

CITY OF DUNWOODY
March 22, 2010
CITY COUNCIL MEETING MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, March 22, 2010. The 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 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

Also present:

- City Manager Warren Hutmacher
- City Clerk Sharon Lowery
- City Attorney Brian Anderson
- Assistant City Attorney Lenny Felgin
- Chief of Police Billy Grogan
- Public Works Director Michael Smith
- Assistant to the City Manager Kimberly Greer
- Secretary and Treasurer of the CVBD Bob Cottle
- Deputy Director of the CVBD Katie Brenckle
- Chairman of the CVBD Brad Sturgeon

CALL TO ORDER:

By Tommy Fry, Austin Elementary student and winner of the Austin Elementary “Mayor for a Day” auction package. Mayor Wright presented Tommy Fry with a Mayor for a Day certificate.

ROLL CALL AND GENERAL ANNOUNCEMENTS:

1. Employee recognition.
 - a. Michael Lockett - “Employee of Distinction” Proclamation
City Clerk Sharon Lowery read the Proclamation. Mayor Wright presented the Proclamation.
 - b. Officer Jesus Maldonado - “Officer of the Year”
Chief of Police Billy Grogan recognized Officer Maldonado.
 - c. Katharine “KC” Kramer – Dunwoody Police Department “Employee of the Year”
Chief of Police Billy Grogan recognized Katharine Kramer.
 - d. Officer Fidel Espinoza - “Marksman of the Year” and “Christmas for Kids” Program
Chief of Police Billy Grogan recognized Officer Espinoza.

INVOCATION: led by Council Member Ross.

PLEDGE OF ALLEGIANCE: led by Council Member Taylor.

MINUTES:

Approval of Meeting Minutes from the February 15, 2010 City Council Work Session Meeting.

Approval of Meeting Minutes from the February 22, 2010 City Council Meeting.

Council Member Ross motioned to approve the February 15, 2010 City Council Work Session Meeting minutes and the February 22, 2010 City Council Meeting minutes. Council Member Wittenstein seconded. The motion was voted and carried unanimously (7-0).

APPROVAL OF MEETING AGENDA: *(add or remove items from agenda)*

Mayor Wright requested that Items L2, L3 and L5 be moved to the Consent Agenda, and to untable and add as Item J5 the Second Read on the Ordinance amending Chapter 27 of the City of Dunwoody Code of Ordinances by amending the composition of the Design Review Advisory Committee (ORDINANCE 2010-02-07). Council Member Wittenstein motioned to untable Ordinance 2010-02-07. Council Member Ross seconded. The motion was voted and carried unanimously (7-0). A vote was called on the amended agenda, and the amended agenda passed unanimously (7-0).

PUBLIC COMMENT:

Mayor Wright opened public comment without objection.

Kristin Chapman – spoke in favor of backyard chicken raising.

Nancy Kayler – spoke in favor of installation of sidewalks on Valley View Road.

Kevin Watts – presented a petition signed by homeowners on Valley View Road in support of sidewalks on this road.

Matt Allen – spoke in favor of backyard chicken raising.

Max Lehmann – voiced concerns regarding the proposed ordinance regarding taxi cabs.

Lisa Bregitzer – spoke in favor of backyard chicken raising.

Joe Hirsch – voiced concerns regarding the proposed ordinance regarding taxi cabs and the proposed ordinance regarding electric carts.

Cheryl Summers – said she is in favor of the PDK proposal in opposition to the FAA's proposed changes to Class B Airspace. She spoke in opposition to the backyard chicken raising ordinance.

Jim Maloney – spoke in opposition to backyard chicken raising.

Mayor Wright closed public comment without objection.

MAYOR AND COUNCIL COMMENT:

Mayor Wright announced that the Georgia Supreme Court has ruled in favor of the City on the HOST lawsuit. He thanked Council Member Ross for his assistance in building the path from Vanderlyn to Womack. Mayor Wright said he was the emcee at the Vanderdash, and he

congratulated the students and parents for the success of this fun run. He reminded the citizens of the Mayor's Ride to the Capitol in support of bicycling as an alternative method of transportation.

Council Member Wittenstein thanked all of the Dunwoody citizens who e-mailed him regarding the backyard chicken raising ordinance.

Council Member Ross reminded the citizens about the "Bridge to the Future" ribbon cutting on March 29, 2010. He thanked all of the contributors who helped build this walking path, including the Boy Scout Troop from All Saints Catholic Church; Dunwoody High School; Dunwoody Elementary School; the Dunwoody Preservation Trust; Vanderlyn Elementary School; Home Depot Foundation; and the City of Dunwoody. He reminded that "Lemonade Days" will be held from April 15 through April 18 at Brookrun Park. He said the second annual Bicycle Ride Around Dunwoody will be held in conjunction with Lemonade Days, with the proceeds donated to the City to assist with striping streets to make Dunwoody a more bicycle friendly city.

Council Member Shortal encouraged everyone to come to Lemonade Days. He reminded the citizens that the deadline to submit letters in opposition to the proposed FAA Class B Airspace changes is April 3, 2010. He mentioned that the Ashford Dunwoody Road/Mt. Vernon Road signage will be completed by April 15, 2010.

Council Member Bonser encouraged citizens to volunteer for the Dunwoody Art Festival, which will be held during Mother's Day weekend, and said that people can sign up to volunteer for this event at dunwoodyartfestival.com.

CONSENT AGENDA:

Resolution opposing proposed changes to Class B airspace at Hartsfield-Jackson Airport. (RESOLUTION 2010-03-09) (City Council)

City of Dunwoody and Perimeter Community Improvement District (PCID) Cooperation Agreement. (Mayor Wright)

Green Building Policy. (Mayor Wright)

Resolution "Georgia Cities Week". (RESOLUTION 2010-03-10)

Resolution "The Atlanta Urban Area Partnership for Google". (RESOLUTION 2010-03-11) (Council Member Heneghan)

Resolution of joint cities opposing proposed changes to Class B airspace at Hartsfield-Jackson Airport. (City Council)

Council Member Wittenstein motioned to approve the Consent Agenda. Council Member Heneghan seconded. The motion was voted and carried unanimously (7-0).

UNFINISHED BUSINESS:

PUBLIC HEARING – Text amendment to Chapter 27, Article 4, Section 4-10.1 to include regulations for "Raising Backyard Chickens in Single Family Residence Districts." (Council Member Wittenstein)

Mayor Wright opened the Public Hearing without objection.

City Planner Howard Koontz presented this matter. He said that this matter has been vetted by the Community Council and Planning Commission with no changes since the March 8, 2010 Work Session.

Mayor Wright opened public comment for those in favor of the proposed text amendment.

Dave Doolittle – spoke in favor of backyard chicken raising, and gave a slideshow presentation regarding this matter.

Kathryn Chambless – spoke in favor of backyard chicken raising.

John Harrison – spoke in favor of backyard chicken raising.

Mayor Wright opened public comment for those in opposition to the proposed text amendment.

Gerri Penn – spoke against backyard chicken raising.

Peter Petrecca – spoke against backyard chicken raising.

George Bender – spoke against backyard chicken raising.

Mayor Wright closed public comment without objection.

Mayor Wright closed the Public Hearing without objection.

SECOND READ: Ordinance to amend Chapter 27, Article 4, Section 4-10.1 to include regulations for “Raising Backyard Chickens in Single Family Residence Districts.” (ORDINANCE 2010-03-10). (Council Member Wittenstein)

Council Member Wittenstein motioned to approve the ordinance. Council Member Heneghan seconded. Council Member Wittenstein motioned to amend Section 3, Paragraph E3 of the ordinance to read that coops must be located in the rear yard of the lot, with the following language added, “and shall be screened by either fencing or vegetation so that the coop is not visible from the street.” Council Member Heneghan seconded.

Mayor Wright opened public comment on the proposed amendment. There was no public comment. Mayor Wright closed public comment without objection.

A vote was called on the amendment. The amendment failed (4-3), with Council Member Bonser, Council Member Heneghan and Council Member Wittenstein voting in favor of the amendment, and Mayor Wright, Council Member Taylor, Council Member Shortal, and Council Member Ross voting against the amendment.

Council Member Wittenstein motioned to amend Section 3, Paragraph H of the ordinance to add a provision to prohibit the raising of backyard chickens for slaughter, and renumbering H and I to I and J. Council Member Heneghan seconded.

Mayor Wright opened public comment on the proposed amendment. There was no public comment. Mayor Wright closed public comment without objection.

A vote was called on the amendment. The amendment failed (4-3), with Council Member Bonser, Council Member Heneghan and Council Member Wittenstein voting in favor of the amendment,

and Mayor Wright, Council Member Taylor, Council Member Shortal, and Council Member Ross voting against the amendment.

Council Member Heneghan motioned to amend the ordinance to replace Section 3, Sec. 4-10.1(e)(4) of the ordinance to read as follows: “Placement of coops must be in compliance with set-back requirements for accessory structures outlined in Chapter 27 of the Dunwoody code of ordinances, the applicable section based on the applicants zoning district.” Council Member Bonser seconded.

Mayor Wright opened public comment on the proposed amendment.

Dave Doolittle – said he thinks this ordinance is restrictive.

Kim Pray – spoke in favor of the chicken raising ordinance.

Gerri Penn – said that the Community Council voted against this ordinance.

Ashley Doolittle – said that the Planning Commission voted unanimously in favor of this ordinance. She said a member of the Community Council did say they wished they had voted in favor of the ordinance.

Mayor Wright closed public comment without objection.

Council Member Heneghan explained that he proposed the amendment because, if approved as written, chicken coops would have to be moved to the middle of the owner’s backyards.

A vote was called on the amendment, and the vote failed (4-3), with Council Member Bonser, Council Member Heneghan and Council Member Wittenstein voting in favor of the amendment, and Mayor Wright, Council Member Taylor, Council Member Shortal and Council Member Ross voting against the amendment.

Mayor Wright said that this discussion is about a new right that would be granted to homeowners, therefore, he will vote against this ordinance.

A vote was called on the ordinance and the ordinance failed (4-3), with Council Member Bonser, Council Member Heneghan and Council Member Wittenstein voting in favor of the ordinance, and Mayor Wright, Council Member Taylor, Council Member Shortal, and Council Member Ross voting against the ordinance.

SECOND READ: Ordinance to amend Chapter 15, Regulation of taxi cabs. (ORDINANCE 2010-03-11). (Warren Hutmacher)

City Clerk Sharon Lowery read the ordinance. City Manager Warren Hutmacher presented the ordinance. Following discussion, Council Member Shortal motioned to approve the ordinance. Due to lack of a second, the motion died.

SECOND READ: Ordinance to amend Chapter 17, Motorized Golf Carts. (ORDINANCE 2010-03-09). (Mayor Wright, Council Member Ross, Council Member Wittenstein)

Council Member Wittenstein motioned to approve the ordinance. Mayor Wright seconded.

Assistant to the City Manager Kimberly Greer said that the Sustainability Commission recommends that the City Council defer this matter until the Comprehensive Plan is complete.

Council Member Ross motioned to defer the ordinance until the Transportation Plan is complete. Council Member Heneghan seconded.

A vote was called on the deferral, and the motion carried (6-1), with Council Member Wittenstein voting against the motion.

SECOND READ: An Ordinance amending Chapter 27 of the City of Dunwoody Code of Ordinances by amending composition of the Design Review Advisory Committee. (ORDINANCE 2010-02-07). (Community Development)

Mayor Wright motioned to approve the ordinance. Council Member Shortal seconded. The motion carried (6-1), with Council Member Wittenstein voting against the ordinance.

REPORTS AND PRESENTATIONS:

Convention and Visitors Bureau of Dunwoody Annual Report.

Secretary/Treasurer of the Convention and Visitors Bureau Bob Cottle presented the annual financial report for the 2009 fiscal year. He said that the Convention and Visitors Bureau (“CVBD”) did not spend as much of the budget in 2009 as it had projected, and that there is surplus carried over to 2010. Deputy Director of the CVBD Katie Brenckle presented an annual report on the progress of the marketing efforts of the CVBD. She said the mission and goal of the CVBD is to market and promote the City of Dunwoody as a destination.

NEW BUSINESS:

FIRST READ: Ordinance to amend Fiscal Year 2010 Budget to fund Economic Development study. (ORDINANCE 2010-03-XX). (Warren Hutmacher)

City Clerk Sharon Lowery read the ordinance. City Manager Warren Hutmacher presented the ordinance.

Resolution to appoint additional members of Design Review Advisory Committee. (RESOLUTION 2010-03-12). (Community Development)

Council Member Shortal motioned to approve the resolution. Mayor Wright seconded. The motion was voted and carried (6-1), with Council Member Wittenstein voting against the resolution.

Five-year resurfacing plan. (Community Development)

Public Works Director Michael Smith presented this matter. He said he is actually presenting a one-year plan to the City Council tonight. Council members discussed the matter. Council Member Wittenstein motioned to approve the plan. Council Member Ross seconded. The motion was voted and carried unanimously (7-0).

Initiation of text amendments. None.

PUBLIC COMMENT:

Bob Lundsten – said he will make an open records request with the City of Dunwoody from January 1, 2010 to this date for all personal and City related correspondence for all council members regarding the backyard chicken raising ordinance.

Bob Dallas – spoke in favor of enforcing the safety belt laws, and thanked the Dunwoody Police Department for their enforcement of these laws because he said it provides more safety for the citizens of Dunwoody.

OTHER BUSINESS:

None.

EXECUTIVE SESSION:

Executive Session was held between the City Council Work Session and the City Council Meeting.

ADJOURN:

There being no further business, the meeting was adjourned. (Council Member Ross motioned to adjourn the meeting. Council Member Shortal seconded. The motion was voted and carried unanimously (7-0)).

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk