

CITY OF DUNWOODY
August 24, 2009
CITY COUNCIL MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, August 24, 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 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 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 Lenny Felgin, Assistant City Attorney Howard Koontz, City Planner Jennifer Peterson, Community Development Director Chris Pike, Finance Director Billy Grogan, Chief of Police

Mayor Wright called the Meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS

PROCLAMATION: Recognition of Dunwoody Municipal Court Volunteer Bailiffs: City Clerk Sharon Lowery read the proclamation. Chief Grogan presented the bailiffs with their proclamations.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Taylor.

MINUTES:

Council Member Shortal requested two corrections to the August 17, 2009 meeting minutes. Mayor Wright motioned to approve the August 10, 2009 meeting minutes and the August 17, 2009 meeting minutes with the requested corrections. Council Member Ross seconded. The motion carried unanimously (7-0).

APPROVAL OF THE MEETING AGENDA:

Council Member Ross motioned to move items I1 and I2 to new business as items L4 and L5. Council Member Bonser motioned to move item I3 to new business as item L6. Mayor Wright

motioned to modify the agenda. Council Member Shortal seconded. The motion carried unanimously (7-0).

PUBLIC COMMENT: Mayor Wright requested public comment. There was no public comment. Mayor Wright closed public comment.

MAYOR AND COUNCIL COMMENT:

Council Member Shortal congratulated the City Manager and staff for the improvements that have been made to the website.

Council Member Taylor said staff did a great job on the Open House. He reported that he and Council Member Heneghan met with Chief Grogan, Sgt. Carlson, and Sgt. Cordolino with the Dunwoody North Civic Association last week; he mentioned the reluctance of people to call 9-1-1 and pointed out that one call on one of the burglaries resulted in an arrest.

Council Member Bonser reported that a great job was done on the Community Garden. She said there would be an announcement from the police regarding an arrest stemming from an incident at Macy's that occurred on Friday. Council Member Bonser asked if anything could be done about the pvc farm as far as code enforcement.

Council Member Wittenstein asked if the City can tax sewer lines that have not yet been hooked up to the sewer system.

Council Member Ross commended the Dunwoody United Methodist Church for their presentation of the play Steel Magnolias.

Mayor Wright thanked those who assisted his daughter in winning her Soap Box Derby trophy.

UNFINISHED BUSINESS: There was no unfinished business.

REPORTS AND PRESENTATIONS: There were no reports or presentations.

NEW BUSINESS

First Read: Ordinance amendment to Chapter 27: Zoning Ordinance to revise the text of §3C, the Dunwoody Village Overlay District (ORDINANCE 2009-XX-XX): City Clerk Sharon Lowery read the ordinance. Jennifer Peterson, Community Development Director, presented the text amendment to the Dunwoody Village Overlay District. Ms. Peterson said there has been some community discussion since May. She said staff recommends the item be remanded back to Community Council to recomplete the public meeting and hearing paths of the text amendments.

Council Member Wittenstein said that the only change is the Design Review Committee moves from an authoritative body to a recommending body. Council Member Wittenstein suggested the inclusion of a section 3C-14 to read as follows and inserted for the second read: *Certificate of Occupancy: Prior to the issuance of the certificate of occupancy the site will be inspected by the city, with the assistance of the Design Review Advisory Board, to ensure that construction followed the submitted and approved design. The city will issue a final Compliance Certificate. Any deficiencies must be corrected before the CO is issued.*

Council Member Shortal asked that Item C “District 1” in the August 17, 2009 draft of the Dunwoody Village Overlay District be deleted. Council Member Heneghan said the same paragraph is found in Section 3C of the ordinance. Mayor Wright suggested the draft be sent out for review. Council Member Shortal pointed out the difference in colors of the street lights in section 3C-9 and 3c-7(3)(d) and asked that there be conformity and uniformity throughout all documents. Ms. Peterson said she will confer with members of the committee.

Council Member Wittenstein asked if staff can start a process for a citywide standard for streetscapes or have it as part of the comprehensive plan. Ms. Peterson said Council can initiate a citywide standard now or wait until guidelines for the specific neighborhoods have started. Mayor Wright suggested that as a matter of policy we the city could require that street lamps that are put up be Dunwoody Village type street lamps. Council Member Ross said that the PCID has spent a lot of time and money with what they have and said the city would be missing an opportunity if we did not incorporate this into the city. Mayor Wright asked that this item be added to the work session agenda for discussion.

Discussion of Dunwoody CVB funding: Council Member Wittenstein said there needs to be a mechanism to turn the funds over to the CVB and suggested the City retain \$40,000 to fund the city branding effort. Mayor Wright asked that this be added to the next work session agenda.

Resolution to revise fee schedule for building permit fees (RESOLUTION 2009-08-49): City Clerk Sharon Lowery read Resolution 2009-08-49. City Manager Warren Hutmacher gave the presentation and recommended revising the fee structure to \$6 per \$1,000 for residential construction permit fees, a reduction of 25%.

Following discussion of the fees charged and the actual cost to the city, Council Member Ross said he would like to see more clarity on this and the city be more competitive with surrounding communities. Council Member Ross motioned to defer the resolution. Council Member Bonser seconded. The motion carried unanimously (7-0).

SECOND READ: Ordinance to amend Chapter 4: Alcohol Beverages to change various distance requirements. (ORDINANCE 2009-08-39): City Clerk Sharon Lowery read ordinance 2009-08-39. City Attorney Brian Anderson explained that the amendment is a minor change from “feet” to “yards”, and added language to the grandfathering clause to make it broader and more distinct. Council Member Wittenstein moved to approve as presented. Mayor Wright seconded. Mayor Wright opened public comment. There was no public comment. Mayor Wright closed public comment. The motion carried unanimously (7-0).

Approval of Contract 09-189 (Auditing Services): Council Member Ross motioned to defer until an Audit Committee is appointed. Council Member Shortal said the firm recommended is not the lowest price and asked for an explanation. Chris Pike, Finance Director, said from a qualitative standpoint they are a big player in the State of Georgia and have done more governmental audits and have dealt with many start up firms; from a quantitative standpoint they have included many items for free or have included it in their price and there are no surprises and no price to be determined at a later date.

Council Member Shortal said staff has done their due diligence and he does not have a problem selecting an audit firm and no problem appointing an audit committee. Council Member Wittenstein

motioned to defer this item to research the Charter. Mr. Pike replied that the Charter does not require an audit committee but it does say that Council will select an auditor. Council Member Wittenstein suggested that Council do some due diligence and interview the final firms. Mayor Wright seconded for discussion purposes. Council Member Shortal said staff has done due diligence and that he is against deferring and is in favor of a motion to appoint a firm. Mayor Wright said he was not comfortable deferring this item. Council Member Ross asked how the scope of the audit is defined in the absence of an audit committee. Mr. Pike said that the RFP includes all language required by State law and language from the Department of Audits.

Mayor Wright called for a vote on the motion to defer. The motion failed (2-5) with Council Member Ross and Council Member Wittenstein voting in favor; Mayor Wright, Council Member Bonser, Council Member Heneghan, Council Member Shortal, and Council Member Taylor voting “Nay”. Council Member Shortal moved to accept the recommendation of staff to award the purchasing contract for auditing services to Mauldin & Jenkins, CPA, LLP. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried (6-1) with Council Member Ross voting “Nay”.

ACTION ITEM: Approval of Michael Menis as the District 2 nominee to the Convention and Visitors Bureau of Dunwoody: Council Member Ross made a motion to approve Michael Menis as the District 2 nominee to the Convention and Visitors Bureau of Dunwoody. Mayor Wright seconded. Council Member Bonser said Mr. Menis works for Intercontinental Hotels and asked Council Member Ross if he has any relatives that work for Intercontinental Hotels. Council Member Ross replied that his son works for Intercontinental Hotels and has nothing to do with this. Council Member Bonser said this was not disclosed to her. Mayor Wright motioned to defer this item. Council Member Wittenstein seconded. Council Member Shortal said he was assured by Council Member Ross that Mr. Menis is not part of the three hoteliers. Council Member Bonser said she will defer to Mayor Wright and stated that she was against the deferral.

Council Member Heneghan asked Council Member Bonser if she and Council Member Ross both agreed on this nomination. Council Member Bonser said she agreed but there was not full disclosure. Mayor Wright called for a vote on the motion to defer this item. The motion failed as no members voted in favor of the motion. Mayor Wright motioned to approve Michael Menis as the District 2 nominee to serve on the Convention and Visitors Bureau of Dunwoody. Council Member Bonser seconded. The motion carried unanimously (7-0).

OTHER BUSINESS: Mayor Wright directed staff to initiate a text amendment to Chapter 21 Article 3 Section 12E for signage for buildings.

PUBLIC COMMENT: Mayor Wright requested public comment. There was no public comment. Mayor Wright closed public comment.

EXECUTIVE SESSION:

Mayor Wright motioned to break into executive session for discussion of legal and real estate. Council Member Taylor seconded. The vote carried unanimously (7-0).

ADJOURN

Council Member Wittenstein motioned to adjourn. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously (7-0).

There being no further business the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk