

RESOLUTION NO. -20

**A RESOLUTION
APPROVING THE CONSTRUCTION OF A SMALL CELL FACILITY
AND AUTHORIZING EXECUTION OF A LEASE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND
SOUTHERN LIGHT D/B/A UNITY FIBER**

WHEREAS, the Federal Communications Commission (FCC) adopted a report and order to streamline the rollout of infrastructure for broadband services, including small cells for 4G and 5G wireless services. The Order provides guidance on fees local governments may charge and on how they may regulate ancillary rollout issues such as small cell pole spacing, equipment design and other aesthetic concerns.

WHEREAS, the City amended Chapter 7, Article 9 of the Wireless Telecommunications regulations to add standards for the siting, erection and approval of small cell facilities. The city's regulations, fees and review process were adopted based on the FCC Order. The new regulations indicate small cell facilities shall be reviewed and approved administratively if the facilities are within a public right-of-way or on private property. In accordance with Section 15, Erection, Removal and Common Use of Poles in Southern Light's franchise agreement, City approval is required prior to the erection of any pole on City-owned property.

WHEREAS, the proposed small cell facility complies with the Small Cell regulations of Section 7-179 Special Use Permit Application Requirements for Small Wireless Facilities of the Code of Ordinances.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 24, 2020, as follows:

Section 1. That the City Council hereby approves the construction of a small cell facility by Southern Light, Inc. d/b/a Unity Fiber within the City of Gulf Shores; and

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a Lease Agreement between Southern Light, d/b/a Unity Fiber and the City of Gulf Shores to lease a certain site and construct a new 36'7" small cell facility to be located in a landscape island in a City-owned parking lot at 238 East Beach Boulevard, Gulf Shores, Alabama; and

Section 3. That a one-time payment of \$1,000.00 will be assessed with a \$270.00 recurring annual fee.

Section 4. That this Resolution shall become effective upon its adoption.

ADOPTED this 24th day of February, 2020.

Robert Craft, Mayor