

CITY OF DUNWOODY
May 24, 2010
CITY COUNCIL MEETING MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting Monday, May 24, 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
At Large, Post 4	Robert Wittenstein, Council Member (arrived at 7:56 p.m.)
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 Community Development Director Michael Tuller City Planner Howard Koontz Finance Director Chris Pike Kimberly Greer

CALL TO ORDER:

Mayor Wright called the meeting to order. All members were present except Council Member Bonser and Council Member Ross.

INVOCATION: led by Council Member Wittenstein.

PLEDGE OF ALLEGIANCE: led by Council Member Shortal.

MINUTES:

Mayor Wright requested that Items E1 through E7 be moved to the Consent Agenda.

PUBLIC COMMENT:

Joe Hirsch – voiced concerns regarding the noise ordinance.

Bill Coleman – spoke in favor of the City taking over Windwood Hollow Park, and voiced concerns regarding the linear park on Peeler Road.

Bob Lundsten – voiced concerns regarding the placement of the discussion of the Comprehensive Plan in the middle of tonight’s agenda, and requested that this type of matter be addressed at the beginning of the City’s agendas. He voiced concerns regarding some of the contents of the Comprehensive Plan.

Bill Grant – voiced concerns regarding traffic during the Dunwoody Art Festival.

MAYOR AND COUNCIL COMMENT:

Mayor Wright said he called Senator Isakson's office regarding the flag at the U.S. Post Office in Dunwoody, and was told by Senator's Isakson's office that a citizen took the flag down and ripped it up, and that the Post Office has put a new flag up now.

Council Member Heneghan said he is attending a "Save Our Skin" skin cancer walk this Saturday, and the Soap Box Derby at First Baptist Church on N. Peachtree on June 5, 2010 at 9:00 a.m.

Council Member Wittenstein said that the linear park near the water works is not a park, but is part of the water works. He said the City of Dunwoody has no rights to this property, and has spoken with DeKalb County regarding the upkeep on this property, and DeKalb County will resume maintenance of the property.

Council Member Shortal said that last week he attending the grand opening ribbon cutting ceremony at the Cottage at Plantation South which is a new facility for citizens with dementia, and that is an enhancement to our City. He said that tomorrow, he and City Manager Warren Hutmacher will be going to Cobb Emergency Management Center to learn about their siren technology, and investigate the feasibility of this technology for the City of Dunwoody.

CONSENT AGENDA:

Approval of Meeting Minutes from the March 26, 2010 City Council Special Called Meeting.

Approval of Meeting Minutes from the April 12, 2010 City Council Special Called Meeting.

Approval of Meeting Minutes from the April 12, 2010 City Council Work Session.

Approval of Meeting Minutes from the April 26, 2010 City Council Work Session.

Approval of Meeting Minutes from the April 26, 2010 City Council Meeting.

Approval of Meeting Minutes from the April 29, 2010 City Council Special Called Meeting.

Approval of Meeting Minutes from the May 10, 2010 City Council Work Session.

Resolution to appoint members to the Sustainability Commission. (RESOLUTION 2010-05-XX)
(Mayor Wright)

Contract with Atlanta Regional Commission for Livable Centers Initiative grant for Dunwoody Village. (Mike Tuller)

Council Member Shortal motioned to approve the Consent Agenda. Council Member Wittenstein seconded. The motion was voted and carried unanimously (4-0).

UNFINISHED BUSINESS:

PUBLIC HEARING: for the codification of Chapter 21, Signs, and Chapter 27, Zoning, of the City of Dunwoody Code of Ordinances. (Lenny Felgin)

Mayor Wright opened the public hearing without objection.

Mayor Wright opened public comment in favor of the proposed codification.

Joe Hirsch – voiced concerns regarding the proposed changes in the Sign Ordinance.

Mayor Wright opened public comment in opposition to the proposed codification.

There was no public comment in opposition to the proposed codification.

Mayor Wright closed public comment without objection.

Mayor Wright closed the public hearing without objection.

SECOND READ – Ordinance to adopt City of Dunwoody Code of Ordinances. (ORDINANCE 2010-05-XX) (Sharon Lowery)

City Clerk Sharon Lowery read the ordinance. Council Member Shortal motioned to approve the ordinance. Council Member Heneghan seconded. The motion was voted and carried unanimously (4-0).

PUBLIC HEARING – Amendment of Zoning Classification of 121 Perimeter Center Parkway (RZ 10-041) from OI to OCR. (ORDINANCE 2010-05-XX) (Community Development).

Mayor Wright opened the public hearing without objection.

Council Member Wittenstein said that he received a campaign contribution from Dillard & Galloway, who is a party to this project.

Mayor Wright opened public comment in favor of the ordinance.

Laurel David spoke in favor of and on behalf of the owner of the building requesting the amendment. She said that the owner is requesting additional parking spaces, totaling 181 parking spaces. She said that the Dunwoody Homeowner's Association supports this request, and she submitted a copy of the signed agreement with the DHA, along with conditions. Council Member Heneghan asked Ms. David if there would be any reduction in trees with the increase in parking spaces, and Ms. David said that there would be no reduction in trees.

Mayor Wright opened public comment in opposition to the ordinance.

There was no public comment in opposition to the ordinance.

Mayor Wright closed public comment without objection.

Mayor Wright closed the public hearing without objection.

SECOND READ - Ordinance to amend the Zoning Classification of 121 Perimeter Center Parkway (RZ 10-041) from OI to OCR. (ORDINANCE 2010-05-XX) (Community Development)

City Clerk Sharon Lowery read the ordinance.

Council Member Wittenstein motioned to approve the ordinance with staff conditions as presented. Mayor Wright seconded. Council Member Wittenstein motioned to approve the ordinance with

staff's conditions and the Dunwoody Homeowners Association's ("DHA") conditions as presented by Laurel David. Mayor Wright seconded. Assistant City Attorney Lenny Felgin read the conditions presented by the DHA. The motion was voted and carried unanimously (4-0).

PUBLIC HEARING – Authorization of a Special Land Use Permit at 121 Perimeter Center Parkway (SLUP 10-041) to exceed two-story height limit to allow for existing three-story office building. (ORDINANCE 2010-05-XX) (Community Development)

Mayor Wright opened the public hearing.

City Planner Howard Koontz said that staff recommends that the Mayor and Council approve the ordinance.

Mayor Wright opened public comment in favor of the ordinance.

Laurel David said that all items presented in this ordinance have been addressed through the Community Council and the Planning Commission.

Mayor Wright opened public comment in opposition to the ordinance.

There was no public comment in opposition to the ordinance.

Mayor Wright closed public comment without objection.

Mayor Wright closed the public hearing without objection.

SECOND READ – Ordinance to authorize a Special Land Use Permit to 121 Perimeter Center Parkway (SLUP 10-041) to exceed two-story height limit to allow for existing three-story office building. (ORDINANCE 2010-05-XX) (Community Development)

City Clerk Sharon Lowery read the ordinance.

Council Member Wittenstein motioned to approve the ordinance. Mayor Wright seconded. The motion was voted and carried unanimously (4-0).

SECOND READ – Ordinance to amend Chapter 16 Offenses and Violations re: Noise. (ORDINANCE 2010-05-XX) (Denis Shortal)

Mayor Wright motioned to approve the ordinance. Council Member Shortal seconded. Council Member Shortal requested the following changes to the second paragraph of the Noise Ordinance, Section 12 (b) (10) (i) and Section 12 (b) (10) (ii): "Before 7:30 AM or after 7:30 PM on weekdays and before 8:00 AM or after 7:00 PM on Saturdays and at any time on Sundays and / or legal holidays (New Years Day (observed), Memorial Day (observed), Independence Day (observed), Labor Day (observed), Thanksgiving Day, and Christmas Day (observed) in or within 400' (as measured from the closest point to point of the edge of the properties involved) of residential zoned districts and before 7:00 AM or after 8:30 PM Monday - Saturday and before 1:00 PM or after 5:00 PM on Sundays and at any time on legal holidays (New Years Day (observed), Memorial Day (observed), Independence Day (observed), Labor Day (observed), Thanksgiving Day and Christmas Day (observed) in non-residential zoned districts."

Council Member Wittenstein requested that the word "commercial" be used rather than "non-residential." Council Member Shortal agreed to Council Member Wittenstein's change.

Council Member Shortal motioned to present a text amendment to the ordinance, including these requested changes, to the Community Council and Planning Commission. Mayor Wright seconded.

REPORTS AND PRESENTATIONS:

Brook Run Conservancy overview by bill McCahan.

Bill McCahan made a presentation on the Brook Run Conservancy. He presented Mayor and Council with a handout regarding the Brook Run Conservancy and Brook Run Park, including a proposed master plan. He discussed repairs to be made and funding necessary to make the repairs and to maintain the park. He said that the goal of the Brook Run Conservancy is to develop a public/private partnership to seek monetary resources to be utilized for Brook Run Park. He suggested that the City of Dunwoody develop a citizen task force to help develop a revised master plan for Brook Run Park. He said that the \$6,900,000.00 grant to the City for Brook Run Park will cover 65% to 70% of the cost of what needs to be done to the park.

Art Festival (Council Member Shortal)

Deferred.

PUBLIC HEARING – City of Dunwoody 2030 Comprehensive Plan. (Community Development)

Mayor Wright opened the public hearing without objection.

Mayor Wright opened public comment.

There was no public comment.

Mayor Wright closed public comment without objection.

Mayor Wright closed the public hearing without objection.

PUBLIC HEARING – Ordinance to adopt the proposed 2010 Millage Rate. (ORDINANCE 2010-05-XX) (Chris Pike)

Mayor Wright opened the public hearing without objection.

Finance Director Chris Pike explained that there is no tax increase from 2009 to 2010.

Mayor Wright opened public comment.

Brian Sims – spoke in favor of the ordinance.

Mayor Wright closed public comment without objection.

Mayor Wright closed the public hearing without objection.

FIRST READ - Ordinance to adopt the proposed 2010 Millage Rate. (ORDINANCE 2010-05-XX)

The ordinance was read by City Clerk Sharon Lowery.

OTHER BUSINESS: None.

PUBLIC COMMENT: None.

EXECUTIVE SESSION: None.

ADJOURN:

There being no further business, the meeting was adjourned. (Council Member Shortal motioned to adjourn. Mayor Wright seconded. The motion was voted and carried unanimously (4-0)).

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk