

RESOLUTION NO. 19-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE STATE LEGISLATURE AND FEDERAL GOVERNMENT TO INITIATE A STUDY OF THE HEALTH EFFECTS OF SMALL CELL TOWERS BUILT TO ACCOMMODATE 5G TECHNOLOGY AND TO DEVELOP INSTALLATION GUIDELINES PROTECTING THE HEALTH AND WELFARE OF RESIDENTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, small cell wireless equipment is designed to boost cellular service from existing wireless carriers and enable those carriers to implement 5G technology by placing installations on existing streetlights and utility poles; and

WHEREAS, many studies have linked low-level wireless radio frequency radiation exposures to adverse biological effects including DNA single and double strand breaks, oxidative damage, disruption of cell metabolism, increased blood brain barrier permeability, melatonin reduction disruption to brain glucose metabolism and generation of stress proteins; and

WHEREAS, the abovementioned concerns raised about the health risks of 5G technology, including small cell installations, warrants additional scientific studies before residents are put at risk; and

WHEREAS, there does not appear to be any widely accepted definitive scientific study that proves one way or the other whether small cell installations — emitting extremely high or “millimeter wave” frequencies above 24 GHz — may have an adverse health impact, although in 2011 the World Health Organization (WHO) classified radio frequency radiation as a possible class 2B carcinogen; and

WHEREAS, the health hazards of 5G technology have been intensely debated at the federal level before Congress and the Federal Communications Commission (FCC); and

WHEREAS, the only applicable FCC standards for radio-frequency radiation emissions were set in 1996 and did not consider the use of modern wireless equipment like small cells that will be located close to residences; and

WHEREAS, mere compliance with the FCC’s outdated standards does not assure safety; and

WHEREAS, the state of Florida has preempted local governments from regulating the installation of small cells as it relates to their potential health effects or proximity to residential areas; and

WHEREAS, the FCC adopted regulations in 2018 that are intended to facilitate the installation of 5G technology; and

WHEREAS, the FCC's action allows private cell providers the right to put antennas and transmission control boxes on public streetlight poles and privately-owned utility wood poles subject to only minimal limitations; and

WHEREAS, the Town Council urges the state and federal governments to initiate independent scientifically reliable studies of the health effects of small cell wireless and 5G technology on residential populations and develop guidelines for the installation of this technology that will protect the health and welfare of the public; and

WHEREAS, the Town Council finds that this Resolution is in the best interest of the health, safety and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Urging. The Town Council hereby urges the state and federal governments to initiate independent scientifically reliable studies of the health effects of small cell wireless and 5G technology on residential populations and develop guidelines for the installation of this technology that will protect the health and welfare of the public.

Section 3. Transmittal. The Town Council hereby directs the Town Clerk to transmit a copy of this Resolution to all appropriate entities.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this _____ day of May, 2019.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF
THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Robert “BJ” Duncan	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____