

1 RESOLUTION NO. 2013-417

2
3 SPONSOR Mr. Pry

4
5 DATE September 30, 2013 COMMITTEE Public Safety

6
7 **A Resolution authorizing the County Executive to execute a single site license agreement**
8 **for installation and operation of wireless communication equipment on the Twinsburg**
9 **Tower, in Council District 1, with any public or private entity that wishes to use the tower,**
10 **for the Executive's Department of Law, Insurance and Risk Management – Division of**
11 **Public Safety, and declaring an emergency.**

12
13 WHEREAS, County Council previously adopted Resolution No. 2012-464, which
14 approved a cooperative agreement between the County of Summit and Diamond Towers II, LLC,
15 on behalf of FirstEnergy Corp., to construct a wireless communication tower ("Twinsburg
16 Tower") located at 8520 Chamberlin Road in Twinsburg Township, in Council District 1; and

17
18 WHEREAS, the County and Diamond Towers II, LLC currently utilize the Twinsburg
19 Tower for wireless communications, which includes supporting the 800MHz regional radio
20 system; and

21
22 WHEREAS the County and Diamond Towers II, LLC desire that other public and private
23 entities be able to utilize the Twinsburg Tower; and

24
25 WHEREAS, fees for installation and operation of third party wireless equipment will be
26 based on commercially reasonable standards depending upon amount of use; and

27
28 WHEREAS, the revenue resulting from this Agreement shall be used for tower
29 maintenance, with the net profits to be distributed equally between the County and Diamond
30 Towers II, LLC, in accordance with the construction license agreement; and

31
32 WHEREAS, the County's revenue share will be applied to costs associated with the
33 800MHz regional radio system; and

34
35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
36 that it is necessary and in the best interest of the County of Summit to authorize the Executive to
37 execute a single site license agreement with any public and private entity for installation and
38 operation of wireless communication equipment on the Twinsburg Tower;

39
40 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
41 of Ohio, that:

42
43 SECTION 1

44
45 The County Executive is hereby authorized to execute a single site license agreement
46 with any interested public and private entity for installation and operation of wireless
47 communication equipment on the Twinsburg Tower, in Council District 1.
48

1 RESOLUTION NO. 2013-417

2 PAGE TWO

3
4 SECTION 2

5
6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit and for the further reason to immediately
8 authorize the Executive to execute a single site license agreement in order to provide revenue to
9 support ongoing maintenance costs for the Twinsburg Tower and the 800MHz regional radio
10 system.

11
12 SECTION 3

13
14 Provided this Resolution receives the affirmative vote of eight members, it shall take
15 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
16 effect and be in force at the earliest time provided by law.

17
18 SECTION 4

19
20 It is found and determined that all formal actions of this Council concerning and relating
21 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
22 deliberations of this Council and of any of its committees that resulted in such formal action,
23 were in meetings open to the public, in compliance with all legal requirements, including Section
24 121.22 of the Ohio Revised Code.

25
26
27 INTRODUCED September 16, 2013

28
29 ADOPTED September 30, 2013

30
31
32 
33 CLERK OF COUNCIL

34
35
36 
37 PRESIDENT OF COUNCIL

38
39 APPROVED October 3, 2013

40
41 
EXECUTIVE

ENACTED EFFECTIVE October 3, 2013

Voice Vote: 10-0 YES: Comunale, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro
Absent: Crawford