

CITY OF DUNWOODY
October 19, 2009
CITY COUNCIL WORK SESSION MINUTES

The Mayor and Council of the City of Dunwoody held a Work Session Meeting on Monday, October 19, 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:	Warren Hutmacher, City Manager Sharon Lowery, City Clerk Brian Anderson, City Attorney Lenny Felgin, Assistant City Attorney Chris Pike, Finance Director Billy Grogan, Chief of Police Michael Tuller, Community Development Director Howard Koontz, City Planner Kimberly Greer, Special Projects Planner

Mayor Wright called the Meeting to order and announced that all members were present except Council Member Bonser.

INVOCATION: led by Council Member Ross.

PLEDGE OF ALLEGIANCE: led by Council Member Taylor.

PUBLIC COMMENT:

Mayor Wright requested public comment.

Bill Robinson - recommended Bill Grant and Steve Fuller, both have architectural experience, and himself as the member with historical knowledge, to serve on the Design Review Advisory Committee.

Todd Anderson - spoke regarding public notice requirements and encouraged this be codified rather than simply be a policy.

Gerri Penn - spoke regarding changes in the sign ordinance, stating that permanent signs in residential districts should be reviewed, there should be a limit on how long temporary signs can be up, a limit on how many yard sale signs someone can have, and that it should be specified that directional signs cannot be in the right-of-way.

Bob Lundsten - spoke in favor of the backyard chicken raising ordinance.

Tom Lambert – said that he is a member of the Sustainability Commission and they had looked at other cities to see what they have while drafting the “No Idling” policy. Mr. Lambert spoke in favor of the policy.

Mayor Wright closed public comment.

MAYOR AND COUNCIL COMMENT:

Mayor Wright said the “Tour de Pink” was held this past Saturday to support young women with breast cancer. He said the event was successful, with 300-350 people participating in this first annual event.

Council Member Ross announced that on Saturday, October 24, 2009, the first annual Fall Music Festival and Chili-Cook Off will be held in Dunwoody Village from 10:00 a.m.-6:00 p.m., sponsored by the Dunwoody Chamber of Commerce.

Council Member Wittenstein motioned to add item F14) Update on sign ordinance to the agenda. Mayor Wright seconded. The motion was voted and carried unanimously (6-0).

CITY BUSINESS:

September Financial Report

Chris Pike, Finance Director, presented the September Financial Report. He reported that revenues are coming in about as expected and are approximately 1% less than where they were anticipated being at this time. Mr. Pike said the City has collected \$1,998,000 in business license revenue as of this afternoon. He stated that alcohol license renewals will go out by the end of the month.

Discussion of No Idling Policy

Michael Tuller, Community Development Director, presented the draft “No Idling” policy, and stated that many cities in the area have adopted a policy regarding no idling. He said the policy does affect city vehicles but does not affect public safety vehicles. Mr. Tuller said the Sustainability Commission supports the concept of limiting idling. Council Member Shortal stated that he agrees with the policy. Council Member Heneghan spoke in support of the policy and congratulated Mr. Lambert and the Sustainability Commission for their efforts.

Discussion of terms of office for Sustainability Commission

Kimberly Greer, Special Projects Planner, stated that this is a housekeeping measure as no terms were specified when the Sustainability Commission was established. Ms. Greer said the Sustainability Commission requests two year, staggered terms of office, which can be established by resolution.

Discussion of appointments to Design Review Advisory Committee

Howard Koontz, City Planner, stated that at the September 28, 2009 Mayor and Council approved an amendment to the Zoning Ordinance, Article 3, Division 3C, the Dunwoody Village Overlay District regulations. Mr. Koontz said that based on section 3C-14, three members should be appointed to the Design Review Advisory Committee – two with architectural design experience and one with knowledge of historical submissions. Council Member Ross said he would support the recommendations made by Mr. Robinson.

Sanitation services update

Michael Tuller, Community Development Director, reported that in July the Sustainability Commission was called upon to take a look at the sanitation services the City currently has. He said public outreach meetings were held and the citizens are pleased with the services currently provided by DeKalb County. Council Member Shortal asked that the time commercial pickup near residential areas be addressed. Mr. Tuller said the City is considering requesting that these occur no earlier than 8:00 a.m. for these areas. Council Member Wittenstein stated that the City should encourage DeKalb County to consider ways to enhance recycling.

Discussion of business license ordinance

Chris Pike, Finance Director, presented a review of the occupation tax program for the City during its' first year. He explained that due to stipulations in state law, the City doesn't have much leeway in the ordinance that is adopted. Mr. Pike said the City inherited a tax structure that combines the number of employees of a business, with gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession, or occupation. He said the City currently has six tax classes, with the two main groups being tax class three (consisting mostly of restaurants and retailers) and tax class six (consisting mostly of service providers.) Mr. Pike said staff's recommendation is to use gross receipts and number of employees, elimination of the progressive rate structure and application of the growth receipts and per employee rate to all taxable Dunwoody businesses, taxing the employee rate used by neighboring jurisdictions (\$13 per employee), taxing businesses at rates the same or slightly lower than neighboring municipalities, and that Council consider whether or not to waive the tax for package stores. Council Member Wittenstein said no business should be exempt and suggested picking one rate and charging all businesses that rate. He recommended that staff prepare a matrix of proposed rates and how they

would impact the businesses and the impact on the revenue collected. Mayor Wright directed Mr. Pike to prepare the matrix as suggested by Council Member Wittenstein and bring it before Council.

Discussion of text amendment to Chapter 27: Zoning, §5A and §5D: Public notice requirements for zoning actions in the City of Dunwoody

Howard Koontz, City Planner, explained the current policy for public notice requirements for zoning actions in the City and summarized the recommendations made by Community Council and the Planning Commission. Mr. Koontz said staff is not opposed to implementing the test amendments to signage and mailing standards, such as sign square footage, test height and mailing distances, however, staff does not recommend codifying more stringent requirements than those required by State Law on the advice of the city attorney. He said that if Council chooses to have staff prepare the text amendment, staff's recommendation would be to amend the current code language to amend the requirements of posting of signs, on-site signage size, text size, and dates of posting of signs for Zoning Board of Appeals meetings. Council Member Shortal recommended the ZBA grant an automatic one month deferral if there was an objection to an application before them. Council Member Wittenstein suggested the following: the City produce the sign with the applicant paying for the cost of the sign; in addition to the current public notice of Community Council Meetings, the Community Council should post a sign at the site location and place a notice in *The Crier*; and with regard to the Community Council meetings. Mayor Wright stated that the recommendations are for the City to prepare the signs in-house and charge the cost to the applicant, increase the distance for mailings to 500 feet and charge the cost to the applicant, adequate notice for ZBA meetings, posting of the subject property before the Community Council meetings, and codifying the public notice requirements.

Police Department Semi-Annual Report

Chief Billy Grogan presented the Police Department Semi-Annual Report for the first six months of operation. The Dunwoody Police Department has 40 sworn police officers and 8 civilians providing services to the citizens. Chief Grogan reported there had been 18,596 calls for service during this period of time and approximately 50 walk-in customers receive customer service assistance from the Dunwoody Police Department on a daily basis. Chief Grogan expressed his pride in the men and women he works with at the Police Department and the high level of customer service they have been able to provide to the citizens of the City of Dunwoody. He thanked the Mayor, Council, and City Manager for their support. Mayor Wright congratulated Chief Grogan and the Dunwoody Police Department for a job well done. Council Member Heneghan echoed Mayor Wright and commented on some arrests the Police Department made during a rash of break ins in his neighborhood.

Police Needs Assessment

Chief Grogan presented the FY 2010 personnel requests for the Dunwoody Police Department. He explained that a detailed analysis was conducted using standard workload measures, statistical

analysis, and comparisons with other agencies. Chief Grogan said that based on that detailed analysis he is requesting two police officers, one detective, and one officer who will be assigned to a regional drug task force. Mayor Wright expressed his support of Chief Grogan's recommendations, as did Council Members Shortal, Taylor, and Wittenstein.

First Read: Ordinance to amend Fiscal Year 2009 Budget (ORDINANCE 2009-XX-XX)

City Clerk Sharon Lowery conducted the First Read of this proposed ordinance. Finance Director Chris Pike said this is more of housekeeping measure moving money into the right places and does not increase the Fiscal Year 2009 Budget.

PUBLIC HEARING – City of Dunwoody Fiscal Year 2010 Budget

Mayor Wright opened the Public Hearing without objection.

Presentation and Recommendation by Finance Director

Finance Director Chris Pike presented the proposed Fiscal Year 2010 Budget, stating that the General Fund revenue is projected at \$16,849,083, expenditures are projected at \$15,536,334, and an excess transfer to Fund Balance of \$1,312,749.

Mayor Wright opened Public Comment without objection.

In favor:

Cheryl Summers – stated that she did not agree with certain items in the budget pertaining to Mayor and City Council benefits and recommended pay raises be 2%, stating that is comparable to Federal increases.

Against:

Brian Sims - asked what the City intends to do with regard to capital budgets over the next 2-5 years. He said there is not enough budgeted for resurfacing the roadways in the City of Dunwoody, and commented on the amount budgeted for legal expenses.

Mayor Wright closed Public Comment without objection.

First Read: Ordinance to adopt Fiscal Year 2010 Budget. (ORDINANCE 2009-XX-XX)

City Clerk Sharon Lowery conducted the First Read of this proposed ordinance. Council Member Wittenstein thanked Mr. Pike for putting the budget together and City Manager Warren Hutmacher for his introduction. He said it's a good document, he thinks the compromises are good, and he

thinks it should be approved. Mayor Wright thanked Council Member Shortal, Council Member Ross and Council Member Wittenstein for serving on the budget committee. Council Member Shortal stated that the budget committee reviewed the budget line by line. Mr. Pike stated that the final document is a good compromise, and that it reflects the values of the constituents.

Discussion of backyard chicken raising ordinance

City Manager Warren Hutmacher explained that backyard chicken is the practice of raising chickens in a non-agricultural setting for the purpose of collecting eggs for domestic use. He said staff was asked to research if owning backyard chickens was prohibited in residential districts in the City and staff has determined that it is prohibited. Staff has been requested to draft a proposal that would enable this practice in all residential districts in the City. Mr. Hutmacher said staff's recommendation is to initiate a text amendment to enable backyard chicken raising in all zoning districts in the City and enact an ordinance with the following regulations: prohibiting roosters and crowing hens; maximum of 8 chickens at one time; permits shall be issued; enclosures not to exceed 6 feet in height and must allow a footprint of at least 2 square feet per chicken housed in the enclosure, with a maximum enclosure footprint of 30 square feet; enclosures must be located in rear yard and setback at least 50 feet from the nearest residence, except that of the owner. There must be a 5 foot setback from the owner's residence; feed and other food must be stored in predator proof containers; the chickens must be kept within the predator proof enclosure when not supervised; enforcement shall be under the Dunwoody Municipal Court jurisdiction. Council Member Wittenstein said he asked that this be brought before Council. He said there are people in the City who are quietly raising chickens and the City should make it legal to do so. Council Member Ross and Council Member Shortal spoke in opposition to allowing chicken rising within the City of Dunwoody.

Bob Lundsten - spoke in favor of the backyard chicken raising ordinance.

Mayor Wright stated that if the City approves an ordinance regarding this matter it should be within the setbacks already in existence in our City Code. He said he is not against looking at this more and tasked it to staff for more details regarding how suburban cities have handled this matter.

Council Member Heneghan suggested staff look at the ordinance recently passed by Evanston, Illinois. He spoke in favor of the City adopting an ordinance that allows backyard chicken raising.

Sign ordinance update.

Council Member Wittenstein stated that the sign committee updated the sign ordinance and the Community Council reviewed it last week. Mr. Wittenstein said this sign ordinance needs more input from the PCIDs because it is really designed for the entire City of Dunwoody. He recommended getting more input from the business community, and requested that the Planning

Commission allow pole banners. Mayor Wright agreed with Council Member Wittenstein and requested that the City Council utilize Bill Robinson, the Chair of the current sign committee, along with Yvonne Williams, to review these matters. Bill Robinson agreed with Mayor Wright, and recommended possibly forming an overlay district for the PCIDs in order to address area specific needs such as this. Mr. Robinson stated that he would accept Mayor Wright's request to work with Yvonne Williams and the rest of the sign committee on these matters. City Attorney Brian Anderson stated that the City has already advertised the discussion of the sign ordinance, so we cannot delay discussion. City Manager Hutmacher stated that the sign ordinance discussion could be limited to the pole banner issue since the City Council will not pass the ordinance as a whole without changes regarding this matter.

PUBLIC COMMENT:

Mayor Wright requested public comment.

Bob Lundsten - spoke in favor of changing the R100 zoning designation regarding the comprehensive land use map.

Gerri Penn - spoke in favor of setting a lower limit on how many chickens would be allowed pursuant to any ordinance the City would adopt regarding this matter.

Mayor Wright closed public comment.

EXECUTIVE SESSION: None.

ADJOURN:

There being no further business the Meeting was adjourned. Mayor Wright motioned to adjourn. Council Member Wittenstein seconded. The motion carried unanimously (6-0).

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk