

CITY OF DUNWOODY
November 9, 2009
CITY COUNCIL MEETING MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, November 9, 2009 at 7:00 p.m. The Council Meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the 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 Howard Koontz, City Planner Michael Tuller, Community Development Director

Mayor Wright called the meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS:

Mayor Wright announced that all members were present except Council Member Bonser.

Council Member Heneghan announced that Officer Espinozo has started a benefit for those less fortunate and pointed out there are toy bins in the back of the room and collection bins in various places around the city.

Council Member Ross announced that Boy Scout Troop 434 is working on a project to improve the path between Dunwoody Elementary and Vanderlyn Elementary to 6 feet wide to encourage students to walk to school.

Mayor Wright announced that he had issued a proclamation proclaiming November 11, 2009 "Buddy Poppy Day". He said members of the Dunwoody VFW Post will be at the Kroger at Orchard Park on November 11, 2009, Veterans Day, to give away poppies. He thanked the men and women who have given service to our country and thanked Mr. Wingate and the other members of the Dunwoody VFW Post for their service.

Council Member Shortal announced that he would be participating in the “Polar Plunge” to be held on February 20, 2009 at Lake Lanier. He explained that this is a benefit for the Special Olympics and thanked Chief Grogan for serving as the Director of the Law Enforcement Special Olympics for the State of Georgia. Mayor Wright said he would be the first to sponsor Council Member Shortal.

Council Member Taylor reminded that November 11th is Veterans Day and asked everyone to keep the men and women serving our country in their prayers.

INVOCATION: led by Council Member Ross.

PLEDGE OF ALLEGIANCE: led by Council Member Taylor.

MINUTES:

Council Member Shortal requested a correction on page five of the meeting minutes of October 19, 2009 and a correction on page three of the meeting minutes of October 26, 2009. Council Member Shortal motioned to approve the minutes of the October 19, 2009 City Council Work Session and the Meeting Minutes from the October 26, 2009 City Council Meeting as amended. Council Member Ross seconded; the motion was voted and carried unanimously (6-0).

APPROVAL OF MEETING AGENDA:

Council Member Shortal requested that item I1 be removed from the Consent Agenda to Unfinished Business as item J2. Mayor Wright seconded. The motion was voted and carried unanimously (6-0). Council Member Shortal moved to approve the Consent Agenda. Mayor Wright seconded. The motion was voted and carried unanimously (6-0).

PUBLIC COMMENT:

Mayor Wright requested public comment.

Joe Hirsch – spoke on the pre-submittal meetings ordinance and said he is disturbed that the City is acting more like a homeowner’s association than a City. He said the City should be in control and not relinquish that control to homeowner’s associations.

Mayor Wright closed public comment.

MAYOR AND COUNCIL COMMENT:

Mayor Wright said the City is participating in the annual Mayors Christmas Motorcade, which benefits Georgia’s mental hospitals by collecting personal care and other essentials. The items will be delivered on December 2, 2009.

Council Member Shortal said the Convention and Visitors Bureau of Dunwoody has hired a Deputy Director and is searching for an Executive Director. He announced that November 10th is the Marine Corps' 234th Birthday.

Council Member Ross said invitations have been sent out for a fundraising event on December 3rd to be held at one of the local historic homes. He announced that Mr. Bob Lundsten has arranged for the donation of an AED to be put in The Farmhouse.

Mayor Wright said that a recent Census Bureau article published in the AJC reported Dunwoody's population as 40,746 with 17% of that population who are at least 5 years old speak a language other than English at home.

CONSENT AGENDA:

Council Member Wittenstein motioned to approve the Consent Agenda as amended. Council Member Taylor seconded. The motion was voted and carried unanimously (6-0).

UNFINISHED BUSINESS:

SECOND READ: Ordinance to amend Chapter 21: Signs §12: Non-Residential Zoning District Sign Regulation. (ORDINANCE 2009-11-48).

City Clerk Sharon Lowery read Ordinance 2009-11-48. City Planner Howard Koontz presented the ordinance and said there had been one major revision since the first read; the restriction for wall signage to be installed above the 12th story has been removed, signs can be placed on any wall on the building, and no wall sign can exceed any roof line. City Manager Warren Hutmacher said the maximum square footage of signs is not affected by this amendment. Following discussion, Council Member Shortal moved to defer this item to a later meeting. Council Member Heneghan seconded. City Attorney Anderson recommended Council adopt the ordinance as presented in the first read and send the amendment back to the Community Council. Council Member Shortal withdrew his motion to defer. Council Member Heneghan withdrew his second. Council Member Wittenstein motioned to adopt the language as introduced in the first read and to remand the second reading language back to the Community Council for a complete review cycle. Council Member Ross seconded. The motion was voted and passed unanimously (6-0).

Mayor Wright opened public comment. There was no public comment.

Mayor Wright closed public comment.

SECOND READ: Ordinance to amend Chapter 27: Zoning: Pre-submittal meetings. (ORDINANCE 2009-11-49).

City Planner Howard Koontz presented the ordinance amendment and reiterated the following portion of the ordinance under consideration:

“The pre-submittal community meeting shall be scheduled at a facility within two (2) miles of the subject property and shall not take place less than fifteen (15) days after the date of the written notice nor more than one hundred twenty (120) days prior to submittal of the application to the City. Applicants are required to provide documentation that verifies the occurrence of said meeting(s) before the application can be considered complete.”

Mayor Wright opened public comment.

Joe Hirsch - said that he has his own neighborhood group and he would like to be contacted if anyone is making any major zoning decisions.

Mayor Wright closed public comment.

Council Member Ross motioned to approve the language as amended. Mayor Wright seconded the motion. The motion was voted and carried unanimously (6-0).

Council Member Shortal offered an amendment to amend line five to read “if no suitable facility can be found within two miles then the City Manager will determine the location” Mayor Wright seconded the motion.

Mayor Wright opened public comment. There was no public comment.

Mayor Wright closed for public comment.

Mayor Wright called for a vote and the motion carried unanimously (6-0).

Council Member Ross offered an amendment to strike the text “neighborhood association(s)/community group(s)” and insert the word “residents.” Council Member Shortal seconded. There was discussion among the Council Members regarding this proposed amendment. Mayor Wright called for a vote and the motion failed (2-4) with Council Members Ross and Shortal voting in favor and Council Members Heneghan, Taylor, Wittenstein, and Mayor Wright voting against the motion. Council Member Ross motioned to defer this matter to the next meeting, Council Member Taylor seconded. Mayor Wright called for a vote and the motion carried unanimously (6-0).

REPORTS AND PRESENTATIONS: None

NEW BUSINESS:

Resolution for Dunwoody Village Livable Centers initiative (LCI) Application. (RESOLUTION 2009-11-59).

Community Development Director Michael Tuller presented the resolution for Dunwoody Village Livable Centers Initiative (LCI) Application. Following discussion, Council Member Wittenstein motioned to adopt the Resolution as presented. Mayor Wright seconded. The motion was voted and passed unanimously (6-0).

REPORTS AND PRESENTATIONS: None

OTHER BUSINESS: None.

PUBLIC COMMENT: None.

EXECUTIVE SESSION:

Mayor Wright motioned to break for executive session for legal and personnel discussions. Council Member Wittenstein seconded the motion. The motion was voted and carried unanimously (6-0).

ADJOURN:

There being no further business the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk