

RESOLUTION NO. 01- 30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REQUESTING THAT THE STATE DEPARTMENT OF INSURANCE, DIVISION OF THE STATE FIRE MARSHAL AMEND PROPOSED RULE NUMBER 4A-2.024 TITLED "CONSTRUCTION MATERIALS MINING ACTIVITIES" TO LOWER THE PEAK PARTICLE VELOCITY FOR BLASTING WITHIN TWO MILES OF RESIDENTIAL AREAS, TO LIMIT THE FREQUENCY OF BLASTING TO NO MORE THAN TWO AGGREGATE BLASTS PER WEEK, TO REVISE THE DEFINITION OF "INDEPENDENT MONITOR" AND TO ESTABLISH AN INDEPENDENT COMPLAINT AND CLAIMS PROCESS; REQUESTING THAT THE STATE FIRE MARSHAL CONDUCT A PUBLIC HEARING ON RULE NUMBER 4A-2.024 IN THE TOWN OF MIAMI LAKES TO ADDRESS THE CONCERNS OF THE TOWN'S RESIDENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Miami Lakes (the "Town") is located in a section of Northwest Miami-Dade County, Florida that is impacted by rock mining and its associated blasting activity; and

WHEREAS, numerous residents in the Town have complained that the blasting associated with rock mining activities has negatively impacted upon their quality of life and has caused damaged to their property; and

WHEREAS, the State Department of Insurance, Division of State Fire Marshal has proposed Rule Number 4A-2.024 titled "Construction Materials Mining Activities" (the "Rule") which will allow more frequent and intense blasting activities in areas directly affecting the Town; and

WHEREAS, the Town Council desires to protect and preserve the quality of life for

the residents of Miami Lakes and to preserve their property values; and

WHEREAS, the Town Council finds that the proposed Rule does not adequately protect the property values and quality of life of Miami Lakes residents; and

WHEREAS, the Town Council finds that the proposed Rule should be modified and amended in order to protect the quality of life of Miami Lakes residents and preserve their property values; and

WHEREAS, the Town Council further finds that although the proposed Rule will adversely impact the Town, the State Fire Marshal has not scheduled any public hearings on the Rule in South Florida; and

WHEREAS, the Town Council deems it appropriate for the State Fire Marshal to schedule a public hearing in the Town to address the Rule.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council requests that the State Department of Insurance, Division of State Fire Marshal amend the proposed Rule to:

1. Lower the maximum peak particle velocity for blasting conducted within two miles of residential areas to no greater than .10.
2. Limit the frequency of blasting to no more than two (2) aggregate blasts per week within a two (2) mile radius of any residential area.
3. Revise the definition of "Independent Monitor," to preclude those entities that have worked as expert witnesses for any rock mixer, served

as in-house experts for any rock miner, provided litigation support to any rock mining company, or that have served as lobbyists for any rock mining interests from serving as independent monitors of blasting activity.

4. Establish a uniform and fair complaint and claims process run by an entity separate and apart from the rock mining industry.

Section 3. The Town Council further requests that the State Fire Marshal conduct a public hearing in the Town of Miami Lakes prior to issuing any final rules regulating rock mining activity.

Section 4. The Town Manger is directed to immediately forward a copy of this Resolution to the State Fire Marshal.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 24th day of July, 2001.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
Beatris M. Arguelles
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Nim Bunde
Acting Town Attorney

m-collins / s-meador

Council voted <u>7-0</u> as follows:	
Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>