

**CITY OF DUNWOODY  
DECEMBER 8, 2008  
COUNCIL MEETING MINUTES**

The Mayor and Council of the City of Dunwoody held a Regularly-scheduled Council Meeting on Monday, December 8, 2008 at 7:00 p.m. The Council Meeting was held in the Dunwoody United Methodist Church, 1548 Mount Vernon Road, Dunwoody, Georgia 30338. Present for this meeting were the following:

District 1, Post 1,	Denis Shortal, Council Member
District 2, Post 2	Adrian Bonser, Council Member
District 3, Post 3	Tom Taylor, Council Member
At Large, Post 5	Danny Ross, Council Member
At Large, Post 6	John Heneghan, Council Member

Staff Present:	Brian Anderson, City Attorney
	Warren Hutmacher, City Manager
	Leonid Felgin, Assistant to Acting City Clerk

Mayor Pro Tem Shortal called the Meeting to order and announced that the Mayor was absent due to illness and Councilmember Wittenstein was out of town.

**PLEDGE OF ALLEGIANCE** led by Council Member Heneghan.

**MINUTES:**

Councilmember Ross motioned to approve the November 3, 2008 City Council Meeting Minutes. Council Member Heneghan seconded. Under discussion, Mayor Pro Tem Shortal mentioned one change on page three (3) of the Minutes. There being no more discussion, Mayor Pro Tem called for a vote on the Motion and the motion carried 5-0 and the Minutes approved as amended.

Council Member Heneghan moved to approve the November 14, 2008 City Council Meeting Minutes. Council Member Taylor seconded. Under discussion, Mayor Pro Tem Shortal suggested some cursory corrections. Councilmember Bonser requested clarification on certain figures being amended and Mayor Pro Tem agreed that no changes should be made to the number of firms interviewed pursuant to the RFPs. There being no more discussion, Mayor Pro Tem Shortal called for a vote and the motion carried 5-0 and the Minutes approved as amended.

**AGENDA APPROVAL:** Councilmember Heneghan moved to approve Agenda as presented. Councilmember Taylor seconded. There was no discussion. The motion carried 5-0.

**PUBLIC COMMENT:** Mayor Pro Tem requested public comments.

Bob Lundsten – Requested that the Council change the procedure on Public Comments and ask for comments at the time a certain action is being called for a vote. He stated that Dekalb County does this at their meetings and it is one of the few things that Dekalb County does correctly.

Mr. Sims – He wanted to thank the Council for its dedication and hard work. He added that when people voted for Dunwoody, they voted for change and the currently proposed ordinances show a Council who does not want to evolve and wants to try and make too perfect a City instead of making change and seeing what the result is. He wants the City to move up from the Dekalb ordinances instead of regulating like its surrounding sister cities.

Geri Penn – She is used to dealing with Dekalb County Code Enforcement and believes that the Dekalb ordinances are basically good. She also would like the City to revamp the boardinghouse provisions to protect against over-cluttering of cars and persons in such locations.

Mohamed Ketin – He stated that the alcohol license renewal is too complicated and causing him hardship. He already went through all of this last year with Dekalb and thinks that he should get a simple renewal.

Ken Thelin – He wanted to know what the procedure will be for building permits. He also wanted to know how long the moratorium will last so other people can get licenses and permits to keep businesses flowing. The moratorium is preventing people from being able to operate their businesses and is hurting a lot of people.

Elliott Usher – commercial developer – He wants to encourage the Council to expeditiously approve the Zoning Ordinance as there is a lot of construction going on and tenants need to be in really soon and that won't happen without certificates of occupancy and inspections, which do not happen until after the Moratorium is removed.

Sam Portis – business owner – expressed his opinion that the 60-day moratorium will hurt businesses and they will leave the City. The same thing happened in Sandy Springs before they figured out that it was hurting the business community. There is a need to expedite the process. He also had problems with Sandy Springs losing his applications and he hopes the same thing does not happen in Dunwoody.

Bob Dallas – Chamber of Commerce – he wants to maintain a business-friendly environment in the City. The businesses want to know what the plan is to move forward with licenses and allowing businesses to continue operating. He said that even the firms that are running the City departments cannot get business licenses to operate in the City legally, which he found to be amusing. He also announced that Dekalb will have a Zoning meeting on December 11<sup>th</sup> that may affect Dunwoody.

There were no further public comments at that time. At the conclusion, Mayor Pro Tem Shortal stated that the City will move as quickly as possible on all the issues raised.

**CONSENT AGENDA:** None.

**UNFINISHED BUSINESS:**

**Transition Ordinance** – The Second Read of Ordinance 2008-12-36, Providing for the Continuation of Ordinance and Law during the Transition Period Legislatively Established for the City of Dunwoody, Georgia and the adoption of Ordinances by the City of Dunwoody, Georgia was read by Assistant to Acting City Clerk Felgin. Councilmember Ross made a motion to approve Ordinance 2008-12-36 as presented. Councilmember Heneghan seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-36*)

City Attorney Brian Anderson explained the reason why these ordinances are being read again when they've been passed before. The City is taking the position that the ordinances will be passed in as many ways as possible to protect the City in all respects. Therefore, they were passed by Emergency Ordinance as allowed by law. They were also passed by a One-Read as allowed by the Charter, but since that provision of the Charter has not been tested in the courts, the City is again re-passing these ordinances using the two-read method.

**Chapter 1, General Provisions** - The Second Read of Ordinance 2008-12-37 approving Chapter 1: General Provisions of the City Code was read by Assistant to Acting City Clerk Felgin. Council Member Taylor made a motion approve Ordinance 2008-12-37 as presented. Council Member Bonser seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-37*)

**Chapter 2, Administration** - The Second Read of Ordinance 2008-12-38 approving Chapter 2: Administration of the City Code was read by Assistant to Acting City Clerk Felgin. Council Member Ross made a motion approve Ordinance 2008-12-38 as presented. Council Member Taylor seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-38*)

**Chapter 4, Alcohol Beverages** - The Second Read of Ordinance 2008-12-39 approving Chapter 4: Alcohol Beverages of the City Code was read by Assistant to Acting City Clerk Felgin. Council Member Ross made a motion approve Ordinance 2008-12-39 as presented. Council Member Heneghan seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-39*)

**Chapter 10, Elections** - The Second Read of Ordinance 2008-12-40 approving Chapter 10: Elections of the City Code was read by Assistant to Acting City Clerk Felgin.

Council Member Bonser made a motion approve Ordinance 2008-12-40 as presented. Council Member Taylor seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-40*)

**Chapter 15, General Provisions** - The Second Read of Ordinance 2008-12-41 approving Chapter 15: Business Occupation Taxes, Licenses and Regulation of the City Code was read by Assistant to Acting City Clerk Felgin. Council Member Heneghan made a motion approve Ordinance 2008-12-41 as presented. Council Member Ross seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-41*)

**Chapter 18, Municipal Court** - The Second Read of Ordinance 2008-12-42 approving Chapter 18: Municipal Court of the City Code was read by Assistant to Acting City Clerk Felgin. Council Member Taylor made a motion approve Ordinance 2008-12-42 as presented. Council Member Ross seconded. Under discussion, Councilmember Taylor stated that Dekalb Police needs the City to set-up the court as soon as possible so they could bring the citations there instead of Dekalb courts, as it would be more convenient for them. Councilmember Ross stated that the court should be ready shortly after January 1, 2009. City Attorney Anderson stated, in response to a question, that Dekalb ordinances will remain effective until January 1<sup>st</sup> when the City Ordinances will come into effect. There being no further discussion, Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-42*)

**Chapter 24, Taxation** - The Second Read of Ordinance 2008-12-43 approving Chapter 24: Taxation of the City Code was read by Assistant to Acting City Clerk Felgin. Council Member Heneghan made a motion approve Ordinance 2008-12-43 as presented. Council Member Taylor seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-43*)

**Georgia Power Franchise** - The Second Read of Ordinance 2008-12-44 to Adopt and Approve the Electrical Franchise for Georgia Power was read by Assistant to Acting City Clerk Felgin. Councilmember Taylor made a motion to approve Ordinance 2008-12-44 as presented. Councilmember Bonser seconded. There was no discussion. Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Ordinance 2008-12-44*)

## **REPORTS AND PRESENTATIONS**

**Introduction of new Police Chief** – Mayor Pro Tem Shortal introduced the City’s first Police Chief, William Grogan, and gave some background on him. The City Manager wanted to thank everybody who was instrumental in the committees and in the interviews and expending many hours to help the City hire its Police Chief so quickly. He stated that eight (8) people were interviewed and Chief Grogan was the only finalist. The City Manager praised Chief Grogan’s ability. Chief Grogan then stood up to speak and stated

that this was a great opportunity to help build something special in the City and he was proud to be here.

**Update on City Implementation** – The City Manager stated that the City’s new temporary headquarters is up and running at the address of 400 Northridge Drive, Suite 1250, in Sandy Springs, near GA-400. He said it was fitting that the City was starting up in Sandy Springs as Sandy Springs started up its city in Dunwoody. The City is currently looking for a permanent home in the Dunwoody Village or surrounding areas and hope to have it narrowed down to a location in the next sixty (60) days so it will be ready by the time the City needs it. The phone number to the City is currently 678-382-6700. A dynamic website is being developed at the present time and should be ready by mid-2009. Contract negotiations are ongoing with the three chosen firms to run the City and interviews are ongoing for the Finance Director and City Clerk, and the Municipal Court Clerk applications are still being submitted. The Municipal Court should be ready to go by January 1<sup>st</sup>. Councilmember Heneghan wanted an update on when building permits and inspections will be ongoing. The City Manager stated that they’ll be ready to go as soon as the moratorium is lifted. In conclusion, the City Manager gave a brief update on the first busy week of the City. The City is also currently finalizing its banking and TAN with SunTrust Bank.

## **NEW BUSINESS**

**Chapter 7 – Building Code:** The First Read of Ordinance to Adopt and Approve Chapter 7: Building Code, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 7 (Building Code) as Attached Hereto and Incorporated Herein was held. (*First Read*)

**Chapter 14 – Land Development and Environmental Protection:** The First Read of Ordinance to Adopt and Approve Chapter 14: Land Development and Environmental Protection, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be Referenced in the future as Chapter 14 (Land Development and Environmental Protection) as Attached Hereto and Incorporated Herein was held. (*First Read*)

**Chapter 17 – Traffic and Public Roadways:** The First Read of Ordinance to Adopt and Approve Chapter 17: Traffic and Public Roadways, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 17 (Traffic and Public Roadways) as Attached Hereto and Incorporated Herein was held. (*First Read*)

**Chapter 21 – Signs:** The First Read of Ordinance to Adopt and Approve Chapter 21: Signs, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 21 (Signs) as Attached Hereto and Incorporated Herein was held. (*First Read*)

**Chapter 23 – Streets and Sidewalks:** The First Read of Ordinance to Adopt and Approve Chapter 23: Streets and Sidewalks, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 23 (Streets and Sidewalks) as Attached Hereto and Incorporated Herein was held. *(First Read)*

**Chapter 27 – City of Dunwoody Zoning Ordinance:** The First Read of Ordinance to Adopt and Approve Chapter 27: City of Dunwoody Zoning Ordinance, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be Referenced in the future as Chapter 27 (City of Dunwoody Zoning Ordinance) as Attached Hereto and Incorporated Herein was held. *(First Read)*

**Zoning Hearing Policies and Procedures:** The First Read of Ordinance to Approve and Authorize the Mayor and City Council Zoning Hearing Policies and Procedures for the City of Dunwoody was held. *(First Read)*

**Sexually Oriented Businesses Licensing Ordinance:** The First Read of Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses within Dunwoody, Georgia was held. *(First Read)*

**Comcast Franchise:** The First Read of Ordinance Granting Comcast of Georgia I, LLC a Franchise Agreement to Provide Cable and Other Services to Subscribers within the City Boundaries, Granting the Right to Use the City’s Rights-of-Way in Relation to Provision of such Services, Providing for Associated Franchise Fees and for Other Purposes was held. *(First Read)*

**ACTION ITEMS: Approval of Job Descriptions, Pay Rate Chart and Amended Position Allocation Chart** – The City Manager introduced all of these Action Items at the same time and stated that this was a good start to putting the structure of the Police Department together: 1 Chief, 1 Deputy Chief, 3 Lieutenants, 6 Sergeants and other officers. This is a very lean structure and it includes no Captain positions.

Chief Grogan stated that the Executive Assistant Position would coordinate all the meetings of the Department, keep all files and organize the Department. It will have a background check as other positions in the Police Department do. City Manager Hutmacher also introduced the updated pay chart, updated with the new positions added and gave the low-to-high compensation for each position. Councilmember Heneghan expressed his desire to have a running count of the vacant versus filled positions so that the Council knows where they are on staffing levels. Chief Grogan stated that, ideally, he can make firm offers as soon as the Council approves these job descriptions and pay tables with a start date of January 1<sup>st</sup>. The Chief also discussed how the command structure will work with the Department and, in response to Mayor Pro Tem’s question, stated that the Sergeants will be expected to patrol the streets. Mayor Pro Tem Shortal expects the Department to be lean and mean without too much fat and without becoming a police state. Councilmember Ross wanted to know the timelines on Department set-up. Chief Grogan stated that they’re working on a timeline from a budgetary standpoint and

working on various necessary training that the officers will need to go through. In response to a question, Chief Grogan stated that, though the Executive Assistant position seems specialized, there will be people to fill in when he/she goes on vacation. He's not sure when the Police Department will go live but it will not be before April 1<sup>st</sup>. Councilmember Taylor wanted to recognize persons in the audience who were on the police task force and recognize all the work that they did and suggested that Chief Grogan utilize their help whenever possible in setting up the Police Department.

Job Description for Deputy Chief of Police – Councilmember Ross moved to approve the job descriptions for the Dunwoody Deputy Chief of Police. Councilmember Heneghan seconded. There was no discussion. Mayor Pro Tem called for a vote on the motion and the motion carried 5-0. (*Action Item*)

Job Description for Lieutenant – Councilmember Heneghan moved to approve the job descriptions for the Dunwoody Police Department Lieutenant. Councilmember Taylor seconded. There was no discussion. Mayor Pro Tem called for a vote on the motion and the motion carried 5-0. (*Action Item*)

Job Description for Executive Assistant – Councilmember Taylor moved to approve the job description for the Dunwoody Police Department Executive Assistant. Councilmember Ross seconded. Under discussion, Councilmember Heneghan wanted to make sure there is due diligence in hiring of officers of the highest integrity with a background check for every position. Seeing no further discussion, Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Action Item*)

Amended Position Allocation Chart – Councilmember Heneghan moved to approve the Amended Position Allocation Chart for the Dunwoody Police Department. Councilmember Taylor seconded. Under discussion, the Mayor Pro Tem reiterated that the City needs a good Police Department with people on the street. Seeing no further discussion, Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Action Item*)

Amended Pay Range Chart – Councilmember Ross moved to approve the Amended Pay Range Chart for the Dunwoody Police Department. Councilmember Bonser seconded. Under discussion, the City Manager stated, in response to a question, that the pay ranges come from studies, task force reports and surrounding cities and stated that as far as he knows they are competitive with Sandy Springs. Seeing no further discussion, Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Action Item*)

**Resolution to Serve as Official Notification of the City of Dunwoody's Intent to Start a Police Department On or Before August 31, 2009** - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-12-27 for consideration. The City Manager stated that the intent is still to start the Police Department by April 1, 2009. The reason for the August date is for purposes of getting an origination number from the GCIC and the date is the most flexible point allowed by the GCIC at this point in case it is necessary.

Councilmember Taylor moved to approve the Resolution. Councilmember Heneghan seconded. Under discussion, Councilmember Ross stated that past April 1<sup>st</sup>, it would be very expensive for the City to continue paying Dekalb County to run the police services. Seeing no further discussion, Mayor Pro Tem Shortal called for a vote on the motion and the motion carried 5-0. (*Resolution 2008-12-27*)

**OTHER BUSINESS:** The Mayor Pro Tem asked City Attorney Anderson to brief the Council on the permits and licenses. Assistant City Attorney Bill Riley stated that the City notified Dekalb County at the earliest point they could, on December 1<sup>st</sup>, that they will take the power to do permits and zoning on December 31<sup>st</sup>. In the meantime, to avoid a backlog, the City will ask the vendors to do courtesy reviews since the City cannot accept the applications on its own behalf due to the moratorium and Dekalb having jurisdiction. The City intends to lift the Moratorium on December 31<sup>st</sup>, at which time the vendors can officially submit the applications to the City with recommendations ready. As it stands, the City will give full faith and credit to whatever inspections the County has already done. City Attorney Anderson stated that provisional applications for business licenses will also be taken before January 1<sup>st</sup>. On January 1<sup>st</sup>, new businesses must submit their applications and existing businesses have until March 15<sup>th</sup> to do so.

The Council then discussed whether to continue keeping the December 15, 2008 Work Session currently on the schedule or remake it into a Council Meeting. Councilmember Ross moved to make December 15, 2008 a Work Session followed immediately by a Council Meeting. Councilmember Taylor seconded. Under discussion, Councilmember Heneghan said there needs to be time to vet the changes done at a work session and it will not work to have the Council Meeting immediately after. Councilmember Ross believes that due to the holidays, this needs to be passed earlier since some of the Council Members will be out of town during the holiday week. Councilmember Taylor moved to amend the motion to one of deferring the vote on the December 15, 2008 Meeting. Councilmember Ross seconded. Under discussion, Mayor Pro Tem Shortal wanted to make sure the public can be notified of the decision prior to the meeting and was assured that it would be. Councilmember Heneghan would prefer ongoing modifications to be sent to Council on a continuous basis. Seeing no further discussion, Mayor Pro Tem called for a vote on amending the motion to state a deferral and the motion carried 5-0. Mayor Pro Tem then called for a vote on the amended original motion, to defer the decision on the December 15<sup>th</sup> meeting. A vote was held and the motion carried 5-0.

Mayor Pro Tem Shortal asked the City Attorney whether there is a process to shorten the alcohol licensing requirements. City Attorney Anderson stated that some things certainly can be streamlined and he'll look into it.

Councilmember Ross agreed with Bob Lundsten from earlier that there should be public comments before voting on ordinances as needed restricted to a 10-minute period.

**PUBLIC COMMENT:**



Mayor Pro Tem asked for any Public Comments. Seeing none, Mayor Pro Tem Shortal asked if there were any comments from the audience. A question was asked by an audience member as to what kind of graffiti violations would be looked at for the Dunwoody Ordinances. Chief Grogan stated his concern that it was important to get the graffiti off of any buildings soon and do it quickly. Another commenter from the audience stated that the Police Department could not get operational fast enough for her because of all the speeders on Tilly Mill Road flying by much faster than the Speed limit, which is 30 miles per hour there.

There being no further business, Council Member Heneghan made a motion to adjourn, seconded by Council Member Taylor. The motion carried 5-0 and the meeting was adjourned.

Approved by:

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Denis Shortal, Mayor Pro Tem

Attest:

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Joan Jones, Acting City Clerk