

RESOLUTION NO. 2009-16

WHEREAS, Gulf Power Company has submitted an application to co-locate wireless communications equipment on an existing tower at 820A State Hwy 83 N located in the City of DeFuniak Springs, Florida and;

WHEREAS, Gulf Power Company requested relief pursuant to Section 22.5-88 Relief, Telecommunications, Municipal Code of the City of DeFuniak Springs) from a site visit as required by Section 22.5-66 (x) Special Use Permit Application and other requirements, Telecommunications, Municipal Code of the City of DeFuniak Springs) and provided clear and convincing evidence that, if granted the relief by providing pictorial representations of the site as requested by the Center for Municipal Solutions(CMS) and approved by the City of DeFuniak Springs, and that relief granted will have no significant affect on the health, safety and welfare of the City, its residents and other service providers, CMS recommends that relief be granted as requested, and;

WHEREAS, Gulf Power Company has complied with Section 22.5 Telecommunications, Municipal Code of the City of DeFuniak Springs (Ordinance No. 695) and has demonstrated the need for co-location at this telecommunication facility to communicate with its customer location electric meters and other components in the distribution system and to more effectively manage their energy consumption, and;

WHEREAS, both the City and Gulf Power Company customers in the City of DeFuniak Springs will benefit from expanded services to the City; and

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS) recommends the granting of a Special Use Permit for this facility located at 803A State Hwy 83 N (25-3N-19-19070-001-6040), which consists of an existing 410' self support tower;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of DeFuniak Springs, Florida as follows:

The City Council of the City of DeFuniak Springs, Florida, pursuant to Section 22.5 Telecommunications, Municipal Code of the City of DeFuniak Springs, Florida, (Ordinance No. 695), hereby grants to Gulf Power Company a conditional Special Use Permit subject to the following conditions, any violation of which shall result in revocation of the Special Use Permit.

- 1) Gulf Power Company will provide signed certified TIA/EIA Inspection Report (ANSI) prior to issuance of the Building Permit as required by the City's Ordinance.
- 2) Gulf Power Company will provide signed Lease Agreement prior to issuance of the Building Permit as required by City's Ordinance.
- 3) To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service *no later than ninety (90) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* Gulf Power Company may petition the City for an extension of this time frame for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
- 4) Once Gulf Power Company has met all the conditions of the permit and any other requirements of the City, CMS will notify the City to issue required permits. The contractor for Gulf Power Company must notify the City prior to start of construction.
- 5) At the completion of construction and prior to the final inspection being conducted, Gulf Power Company shall provide to the City an unredacted, signed copy of the contractor's final (sign-off) report showing in detail all work performed.
- 6) At the completion of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
- 7) Gulf Power Company shall not be permitted to actually provide enhanced service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
- 8) The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

APPROVED this 23<sup>rd</sup> day of November, 2009.

CITY COUNCIL OF THE CITY OF DEFUNIAK  
SPRINGS, FLORIDA

By: C. Harold Carpenter  
C. Harold Carpenter, Mayor

ATTEST:

Elizabeth S. Campbell  
City Clerk