

ORDINANCE NO. 2011-05

INTRODUCED BY: Mayor Rinker and Council as a Whole

**AN EMERGENCY ORDINANCE
AUTHORIZING AND DIRECTING THE MAYOR
TO ENTER INTO ADDENDUM B-9
TO THE SUBSCRIBER SERVICE AGREEMENT BETWEEN
ONECOMMUNITY AND MAYFIELD VILLAGE, OHIO.**

WHEREAS, the Village has found and determined it to be in the best interest of its residents to promote economic development in the Village; and

WHEREAS, in furtherance of promoting economic development in the Village and in coordination with Cuyahoga County, Beta Drive has been designated an Innovation Zone; and

WHEREAS, Mayfield Village in promoting the Innovation Zone for economic development intends to enhance the development opportunities on Beta Drive thru the installation, operation, and maintenance of a fiber ring along Beta Drive, Wilson Mills, and SOM Center Roads; and

WHEREAS, in order to facilitate installation, operation, and maintenance of this fiber ring, Mayfield Village has consulted OneCommunity; and

WHEREAS, ultimate end users of the ring, including Mayfield Village, will be provided access to high speed internet services which are unmatched in the marketplace today; and

WHEREAS, pursuant to Ordinance 2008-47, the Village entered into a Fiber Facilities Construction and Provision of Service Agreement authorizing OneCommunity to install, operate and maintain the fiber ring; and

WHEREAS, pursuant to Ordinance 2009-43 the Village entered into a Master Services Agreement and Related Subscriber Service Agreement with OneCommunity establishing the terms of service provided over the fiber ring to end users and to the Village; and

WHEREAS, at this time the Village wishes to enter into an Addendum with OneCommunity to facilitate the connection between the Mayfield Village Fiber Network ("MVFN") and Panzica Construction Co.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

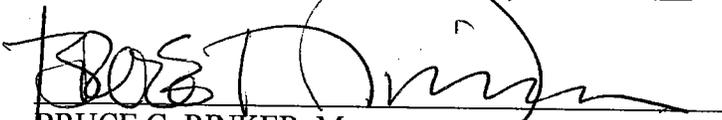
SECTION 1. That the Mayor and President of Council are hereby and herein authorized and directed to enter into Addendum B-9 to the Subscriber Service Agreement with OneCommunity in a form substantially similar to that attached hereto and incorporated herein by reference as Exhibit "A"

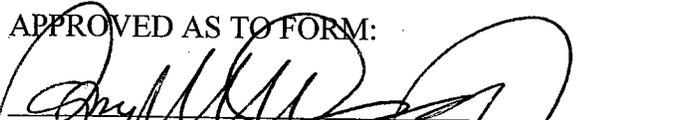
SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of Mayfield Village, Ohio. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.


WILLIAM BUCKHOLTZ
Council President

First Reading:	February 22,	2011
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	Suspended	
Second Reading:	<hr/>	2011
	Suspended	
Third Reading:	<hr/>	2011
PASSED:	February 22,	2011
	<hr/>	


BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR.
DIRECTOR OF LAW

ATTEST: 
MARY E. BETSA,
Clerk of Council

ADDENDUM B-9

FEES AND CALCULATIONS FISCAL YEAR 2011

Addendum B Site Number: B-9

Client: Mayfield Village

OneCommunity Head End (A-Site): Mayfield Village Fire Department 770 S.O.M. Center Road Mayfield Village, OH 44143

Client Circuit Address (Z-Site): Panzica Construction Company, 739 Beta Drive, Mayfield Village, OH 44143

SITE CONNECTION, MEMBERSHIP, SERVICE & EQUIPMENT FEES

Client Service: Panzica Construction Co.	Monthly Site Fees
10 MB service connection - Billed Monthly	\$400.00
Total Monthly	\$400.00

Term: 3 years (36 Calendar Months) from Effective Date.

Billing Cycle: Monthly upon March 15, 2011

Notes: Monthly service costs will be billed by OneCommunity directly to Panzica Construction Co. Invoices not paid to OneCommunity within 60 days by Panzica Construction Co. will result in service termination. Panzica Construction Co. or Mayfield Village may terminate the service connection provided hereunder prior to the end of the term upon a 90 day written notice to Mayfield Village/Panzica Construction Co. Mayfield Village and Panzica Construction Co. acknowledge that the current site connection utilizes equipment that is located on the Mayfield Village cell tower located at the Mayfield Village fire station. In the event that Mayfield Village may determine that the equipment must be removed from the cell tower, upon Mayfield Village providing Panzica Construction Co. a 90 day written notice, the equipment located on the tower shall be removed forthwith by Panzica Construction Co. at their sole cost and expense. Any substitute or additional site connection at the cost for the same shall be negotiated pursuant to a separate written agreement.

ACCEPTED AND AGREED AS OF THE EFFECTIVE DATE:

Panzica Construction Co.

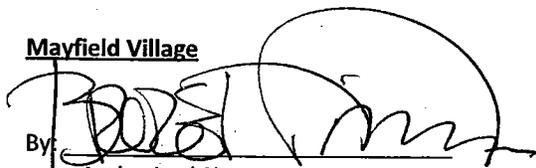
By: _____
Authorized Signature

Name (Print or Type)

Title

Date

Mayfield Village

By: 
Authorized Signature

BRUCE G. RINKER
Name (Print or Type)

MAYOR
Title

FEBRUARY 22, 2011
Date

