

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

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

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Maisha L. Wood

Contact Number: 404-330-6887

Originating Department: Watershed Management

Committee of Purview: City Utilities

Chief of Staff Deadline: October 11, 2013

Anticipated Committee Meeting Date: October 29, 2013

Anticipated Full Council Date: November 4, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: N/A

CAPTION

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.

FINANCIAL IMPACT: (if any) n/a

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 04/10/13
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____
(date)

Attachment: noise ordinance transmittal backup (13-O-1368 : Waiving Noise Ordinance Sec 74-129 -160 for Southeast Atlanta Green

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

Caption: 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.

Council Meeting Date: November 4, 2013

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to request exemption from the Atlanta Noise Ordinance for the purpose of FC-6912, Design/Build Southeast Atlanta Green Infrastructure Initiative, Phase 2A-Media Lot 5MG Storage Vault. This project will be required to operate 24 hours a day and 7 days a week to meet stringent project milestone completion dates.

2. Please provide background information regarding this legislation.

Southeast Atlanta Green Infrastructure Initiative-Phase IIA Project's DWM scope of work entails the construction of a 5 MG underground concrete storage structure in the media lot parking lot of the Braves stadium. The project scope includes installation of the inlet sewer that connects to the 12 x 12 box combined sewer on Bill Lucas Drive to the storage Vault, the return sewer that returns combined sewer to the 12 x 12 box combined sewer on Hank Aaron Drive, the installation of a reinforced concrete diversion structure immediately upstream of the Return sewer connection, the demolition of an existing 9 foot inverted teardrop combined sewer that runs through the site, and restoration of the site to return the Media Lot to its current use as determined by the City within the subject project boundary.

Construction NTP is anticipated on or by November 1, 2013. Substantial construction must be completed during the Braves off season with access to the media lot parking spaces by March 1, 2014.

3. If Applicable/Known:

(a) **Contract Type:** N/A

(b) **Source Selection:** N/A

- (c) Bids/Proposals Due: September 16, 2013
- (d) Invitations Issued: N/A
- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract:

4. Fund Account Center (Ex. Name and number):

FDOA:

PATEO:

5. Source of Funds:

7. Fiscal Impact:

FDOA:

PATEO:

7. Method of Cost Recovery: N/A

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

Eric L. Glover, Deputy Commissioner, OES (Approval Recommended)

This Legislative Request Form Was Prepared By: Yunion Galardy

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Please remember to contact Human Resources if this request involves personnel changes (ex. Reclassification, New Hires, Termination, etc.

5. If there has been previous or similar legislation, please describe and cite the relevant legislation (e.g., 04-R-0001).

11-O-1553. AN ORDINANCE EXEMPTING ALL UTILITY RELOCATION AND CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE ATLANTA STREETCAR PROJECT FROM THE ATLANTA NOISE ORDINANCE, CODE SECTIONS 74-129 THROUGH 74-160, FOR A PERIOD OF EIGHTEEN MONTHS FOR THE PURPOSES RELATED TO COMPLETING THE PROJECT.....

6. Is this a computer/technology purchase? Yes No

If so, please forward ISR (Information System Hardware/Software Request) along with a copy of this Legislative Request Form via inter-office mail to: Legislative Counsel, Suite 4100, Law Department. N/A

Please forward any additional pertinent or supporting documents (e.g. contracts, exhibits, requisitions, copies of any old ordinances/resolutions pertaining to this issue, etc.) along with a copy of this Legislative Request Form and legislative white paper via e-mail to the designated Legislative Counsel attorney for your department.