

ORDINANCE NO. 45-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH CLEVELAND COMMUNICATIONS INC. TO LEASE EQUIPMENT AND SPACE ON THE WATER TOWER LOCATED AT 4859 CENTER ROAD FOR THE PURPOSE OF INSTALLING NECESSARY ANTENNAS AND TO PROVIDE THE NEEDED HARDWARE TO FACILITATE COMMUNICATIONS BETWEEN SAFETY FORCES IN THE CITY OF AVON AND OTHER LOCAL GOVERNMENTS AND DECLARING AN EMERGENCY

WHEREAS, the Avon Fire Chief and the City's Safety Director deem it necessary and desirable to lease space on the Mills Road Water Tower located at 4859 Center Road in the City of Avon to Cleveland Communications Inc., ("CCI") who will provide communications equipment and services to the City of Avon and other local governments for use by their Police, Fire, EMS and Dispatchers; and

WHEREAS, the Water Tower Lease would allow CCI to install their collocating communication antennas and related apparatus that will facilitate communications between safety forces for the citizens of the City of Avon and other local governments; and

WHEREAS, CCI will be responsible for the installation of its own equipment on and in the building and such installation shall be within the accepted engineering standards for placement of such equipment, as outlined in the Public Safety Communications System Agreement; and

WHEREAS, CCI also desires to lease three (3) FCC licenses from the City of Avon to be utilized by CCI for the operation of the said communication system and;

WHEREAS, Council, having reviewed the Water Tower Lease and the Public Safety Communications System Agreement with CCI, finds them to be fair and equitable in light of the current circumstances to both the City and CCI and that authorizing the Mayor to execute same is in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 – That the Mayor is hereby authorized to execute the Water Tower Lease with CCI for the Mills Road Water Tower located at 4859 Center Road in substantially the form as set forth in the attached Exhibit A, which is incorporated herein by this reference.

Section 2 – That the Mayor is further authorized to execute the Public Safety Communications System Agreement between the City and CCI in substantially the form as set forth in the attached Exhibit B, which is incorporated herein by this reference.

Section 3 - 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 4 - 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 Avon, the immediate emergency being the necessity to enter into a Water Tower Lease and Public Safety Communications System Agreement with CCI for communication equipment to aid the Police, Fire, EMS and Dispatchers; 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, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director