

RESOLUTION NO. 2011-14

WHEREAS, Pinnacle Towers dba Crown Castle USA (PTCC) has submitted an application on behalf of T-Mobile USA Inc. 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, PTCC and T-Mobile 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 effect 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, PTCC and T-Mobile 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 PTCC / T-Mobile 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 820A State Hwy 83 N (25-3N-19-19070-001-6040), which consists of an existing 230' 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 PTCC / T-Mobile a conditional Special Use Permit subject to the following conditions, any violation of which shall result in revocation of the Special Use Permit.

- 1) 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.*
- 2) Once PTCC / T-Mobile has met all the conditions of the permit, any other requirements of the City, and a building permit has been issued, PTCC / T-Mobile shall notify the City's consultant (CMS) if an inspection is required which is not performed by the City so that may be performed by CMS for the City.
- 3) At the completion of construction and prior to the final inspection being conducted, PTCC / T-Mobile shall provide to CMS an unredacted, signed copy of the contractor's final (sign-off) report to its client showing in detail all work performed.
- 4) At the completion of construction, the Applicant (PTCC / T-Mobile) shall notify the City's consultant (CMS) 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 conducted by the City's consultant (CMS), a recommendation to issue a Certificate of Occupancy shall be made.
- 5) After the City's receipt of CMS's final invoice, any money owed the City by PTCC / T-Mobile shall be paid before the facility will be allowed to provide service commercially and generate revenue from its use.
- 6) T-Mobile shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent has been issued or risk forfeiting its Permit.

APPROVED this 14th day of November, 2011.

CITY COUNCIL OF THE CITY OF
DEFUNIAK SPRINGS, FLORIDA

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

ATTEST:

Loretta A. Laird
Acting City Clerk