

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 18 – 37 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DAVEY RESOURCE GROUP, INC. TO PERFORM POLE ATTACHMENT MAKE-READY ENGINEERING FOR THE OBERLIN MUNICIPAL LIGHT AND POWER SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, the City owns, operates and maintains the Oberlin Municipal Light and Power System to supply light and power to the citizens of Oberlin; and

WHEREAS, Wide Open West Cleveland, LLC, has proposed a complete pole system overbuild in Oberlin to provide internet, cable and phone service to Oberlin customers by attaching to approximately fourteen hundred and fifty (1450) OMLPS poles.

WHEREAS, OMLPS must have the proposed poles surveyed and the corresponding make-ready work engineered to National Electric Safety Code standards to accommodate Wide Open West Cleveland, LLC pole attachments within sixty days of Wide Open West Cleveland, LLC's application, according to Code of Federal Regulations Title 47 Chapter 1 Section 1.1420 (47 CFR 1.1420), as cited in the OMLPS Pole Attachment Agreement.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That subject to receiving full payment for Davey Resource Group, Inc. make-ready engineering services from Wide Open West Cleveland, LLC, the City Manager is hereby authorized and directed to enter into a contract with Davey Resource Group of Kent, Ohio to perform a pole attachment survey and engineer make-ready work according to NESC standards to accommodate Wide Open West Cleveland, LLC pole attachments in an amount not to exceed \$238,003.

SECTION 2: That the provisions of Sections 153.65 *et seq.* of the Ohio Revised Code as they relate to the qualification based selection process are hereby waived so as to meet the requirements of the Code of Federal Regulations, Title 47 Chapter 1 Section 1.1420 (47 CFR 1.1420) as cited in the Oberlin Light and Power System Pole Attachment Agreement.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption 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 action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Cod

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to have


make-ready work engineering performed in response to Wide Open West Cleveland, LLC pole attachment applications within the time frame required by 47 CFR 1.1420 and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading: May 7, 2018 (E)

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
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BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
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BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 05/08/2018

EFFECTIVE DATE: 05/07/2018