

CITY OF DUNWOODY
April 13, 2009
CITY COUNCIL MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, April 13, 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:

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 6	John Heneghan, Council Member
Staff Present:	Brian Anderson, City Attorney Warren Hutmacher, City Manager Sharon Lowery, City Clerk Bill Grogan, Chief of Police Karine Roy, Assistant City Clerk Jeff Timler, Community Development Kimberly Larson, Community Development Tiffany Pete, Court Clerk Tanya Jackson, Finance & Administration Richard Meehan, Public Works Director

Mayor Wright called the Meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS

The Proclamation ‘Arbor Day’ was read by the City Clerk, Sharon Lowery.

Andy Macke of Comcast Cable extended an invitation for everyone to participate in “Comcast Cares Day” on Saturday, April 25, 2009 from 9:00 a.m. to 1:00 p.m. at the Dunwoody Nature Center. The event will be a general sprucing up of Dunwoody Nature Center, landscaping, and construction of organic gardens. Those interested in volunteering can do so by going to www.comcastcares.com. Mr. Macke said Comcast and the Dunwoody Nature Center have partnered in this event, with an eco-festival planned following the morning activities.

City Clerk, Sharon Lowery, introduced Ms. Tiffany Pete, Court Clerk for the City of Dunwoody.

INVOCATION led by Council Member Shortal.

PLEDGE OF ALLEGIANCE led by Council Member Heneghan.

MINUTES:

Council Member Shortal motioned to approve the March 16, 2009 City Council Work Session Minutes and the March 23, 2009 City Council Meeting Minutes. Council Member Bonser seconded. Mayor Wright called for a vote and the motion carried unanimously.

APPROVAL OF THE MEETING AGENDA: Council Member Shortal motioned to amend the agenda to add the following two items to the agenda: item L1. Discussion of Chapter 27: Building Code and item L7. DeKalb County Water Restrictions and Car Washing. Council Member Taylor seconded. Mayor Wright called for a vote and the motion carried unanimously.

PUBLIC COMMENT: Mayor Wright requested public comment.

Yvonne Williams - Congratulated the Dunwoody Sustainability Commission and said the PCID would like to have the opportunity to a seat on the Sustainability Commission.

Mayor Wright closed public comment.

MAYOR AND COUNCIL COMMENT:

Mayor Wright congratulated Chief Grogan on the Police Department roll out. He addressed the emails he is receiving from citizens who have been issued citations and he encouraged everyone to be aware of our driving.

Council Member Taylor spoke in favor of having a member of the PCID serve on the Dunwoody Sustainability Commission.

Council Member Bonser announced that the name of the new Dunwoody School will be Dunwoody Elementary School, mascot will be The Tiger, and the school colors will be light blue and dark blue.

Council Member Heneghan said a radar sign will be placed in front of the Chestnut Elementary School zone as part of a demo project by Pedestrians Educating Drivers, with the results announced at a public meeting on April 30, 2009 at 11:30 a.m. Council Member Heneghan extended an invitation for everyone to attend "Lemonade Days" Thursday through Sunday at Brooke Run Park.

Council Member Wittenstein invited everyone to participate in the "Bicycle Ride Around Dunwoody" on Saturday at 9:00 a.m. at Brooke Run Park.

UNFINISHED BUSINESS:

Public Hearing – Chapter 14, Article 2 Development and Environmental Code:

Council Member Shortal motioned to go into the Public Hearing. Council Member Taylor seconded. Mayor Wright called for a vote and the motion carried unanimously.

Mayor Wright opened the Public Hearing. At this time, the Mayor called for Public Comment. There were no comments. The Mayor Closed the Public Comment portion of the Public Hearing.

Mayor Wright motioned to close the Public Hearing. Council Member Taylor seconded. The Mayor called for a vote and the motion carried unanimously.

SECOND READ: Discussion and vote on Ordinance to amend Chapter 14 Land Development and Environmental Protection, Article 2: Environmental Control (ORDINANCE 2009-04-24) – The Second Read of Ordinance 2009-04-24, amending Chapter 14 Land Development and Environmental Protection, Article 2: Environmental Control was read by City Clerk Sharon Lowery.

Jeff Timler, Special Project Manager, Community Development, explained that the proposed amendments are ‘house cleaning’ revisions, with the exception of the stream buffer amendment. Council Member Wittenstein motioned to amend the ordinance in Section C, page 6, Item 1 revert back to the original language. Council Member Heneghan seconded.

Mayor Wright requested public comment.

Mr. Galloway – Spoke in support of the ordinance amendment and urged Mayor and Council to approve Staff’s recommendation.

Council Member Shortal motioned to approve the amendment. Council Member Taylor seconded. Mayor Wright called for the vote; the motion carried 5-1 (Council Member Heneghan voted ‘nay’).

Council Member Heneghan motioned to approve the ordinance. Mayor Wright seconded. Mayor Wright called for the vote and the motion carried unanimously.

REPORTS AND PRESENTATIONS There were no reports or presentations.

NEW BUSINESS

Discussion of Chapter 27 Building Code: Council Member Shortal pointed out page 273 of the Building Code and asked Mr. Bill Grant to address the issue of the retaining walls. Mr. Grant stated that the code is written subject to interpretation and Staff interprets anything over 4 feet high is a retaining wall. He requested the language be changed so as to allow a wall holding soil be considered an extension of the foundation. Council Member Wittenstein suggested the ordinance be defined so as to be clear to Staff and the developer. Mr. Lundstent agreed with Mr. Grant’s suggestion, saying that would reinforce the threshold heights. Council Member Shortal motioned to move this item to the work session agenda. Mayor Wright seconded. Mayor Wright called for the vote and the motion carried unanimously.

Public Hearing – Village Creek Drive Traffic Calming Director of Public Works, Richard Meehan, explained that DeKalb County started the process for traffic calming but tabled the process when Dunwoody incorporated and we are picking up where they left off. Mr. Meehan stated that the parcels would be assessed a \$25.00 fee per year; the assessed fee would not begin until the year 2010. A total of 65% of the affected owners would need to sign “yes” for approval. Mr. Meehan explained that all signatures need to be witnessed, not notarized. He cautioned that an approval tonight will not make this a final commitment to pursue the traffic calming, but that funding would also need to be addressed.

Mayor Wright requested public comment from those in favor.

Clayton Coley - Said that since 1995 the volume has doubled since 2006.

Susan Rabin - Stated that there are no sidewalks and mentioned that a 16 year old had been hit by a car on their street.

Kirsten Coley - Expressed concern with the vehicle traffic on the street and said the street is unsafe.

David Copalla - Said that children cannot walk to the pool due to traffic. He said that the cut through situation is not a traffic issue; it is a neighborhood safety issue.

Mayor Wright requested public comment from those against the traffic calming.

John Deveer – Said he was against the traffic calming.

Bev Warner – Commented that if the City placed a police officer at this location it would be a natural source of revenue.

Mayor Wright closed public comment.

Council Member Wittenstein said that traffic calming devices aren't effective and asked if there were other models to look at. Richard Meehan, Director of Public Works, said the residents prefer the speed table and explained that the previous design was not adequate. Council Member Bonser motioned to approve the formal petition process. Council Member Wittenstein seconded. Mayor Wright called for the vote and the motion carried unanimously.

ACTION ITEM: Accept the plan and start the 90-Day petition process for traffic calming measures in Land Lot 361 of the 18th District on Village Creek Drive between Womack Road and Olde Village Lane: Council Member Bonser motioned to approve. Council Member Wittenstein seconded. Mayor Wright called for the vote and the motion carried unanimously.

Recommendation of Award of Probation Services Contract: Court Clerk Tiffany Pete gave the presentation for Municipal Court Probation Services and answered questions of Council. She said that of the seven proposals received, Staff recommends contracting with Sentinel Offender Services and feel they offer the best services for the City of Dunwoody. Council Member Shortal motioned to accept the Staff's recommendation and award the contract Council Member Wittenstein seconded. Mayor Wright called for the vote; the motion carried unanimously.

Resolution of intent to participate in the National Flood Insurance Program (RESOLUTION 2009-04-25) Resolution 2009-04-25 was read by Mayor Wright. Jeff Timler of Community Development spoke on this stating that there are 137 structures in the flood plains. . Council Member Heneghan asked to make sure that this link is posted on our website. Council Member Wittenstein moved to adopt the Resolution of intent to participate in the National Flood Insurance Program. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously.

Resolution amending Alcohol License Fees (RESOLUTION 2009-04-26) Resolution 2009-04-26 was read by City Clerk Sharon Lowery. City Attorney Brian Anderson said Staff recommends a \$40.00 pouring permit fee, which will be for managers only, not each individual employee. He said the ordinance has not changed. Council Member Shortal asked if this fee is higher than other cities.

Mr. Anderson replied that it is, but that other municipalities require each employee to pay the fee. Mayor Wright motioned to approve the resolution. Council Member Taylor seconded. Mayor Wright called for the vote and the motion carried unanimously.

DeKalb County Water Restrictions and Car Washing: Council Member Shortal expressed that citizens should have the right to wash cars when they are able to water their lawns when they want because their cars are big investments. Council Member Shortal moved to allow the residents to wash their cars on the odd/even schedule. Council Member Taylor seconded. Council Member Taylor asked if they should urge DeKalb County to remove the restrictions. Council Member Shortal replied yes, saying that it is DeKalb County's jurisdiction and we should send a formal letter to the County. Council Member Heneghan asked if the DeKalb County regulations are tougher than the State. He is not comfortable changing something without having all of the facts. Council Member Shortal offered an amendment to his original motion to have this item placed on the next work session agenda. Council Member Taylor seconded.

Mayor Wright requested public comment.

Paige Olson - Said that it would be a wonderful opportunity to get car washing back in schools for fundraising events

Mayor Wright closed public comment.

Mayor Wright called for the vote and the motion carried unanimously.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT:

Mayor Wright requested public comment.

Mayor Wright closed public comment.

EXECUTIVE SESSION: Council Member Bonser motioned to recess to move into executive session. Council Member Taylor seconded. Mayor Wright called for the vote and the motion carried unanimously.

Mayor Wright reconvened the meeting.

ADJOURN

Council Member Wittenstein motioned to adjourn. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously.

There being no further business the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk