

## Edward Lavallee

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**From:** Kelly Fernandez - Persson & Cohen <kfernandez@swflgovlaw.com>  
**Sent:** Sunday, July 29, 2018 8:27 PM  
**To:** Edward Lavallee  
**Cc:** Judy Gamel; Jeff Shrum; Gregory Schneider; Lori Stelzer; Lenox E. Bramble  
**Subject:** RE: Construction noise

Ed,  
I am fine with this.

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**From:** Edward Lavallee [mailto:ELavallee@Venicegov.com]  
**Sent:** Friday, July 27, 2018 8:53 AM  
**To:** Kelly Fernandez - Persson & Cohen  
**Cc:** Judy Gamel; Jeff Shrum; Gregory Schneider; Lori Stelzer; Lenox E. Bramble  
**Subject:** Construction noise

Kelly:

I have prepared a recommended policy statement for the City Council to consider in the form of a resolution. It relates to the attached memo wherein Willis Smith construction requests permission to pour concrete at a construction site prior to the normal authorized operating hours, as measured by noise level. In this case, the construction project client, Village on the Isles, occupies the only residential units within the affected area, and supports the early hour work to facilitate completion of the project. My recommendation is that the City Council designate the City Manager to act in the capacity of *designated authorized representative (Section 34-39)*. In cases like this, it would be difficult if at all possible for the construction company to prepare a presentation to the Council or Planning Commission, to be heard on a timely basis. Further, the nature of the request for an incidental variance for one day hardly raises to the level warranting an appearance before an elected body. For operational efficiency it seems more practical for the staff to be responsible for determining if it is reasonable to permit a time-limited exception to the general rule. The City Manager would be ultimately responsible for the decision to allow the exception.

I would appreciate your review and recommendation. Thanks

Policy:

**Relative to City Code Section 34-39 Special Permit to exceed noise limit : The City Council designates the City Manager as its authorized representative to act on matters pertaining to temporary exceptions to noise level limits as specified in this Chapter.**

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