONS FACILITIES, INCLUDING ONE MONOPOLE TOWER THAT WILL NOT EXCEED 150' IN HEIGHT, SUBJECT TO THE APPROVAL OF THE ELECTORS OF THE VILLAGE OF WAITE HILL, AND PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF WAITE HILL THE QUESTION OF THE LEASING AND USAGE OF SAID PROPERTY FOR TELECOMMUNICATIONS FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Waite Hill issued a request for proposals (“RFP”) on May 11, 2017, seeking potential solutions to the cellular telephone and mobile broadband coverage issues that exist in the Village, and noting that the erection of a monopole tower that does not exceed one hundred fifty feet (150’) would be considered as a potential solution; and

WHEREAS, in response to the RFP, Insite Towers LLC, provided an alternative proposal (“Exhibit A”), and has proposed to erect a monopole tower for the provision of telecommunications services to much of the Village; and

WHEREAS, the Council has determined that the potential lease of a portion of the Village’s property, on which the Village Hall is located, for the purpose of installing and maintaining one monopole telecommunications tower that is not more than one hundred fifty feet (150’) tall is a valid public purpose; and

WHEREAS, the Mayor and Council have publicly committed to investigating, reviewing and considering telecommunication solutions to the cellular telephone and mobile broadband coverage problems, which exist in the Village, between the time that this ordinance is passed and submitted to the Lake County Board of Elections and (if the issue passes) the time of the certification of election results, which is a period of about four months; and

WHEREAS, if an economically viable alternative is found which provides equal or better cellular telephone and mobile broadband coverage, and that alternative does not require the Village to pay for either the equipment or the service provided, the Mayor and Council will not go forward with the construction of the proposed tower; and

WHEREAS, if the investigation does not yield an economically viable alternative for cellular telephone and mobile broadband coverage in the Village, the Mayor and Council intend to move forward with a lease of a portion of the Village Hall property for the construction of a monopole telecommunications tower that is not more than one hundred fifty feet (150’) tall.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That upon the affirmative vote of the electorate at an election to be held as provided herein, the Mayor shall be authorized to enter into a lease agreement to lease a portion of the Waite Hill Village Hall property, with a street address of 7215 Eagle Road and known in the Lake County Records as Permanent Parcel No. 25-A-012-A-035-00-0, for the purpose of permitting the construction, maintenance and operation of telecommunications facilities on and around one monopole telecommunications tower which shall not exceed one hundred fifty feet (150') in height, and such ancillary structures and equipment in proximity to the tower as may be necessary to provide improved cellular telephone and mobile broadband coverage in the Village. A draft of the lease agreement is appended hereto as "Exhibit B," and the Mayor may execute any additional documents or perform any additional actions that are necessary to accomplish the lease of said property for such purposes. The Mayor is authorized to make any changes to the agreement which he in his discretion may deem necessary to accomplish the goals of the lease and which are not materially adverse to the public health, safety and welfare of the Village. A preliminary site plan is attached hereto as "Exhibit C;" it is the intention of the Village to permit the facilities to be located substantially in accordance with the preliminary plan.

SECTION 2. That this Council hereby authorizes and directs the submission to the electors of the Village of Waite Hill, at an election to be held at the usual places of voting in said Village on Tuesday, November 7, 2017, the question of whether the Village should lease a portion of the Village Hall property for the purposes of permitting the construction, maintenance and operation of one monopole telecommunications tower that shall not exceed one hundred fifty feet (150') in height, and such further structures and equipment as may be necessary to provide economically viable improved cellular telephone and mobile broadband coverage in the Village, as further detailed in Section 1.

SECTION 3. That the form of ballot to be cast at the election, authorized in Section 2 hereof, for the proposed property acquisition shall read and provide as follows:

"PROPOSED LEASE OF VILLAGE HALL PROPERTY FOR
TELECOMMUNICATIONS FACILITIES
A majority affirmative vote is necessary for passage

Shall the Village of Waite Hill lease a portion of the Village Hall property, located at 7215 Eagle Road and known in the Lake County Records as Permanent Parcel No. 25-A-012-A-035-00-0, for the purpose of constructing, maintaining and operating telecommunications facilities which will include one monopole tower which will not exceed one hundred fifty feet (150') in height and such other structures and equipment as may be needed to provide improved cellular telephone and mobile broadband coverage in the Village?"

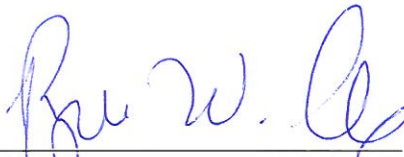
SECTION 4. That the Clerk-Treasurer be, and hereby is, authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Lake County on or before 4:00 p.m. August 9, 2017.

SECTION 5. That the Board of Elections of Lake County is hereby requested to cause appropriate notice of such election to be given in accordance with law.

SECTION 6. That actions of this Council concerning and relating to the passage of this legislation 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 action were in meetings held in compliance with all legal requirements including Chapter 107 of the Code of Ordinances of the Village of Waite Hill.

SECTION 7. That this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Waite Hill and for the further reason that this ordinance must be immediately effective to authorize the timely filing of the election issue with the Lake County Board of Elections on or before August 9, 2017, which is the deadline for issues to be voted at the election to be held November 7, 2017; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor, provided it receives the affirmative vote of five (5) members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 7/31, 2017



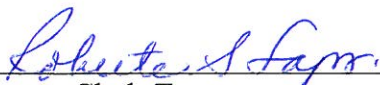
Council President

Submitted to the Mayor
for his approval on this
31st day of JULY, 2017


Approved by the Mayor

ATTEST:

7/31, 2017



Clerk-Treasurer



Mayor