

RESOLUTION NO. 13-037

WHEREAS, T-Mobile has requested modification of the telecommunications facility located at 1823 Magnolia Street Decatur, AL to provide enhanced wireless services essentially within the corporate limits and police jurisdiction of the city of Decatur and;

WHEREAS, T-Mobile has complied with City's Ordinance No. 99-3536A and has demonstrated the need for modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and T-Mobile customers in Decatur will benefit from improved service; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for modification of this facility located at 1823 Magnolia Street which consists of existing 130' water tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Decatur, Alabama that T-Mobile is hereby granted a Special Use Permit to modify existing facilities at 1823 Magnolia Street. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

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 one hundred twenty (120) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* T-Mobile may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
2. T-Mobile must provide contractor information to the City and to CMS prior to the issuance of the Building Permit. The contractor must notify the City's consultant for all inspections.
3. T-Mobile must within two (2) weeks of their equipment being activated electrically, using its equipment and under the supervision and observation of the City's consultant, conduct a RF Emissions Survey on and around the water tank to determine where and to what extent certain portions of the water tank may need to be barricaded or specifically marked to protect persons on the water tank. T-Mobile must contact City's consultant at least 1 week in advance of the Survey to schedule post-construction testing.
4. 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.
5. T-Mobile shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED this 18th day of February, 2013.