

RESOLUTION NO. 16-151

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 MINGO & COMPANY, LLC, FOR CONCRETE DEMOLITION AT 2508 NORTH ROOSEVELT BOULEVARD (GFS IMPROVEMENT PROJECT); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Mingo & Company, LLC submitted a request for exemption to provisions of the sound control ordinance, to allow concrete demolition and the removal of a walk-in cooler on a commercial structure after hours; 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 demolition and building 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 Mingo and Company, LLC, to allow concrete demolition, saw cutting, jack hammering and removal of a walk-in cooler at 2508 North Roosevelt Boulevard between hours of ~~8:00 p.m. and 4:00a.m.~~ 7:00 p.m. to 10:00 p.m., Monday through Friday nights between May 4, 2016 and June 5, 2016.

Section 2: That this exemption is conditioned upon Mingo & Company, LLC, providing written notice of planned exterior after-hours construction/demolition work at least one week in advance to businesses and residences within 100 feet of the operation, until the project is complete.

Section 3: 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.

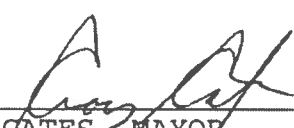
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 3rd day of May, 2016.

Authenticated by the Presiding Officer and Clerk of the Commission on 4th day of May, 2016.

Filed with the Clerk on May 4, 2016.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>No</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK