

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, November 19, 2019 at 6:02 p.m., Mayor Rusty Paul presiding.

Invocation – Rabbi Sam Trief, Temple Sinai

Council Members present: Council Members: John Paulson, Chris Burnett, Jody Reichel, Andy Bauman, Steve Soteres and Tibby DeJulio.

STAFF DISCUSSION ITEMS

Legal

1. **19-395** Design Modifications within the Right of Way Allowance
(Presented by Dan Lee, City Attorney)

City Attorney Dan Lee presented this change relates to Article I of Chapter 2 – General Provisions of Administration, amending Section 2-3. – Variances for city or city-sponsored projects. For design modifications to public works projects necessitated by cost, supply or project site conditions, where such modifications are wholly contained within existing or proposed public right of way, any request shall be heard and determined by the City Manager. For variances on any city projects, whether part of the capital improvement project (CIP) plan, work conducted on city property by the city or its designee, or any other city or city-sponsored projects, any request shall be considered solely by the City Council. Any such application to Council shall otherwise follow all notice and hearing criteria required by the relevant Code section. City Attorney Lee pointed out that it would never be an expansion of the project, it would be the reduction of something that had previously been approved by the Council. The only time this would occur, that it had not met Council approval, would be if something was designed in an existing right-of-way. The City Attorney clarified that the City Manager would not have the authority with this amendment to expand the project. If that scenario were to occur, there would have to be a purchase of the right-of-way and that cannot occur without the Mayor and Council voting on it in an open meeting with an agenda.

Mayor Rusty Paul reiterated that these design modifications mentioned in this Ordinance, these *variances* of the design are different from a zoning variance. The examples given regarding what is being addressed here are, in the field, the crews are building a sidewalk. The Code calls for a six (6') foot sidewalk, but it is connecting to a five (5') foot sidewalk. It does not make sense to connect a short amount of new sidewalk at 6' to a 5' sidewalk. So, when presented with that circumstance or variance of the design, this Ordinance will allow the City Manager to approve the installation at five (5') feet, which is a modification or *variance* of the design of the project. This allows for work to continue, rather than stopped to 're-design' the project. Sometimes, the City is not able to get as much right-of-way as the design calls for, so there needs to be a modification or *variance* to the design. Another example would be, a homeowner's association built a very nice landscaped entrance to their subdivision, and the City modified or varied from the design so as not to interfere or damage their entrance. Vote for this amendment or ordinance will be later during the regular session.

Council Member Paulson suggested that the title be changed to design modifications because the wording variance means a completely different thing to most people and they do not relate to a design modification as they do to the a variance.

Council Member Burnett wanted to clarify that this is relegated only to existing right-of-way.

There being no further discussion, the meeting adjourned at: 6:12 p.m.

Date Approved: December 3, 2019.



Russell K. Paul, Mayor



Coty Thigpen, City Clerk