



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

# EXECUTIVE SUMMARY

**TO:** Patti McLauchlin, City Manager

**FROM:** Karen Olson, Deputy Director Port & Marine Services

**DATE:** November 1, 2021

**SUBJECT:** Temporary Waiver to Noise Control Ordinance

### **ACTION STATEMENT**

Resolution approving a Temporary Waiver to the Noise Control Ordinance pursuant to Subpart A, Chapter 26, Article IV, Sec. 26-199(a)(2) of the City of Key West Code of Ordinances for the duration of construction contract for roof & wall cladding replacement at the Conch Republic Seafood Company to One Source Restoration & Building Services, Inc.

### **BACKGROUND**

Conch Republic Seafood Company is an all-metal structure in a highly corrosive environment. The roof on the structure is nearing the end of its useful life and the walkway overhang is experiencing heavy corrosion to both primary and secondary steel framing elements and need replacement. The wall cladding and wall girt are also experiencing heavy corrosion and are in need of repair/ replacement.

The construction contract requires the contractor to have the ability to perform work outside of normal business hours as noise disruption shall be minimized at entrances of businesses and seating areas, requiring some work to start and end earlier than normal. The Contract Documents specifically state the Conch Republic Seafood Company is a fully operational restaurant and must remain open for business.

### **PURPOSE & JUSTIFICATION**

Pursuant to Subpart A, Chapter 26, Article IV, Sec. 26-199(a)(2) of the City of Key West Code of Ordinances, (a) Any person who owns or operates a sound source or intends or desires to operate or maintain a sound source, for one of the following purposes may apply for a temporary waiver from the city commission: (2) Nighttime Construction Projects.

MEMORANDUM

*Key to the Caribbean – Average yearly temperature 77° F.*

Seaport Staff requests a temporary waiver allowing the contractor to begin construction after closing at 11:00pm through 8:00am Monday through Friday and 11:00pm through 9:00am Saturday. This temporary waiver will provide the Contractor the ability to perform work outside of normal business hours. Allowing the restaurant to operate without disruption and minimizing the impact the project will have on our Tenant's normal business operations.

#### Nature/Location of Noise Source

Construction activities operating equipment for the demolition/replacement of for roof & wall cladding at 631 Greene Street. Including impact drills, welding devices, saws and heaving equipment with back-up alarms.

#### Reason for Request

These construction activities will have an adverse impact on the Conch Republic Seafood Company. Allowing work outside of normal business hours will help expedite the project along with having only minimal impact to the Tenant.

#### Nature/Intensity of Noise

Demolition/replacement of roof & wall cladding utilizing impact drills, electric saws, welding devices and heaving equipment with back-up alarms.

#### Interim Noise Control Measures

Staging of materials closer to job site, farther away from any occupied property.

#### Requested Temporary Waiver Hours & Duration

11:00pm – 8:00am Monday through Friday

11:00pm – 9:00am Saturday

January 1, 2022 through July 1, 2022 (180 calendar days).

Due to materials lead times a start date has not been established but staff anticipates it will fall within the above time frame. Once materials are received and Notice to Proceed is issued the Contractor has 60 calendar days, excluding public holidays, to complete the project.

#### Responsible Party

Les Mouzen, Executive Vice-President  
One Source Restoration & Building Services, Inc  
102 S. Armenia Ave  
Tampa, FL 33609  
[les@onesourceresto.com](mailto:les@onesourceresto.com)  
(813) 462-0940

#### Notice and Advertisement

Notice and advertisement has been made in accordance with Subpart A, Chapter 26, Article IV, Sec. 26-199(g) of the City of Key West Code of Ordinances.

The sole property owner within a 100-foot radius, Barton W. Smith, Esq., has provided the attached email, dated 10/29/21, waiving any objections to afterhours construction noise.

#### **FINANCIAL IMPACT**

There is no financial impact.

#### **RECOMMENDATION**

Staff recommends approving a Temporary Waiver to the Noise Control Ordinance pursuant to Subpart A, Chapter 26, Article IV, Sec. 26-199(a)(2) of the City of Key West Code of Ordinances for the duration of construction contract for roof & wall cladding replacement at the Conch Republic Seafood Company to One Source Restoration & Building Services, Inc.