

CITY OF DUNWOODY
April 27, 2009
CITY COUNCIL MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, April 27, 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 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
	David Sides, Deputy Chief of Police
	Karine Roy, Assistant to the City Clerk
	Jennifer Peterson, Director of Community Development
	Howard Koontz, Community Development/City Planner
	Tyra Little, Purchasing Manager
	Richard Meehan, Public Works Director

Mayor Pro Term Shortal called the meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS

The Proclamation ‘Building Safety Week’ was read by the City Clerk, Sharon Lowery.

Mayor Pro Term Shortal extended his thoughts and prayers to Council Member Bonser who is hospitalized. He also talked about the success of Comcast Cares Day at the Dunwoody Nature Center.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Taylor.

MINUTES:

Council Member Heneghan motioned to differ the approval of the April 13, 2009 City Council Meeting Minutes to the May 11, 2009 City Council Meeting. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

APPROVAL OF THE MEETING AGENDA: Council Member Taylor moved to adopt the agenda. Council Member Ross seconded. Council Member Taylor motioned to move Consent Agenda item I3, Ordinance to amend Chapter 14, to New Business as item L2. Council Member Ross seconded. Mayor Pro Tem Shortal moved to amend the agenda to add “Discussion of Dunwoody Volunteer Coordination Committee by the Committee Chairman.” Council Member

Ross seconded. Mayor Pro Tem Shortal called for the vote on the motion to add “Discussion of Dunwoody Volunteer Coordination Committee by the Committee Chairman” and the motion carried unanimously (5-0). Mayor Pro Tem Shortal called for a vote on the motion move Consent Agenda item I3, Ordinance to amend Chapter 14, to New Business as item L2 and the motion carried unanimously (5-0). Mayor Pro Tem Shortal called for a vote on the motion to approve the agenda, as amended, and the motion carried unanimously (5-0).

PUBLIC COMMENT: Mayor Pro Term Shortal requested public comment.

Yvonne Williams - Announced the PCID intersection improvement project for Mt. Vernon Road and Ashford Dunwoody Road has been approved. She said the PCID has committed \$2.5 million dollar to the project; construction will begin with a ground breaking ceremony in October.

Michael Dendinger – Spoke on behalf of the Dunwoody Chamber of Commerce, stated that they agree with the proposed text amendment to Chapter 15, Business License. Mr. Dendinger suggested adding to the sworn statement language “to the best of my knowledge and I ability I swear that these receipts are compiled and correct.”

Joan Shumaker – Stated that as a business owner she agrees with the amendment to the Chapter 15, Business License.

George Bender – Said that he would like to see the water restrictions amended to allow residents to wash their personal vehicles. .

Mary Reesemeyer - Stated that she would like to have the option to wash her car

Rosemary Rutland – Expressed her support of the Farmer’s Market. She said she sees it as a meeting place for people and thinks it would be great for children to understand what farmers do and where produce comes from.

Lynn Deutch – Said she is a Dunwoody resident and a member of the Planning Commission Board. Ms. Deutch said she believes a Farmer’s Market is a positive for any community. She urged Mayor and Council to ensure that the Citizen’s Steering Committee is balanced across the City.

Sally Malone – Stated she is a supporter of the Farmer’s Market. She urged everyone to keep an open mind to find a solution.

Mayor Pro Term Shortal closed public comment.

MAYOR AND COUNCIL COMMENT:

Council Member Wittenstein thanked everyone who came out to support the Comcast Cares Day event. He mentioned that he has received many emails regarding the Farmer’s Market and has responded to those who asked questions.

Council Member Heneghan spoke on the speed limit sign being installed a few weeks ago at Chestnut Elementary School and mentioned that this Thursday the results were going to be announced.

Mayor Pro Term Shortal thanked Comcast for their donation to the Dunwoody Nature Center.

CONSENT AGENDA:

Resolution establishing Stormwater Utility Fees and Credits. (RESOLUTION 2009-04-27)

SECOND READ: Ordinance to establish a Stormwater Utility Fund Budget. (ORDINANCE 2009-04-25)

Council Member Wittenstein moved to adopt the consent agenda. Council Member Taylor seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

Presentation of proceeds from the Bicycle Ride Around Dunwoody (BRAD) by the Dunwoody Preservation Trust

UNFINISHED BUSINESS:

SECOND READ: Ordinance to amend Chapter 15: Business Occupation Tax, Licenses, and Regulation. (ORDINANCE 2009-04-26): Ordinance 2009-04-26 was read by Mayor Pro Term Shortal. City Clerk Sharon Lowery read the amended text language. Council Member Ross motioned to approve. Council Member Taylor seconded. Council Member Ross motioned to amend the language to add the words “ability and training” to the text. Council Member Taylor seconded. Mayor Pro Term Shortal requested public comment. Mayor Pro Term Shortal closed public comment.

Warren Hutmacher City Manager said the City has the ability to audit and in the next 6 months the City will review the business license process and come back with a new version. He said that as of Friday we collected \$882,000, approximately 1400 applications. Council Member Heneghan asked who is to sign the applications and Brian Anderson City Attorney replied an officer of the company. Council Member Ross asked for a 30 day grace period for those who were not notified. Council Member Taylor motioned to adopt as amended. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

REPORTS AND PRESENTATIONS

The Dunwoody Preservation Trust presented the proceeds of \$3,000 from the Bicycle Ride Around Dunwoody (BRAD) to the City of Dunwoody. The bicycle ride ended at the Lemonade Days event at Brooke Run Park in memory of Jim Benson. They also presented the City with a framed poster for City Hall. Council Member Ross thanked Tom Lagurek for running the Lemonade Days.

NEW BUSINESS

PUBLIC HEARING - FIRST READ: Chapter 27: Zoning - An amendment to the text of the Zoning Ordinance, specifically Section 1.17 Definitions; Section 4-36 Places of Worship, Convents, Monasteries, Temporary Religious Meetings, General Requirements; and Section

4-50 Temporary Outdoor Sales, Seasonal: Howard Koontz City Planner spoke on the Community Council being in favor of the Farmer's Market with concerns of; 1) the method of implementation of the green market to operate in residential zone properties, and 2) preserving the health and wealth care of Dunwoody and providing adequate facilities/stalls or those who attend. Council Member Ross asked if the church is being paid by donations for using their space. Howard Koontz replied yes by food donations. Council Member Wittenstein asked if Howard Koontz had any concerns about the chosen wording, he also asked about the operating days per year. Howard Koontz is comfortable with the wording and it applies only to markets who will only sell produce, and the markets can operate one day a week and the total disturbance is from 6:30am to 1:00pm. Mayor Pro Term Shortal expressed concern with the Farmer's Market definition being too broad and they should only sell edible items and not arts and crafts. Howard Koontz said that selling honey, jams, soaps, and wreaths is allowed as well.

Mayor Pro Term Shortal motioned to open the public hearing. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0). Those who spoke in favor of the Farmer's Market were:

Ms. Garmon of the Garmon Family Farm. She handed the Council a site plan and a petition that went around of signatures in favor of passing the amendment. This is a strictly produce market and their setup is from 8:00am to noon. Their rules are based on the Continental Farmer's Market Rules. They would like to stay in Dunwoody but will have to setup somewhere else if the market does not open in May 2009. She mentioned that people are interested in a mid-week market.

Ms. Renada Perry thinks it will add a lot of value to our neighborhoods and thinks it would be great if all churches in Dunwoody had a Farmer's Market. As a citizen of Dunwoody she feels they should be able to pick and choose what they want in their neighborhoods and said that the traffic issue is minor.

Joan Shumaker expressed fear of losing the relationship with farmers if this amendment is not passed, and she feels this is a great partnership with our community.

Amy Hinman is a new resident of Dunwoody and says there are Farmer's Markets all over the world and it is a great feeling to have a relationship with local farmers.

Joe Hersch mentioned that the City's website promotes entrepreneurship and asks that we do not close down the Farmer's Markets. He agrees with requiring a 1 year permit.

Ms. Alice expressed that many people would like to start a Farmer's Market and it provides tremendous opportunities and local economic growth to our community. She is frequently directing people to the Spruell Farmer's Market.

Wendy Lawler spoke on behalf of St. Patrick's being in favor of hosting the Farmer's Market. She said that 10-20 vendors usually setup at one time and the busiest times are during the summer months and they are able to feed 75 families a week with the donations.

Kathy Nelson Pall of St. Patrick's said the donations helped feed over 100 families at their food bank.

Joan Matthews is a loyal customer of the green market and says it has great quality.

Jen Rosenthal is a soap maker artisan and said that soap making is not just a craft.

Emily Robinson is in support of jams, soaps, and honey being sold at the market.

Justin Daniels researched other Farmer's Markets and mentioned that others are doing really well and they have move to bigger locations.

Sarah Bartlett is a customer of the markets and said that choosing where she lived had a lot to do with the locations of Farmer's Markets and she expresses that the citizens should decide which types of markets they would like to have.

Ms. Meghan Britewell said that Farmer's Markets help others learn how to farm and start their own gardens.

Those who spoke against the Farmer's Market were:

Bill Grossman expressed his opposition to the method and not to the green market. He does not agree with the staff's decision to change the base ordinance and agrees with a special land use permit because it allows that one specific place to be used and not all places.

Council Member Taylor motioned to close the public hearing. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0). Council Member Wittenstein said the market typically opens on the first Wednesday of May and asked what would happen if they setup on May 6, 2009. Warren Hutmacher City Manager said they would work off of complaints which would result in a warning being issued.

