

CITY OF DUNWOODY
June 15, 2009
CITY COUNCIL WORK SESSION MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Work Session on Monday, June 15, 2009 at 7:00 p.m. The Meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for this 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 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 Karine Roy, Assistant to the City Clerk Bill Grogan, Chief of Police Jennifer Peterson, Director of Community Development Chris Pike, Finance Director Richard Meehan, Public Works Director Lenny Felgin, Assistant City Attorney Tyra Little, Purchasing Manager Kimberly Greer, Community Development

Mayor Wright called the Meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS

Council Member Taylor announced that Council Member Bonser was absent due to surgery and asked everyone to keep her in their thoughts and prayers. He announced that Officer Curtis Clifton received a commendation for the arrest of 15 shoplifting suspects at Perimeter Mall, resulting in the recovery of approximately \$50,000 in stolen merchandise.

Mayor Wright asked everyone to keep the All Saints Boy Scouts in their thoughts and prayers as they recover from the swine flu.

Boyken International Proclamation: City Clerk Sharon Lowery read the proclamation. Mayor Wright presented the proclamation to Mr. Don Boyken and thanked him and his entire staff for all the hard work they put in to get the City of Dunwoody up and running. He said the City could not have done it without Boyken International.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Shortal.

APPROVAL OF THE MEETING AGENDA: Mayor Wright recommended that item 10, “Adopt-a-Spot” be removed from the agenda at the request of Public Works Director Richard Meehan. Council Member Taylor moved to modify the agenda. Mayor Wright seconded. Mayor Wright called for a vote and the motion carried unanimously (6-0).

PUBLIC COMMENT: Mayor Wright requested public comment.

Todd Anderson – a resident of Vernon North Drive, said his neighborhood is currently fighting a variance request that would allow a 150-student day care behind a residential neighborhood. He said the process is developer friendly.

Joe Hirsch – commented that on the land use applicant attendance requirement, applicants should attend but should not be required to, or their absence looked upon as disrespectful to the Mayor and Council. Mr. Hirsch expressed his concern with the land use public notice, saying that the notification signs currently used could be improved by using larger typed signs, which would make them easier to read.

Terry Nall – a resident of Vernon North Drive, said that his neighborhood is contesting a variance request on a site in a stream buffer. He said the public notice letter was incorrect and the process is flawed. He proposed a 90 day moratorium on zoning applications.

Bob Dallas – said the CVB is a business and should be run as one. He said the board should be made up of residents, hoteliers, and businesses and the 501C(6) model is the right way to go.

Tom Lambert – urged Mayor and Council to purchase the radar signs outright and not require a match be made by the schools. He said the signs will not only benefit the schools, but the community as well.

Mayor Wright closed public comment.

MAYOR AND COUNCIL COMMENT:

Council Member Taylor mentioned the audio configuration will be different for work session meetings.

Council Member Ross announced that the Donaldson Chestnut house family assembled for a family reunion over the weekend and that they had thanked the City for saving the home.

Council Member Wittenstein announced that he will be in Savannah for the Georgia Municipal Association and will miss the June 22, 2009 meeting.

DISCUSSION

Boyken Status Report: City Manager Warren Hutmacher presented the May Boyken report. He reported that the May expenses were \$21,639 with a cumulative total as of May 31 of \$527,428. Mr. Hutmacher said the contract with Boyken International expired on June 15, 2009 and the final project is the punch list. He added that the contract was completed under budget.

May Financial Report: Chris Pike, Finance Director, presented the May Financial report. He addressed the Occupational Tax revenue, explaining that the City has collected half the amount that was budgeted. Mr. Pike said some were paid to DeKalb County and the City is working on collecting those fees from the County. He said that the City estimates approximately 1,000 businesses have not applied for their business license and is thinking of sending out another notice to contact these businesses. Mr. Pike said the franchise fees will be coming in within the next 60 days.

Council Member Wittenstein expressed his concern with the business license revenue and said he hopes a lot of effort is put into identifying those who still owe and getting them to pay their business license fees. Council Member Ross asked how the City advertised the extended grace period for business licenses. City Manager Warren Hutmacher said he needed to report back with the exact steps taken. Council Member Wittenstein said he would like the 6 column format shown on the front page of the report carried throughout the report.

Council Member Shortal asked how the City is doing to date. Mr. Pike said that he feels the City is in a good position overall. Council Member Heneghan asked for an update on the capital projects in Public Works. City Manager Warren Hutmacher reported that expenditures will start to increase as the weather improves. He said the May financial report does not reflect the accurate amount of fees paid to Lowe Engineers. Richard Meehan, Public Works Director, stated that bills for April and May will show in the June financial report. Council Member Shortal asked about traffic calming devices for neighborhoods. Mr. Meehan estimated the cost of each device/hump to be \$2,000. Mayor Wright requested that the traffic calming device issue be added to the June work session agenda.

Discussion of Dunwoody Convention & Visitors Bureau: City Attorney Brian Anderson said there are two general approaches being contemplated for the CVB; a 501C(6), which is a separate organization by the Board Members and an Authority, which is run by the Mayor and Council. Mr. Anderson recommended that if the CVB is created as a 501C(6) that Mayor and Council keep the actual control to 30%. He added that they could specify in the contract the number of hoteliers on the board.

Council Member Ross read a mission statement for the CVB into the record that he had drafted. He expressed his feeling that the Mayor and Council should have the same oversight over the CVB that they do over the revenue the City spends. Council Member Ross said that a 501C6 does not allow the ability to raise bond money. He said that with the ability to raise additional funds certain facilities could be expanded. Council Member Ross stated that he recommends going with an Authority.

City Manager Warren Hutmacher reported staff is drafting an agreement with the terms and conditions, which is expected to be ready within 30 days. Council Member Wittenstein suggested the Board be made up of 9 members (3 hoteliers, 1 from PCID, 1 from the Chamber of Commerce, 1 from a Dunwoody restaurant, and 3 appointed by the Council). Council Member Heneghan asked about the process of switching from a 501C6 to an authority. Mr. Anderson stated that a 501C6 is a yearly contract and notice must be given, while an authority can be a multi-year contract and the terms cannot be violated. Council Member Shortal suggested the Board is made up of 9 members (1 from PCID, 3 hoteliers, 4 appointed by the Council, 1 from the Chamber of Commerce).

Council Member Taylor asked about establishing a bond rating. Mr. Hutmacher said it takes 3-5 years to establish a bond rating. Mayor Wright said he is leaning toward a 501C6 model. Council Member Shortal requested staff provide a pros/cons list for both models.

FIRST READ: Ordinance to amend Chapter 4: Alcohol Beverages: City Clerk Sharon Lowery read the ordinance. City Manager Warren Hutmacher stated that the amendment reads that the City Manager may suspend or revoke the alcohol license of a business; the licensee would be mailed a notification letter and would have ten days to appeal the City Manager's decision. He said that this process is business friendly as it allows discretion and also saves the licensee money on legal fees.

Discussion of nominees for Construction Board of Appeals: Mayor Wright asked City Attorney Brian Anderson to notify the nominees and ask if they will serve on the Board. Council Member Heneghan stated that Chapter 7 states 4 year terms. Assistant City Attorney Lenny Felgin reported that Chapter 2 states that the terms can be staggered.

Discussion of nominees for Alcohol License Review Board: Mayor Wright requested that City Attorney Brian Anderson notify the nominees and ask if they will serve on the Board.

Speed Reduction Results from PEDS: Council Member Heneghan reported there was a dramatic drop in speeds once drivers saw their speeds compared to the previous device, which did not display their speed. Results show the fastest drivers slowed down 10 mph. Richard Meehan, Public Works Director, reported that the number of speeders dropped 40% in the second week.

Discussion of funding to purchase radar signs: Mayor Wright expressed interest in the City funding one sign and the schools/PTA raising money for another sign. City Manager Warren Hutmacher reported that staff analysis shows the potential to fund 14 signs at \$4,000 each resulting in a total of approximately \$56,000. He stated the following funding options: 1) the budget has a \$500,000 line item for contingency; 2) the budget for Public Works has the ability to fund some of these signs. Council Member Ross said he would like to see a radar sign at every school. Council Member Wittenstein suggested the City buy a radar sign for each school even if the schools cannot afford to purchase a sign. Council Member Shortal suggested the implementation of an education plan to teach children how to cross the street. Council Member Heneghan said the school PTAs raise funds for education enhancement and stated that he feels the City should fund the signs. Mayor Wright asked about the cost for each sign. Richard Meehan, Public Works Director, estimated each solar powered sign to cost approximately \$3,700 each. Mayor Wright asked if the City's general insurance would cover the destruction of a radar sign. Mr. Hutmacher replied that it would and that the City's deductible is \$1,000.

Discussion of pothole repair process and procedures: Richard Meehan, Public Works Director, reported that 166 potholes have been fixed thus far throughout the City. He said that potholes called in by a citizen are given higher priority. The backlog indicates 15 potholes are waiting to be filled and the general response time is within 2 weeks. Council Member Heneghan asked Mr. Meehan if an analysis can be done for schools to determine what projects need to be completed before school starts. Mayor Wright asked if a plan is in place to inform citizens online of potholes. Mr. Meehan said there is no online system in place. Mr. Meehan announced the electronic evaluation of repairs will begin in July with a report in August.

Discussion on authorizing municipal officers to be eligible for the city's health and dental insurance upon payment of 100% of the premium: City Manager Warren Hutmacher announced research has been done and there are no problems providing this service (medical and dental insurance) to the Mayor and Council. Council Member Taylor stated that no tax money is involved.

Discussion of award of contract for codification of ordinances: City Clerk Sharon Lowery reported that an RFP was released on May 6, 2009 and advertised on the City of Dunwoody website, Georgia Municipal Association, and the State of Georgia Procurement Registry. Staff recommends awarding the contract to the only bidder Municipal Code Corporation at the cost of \$13,350. Council Member Heneghan said he has worked with Muni-Code in the past and found it to be very easy. He asked about their timeframe on updating information. City Clerk Sharon Lowery said the City can choose between quarterly, annually, or bi-annually or their new program 'NOW' for information updates.

Discussion of the Community Council: Jennifer Peterson, Community Development Director, made the presentation to Council and explained the legal ad, public notice signage and notification letter process. She explained that should Council direct staff to initiate a text amendment to the zoning code, the amendment could be heard by the Community Council in July, the Planning Commission in August, and be voted on by the Mayor and Council in September. Ms. Peterson will bring this item back to the July work session.

Discussion of land use applicant attendance requirements: Jennifer Peterson, Community Development Director, gave a brief presentation and reported that all applicants have attended the meetings thus far. She said that should Council direct staff to initiate a text amendment, the amendment could be heard by the Community Council in July, the Planning Commission in August, and be voted on by the Mayor and Council in September. Ms. Peterson will bring this item back to the July work session.

Discussion of land use public notice: Jennifer Peterson, Community Development Director, presented the current land use public notice policy which meets the State and local law requirements. Council Member Heneghan asked about the process once regulations are not followed. Ms. Peterson said we are in compliance with regulations and the purpose of the signs is not to teach you everything but more to alert you to educate yourself. Mayor Wright asked if the cost of signs can fall on the applicant. Ms. Peterson said it could and an amendment would need to be made to the fee schedule. City Manager Warren Hutmacher suggested using different sized signs for different applications. Council Member Wittenstein made the following suggestions: 1) 2-4" lettering; 2) implement an RSS feed and subscription request; 3) 6ft. sq. signs to 12ft. sq. signs; 4) notify property owners within 500ft. rather than 250ft.; 5) possible requirement to post applications online 15 days before; and 6) a change in the code to require posting.

Discussion of special events policies: City Manager Warren Hutmacher presented policies and procedures to regulate possible activities within the City. Revisions include: Levels of City support; Categorization of special event hazards; Elimination of zoning requirements; Modification of parking requirements; Process for closure of major City arteries; Reservation of annual event dates; Notification to neighboring property owners/businesses; No application fee required for liquor license for temporary pouring; Discussion of spacing special events; Provide City of Dunwoody with booth space and public relations at no cost; Council approval of new events and unprecedented activities.

Council Member Ross asked that the parking regulation be better defined and provide more examples. He does not think the City should partner with profit organizations and consideration needs to be given to the timing between events.

Council Member Wittenstein suggested removing the insurance requirement for for low risk Level 1 and Level 2. He said festivals/crafts shows and sidewalk sales should be considered moderate risks rather than high risk. Mayor Wright directed Mr. Hutmacher to clean up the language and bring back to Council.

PUBLIC COMMENT: Mayor Wright requested public comment.

Todd Anderson – spoke on the notice requirement and agreed that involving the DHA would help. He said 13 days notification is not enough time to speak to the applicant and hire an attorney. He wishes there was more restriction.

Mayor Wright closed public comment.

EXECUTIVE SESSION: Council Member Shortal motioned to move into executive session for real estate and personnel discussions. Council Member Wittenstein seconded. Mayor Wright called for a vote and the motion carried unanimously (6-0).

ADJOURN

There being no further business the meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk