

CITY OF DUNWOODY
February 23, 2009
CITY COUNCIL MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, February 23, 2009 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 4	Robert Wittenstein, 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
	Sharon Lowery, City Clerk
	Bill Grogan, Chief of Police
	John Grotheer, Finance Director
	Michael Lockett, Information Technology Manager
	Richard Meehan, Director of Public Works
	Jennifer Peterson, Community Development Director
	Jeff Timler, Special Projects Manager

Mayor Pro Tem Shortal called the Meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS Mayor Pro Tem Shortal announced that Mayor Wright was out of town; all other members were present.

Council Member Bonser congratulated the Dunwoody Sunset Rotary Club Teacher of the Year recipient, LaShawn White, of Chestnut Charter Elementary and Dunwoody Rotary Club Teacher of the Year recipient, Audrey Wheeler, of Austin Elementary. Council Member Bonser reminded that suggestions for naming the new school, school colors and mascot could be submitted to “School Naming” at gmail.com. The first Dunwoody Municipal Court will be held on Wednesday, February 25th at 6:30 p.m. at The Terraces.

Council Member Taylor announced that Senate Bill 58, the property transfer bill, had moved out of the Senate, had first and second reads in the House and been assigned to Committee.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Bonser.

MINUTES:

Council Member Ross motioned to approve the January 26, 2009 City Council Meeting Minutes. Council Member Wittenstein seconded. Mayor Pro Tem Shortal called for a vote and the motion carried unanimously.

Council Member Taylor motioned to approve the February 9, 2009 Special Called Work Session Minutes. Council Member Heneghan seconded. Mayor Pro Tem Shortal called for a vote and the motion carried unanimously.

Council Member Wittenstein motioned to approve the February 9, 2009 Special Called City Council Meeting Minutes. Council Member Bonser seconded. Mayor Pro Tem Shortal called for a vote and the motion carried unanimously.

APPROVAL OF THE MEETING AGENDA

Council Member Bonser moved to approve the meeting agenda as written. Council Member Ross seconded. Mayor Pro Tem Shortal called for a vote and the motion carried unanimously.

MAYOR AND COUNCIL COMMENT

Council Member Wittenstein announced that some of the City Council attended Newly Elected Officials Training in Athens over the weekend.

PUBLIC COMMENT: Mayor Pro Tem Shortal requested public comment.

Gerri Penn – Thanked City Manager Warren Hutmacher and Chief Billy Grogan, the guests speakers at the Dunwoody North Civic Association annual meeting. She thanked Jennifer Peterson, Director of Community Development, and Code Enforcement for handling an issue over the weekend.

CONSENT AGENDA:

Second Read and vote on Ordinance for Right-of-Way Exchange – Perimeter Center Parkway/Hammond Drive (ORDINANCE 2009-02-13) – The Second Read of Ordinance 2009-02-13 was read by City Clerk Sharon Lowery.

Second Read and vote on Ordinance revision to Chapter 23 to add authorization for Public Works to establish a Residential Street Light Policy (ORDINANCE 2009-02-14) - Ordinance 2009-02-14 was read by City Clerk Sharon Lowery.

Resolution establishing a Street Light District on Boxwood Place in Boxwood Subdivision (RESOLUTION 2009-02-17) - Resolution 2009-09-17 was read by City Clerk Sharon Lowery.

Resolution approving a Memorandum of Understanding (MOU) with the Georgia Department of Transportation for the City to become the sponsor of the Dunwoody Village TE Project (RESOLUTION 2009-02-18) – Resolution 2009-02-18 was read by City Clerk Sharon Lowery. Mayor Pro Tem Shortal requested that Resolution 2009-02-18 be removed from the Consent Agenda and placed under Unfinished Business as item J5. Councilmember Wittenstein motioned to approve the Consent Agenda, as revised. Councilmember Heneghan seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

UNFINISHED BUSINESS:

ACTION ITEM: Contract to retain the services of POND & Company to provide consulting services for the City's Comprehensive Plan – Jennifer Peterson gave a brief presentation on the POND & Company contract. Council Member Taylor motioned to award the contract to retain the services of POND & Company to provide consulting services for the City's Comprehensive Plan. Council Member Bonser seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

SECOND READ: Ordinance to adopt Chapter 20 ("Public Assemblages") of the City of Dunwoody Code of Ordinances (ORDINANCE 2009-02-15) Ordinance 2009-02-15 was read by City Clerk Sharon Lowery. Council Member Heneghan motioned to adopt as presented. Council Member Taylor seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

SECOND READ: Ordinance to grant a Franchise Agreement to Atlanta Gas Light Company (ORDINANCE 2009-02-12) Ordinance 2009-02-12 was read by City Clerk Sharon Lowery. Council Member Ross motioned to adopt Ordinance 2009-02-12. Council Member Taylor seconded for purposes of discussion. City Attorney Anderson advised that Atlanta Gas Light Company had not responded to the 30 day payment language the City had requested be included in the Franchise Agreement. Council Member Wittenstein motioned to amend the agreement in Section 6, last paragraph to add language that easements and private property be restored to the extent allowable by law. Council Member Bonser seconded.

PUBLIC COMMENT: Mayor Pro Tem Shortal requested public comment. There was none. Mayor Pro Tem Shortal closed Public Comment.

Mayor Pro Tem Shortal called for the vote on the amendment and the motion carried unanimously. Mayor Pro Tem Shortal called for the vote on the main motion and the motion carried unanimously.

SECOND READ: Ordinance to grant a Franchise Agreement to Comcast of Georgia (ORDINANCE 2008-12-53) Ordinance 2008-12-53 was read by City Clerk Sharon Lowery. Council Member Ross motioned to adopt Ordinance 2009-02-12 granting Comcast of Georgia a Franchise Agreement. Andy Macke of Comcast of Georgia was present to answer questions of Council. Council Member Bonser motioned to adopt Ordinance 2008-12-53 to grant a Franchise Agreement to Comcast of Georgia. Council Member Taylor seconded. Council Member moved to strike Section 6.3, Privacy Protection, from the Franchise Agreement. Councilmember Taylor seconded.

PUBLIC COMMENT: Mayor Pro Tem Shortal requested public comment. There was none. Mayor Pro Tem Shortal closed public comment.

Mayor Pro Tem Shortal called for the vote on the amendment to strike Section 6.3 and the motion failed 1-5 (Shortal, Bonser, Taylor, Wittenstein, Ross “nay”). Mayor Pro Tem Shortal called for the vote on the main motion to adopt the ordinance granting Comcast of Georgia a Franchise Agreement and the motion carried unanimously.

Resolution approving a Memorandum of Understanding (MOU) with the Georgia Department of Transportation for the City to become the sponsor of the Dunwoody Village TE Project (RESOLUTION 2009-02-18) The Resolution was read by City Clerk Sharon Lowery. Council Member Taylor motioned to approve Resolution 2009-02-18. Council Member Wittenstein seconded. Mayor Pro Tem Shortal asked if funds were budgeted for the City’s portion of the project. Public Works Director Richard Meehan said his understanding is that \$300,000 is budgeted in Capital. He said the grant is for \$500,000 with a City match of \$125,000. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

REPORTS AND PRESENTATIONS:

Financial Report for the month of January Finance Director John Grotheer presented the Financial Statement overview for the month of January 2009, and answered questions of Council. Mr. Grotheer said the information would be posted on the City’s website.

NEW BUSINESS:

FIRST READ: Ordinance to amend the Fiscal Year 2009 Budget – Finance Director John Grotheer said that the Ordinance to amend the Fiscal Year 2009 Budget and the Georgia Municipal Association (GMA) Supplemental Lease Approval need to be discussed together. There were no objections from Council. Mr. Grotheer said the Staff recommendation is for Council to reallocate the rent and lease debt service payment budgeted in FY 2009 and the establishment of a Capital Projects Fund. The second option is to establish a supplemental 5-year lease with Georgia Municipal Association for \$600,000, with interest not to exceed 3.25%. Both options would require a budget amendment. Council Member Wittenstein suggested deferring the generator and the gas suppression room for the records. Don Boyken, of Boyken International, distributed a Summary of Sources of Funds and explained that half of the gas suppression is for the records room and half is for the Information Technology room.

Resolution to Adopt the City of Dunwoody Purchasing Policy (RESOLUTION 2009-02-19) Resolution 2009-02-19 was read by City Clerk Sharon Lowery. Council Member Ross motioned to approve Resolution 2009-02-19 to adopt the City of Dunwoody Purchasing Policy. Council Member Taylor seconded. Finance Director John Grotheer explained that there is a separate procurement card manual that will be referenced in the Purchasing Policy as being available in the City Clerk’s office. Council Member Wittenstein motioned to amend page 6, A4 to strike the word “should” and insert the word “shall”. Council Member Taylor seconded.

PUBLIC COMMENT: Mayor Pro Tem Shortal requested public comment. There was none. Mayor Pro Tem Shortal closed public comment.

Mayor Pro Tem Shortal called for the vote on the amendment and the motion carried unanimously.

Council Member Shortel motioned to amend Page 24, D. Credit Cards to read “Credit Cards will be issued upon approval of the Department Head and the City Manager. The Credit limit for each card shall not exceed \$5,000” with the rest of paragraph remaining the same. Council Member Ross seconded. Council Member Heneghan motioned to amend to add “as documented in the Credit Card Procedures Manual.” Council Member Taylor seconded. City Manager Hutmacher suggested the verbiage be “The City shall maintain a Credit Card User Manual and that manual will be on file with the City Clerk and available for review.” Council Member Shortal called for a vote on the amendment to reference the Credit Card User Manual and the motion carried unanimously. Council Member Shortal called the vote on the amendment to Page 24, Section D. Credit Cards and the amendment passed unanimously. Council Member Bonser motioned to defer the Purchasing Policy. Mayor Pro Tem Shortal seconded. Mayor Pro Tem Shortal called for the vote on the motion to defer and the motion carried 5-1 (Ross – “nay”). Purchasing Policy deferred.

Discussion on initiation of Text Amendment for Farmer’s Market - Community Development Director Jennifer Peterson explained that a farmer’s market has to move and would like to move to a church parking lot. Ms. Peterson explained that the current zoning code would have to be amended to allow such a use. Council Member Wittenstein motioned to initiate a text amendment for a Farmer’s Market. Council Member Bonser seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

Georgia Municipal Association (GMA) Supplemental Lease Approval – Council Member Wittenstein motioned to defer to the next meeting. Council Member Bonser seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

Discussion on Voice over Internet Telephony and Network Infrastructure – Michael Lockett, Information Technology Administrator, was present to answer questions of Council. Council Member Taylor motioned to reconsider the motion approve the award to ADCAP. Council Member Bonser seconded. City Attorney Brian Anderson advised that if Council believes the information they were given materially affected their decision, and then they could reconsider their action. Following further discussion, Mayor Pro Tem Shortal called the question. Council Member Bonser seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously. Council Member Wittenstein clarified that Council is reversing their action of last meeting. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

Mayor Pro Tem Shortal explained that a new Request for Proposal would be released on Tuesday and be due the following Monday. He said the RFP would be application driven.

PUBLIC COMMENT: Mayor Pro Tem Shortal requested public comment. There was none. Mayor Pro Tem Shortal closed public comment.

ADJOURN

Council Member Ross motioned to adjourn. Council Member Taylor seconded. Mayor Pro Tem Shortal called for the vote and the motion carried unanimously.

There being no further business the Meeting was adjourned.

Approved by:

Denis Shortal, Mayor Pro Tem

Attest:

Sharon Lowery, City Clerk