

RESOLUTION NO. 12-441

WHEREAS, T-Mobile has requested to modify a wireless telecommunications facility located at 401 McEntire Lane, 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 a wireless facility to consistently deliver 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 this facility modification located at 401 McEntire Lane which consists of a 160' monopole 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 the monopole tower located at 401 McEntire Lane. 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 passing Structural Analysis conducted under TIA/EIA 222 - G to comply with City's current building code (IBC 2009) prior to issuance of the Building Permit.
3. T-Mobile must provide signed letter with tower maintenance and inspection procedures and related system of records prior to issuance of the Building Permit.
4. T-Mobile must provide signed statement that the telecommunication facility, foundation and attachments are designed and will be constructed ("as built") to meet all local, county, state and federal structural requirements for loads, including wind and ice loads, as required by the currently adopted building code prior to issuance of the Building Permit.
5. T-Mobile must provide proof of compliance with FCC regulation for RF emissions, Bulletin OET 65 to include engineer stamped calculations addressing all carriers at the site during the application review process or agree in writing to perform measurements after construction to demonstrate site compliance prior to issuance of the Building Permit.
6. T-Mobile must provide contractor information to City and to CMS prior to issuance of the Building Permit.
7. 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.
8. 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.
9. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid,

ADOPTED this 17th day of December, 2012.