

13-0-1368

#3093

First Reading

Committee Public Safety and Legal Administration
Date 11/13/13
Chair [Signature]
Referred To Public Safety and Legal Administration

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE EXEMPTING ALL CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE SOUTHEAST ATLANTA GREEN INFRASTRUCTURE INITIATIVE, PHASE 2A - MEDIA LOT 5 MG STORAGE VAULT FROM THE ATLANTA NOISE ORDINANCE, CODE SECTIONS 74-129 THROUGH 74-160, FOR A PERIOD OF FOUR (4) MONTHS FOR THE PURPOSES RELATED TO COMPLETING THE PROJECT BY THE CONSTRUCTION MILESTONE DEADLINES; AND FOR OTHER PURPOSES.

ADOPTED BY
NOV 18 2013
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 11/4/13
Referred To: Public Safety
Date Referred:
Referred To:
Date Referred:
Referred To:

Committee PSLA
Date 11/12/13
Chair [Signature]
Action [Signature]
Fav, Adv, Hold (see rev. side)
Other
Members [Signature]
Refer To
Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To
Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

CERTIFIED
NOV 18 2013
COUNCIL PRESIDENT PROTEM

CERTIFIED
NOV 18 2013
Ronda Dushin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
NOV 27 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW



**AN ORDINANCE
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE EXEMPTING ALL CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE SOUTHEAST ATLANTA GREEN INFRASTRUCTURE INITIATIVE, PHASE 2A - MEDIA LOT 5 MG STORAGE VAULT FROM THE ATLANTA NOISE ORDINANCE, CODE SECTIONS 74-129 THROUGH 74-160, FOR A PERIOD OF FOUR (4) MONTHS FOR THE PURPOSES RELATED TO COMPLETING THE PROJECT BY THE CONSTRUCTION MILESTONE DEADLINES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") intends to construct the Southeast Atlanta Green Infrastructure Initiative, Phase 2A - Media Lot 5 MG Storage Vault ("Project"), a five million gallon ("5 MG") underground concrete storage structure ("Storage Vault") in the media parking lot of Turner Field; and

WHEREAS, the project scope includes installing an inlet sewer that connects to the 12'x12' box combined sewer on Bill Lucas Drive to the Storage Vault, a return sewer that returns combined sewer to the 12'x12' box combined sewer on Hank Aaron Drive, a reinforced concrete diversion structure immediately upstream of the return sewer connection, the demolition of an existing 9' inverted teardrop combined sewer that runs through the site, and restoration of the site to return the media parking lot to its preexisting use; and

WHEREAS, completion of the Project will involve excavation, utility relocations, concrete placement, and noise from heavy construction activities; and

WHEREAS, meeting the required Project construction milestone deadlines, including substantial completion by February 28, 2014, will require the Project to operate twenty four (24) hours a day and seven (7) days a week; and

WHEREAS, the noise created by the construction of the Project between 7 p.m. and 7 a.m. on weekdays and between 7 p.m. and 9 a.m. on weekends and legal holidays will violate the provisions of the Atlanta Noise Ordinance, City of Atlanta Code of Ordinance Sections 74-129 through 74-160; and

WHEREAS, the Atlanta Noise Ordinance has a provision allowing for a temporary variance from the Atlanta Noise Ordinance, but the temporary variance lasts for fourteen (14) days, and must be renewed for each fourteen (14) day period thereafter; and

WHEREAS, because the heavy construction of the Project will last for approximately four (4) months, the Commissioner of the Department of Watershed Management has recommended that the Project seek the adoption of an ordinance waiving the provisions of the Atlanta Noise Ordinance rather than seeking numerous temporary variances; and

WHEREAS, the City is willing to waive the Atlanta Noise Ordinance provisions because the waiver is necessary for the completion of the Project.



NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That Atlanta City Code Sections 74-129 through 74-160, known collectively as the Atlanta Noise Ordinance, are hereby waived for all construction related activities with regard to the Southeast Atlanta Green Infrastructure Initiative, Phase 2A - Media Lot 5 MG Storage Vault project, beginning on November 1, 2013 through, and including, March 1, 2014.

A. **Clarification of effect:** This waiver shall only apply to any work done for purposes related to the construction related activities with regard to the Southeast Atlanta Green Infrastructure Initiative, Phase 2A - Media Lot 5 MG Storage Vault project after notification as provided herein has been accomplished. Work done for purposes related to activities with regard to the Southeast Atlanta Green Infrastructure Initiative, Phase 2A – Media Lot 5 MG Storage Vault project is hereby permitted to operate twenty four (24) hours a day, seven (7) days a week.

B. **Waiver document required:** Before the use of the waiver provided in this ordinance can be exercised, it shall be necessary to obtain approval from the Commissioner of the Department of Watershed Management showing that to the extent reasonably possible, the notification of the schedule and notification of affected constituents has been undertaken.

C. **Notification of schedule:** The following steps shall be undertaken to notify affected constituents surrounding Turner Field of the receipt of the construction schedule for the Southeast Atlanta Green Infrastructure Initiative, Phase 2A - Media Lot 5 MG Storage Vault project as soon as it reasonably possible to do so utilizing as many of the following methods as it reasonably possible to undertake:

1. Notice to all members of the City Council
2. Meetings with Neighborhood Planning Units and property owners
3. Town hall meetings with residents and businesses
4. Door to Door visits leaving information packets
5. Announcement on Channel 26
6. Public Service announcement
7. Street signs
8. Website links

D. **Notification of waiver application:** The following steps shall be undertaken to notify affected constituents surrounding Turner Field of the waiver application as soon as it is reasonably possible to do so utilizing as many of the following methods as it reasonable to do so but in no case at least five business (5) days prior to the date that the waiver is expected to be issued.

1. Notice to all members of the City Council
2. Meetings with Neighborhood Planning Units and property owners
3. Town hall meetings with residents and businesses
4. Door to Door visits leaving information packets
5. Announcement on Channel 26
6. Public Service announcement
7. Street signs



8. Website links

E. **Coordination of Schedule:** Based on the information received, the Commissioner of the Department of Watershed Management shall prepare a schedule for the work for which an exemption is requested in order to coordinate the work in a manner that will cause the least disruption to the affected areas through the issuance of the waiver; provided however that with any work which is more likely to disturb the public, that every reasonable effort shall be made to perform such construction in residential areas during daytime hours, in commercial areas during nighttime hours, and in the vicinity of churches and other places of worship at times which do not conflict with the holding of services or other activities.

Section 2: That all other ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of said conflict in this instance only.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

NOV 18, 2013
NOV 27, 2013

RCS# 3145
11/18/13
2:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA: ALL ITEMSEXCEPT 13-O-1373
1377, 13-R-3678, 13-O-1369 AND 1340
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
NV Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	B Mitchell

CONSENT I

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ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	11-18-13 ITEMS ADVERSED ON CONSENT
1. 13-O-1243	32. 13-O-1380	62. 13-R-3752
2. 13-O-1355	33. 13-R-3767	63. 13-R-3753
3. 13-O-1357	34. 13-R-3737	64. 13-R-3754
4. 13-O-1358	35. 13-R-3738	65. 13-R-3755
5. 13-O-1359	36. 13-R-3739	66. 13-R-3756
6. 13-O-1346	37. 13-R-3740	67. 13-R-3757
7. 13-O-1347	38. 13-R-3741	68. 13-R-3758
8. 13-O-1348	39. 13-R-3762	69. 13-R-3759
9. 13-O-1349	40. 13-R-3763	70. 13-R-3760
10. 13-O-1350	41. 13-R-3764	71. 13-R-3761
11. 13-O-1351	42. 13-R-3765	
12. 13-O-1384	43. 13-R-3766	
13. 13-O-0030	44. 13-R-3543	
14. 13-O-1299	45. 13-R-3735	
15. 13-O-1337	46. 13-R-3734	
16. 13-O-1360	47. 13-R-3769	
17. 13-O-1361	48. 13-R-3770	
18. 13-O-1362	49. 13-R-3771	
19. 13-O-1370	50. 13-R-3772	
20. 13-O-1371	51. 13-R-3774	
21. 13-O-1372	52. 13-R-3775	
22. 13-O-1381	53. 13-R-3742	
23. 13-O-1382	54. 13-R-3744	
24. 13-O-1383	55. 13-R-3745	
25. 13-O-1315	56. 13-R-3746	
26. 13-O-1366	57. 13-R-3747	
27. 13-O-1367	58. 13-R-3748	
28. 13-O-1368	59. 13-R-3749	
29. 13-O-1374	60. 13-R-3750	
30. 13-O-1375	61. 13-R-3751	
31. 13-O-1379		