

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 RS&H, ON BEHALF OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), FOR THE REPAVING OF TRUMAN AVENUE BETWEEN EISENHOWER DRIVE AND WHITEHEAD STREET; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, RS&H, on behalf of FDOT submitted a request for exemption to provisions of the sound control ordinance, and City staff met with representatives of FDOT and the Chamber of Commerce to determine reasonable terms for the after-hours construction; 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 Truman Avenue road improvement project, 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 RS&H on behalf of FDOT, to allow repaving of Truman Avenue between Eisenhower Drive and Whitehead Street between the hours of 2:00 p.m. and 12:00 a.m., with milling operations ending not later than 10:00 p.m., Monday through Sunday along the entire length of the Truman Avenue repaving project, between August 1 and September 30, 2015.

Section 2: That this exemption is conditioned upon RS&H, 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, including the use of milling and paving machines, roller/compactors and dump/delivery trucks as necessary. The entire project may last up to 140 days.

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 _____, 2015.

Authenticated by the Presiding Officer and Clerk of the
Commission on _____ day of _____, 2015.

Filed with the Clerk on _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK