

ORDINANCE NO. 2025-10

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH NORTHSTAR TOWERS II, LLC, TO
OPTION AND LEASE A PORTION OF THE VILLAGE'S REAL
PROPERTY FOR THE PURPOSE OF ERECTING AND
MAINTAINING WIRELESS TELECOMMUNICATIONS
FACILITIES ON VILLAGE PROPERTY, AND DECLARING AN
EMERGENCY.**

WHEREAS, members of this Council have experienced "dead spots" in the Village of Waite Hill where cellular telephone calls are dropped and cannot be initiated or re-initiated; and

WHEREAS, this Council has been advised by the administration of the Village that such "dead spots" present risks to the health, safety and welfare of residents, employees and occupants of the Village if the Village's safety forces (including the Village's police department and the fire and emergency medical services provided by the City of Willoughby Hills) cannot utilize their telecommunication devices (e.g. mobile data terminals and cellular telephones) to communicate with the safety forces' dispatch centers or make other necessary communications; and

WHEREAS, this Council has been advised by individuals knowledgeable in the telecommunications industry that the placement of a cell tower on the Village Hall property and the use of the tower and the Village Hall property for wireless telecommunications purposes would improve wireless telecommunications within the Village; and

WHEREAS, the Village's administration and this Council have received proposals for such a cell tower for the purpose of determining what compensation the Village can reasonably expect to receive for the placement of a cell tower on the Village's property; and

WHEREAS, this Council finds that the "Option and Lease Agreement" proposed by Northstar Towers, II, LLC, a Delaware limited liability company, is in the best interest of the Village, and that the Mayor should be authorized to enter into such agreement and take all actions necessary to implement said agreement; and

WHEREAS, this ordinance has been referred to the Village's Planning and Zoning Commission for a report and recommendation on this ordinance and for the consideration and approval of the proposed location and use of the wireless communication antennas and/or personal wireless service facilities on the Village's property; and

WHEREAS, members of the Village government have also heard (anecdotally) that the absence of good cellular service in the Village has discouraged some potential purchasers of residences in the Village, which could have a negative impact on the resale value of some of the Village's residences. While such information is not a deciding factor for this legislative action, Council finds the negative impact plausible and finds that the placement a cell tower on the Village's property, and the increased cellular telephone coverage within the Village, could decrease an existing negative impact on the value of some the Village residents' homes that is caused by poor cellular telephone service.

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

SECTION 1. That the Mayor is hereby authorized to enter into the “Option and Lease Agreement” with Northstar Towers, II, LLC, a Delaware limited liability company (the “Agreement”) and take all actions necessary to implement the terms of that Agreement. The design and layout of the wireless communication antennas and personal wireless services facilities shall be as permitted by the Village’s Planning and Zoning Commission. A copy of the Agreement is appended to this ordinance as “Exhibit A”. The Mayor may make any necessary amendments to the Agreement that advance the good of the Village.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village to authorize the immediate construction of wireless communications antenna and personal wireless service facilities to enhance the safety of the Village’s residents, safety forces and regional community; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

PASSED: _____, 2025

Council President

Submitted to the Mayor for his approval

On this ____ day of _____, 2025

Approved by the Mayor:

_____, 2025

ATTEST:

Clerk-Treasurer

Mayor