

**CITY OF DUNWOODY**  
**November 23, 2009**  
**CITY COUNCIL MEETING MINUTES**

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, November 23, 2009 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 3, Post 3	Tom Taylor, Council Member
At Large, Post 4	Robert Wittenstein, 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 Mike Tuller, Community Development Director

**CALL TO ORDER:**

Mayor Wright called the meeting to order.

**ROLL CALL AND GENERAL ANNOUNCEMENTS:**

Mayor Wright announced that all members were present except Council Member Bonser and Council Member Ross.

Council Member Heneghan said that Light Up Dunwoody was a great and fun event. Mr. Heneghan said that All Saints Catholic Church's organization, Knights of Columbus, on December 5, 2009, will be holding a fundraiser called Desserts with Santa, which is a Christmas for Kids police benefit. Mr. Heneghan would like to thank the Knights of Columbus.

Council Member Shortal said that he went to Senator Weber's meeting last Thursday at Henderson School where schools (specifically charter schools) and taxes were discussed. He said that on December 6, 2009 at 5:00 p.m. at the Presbyterian Church on Mt. Vernon, that there will be a Toys for Tots fundraiser with the Marine Corps. Council Member Shortal wished everyone a Happy Thanksgiving, and said that we should be especially thankful that we live in the United States of America.

Council Member Taylor said that State Senator David Adleman has been nominated by President Obama to be Ambassador to Singapore.

Mayor Wright welcomed students from Georgia Perimeter College who attended this City Council Work Session.

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

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

**MINUTES:**

**Approval of Meeting Minutes from the November 9, 2009 City Council Meeting.**

Council Member Shortal said that the minutes should read that the City Manager will “approve,” not find the location of the pre-submittal meeting if necessary, and Council Member Shortal motioned to approve the November 9, 2009 City Council Meeting Minutes, as amended. Council Member Wittenstein seconded. The motion was voted and passed unanimously (5-0).

**APPROVAL OF MEETING AGENDA:**

Council Member Wittenstein requested that item I7 be removed from the Consent Agenda to become item J1. Mayor Wright requested that there be an addition of item L8 regarding a nomination for the Sustainability Committee. Council Member Shortal motioned to approve the Meeting Agenda as amended. Mayor Wright seconded. The motion passed unanimously (5-0).

**PUBLIC COMMENT:**

Mayor Wright opened public comment.

Joe Hirsch expressed concern about a change in the language regarding zoning sign ordinance pre-submittal meetings.

Bruce Lindemann expressed concern about the proposed amendment to Chapter 27 regarding Personal Care Homes.

Bill Robinson spoke regarding the matter of Personal Care Homes.

Gordon Jackson, President of the Dunwoody Homeowners Association, spoke in support of pre-submittal meetings.

Raymond Wilson expressed concern about any changes to the code regarding personal care homes.

Bob Fiscella spoke on behalf of his business owner friends, and said he is concerned about the proposed changes to the business occupation taxes.

BJ VanGundy expressed concern regarding the proposal presented at this meeting for business license taxes.

Mayor Wright closed public comment.

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

Council Member Shortal said that there are several “Dunwoody Yes” yard signs left for people to take one per person as a souvenir after the meeting tonight.

Mayor Wright said that the Mayor’s Christmas Motorcade fundraiser for residents of State mental hospitals is currently taking place in the City of Dunwoody, and that there are two collection boxes (one near City Hall on the first floor, and one in the City’s offices on the second floor.) He also said that Officer Espinoza is collecting toys for needy children, and that the collection boxes are in the Dunwoody Police Department and in the City’s offices.

### **Introduction of Rebecca Blanford, Planning Coordinator.**

Community Development Director, Mike Tuller, introduced Rebecca Blanford as the new Planning Coordinator for the City of Dunwoody.

### **CONSENT AGENDA:**

Council Member Wittenstein motioned to approve the Consent Agenda as amended. Council Member Shortal seconded. The motion was voted and passed unanimously (5-0).

### **Approval of CVBD 2010 Budget.**

Resolution to adopt taxi license fees. **(RESOLUTION 2009-11-58)**

Resolution to adopt escort services fees. **(RESOLUTION 2009-11-62)**

Certified City of Ethics Resolution. **(RESOLUTION 2009-11-62)**

Resolution to adopt Action Plan for Bicycle Friendly Community. **(RESOLUTION 2009-11-63)**

**SECOND READ: Ordinance to amend Chapter 14: Land Development and Environmental Protection, §11 Sedimentation and Erosion Control.** **(ORDINANCE 2009-11-48)**

## **UNFINISHED BUSINESS:**

### **SECOND READ: Ordinance to amend Chapter 27: Zoning: Pre-submittal meetings. (ORDINANCE 2009-11-49)**

City Clerk, Sharon Lowery, conducted a Second Read of this ordinance. City Planner, Howard Koontz, spoke regarding this proposed ordinance. Council Member Wittenstein motioned to adopt the ordinance. Mayor Wright seconded. Council Member Wittenstein motioned to change the proposed ordinance to read as follows: “. . . within five hundred (500) feet of the subject property and one or more neighborhood association(s) within one-half (1/2) mile of the subject property. Applicant shall . . .” Mayor Wright seconded.

Mayor Wright opened public comment.

Joe Hirsch expressed concern regarding the ordinance.

Bob Lundsten expressed concern regarding the ordinance.

Gordon Jackson, Dunwoody Homeowners Association President, spoke in support of the proposed changes.

Mayor Wright closed public comment.

Council Member Heneghan said that it makes more sense to make pre-submittal meetings a policy rather than to codify it.

Council Member Wittenstein said he agrees with the idea of staff drafting the policy and he suggests that the City Council defeat his amendment currently on the floor. The amendment proposed by Council Member Wittenstein was voted and failed (0-5).

There was a vote on the motion to pass the ordinance, and the motion failed (0-5).

Mayor Wright directed staff to write a policy to address pre-submittal meetings.

### **REPORTS AND PRESENTATIONS:** None.

## **NEW BUSINESS:**

### **PUBLIC HEARING – Business Occupation Taxes Schedule of Fees.**

Finance Director, Chris Pike, spoke regarding this matter.

Mayor Wright opened the public hearing.

Bill Grant expressed concern about the proposed schedule of fees.

Mayor Wright closed the public hearing.

Resolution to adopt Business Occupation Tax Schedule of Fees. **(RESOLUTION 2009-11-64)**

Director of Finance, Chris Pike, spoke regarding this matter. Following discussion, Council Member Heneghan motioned to approve the resolution. Council Member Taylor seconded. Mayor Wright recommended that the City Council deny this resolution, and study it further before proceeding. The motion was voted and failed (0-5).

PUBLIC HEARING – Amendment to Chapter 27: Zoning, Personal Care Homes.

City Planner, Howard Koontz, spoke regarding this matter.

Mayor Wright opened the public hearing.

Bruce Lindemann expressed concern regarding the proposed amendment to Chapter 27: Zoning, Personal Care Homes.

Raymond Wilson expressed concern regarding this proposed amendment.

Sheryl Arno, DeKalb Developmental Disabilities Council Executive Director, expressed concern regarding this proposed amendment.

Mayor Wright closed the public hearing.

FIRST READ: Ordinance to Amend Chapter 27: Zoning, Personal Care Homes. **(ORDINANCE 2009-XX-XX)**

City Clerk, Sharon Lowery, conducted a First Read of this ordinance amendment. Council Members Wittenstein and Heneghan expressed concern regarding this proposed ordinance.

Mayor Wright opened the public hearing.

Sheryl Arno said that not much traffic is caused by personal care homes.

Mayor Wright closed the public hearing.

PUBLIC HEARING – Chapter 21: Signs.

Mayor Wright opened the public hearing.

Bill Robinson said that the sign committee stands ready to help the staff with this matter.

Bill Grant said the City should send this matter back to the committee.

Mayor Wright closed the public hearing.

Council Member Wittenstein directed staff to send this matter back to the sign committee and have it go through the entire process again.

Mayor Wright directed Bill Robinson to work with Howard Koontz on this matter.

Discussion of golf carts.

David Purcell, COO of the PCID, spoke regarding electric vehicles. There was discussion among the Council Members regarding this matter. Mayor Wright directed staff to look into this matter.

Initiation of text amendments.

a. Backyard chicken raising.

Council Member Wittenstein requested to defer the sign ordinance text amendment, and he requested that staff take the chicken raising ordinance back to the Community Council and Planning Commission.

Appointment to Sustainability Committee.

Mayor Wright said that Joe Seconder has been nominated to replace Mitch Garber on the Sustainability Committee for a three year term expiring December 31, 2011. Mayor Wright motioned to appoint Joe Seconder for this position. Council Member Shortal seconded the motion. The motion was voted and passed unanimously (5-0).

**OTHER BUSINESS:** None.

**PUBLIC COMMENT:**

Mayor Wright opened public comment.

Bill Robinson spoke in support of pre-submittal meetings.

Mayor Wright closed public comment.

**EXECUTIVE SESSION:** None.

**ADJOURN:**

There being no further business, the Meeting was adjourned. (Mayor Wright motioned to adjourn the meeting. Council Member Shortal seconded. The motion was voted, and carried unanimously (5-0).)

Approved by:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

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Sharon Lowery, City Clerk