

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TEMPORARY EXEMPTION TO CERTAIN PROVISIONS OF THE SOUND CONTROL ORDINANCE, PURSUANT TO SECTION 26-199 OF THE CODE OF ORDINANCES, FOR KISINGER CAMPO & ASSOCIATES, ON BEHALF OF SOUTHERN ROAD AND BRIDGE, FOR GARRISON BIGHT BRIDGE REPAIR PROJECT - MONROE COUNTY/FDOT DISTRICT SIX LAP PROJECT FPD 431918-1-38-01; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Kisinger Campo & Associates (KCA), on behalf of Southern Road and Bridge, submitted a request for exemption to provisions of the sound control ordinance to allow nighttime asphalt milling/resurfacing and bridge deck repairs between the hours of 9:00 pm and 6:00 am; and

WHEREAS, pursuant to Section 26-199 of the Code of Ordinances, notices were sent to property owners located within a 100-foot radius of the proposed waiver, and properly advertised at least five days prior to the date of the city commission decision to grant this temporary waiver of the sound control ordinance; and

WHEREAS, pursuant to section 26-199 of the Code of Ordinances the City Commission considered (1) the character and degree of injury to, or interference with the health, welfare and reasonable use of adjacent properties, (2) the social and economic value of

the activity for which the temporary waiver is sought, and (3) the ability of the applicant to apply best practical noise control measures; and

WHEREAS, the City Commission finds that authorizing a temporary waiver of certain sound control regulations, with conditions, will expedite the Garrison Bight Bridge Repair project and mitigate traffic congestion, and thereby benefit residents and visitors to the City of Key West.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That pursuant to section 26-199, a temporary waiver of certain sound control regulations contained in Section 26-193(3) of the code of ordinances, is hereby granted to Kisinger Campo & Associates on behalf of Southern Road and Bridge, for the Garrison Bight Bridge Repair - Monroe County/FDOT District Six LAP Project, to allow asphalt milling/resurfacing and bridge deck repairs between the hours of 9:00 p.m. and 6:00 am, Monday through Sunday, between August 1 and September 30, 2017.

Section 2: That this exemption is conditioned upon KCA, or other authorized contractor(s), providing written notice of

planned after-hours construction at least one week in advance to businesses and residences within 100 feet of the operation, until the project is complete.

Section 3: That the work to be conducted primarily includes, but is not limited to, milling and paving operations and bridge deck spall repair, including the use of milling and paving machines, roller/compactors, dump/delivery trucks, concrete saws and chipping hammers as necessary. The entire project may last up to two months.

Section 4: That, pursuant to Section 26-199, this temporary waiver may be revoked by the city manager or designee if there is (1) violation of one or more conditions of the temporary waiver; (2) material misrepresentation of fact in the temporary waiver application; or (3) material change in any of the circumstances relied upon by the city commission in granting the temporary waiver.

Section 5: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2017.

Authenticated by the Presiding Officer and Clerk of the
Commission on _____ day of _____, 2017.

Filed with the Clerk on _____, 2017.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Sam Kaufman	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK