

**CITY OF DUNWOODY**  
**November 16, 2009**  
**CITY COUNCIL WORK SESSION MINUTES**

The Mayor and Council of the City of Dunwoody held a City Council Work Session on Monday, November 16, 2009 immediately following the Special Called Meeting held at 7:00 p.m. The Council Meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Mayor	Ken Wright
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 4	Robert Wittenstein, Council Member
At Large, Post 5	Danny Ross, Council Member
At Large, Post 6	John Heneghan, Council Member
Staff Present:	Warren Hutmacher, City Manager Sharon Lowery, City Clerk Brian Anderson, City Attorney Lenny Felgin, Assistant City Attorney Chris Pike, Finance Director Howard Koontz, City Planner Edie Damann, Marketing and Public Relations Manager Richard Meehan, Director of Public Works

**CALL TO ORDER:**

Mayor Wright called the meeting to order. All members were present.

**INVOCATION:** led by Council Member Wittenstein.

**PLEDGE OF ALLEGIANCE:** led by Council Member Bonser.

**PUBLIC COMMENT:**

Mayor Wright requested public comment.

Joe Hirsch - spoke against the amendment to Chapter 27: Zoning Pre-submittal meetings.

Rob Augustine - spoke against the backyard chicken raising ordinance.

Andy Schneider - spoke in favor of the chicken raising ordinance.

Mayor Wright closed public comment.

### **MAYOR AND COUNCIL COMMENT:**

Mayor Wright welcomed students from Georgia Perimeter College who were attending the meeting.

Council Member Shortal said he attended a DeKalb County House of Representatives and Senate meeting, and the issues discussed were funding, a state takeover of MARTA and education. He said that on December 6, 2009 at 5:00 p.m., St. Luke's Presbyterian Church will host a Marine "Toys for Tots" concert fundraiser. Council Member Shortal said Chief Grogan is very involved in the Special Olympics of Georgia, and that Dunwoody Police Department is in fourth place for fundraising for the Special Olympics. He said contributions to the Special Olympics can be made at the website address of [firstgiving.com/SOGA](http://firstgiving.com/SOGA).

Council Member Ross announced that "Light Up Dunwoody" will be held the Sunday night before Thanksgiving and the Dunwoody Preservation Trust will open its holiday house on December 4, 5 and 6, 2009, with a preview party on December 3, 2009 by special invitation.

Council Member Bonser thanked Director of Public Works, Richard Meehan, for completing the installation of speed tables on Village Creek Drive.

Council Member Taylor said that Officer Espinoza is sponsoring a "Christmas for Kids" fundraiser for underprivileged children in the city. He announced that the City is participating in the Mayors Christmas Motorcade, a Georgia Municipal Association fundraiser to collect items for residents of the state mental hospitals.

Council Member Heneghan said there are drop boxes throughout the City for the "Christmas for Kids" fundraiser and on the first floor of the 41 Perimeter Center building.

Mayor Wright said there are drop boxes in City Hall and on the first floor of the 41 Perimeter Center building for the Mayor's Christmas Motorcade fundraiser.

### **CITY BUSINESS:**

Introduction of Michael Smith, Public Works Director. Richard Meehan introduced the City's new Public Works Director, Michael Smith.

Introduction of Adriane Creety, Assistant to the City Clerk. City Clerk, Sharon Lowery, introduced the City's new Assistant to the City Clerk, Adriane Creety.

Discussion of backyard chicken raising ordinance. City Manager Warren Hutmacher gave the presentation, providing comparisons of how national and local municipalities regulate backyard chicken raising. Mr. Hutmacher pointed out that there is not a standard among surrounding cities with regard to policy on this matter. Discussion followed, with Council Members Shortal and Ross voicing opposition to backyard chicken raising in the City, and Council Members Wittenstein and Heneghan speaking in favor of the City finding a way to allow and regulate backyard chicken raising.

Discussion of proposed Convention and Visitors Bureau of Dunwoody ("CVBD") Fiscal Year 2010 Budget. Vice Chairman of the CVBD, Bryan Tate, introduced Katie Brenckle, the new Deputy Director of the CVBD. Secretary/Treasurer Bob Cottle presented the proposed CVBD Fiscal Year 2010 budget. In answer to question raised by a council member on the amount allocated for overhead, Chairman Brad Sturgeon explained that it is not uncommon to see 50% of the budget allocated to overhead. Council Member Ross said that he is in favor of approving this budget as presented.

October Financial Report. Finance Director Chris Pike presented the October Financial Report. He stated that as of tonight the City owes no money on our Tax Anticipation Note. He said that we may meet our budget for hotel/motel tax by November, 2009. He said that our franchise payments are up to date. Council Member Wittenstein requested that staff come back with a recommendation for signs that are 12 square feet and ask staff to halt the RFP process. Mr. Pike replied that his recommendation is to leave the RFP on the street.

Resolutions to adopt fees related to taxi licenses and escort services. Mr. Pike explained that a taxi company called and inquired about the process and there was nothing in the ordinance to address this. He said staff looked at the entire Chapter 15 for regulatory requirements and we need forms, fees and processes for these types of businesses. Council Member Ross and Council Member Heneghan said that they are against the Resolution related to escort services. Council Member Heneghan said that the City needs to regulate taxis that conduct business in the City of Dunwoody, as well as those whose businesses originate in the City of Dunwoody.

Discussion of business license ordinance. Chris Pike spoke regarding the business license ordinance. He requested comments from the Council Members regarding a resolution for business license tax rates. Council Member Ross said that he wants to simplify the business license taxes and that he is in favor of going forward with 0.78 cents. Mayor Wright said that a flat tax rate makes sense. Mr. Pike said that in Atlanta, the business license tax rates are usually calculated based on gross receipts, because the sales are greater in Atlanta. He said that not many cities utilize a flat tax rate. Council Member Shortal cautioned against setting a rate that would raise tax rates that would make it difficult for businesses to afford. Council Member Wittenstein said that he likes a flat tax rate. Council Member Heneghan asked why staff's recommendation is \$1.25. City Manager Warren Hutmacher explained that staff's proposal is to start at 0.78 cents in 2010, \$1.00 in 2011, and \$125 in 2012.

Certified City of Ethics discussion. Marketing and Public Relations Manager Edie Damann, spoke regarding adopting a resolution for the City to become a Certified City of Ethics through Georgia

Municipal Association.

Discussion of Design Review Advisory Committee. City Planner Howard Koontz said the Design Review Advisory Committee currently consists of three members. The City's legal counsel has advised that the Community Development staff to increase the committee to seven members. Mr. Koontz stated that this can be accomplished by a text amendment to Chapter 27, Article 3, Section 3C-14. Mayor Wright directed staff to initiate a text amendment regarding this matter.

Update on contract award for Dunwoody Village TE design. Director of Public Works Richard Meehan said the City received thirteen proposals back in response to the RFP that was released, with two firms brought in for interviews by the selection committee. Mr. Meehan said the selection committee recommends awarding the contract to Kimley-Horn. City Manager Warren Hutmacher explained that the redevelopment plan will be first, followed by the streetscape plan, and probably in the concept phase in the fall of 2010.

Discussion of Action Plan for Bicycle Friendly Community. Director of Public Works Richard Meehan spoke regarding an action plan for a bicycle friendly community. Council Member Wittenstein said the City had discussed creating some narrower lanes to calm traffic and make the roads more bicycle friendly, and asked if that was something we can do. Mr. Meehan said that it has already been done around Womack Road around the school, and that the City will continue to do so on roads that need repaving and restriping. Council Member Heneghan asked if there were any items the City can begin working on quickly. City Manager Hutmacher said that he would speak with the City Council more about this at a later date, and that he thinks that there are a few of the items that can be done sooner rather than later.

Update on Radar Signs. Director of Public Works Richard Meehan spoke regarding radar signs that the City placed on Womack Road in stealth mode during the first week, with a display of speed during the second week, and by the third week, there was a significant reduction in the amount of drivers speeding in that area. He said that the City can develop long-term data by operating radar signs each month in this manner. He said the City will have eight radar signs up at different locations throughout the City, with the same plan for each as for the Womack Road radar sign. Mr. Meehan said that the City came in under budget for the cost of these eight signs. Council Member John Heneghan congratulated Mr. Meehan on his work. Mayor Wright requested that if the budget allows for a radar sign at Roberts Drive near Austin, the City should look into placing radar signs there. Mr. Meehan said that the City may be able to add those radar signs, and that he will talk with City Manager Hutmacher regarding this matter.

First Read: Ordinance to amend Chapter 14: Land Development and Environmental Protection re: Sedimentation and Erosion Control. City Clerk Sharon Lowery conducted a First Read of the Ordinance to amend Chapter 14.

Discussion of amendment to Chapter 27: Zoning: Pre-submittal meetings. City Planner Howard Koontz presented the amendment. Council Member Wittenstein said he wants to send some

suggested changes to Mr. Koontz, and suggested removing the words “*mutually agreeable time*,” and requested that Mr. Koontz draft a new redlined version based on those suggestions

Discussion of amendment to Chapter 21: Signs §12: Non-Residential Zoning District Sign Regulation. City Planner Howard Koontz presented the amendment. Following discussion, Council Member Wittenstein suggested sending this to the Sign Committee and asking them to consider the PCID Overlay District. Mayor Wright asked staff to review the current overlay ordinance and asked Mr. Koontz to review it in relation to the overlay district. Bill Robinson said that the Sign Committee did not discuss the overlay district in relation to this matter. Mayor Wright asked Mr. Koontz, City Manager Warren Hutmacher, City Attorney Brian Anderson, and Bill Robinson to review the overlay sign ordinance for the overlay district and to initiate a text amendment.

Discussion of Census 2010 Complete Count Committee. City Clerk Sharon Lowery gave a brief overview of the Census 2010 Complete Count Committee and explained that this is to ensure that the City has a complete count of everyone in the City. City Manager Hutmacher said that the City is reaching out to communities that are typically undercounted, including homeless people. Mr. Hutmacher said that this committee is more of a task oriented committee.

Discussion of utility contractors. Council Member Taylor said that many utility contractors use subcontractors now, and that there should be a policy in place to “leave it as good as you found it.” Mr. Hutmacher said that he will work on this matter and present it to the City Council next month with model ordinances.

Initiation of Text Amendments. Mayor Wright requested that the City initiate an apartments sweep. There was discussion among the Council Members regarding the size of the City’s signs. Mayor Wright said staff’s recommendation is to have this as a policy. Mr. Koontz said this matter is more a department policy, not a text amendment. Council Member Wittenstein said staff should initiate a text amendment to limit the size of signs to twelve feet.

#### **PUBLIC COMMENT:**

Jonathan Sofsky - spoke about concerns regarding his personal safety.

**EXECUTIVE SESSION:** None.

#### **ADJOURN:**

There being no further business, the Meeting was adjourned. (Council Member Ross motioned to adjourn the meeting. Council Member Bonser seconded the motion. The motion was voted and passed unanimously (7-0).)

Approved by:

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Ken Wright, Mayor

Attest:

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Sharon Lowery, City Clerk