



City of Key West Code Compliance Sound Control Workshop Minutes May 3, 2023

Call meeting to Order:

2:00 PM

City Staff in Attendance:

City Manager Albert Childress, Code Compliance Director James Young, Assistant City Attorney Nick Trovato, Licensing Official Amanda Brady.

The City of Key West and Code Compliance organized a community workshop meeting to provide a platform for residents to voice their opinions and gather valuable input regarding the sound control ordinance. Provided are some of the comments shared by participants during this insightful workshop.

- **Christopher Ellis 1114 Watson St-** Why does the city allow the Casa Marina to have fireworks for weddings? The DBC readings for fireworks are 150DBC which is well over the DBC limit in the ordinance. Can we please stop allowing the Casa to have fireworks for weddings?
- **Robert Herndon 1800 Venetian** was concerned about the city infringing on the music artists. Everyone knows that there is live music and chickens in Key West and the chickens crow at 90DBC. Just live with it.
- **Paul Shissler-** How are we enforcing the sound ordinance? The Margaritaville pool area has their pool speakers about 100ft away from the balconies of Key West by The Sea. There is also a wedding truck with speakers on the back that will play loud music full blast after the weddings. There is a problem with how the city is enforcing the sound ordinance.
- **Charles Brumley 419 William St-** Who is taking the decibel reading and are they trained and how often are these meters calibrated?
- **Andrew Morawski 105 Southpoint Drive Summerland-** How do you enforce areas where residential zones are close to the commercial zones particularly to the part of the ordinance where a reading should take place 100ft away from the property line.
- **Nathan McIntyre 908 Trinity Drive-** How can you tell what a disturbing noise is? Why is a code officer making that decision instead of the property owner? Nathan wanted better ways to come to that conclusion. It should not be up to the code officer to determine if the homeowner is peacefully enjoying their property or not.

Why don't we do three strikes and you're out?

- **Jim Gilleran 801 Duval-** Bar owners should meet with neighbors and commissioners to talk about the excessive noise and hopefully come to an agreement. Does the City have a timeline for when the new sound ordinance will be brought to the Commission?
- **Matthew McCarthy 412 Caroline St-** Suggested that every business who has an entertainment license would be required to have their own Sound Technician/ Sound Engineer at their own cost and to have a recording device that code enforcement would have access to. Update the sound ordinance so that code can be used with newer technology to do sound readings.
- **Bobi Lore 1129 Fleming St-** Leaf blowers and weed whackers etc. is there a time where those tools should be used if not establish a time when they can use them.



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- **Peter Wagner**- Making some restrictions to the sound ordinance wouldn't totally ruin the entertainment industry. Raise the fine costs for each time a business is found over the DBC limit. Wagner agreed with.
- **Matthew McCarthy** that every business should have an entertainment license and increase the cost of the license. Entertainment licenses shouldn't be automatically renewed every year and the city should allow neighboring citizens to voice their concerns on whether the business can renew their entertainment license or not.
- **Pat Stucker 645 United St**- Against lowering the DBC levels and would like to raise them because the entertainment industry is so big down here.
- **Peter Cone 1317 Elizabeth**- The South Winds Hotel is loud even with hurricane impacted windows and doors. When code enforcement was called for the loud music, code said that he could not complain about the music because he was an adjoining property. 1300 Block of Elizabeth and the South Winds Hotel is in the HRO which is Historic Residence Office and offices close at 5, but they still have music playing until 11PM at night.
- **908 Trinity Drive**- The Havana Cabana has loud music at their pool parties. It's impossible to have a conversation in their backyards due to the parties at Havana Cabana. Every time code enforcement comes out, they argue if it's disturbing noise or not. Would like to change how the city measures the noise. In the ordinance for sound, it states that a disturbing noise is described as ruckus or jarring or duration meaning if it's happening Friday Saturday Sunday every weekend that Code should pay attention more to the duration part of the ordinance. Also mentioned that he agreed with the others who said that the city should change how they measure the noise.
- **Ray Warren 402 Porter Lane**- HARC District gas leaf blowers are being ignored in the Truman Annex area. Every land scaping business should sign a paper acknowledging that gas powered leaf blowers are prohibited. There is a distinct difference between businesses who choose to over amplify verses the traditional entertainment in Key West. There is a place on Caroline St who chooses to over amplify and they're using outdoor amplifications to do so. The owners of the business asked him why he bought a home in the old town, and he had brought his home well before Hank's came to be. Is there a way to reach Code after hours?
- **Roger Gillis 2823 Patterson**- Roger had concerns about industrial noise at the Overseas Market where there is a refrigerator trailer that makes noise 24/7. When code responded to the complaint a reading was done right by an 8ft concrete wall instead of doing the reading at Rogers back deck where he can mainly hear the noise.

How often does the city take baseline readings for decibels? Doesn't think a violation should be found if there is no base line reading. Each venue that has an entertainment license should have a base line at all hours to decide what decibel reading should be allowed and assign it to the venue.

- **Stan Dey 416 Elizabeth St**- 24/7 nuisance like wind bells are loud and intrusive and would like to advise the City Commission to add wind bells to the disturbing noise list.
- **Tunie Hamlen 419 Porter Lane**- Does not like that Hank's on Caroline St plays loud music until 11PM at night.
- **Justin Angello**- Of the whole 5 years he has been in the entertainment industry in Key West he has never been told to lower his sound. The City could look at silent music parties or newer sound system technology as a suggestion.



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- **Wendy 204 Fleming St-** Stated that they were for the music industry.
- **Turner Harris 1221 Florida St-** Local musician in town. Willie Ts has a DBC meter at their venue. While there is a guy who drives around with 4 speakers in the back blasting music, so not only are the music venues make noise like scooters etc. do.
- **Susan Mitchell-** Enjoys the wedding music at Hemingway's House and the Lighthouse. Supports the local musicians.
- **Bill Hollows 818 Whitehead St-** Supports the music industry and if a business has an entertainment license that the business should be able to entertain. Hanks and Havana Cabana should not be grouped together.
- **Lisa Walker Salt Ponds Condos-** Restricting the time of when music can be played would in fact close businesses down. If they can't play music after 9PM then the business will shut down at 9PM and a lot of other bar tenders who get off at late in day would like to be able to go out and see their favorite musicians, so they wouldn't be able to do that if the music is shut down by 11PM.

Suggesting shortening the time when music can be played would shut down those businesses who rely on entertainment.

- **Matt D.-** Playing music should not be a crime. There are a lot of other places than Duval Street to go and get peace and quiet.
- **Todd Santoro 818 Whitehead St-** 4 or 5 nights a week not being able to sit outside and enjoy his property. Stated that he was in favor of setting more restrictions.
- **Gary Ek 201 Margaret St-** Lack of trees might be the problem. No trees around means there is no absorption of the music. Stop killing the trees.
- **Kevin-** When the City redoes the ordinance to provide some sort of arbitration so that there can be means the city can provide so that they can talk about the problems and the means to fix the problems.
- **Margery Lee-** Local musician who said that she sees Facebook questions that are coming from out of towners asking where good music is playing and not where is there a quiet part of town. Agrees with the person who suggested getting a baseline reading for every entertainment license.

Can't perform because of the city ordinances. What kind of noise is the decibel reader recording? Are we measuring white sound, black sound, purple sound?

- **Jabe Luttrell-** Who works at the Hero's Bar and is subject to the conditional use that requires a digital system to be monitored by code compliance 24/7, but placing the mic is difficult. The DBC readings should include the distance and angle.

Code Director Jim Young stated that Code Compliance has received 118 loud music complaints over 5 years, which equals 2 complaints a month. Do we even have a problem?

- **Jack- Used to live at 410 Caroline Street** for 8 years. 94 decibels are restrictive, and it should be raised to 100 decibels. Limit the restrictions and compromise.



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Emails from other residents who could not attend the meeting-

- **Bill Schenck 2601 S Roosevelt Blvd** - The Margaritaville Beach House pool area is operating as an entertainment venue located at a place of lodging. Music plays at the pool all hours of the day until after 11PM. Suggesting that properties that border residential areas should be assured that they find necessary, whether using noise measuring equipment, integrating sound levels meters, etc. to adjust and monitor their amplified sound products, to assure they remain in compliance, thus preventing them from receiving fines and or other issues affecting their operations. Why should some locations within the same city be given so much more leeway than their counterparts in the core commercial districts? When viewed this way it seems clear that amplified sound levels readings deserve to be processed differently, with shorter volume level duration readings. Amed the current city sound control regulations related to the required duration of the reading necessary to determine violations of amplified sound in residential districts. Why are measurements to determine a violation is occurring in residential areas not at the sound source property line? Amplified sound level violation measurements in residential areas be processed as below:

The average measurement taken between ten (10) and twenty (20)seconds shall be no greater than the maximum levels set out below. The measurement shall be taken from the sound source property line, or individual lease boundary in the case of property which has been subdivided by the execution of individual leases, of the noise generating property at a location that is closest to the complainant's property line:

- Seventy- five (85) dBA or seventy-seven dBC between the hours of 8:00 a.m. and 7:59 p.m.
- Sixty dBA or sixty-two dBCbetween the hours of 8:00 p.m. and 7:59 a.m.
- **Betty Barquin 916 Terry Lane** - Suggested that there be publications again on when there will be events at Hemingway House or the Lighthouse and the hours those will take place and more sound proofing at entertainment locations.

Adjournment:

4:25 PM