

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, January 17, 2017, at 7:10 p.m., Mayor Rusty Paul presiding.

Councilmembers present: Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman.

STAFF DISCUSSION ITEMS

City Manager's Office

1. 17-025 Changes to After Hours Construction Noise Ordinance

Assistant City Manager Jim Tolbert stated staff discussed this item in September 2016. At that time, staff suggested a \$250 fee. Council asked for a graduated fee as the applicant requests additional variances. The fee has to be proportionally related to the cost to administer the issuance of the variance. Staff suggests keeping the \$250 fee. Community members expressed concern about the number of noise variances that different projects have received. In the past, the code has been interpreted to say that you can get one variance, and then a second after a twenty-four hour period. The ordinance does not talk about what happens three to six months later while the project is still going on. As the ordinance has been interpreted in the past, a number of projects have received multiple variances over the course of six to eight months, or even a year. It is not clear what the intent of the code was. Staff would like to implement a two-step process. Step 1 will allow an administrative permit, which currently is allowed. After that, the applicant can go before the Board of Appeals to extend the variance for up to three more days. If the applicant goes before the Board of Appeals, the fee would increase to \$500. By going to the Board, there would be a public vetting of the variance before it was issued. If someone was not performing properly under the permit, then that can be shared publicly with the Board of Appeals. The Board would use the basic criteria that they use now for any decision, which is similar to the criteria that were outlined in public comment tonight. The higher fee would then be charged at \$500. Staff finds that many of the contractors are getting the permits for a matter of convenience and not necessity. Staff recommends this two-tiered system. One question that was asked is what happens when the holiday falls on a Sunday. If the Christmas or New Year's holiday fell on Sunday, then we would restrict work on Monday when people observe the holiday.

Council Member John Paulson asked if this would be per project or per contractor request.

Assistant City Manager Tolbert stated this would be per project. That is something that can be clarified when it is brought back for final approval.

Council Member Chris Burnett asked if staff has ever considered evaluating the distance between residential neighborhoods and the commercial projects for noise variance issues. Obviously, the closer the construction work is to the neighborhoods the more annoying the noise can be.

Assistant City Manager Tolbert stated staff has denied some variances and shortened the construction hours based on where the neighborhoods are located compared to the construction. Some may ask for a 2:00 a.m. construction start time, but staff suggests the earliest start time be 5:00 a.m.

There was a consensus of Council for staff to move forward with the suggested revised ordinance, and change the term from contractors to "project".

City Attorney

2. 17-026 Encroachment Agreement between City Springs Owner, LLC, and City of Sandy Springs ("Agreement") in connection with private development at City Springs

City Attorney Wendell Willard stated the purpose of this ordinance is regarding the development area with the buildings and property ownership in City Springs. There are places where there is the overhanging of an awning that is part of the developer's property and not the City property. There are also footings for retention walls or the location of the wall may be encroaching on part of the right-of-way. Staff suggests this information be in the form of an agreement. The agreement defines metes and bounds specifically where this is occurring. The encroachment agreement expresses the right of use.

Council Member John Paulson asked if this typically happens when the first building is constructed and survey line is missed by a couple of inches. He asked if staff thinks this will be a reoccurring situation.

City Attorney Willard stated staff believes they have addressed all the issues, but some could come up as part of further investigation or construction.

Council Member Chris Burnett stated City Attorney Willard mentioned foundations under the encroachment agreement. He asked if the City would allow a new development to build into the right-of-way.

City Attorney Willard responded that is correct.

Council Member Burnett asked if this is intended to address anything that is already in the right-of-way and therefore the City is fixing something.

City Attorney Willard stated he believes the footing issue is inside the development of City Springs. The footings are spread out for the load bearing part that is underground, but it is still a use being made on City property.

Council Member Burnett stated if roadwork and future work needs to be completed the agreement would not interfere with the ability to do that.

City Attorney Willard responded that is correct. There is a provision in the agreement that if there is something to be done like that they have the obligation to make the movement.

Mayor Rusty Paul stated there is retail operating within the City building, so both will be supported by the same set of foundations and footings.

City Attorney Willard responded yes. The City owns the entire building where that part of the commercial retail use is under lease. Across the road in their northern building is where part of the footing issue comes into play.

There was a consensus of Council for staff to move forward with the encroachment agreement.

Public Works

3. 17-027 FY 2017 Sidewalk Program Update and Recommendations

CIP Unit Manager Marty Martin provided the Sidewalk Projects Scoring Update PowerPoint presentation, and stated in September 2016 staff proposed the start of the 2017 sidewalk program scoring cycle for candidate sidewalk program capital projects. At the same time, staff recommended setting aside \$100,000 of the \$500,000 available to allocate towards gap fill projects.

Mayor Rusty Paul stated in addition, there would be the normal appropriations for the City's CIP program and sidewalks.

CIP Unit Manager Martin responded yes. However, Council may choose to fund the program in future years.

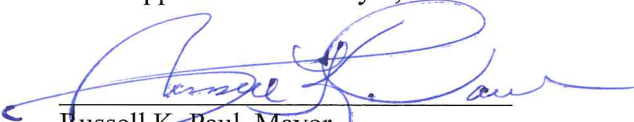
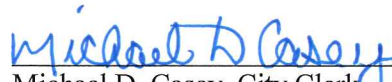
Council Member Andy Bauman stated he believes it is a great idea to lump a group of projects together for design in order to move quickly forward on the projects. For projects that are a little further down the list there was not a whole lot of incentive at that point until they knew if the T-SPLOST was approved. The City wants the right-of-way donated in any event. This may be incorporated into the process and give a 45 to 60 day period to see if there are any adjustments to the right-of-way donation list.

CIP Unit Manager Martin stated that currently the City is operating under the philosophy that we are seeking right-of-way donations regardless of any of the projects associated with neighborhoods.

There was a consensus of Council for staff to move forward with the FY 2017 Sidewalk Program Update and Recommendations.

There being no further discussion, the meeting adjourned at 7:27 p.m.

Date Approved: February 7, 2017


Russell K. Paul, Mayor
Michael D. Casey, City Clerk