Discussion of the Volunteer Committee: Bill Tobin informed us that the Volunteer Committee is made up of volunteers who would like to coordinate with other committee's and offer their help. Their goals are to; 1) meet the civic needs of the City of Dunwoody; 2) promote volunteerism; 3) zero budget; 4) the chairman will report to the City Council; 5) they are here to help coordinate activities.

FIRST READ: Ordinance to amend Chapter 14 Land Development and Environmental Protection, Article 2: Environmental Control. (ORDINANCE 2009-XX-XX): Read by Sharon Lowery City Clerk. Council Member Wittenstein suggested that we go back to the original size of the stream buffer from 50 feet to 25 feet and have the Zoning & Appeals Board approve on a case by case basis.

FIRST READ: Ordinance to amend Chapter 25 Water, Sewers, and Sewage Disposal. (ORDINANCE 2009-XX-XX): Read by Sharon Lowery City Clerk. There was no discussion.

Resolution to petition State EPD to amend its water restrictions in the State of Georgia. (RESOLUTION 2009-04-28): Resolution 2009-04-28 was read by Sharon Lowery City Clerk. Mayor Pro Term Shortal motioned to approve the resolution. No one seconded therefore the resolution does not pass.

Recommendation for award of Records Management System Contract: Chief Grogan recommended awarding the Records Management System Contract to OSSI after receiving seven (7) proposals. He stated that seventy (70) other municipalities use this software and the cost is \$3XXXX. Mayor Pro Term Shortal asked if there was a cheaper model that would allow us to expand. Chief Grogan stated that the Police Department does not have a RMS in place and it could present problems in the long run, they can take out some of the modules, and the first year of maintenance is free. Chief Grogan said the bids were narrowed down to three (3) and OSSI was the only bid that met the required format. Council Member Taylor wanted clarification on the terms of the electronic citations versus handwritten citations. Chief Grogan stated that electronic citations cut the officer's time in half, does not require data entry and the legibility of the officer's handwriting would no longer be an issue. Council Member Ross motioned to defer this item to the May 11, 2009 meeting. Mayor Pro Term Shortal seconded. Mayor Pro Term Shortal called for a vote and the motion carried (4-1) with Council Member Heneghan saying 'nay'. Warren Hutmacher City Manager states the financial standpoint as 4 years off of the master lease with a 2.9% interest rate and the payoff would be in 4 years. Chief Grogan mentioned that it will take 4-6 months to implement and delays would result in cost of paper citations, not saving officer time, and not being able to produce meaningful data. Council Member Taylor motioned to offer the amendment at the May 11, 2009 meeting. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried (4-1) with Council Member Heneghan saying 'nay'.

Appointment of the Sustainability Commission: Jennifer Peterson Director of Community Development stated that the members were informally chosen. Council Member Heneghan said that the committee was discussed early on and the members were nominated based on their specialty. Council Member Wittenstein asked if the ordinance states how many members need to be on the committee. Jennifer Peterson replied that the ordinance states 12 people but this number can be changed. Mayor Pro Term Shortal motioned to amend to differ this item to the May 11, 2009 meeting. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried (3-2) with Council Member Ross and Council Member Heneghan saying 'nay'. Mayor Pro Term Shortal requested public comment.

Mr. XXX said that the people on the committee are the people you want on there and he suggested not taking any of these members off of the committee.

Ashley Doolittle is a chair on the committee and said that not passing this item is a deflating feeling. She said that having more than 13 people on the committee may result to the decisions being watered down. Mayor Pro Term Shortal closed public comment.

Appointment of Comprehensive Plan Steering Committee: Jennifer Peterson Director of Community Development requested the names of those chosen for the committee. Mayor Pro Term Shortal asked what the total number of members on the committee will be and Jennifer Peterson replied 8-12. Council Member Taylor motioned to differ this item to the May 11, 2009 meeting. Council Member XXX seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT: Mayor Pro Term Shortal requested public comment.

Joan Shumaker agreed with the 30 day grace period regarding business licenses.

Rosemary Rutland asked if there was any reason the green market cannot meet at the Spruell house for the Wednesday of May 6, 2009.

Melissa Flock is the owner of Blossom Hill Farms, stated that opening the Farmer's Market at a later date results in the loss of thousands of dollars and asked to be able to operate out of the Spruell house on May 6, 2009.

Warren Hutmacher City Manager stated that we can assist with the zoning and the Farmer's Market. He also stated that the current Chapter 15 Ordinance does not allow a grace period.

Mayor Pro Term Shortal motioned to amend the agenda to add item L9 to allow a 30 day grace period for the business licenses. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0). Council Member Taylor motioned to authorize to extend the grace period to May 31, 2009 for business licenses and waive any penalty fees. Mayor Pro Term Shortal seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

Mayor Pro Term Shortal closed public comment.

EXECUTIVE SESSION: There was no executive session.

ADJOURN

Mayor Pro Term Shortal motioned to adjourn. Council Member Heneghan seconded. Mayor Pro Term Shortal called for the vote and the motion carried unanimously (5-0).

There being no further business the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk