



## MEMORANDUM

**To:** Mayor and City Council

**From:** Steve Foote, AICP  
Community Development Director

**Date:** November 10, 2014

**Subject:** Discussion – Amendment to City of Dunwoody Ordinances  
Chapter 8, Buildings and Building Regulations

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### **HISTORY**

A brief history of this amendment is presented below:

July 8, 2013	Initial discussion was held with the City Council
January 10, 2014	First change was forwarded to the DCA
February 26, 2014	Response received from the DCA
March 10, 2014	Amendment presented to City Council for 1 <sup>st</sup> reading
April 21, 2014	Council requested a 'waiver' process; aggregate wording included
July 14, 2014	Council discussion; waiver provided
August 25, 2014	Additional Council direction requested; waiver removed
September 8, 2014	Council discussion
September 22, 2014	City Council approved Resolution to the DCA
October 1, 2014	Resolution and supporting documents forwarded to the DCA
October 7, 2014	Response received from the DCA

### **REQUEST**

The amendment will modify Chapter 8, Buildings and Building Regulations of the Code of Ordinances, specifically Section 8-1(e)(1) International Building Code by inserting a new subparagraph iii "Construction Classification and Building Height". The changes amend Chapter 6 of the 2012 International Building Code, Types of Construction, Section 602 Construction Classification.

### **BACKGROUND**

When the City of Dunwoody began the Zoning/Land Development Code Rewrite in early 2012, two of the primary objectives in undertaking the project were to (1) prepare development regulations (substantive standards and procedures) that are illustrated and as easy to use, administer and enforce as possible and (2) better integrate and reference other development regulations. In order to achieve these objectives, a notion, first raised by the Zoning Code Rewrite Sounding Board, was discussed at length to increase building quality, durability, sustainability, and longevity while revitalizing areas zoned for uses other than those that currently exist on the site. As such, the City began considering changes to the Buildings and Building Regulations Ordinance that would require commercial, office, apartment, or condominium buildings greater than three (3) stories in height to be framed with noncombustible materials such as metal and/or concrete. Currently, the ordinance



specifies anything up to five (5) stories above grade can be framed with light frame materials, and any structures taller than five (5) stories above grade must be framed with more durable materials that typically include metal and/or concrete.

## **DISCUSSION**

The ordinance attached for consideration by the Council has been submitted to and reviewed by the Department of Community Affairs consistent with O.C.G.A. 8-2-25(c)(1) which requires that all amendments "be not less stringent than the State Minimum Standard Codes for Construction and that they be based on local climatic, geologic, topographic or public safety factors." The act further requires that "the local government demonstrate a local need by submitting in writing the legislative findings of the governing body and such other documentation it deems necessary/helpful in justifying the proposed amendment(s)."

The DCA response dated October 7, 2014 specifically stated that the DCA has "no comment" on the amendment which is described in their letter as being indicative of the City providing "no evidence of legislative findings and/or other supporting documentation justifying the requirement" or that the "requirement was an administrative procedure or the requirement was not code related."

As with previous versions of this proposal, the amendment will modify Chapter 8, Buildings and Building Regulations of the Code of Ordinances, specifically Section 8-1(e)(1) International Building Code by inserting a new subparagraph iii "Construction Classification and Building Height". The changes amend Chapter 6 of the 2012 International Building Code, Types of Construction, Section 602 Construction Classification as follows:

### *Section 8-1. State minimum standard codes.*

(e) Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:

(1) International Building Code:

- (iii) Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect, and which individually or in congregate with other principal buildings/structures on the same site exceeds 200,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code, as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

As revised, the new provisions will apply to sites with one principal buildings or sites containing more than one principal building over three stories in height and where the GFA of one or all principle buildings on the site exceed 200,000 sq. ft.

## **RECOMMENDATION**

The adoption of this amendment is a policy decision for the City Council.

**AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY OF  
DUNWOODY CODE OF ORDINANCES BY REVISING THE  
BUILDING CODE TO INCLUDE NEW REQUIREMENTS FOR  
CLASSIFYING CONSTRUCTION BASED ON BUILDING HEIGHT**

**WHEREAS,** the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

**WHEREAS,** the City of Dunwoody currently enforces building regulations as set out in Chapter 8 of the City of Dunwoody Code; and

**WHEREAS,** in order to create easily accessible development regulations that integrate other such regulations, the Mayor and Council wish to revise the building code provisions for increased building quality, sustainability, durability, and longevity while revitalizing the areas zoned for uses other than what is currently developed; and

**WHEREAS,** the Mayor and City Council find that in order to preserve the safety of persons inhabiting buildings above a certain height, the Council wish to institute a requirement for construction with enhanced quality materials that increase the durability and longevity of the buildings; and

**WHEREAS,** the City submitted the proposed amendment to Chapter 8 to the Georgia Department of Community Affairs and has received no comments in return.

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby **ORDAIN as follows:**

**Section 1:** Chapter 8 (Building Code) of the City of Dunwoody Code of Ordinances is hereby amended by revising Article I ("In General"), Section 8-1(e) by adding new subsection (iii) to read as follows:

**Sec. 8-1. State Minimum Standard Codes**

. . . . .

(e) Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:

(1) International Building Code:

. . . . .

- (iii) Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect and which individually or in aggregate with other principal buildings or structures on the same site exceeds 200,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

**Section 2:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED AND EFFECTIVE**, this \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

\_\_\_\_\_  
Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

\_\_\_\_\_  
Cecil G. McLendon, City Attorney



GEORGIA DEPARTMENT OF  
**COMMUNITY AFFAIRS**

Nathan Deal  
GOVERNOR

Gretchen Corbin  
COMMISSIONER

October 7, 2014

Honorable Michael G. Davis  
Mayor of City of Dunwoody  
41 Perimeter Center East, Suite 250  
Dunwoody, Georgia 30346

Dear Mayor Davis:

This letter acknowledges receipt of the City of Dunwoody's letter dated October 1, 2014 and the City of Dunwoody's proposed local amendment (attached). You have requested that the Department of Community Affairs (DCA) review the amendment and comment in accordance with the Official Code of Georgia Annotated (O.C.G.A.), Title 8, Chapter 2, Article 1, Part 2.

The Uniform Codes Act, O.C.G.A. 8-2-25 (c) (1), requires such amendment(s) to be not less stringent than the State Minimum Standard Codes for Construction and that they be based on local climatic, geologic, topographic or public safety factors. The Act also requires the local government to demonstrate a local need by submitting in writing the legislative findings of the governing body and such other documentation it deems necessary/helpful in justifying the proposed amendment(s).

Legislative findings should take the form of analysis or special studies, conducted by the local government, which would support the need for a particular local code amendment. If such detailed material is not available, documentation of legislative findings must, at a minimum, consist of a resolution adopted by the governing authority which indicates that (a) the governing authority has reviewed the proposed local code amendment(s) being submitted to the Department; (b) the governing authority has found each of the proposed amendment(s) to be not less stringent than the State Minimum Standard Codes; (c) the reason(s) the local government feels each amendment is needed and which of the aforementioned localized factors (i.e., climate, geology, topography or public safety) is causing the need for the local amendment; and (d) the local government is requesting the Department to review the proposed local amendment(s) in accordance with the Act.

Accordingly, the Department may respond to your proposed amendment(s) in one of three ways: 1) the Department recommends adoption of the amendment; 2) the Department does not recommend adoption of the amendment; or 3) the Department has no comment. Whenever the Department has made no comment, there was either no evidence of legislative findings and/or other supporting documentation justifying the requirement provided for the Department to make a decision regarding the amendment or the requirement was an administrative procedure or the requirement was not code related.

Therefore, we have reviewed your amendment and we offer the following recommendations and comments for consideration by your local governing body.

60 Executive Park South, N.E. • Atlanta, Georgia 30329-2231 • 404-679-4940

[www.dca.ga.gov](http://www.dca.ga.gov)

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Honorable Michael G. Davis  
Page 2  
October 7, 2014

1) Regarding **Section 8-1 (e) (1) (iii), Construction Classification and Building Height**, The Department has no comment.

Per O.C.G.A. 8-2-25 (c) (4), Georgia law requires that no local amendment to the State Minimum Standard Codes shall become effective until the local governing body has caused a copy on the adopted amendment to be filed with this Department. We also request that you submit a copy of your adopting ordinance for our record.

If you have questions regarding this matter, please contact me at (404) 679-3104 or by email at [max.rietschier@dca.ga.gov](mailto:max.rietschier@dca.ga.gov).

Sincerely,



Max Rietschier, Lead Building Codes Consultant  
Office of Construction Codes and Research

Attachment



Michael G. Davis  
 Mayor of Dunwoody  
 41 Perimeter Center East, Suite 250  
 Dunwoody, Georgia 30346  
 P (678) 382-6700 F (678) 382-6701  
 dunwoodyga.gov

October 1, 2014

Ted Miltiades, Director  
 Department of Community Affairs  
 Office of Construction Codes and Research  
 60 Executive Park South, NE  
 Atlanta, Georgia 30329-2231

RE: Proposed Text Amendment to City of Dunwoody Buildings and Building Regulations Ordinance

Mr. Miltiades:

This letter serves to outline the City of Dunwoody's request for Department of Community Affairs (DCA) review pursuant to O.C.G.A. § 8-2-25.

When the City of Dunwoody began the Zoning/Land Development Code Rewrite in early 2012, two of the primary objectives in undertaking the project were to (1) prepare development regulations (substantive standards and procedures) that are illustrated and as easy to use, administer and enforce as possible; and, (2) better integrate and reference other development regulations. In order to achieve these objectives, a notion, first raised by the Zoning Code Rewrite Sounding Board, and which was discussed at length, was to increase building quality, durability, sustainability, and longevity while revitalizing areas zoned for uses other than those that currently exist on the site. This coupled with the public safety concerns cited by Council in the past, City staff presented those findings before Mayor and City Council on July 8, 2013, whereby consensus was achieved directing staff to transmit the proposed text amendments to the building code to DCA for comment and review.

As previously reported, numerous structures built prior to incorporation by the City of Dunwoody range from three to five stories in height and are stick-built. While the newer structures constructed under the standard of DeKalb County and the current Dunwoody Building Code have a lifespan of 20-50 years, the concern of Council reigns from the public safety factors in the inevitable deterioration of those structures until they reach the end of their useful lifespan and are demolished.

The original building code changes were forwarded to the Department of Community Affairs in January 2014 for comment and the DCA responded as required. However, since that time the city has continued to discuss and revise the proposed building amendment. Due to the significant nature of the latest changes, staff has determined that a new submittal is required and herewith requests the DCA review and comment on the proposed amendment contained herein to the City of Dunwoody Building Codes.

The current amendment to the Buildings and Building Regulations Ordinance will require any building; commercial, office, apartment, condominium, or other building greater than three (3)-stories in height and exceeding 200,000 sq. ft. GFA, individually or in aggregate, to be framed with noncombustible materials such as metal and/or concrete (Type I or Type II



Michael G. Davis  
Mayor of Dunwoody  
41 Perimeter Center East, Suite 250  
Dunwoody, Georgia 30346  
P (678) 382-6700 F (678) 382-6701  
dunwoodyga.gov

construction). Currently, the ordinance specifies anything up to five (5)-stories above grade can be framed with light frame materials, and any structures taller than five (5)-stories above grade must be framed with more durable materials that typically include metal and/or concrete (Type I and Type II construction). The change will allow lower-rise structures under three stories or those smaller scaled projects, less than 200,000 sq. ft., to continue to be safely constructed and maintained at the current standard of construction out of the Council's interest in financial feasibility and tempered public safety concerns for lower-rise construction, including egress, structural integrity, and fire safety, for instance.

The amendment to the City Ordinance is proposed in **RED** below:

Section 8-1. State minimum standard codes.

(e) Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:

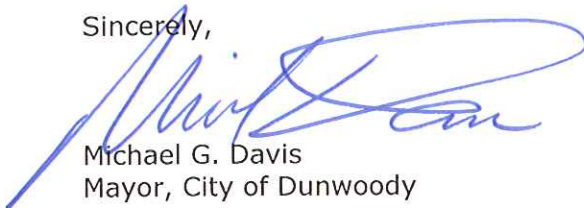
(1) International Building Code:

\*\*\*\*\*

(iii) Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect, and which individually or in congregate with other principal buildings/structures on the same site exceeds 200,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code, as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

If you have any questions, please contact me, or our Community Development Director, Steve Foote, at (678) 382-6700.

Sincerely,



Michael G. Davis  
Mayor, City of Dunwoody

Attachments:  
City of Dunwoody Application  
Resolution  
Minutes from September 8, 2014 Mayor and City Council Meeting

Michael G. Davis Mayor

Denis Shortal City Council Post 1  
Jim Rittcher City Council Post 2  
Doug R. Thompson City Council Post 3

Terry Nall City Council Post 4  
Lynn Deutsch City Council Post 5  
John Heneghan City Council Post 6



# GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

## LOCAL CODE AMENDMENT FORM

(For Local Government Use Only)

Item # :	(For DCA use only)			Page:	1	of	4	
Local Government:	City of Dunwoody			Date:	10/1/2014			
Official's Name and Title:	Steve Foote, Community Dev. Director			Phone:	678-382-6802			
Address:	41 Perimeter Center East, Suite 250 Dunwoody, GA 30346			Fax:	770-396-4828			
				Email:	<a href="mailto:steve.foote@dunwoodyga.gov">steve.foote@dunwoodyga.gov</a>			
Title of Code Book:	IBC	Code Book Edition:	2012	Code Section:	Section 602.2			
CHECK ONE:	<input type="checkbox"/>	Revise section to read as follows:			<input checked="" type="checkbox"/>	Add new section to read as follows:		
	<input type="checkbox"/>	Delete section and substitute the following:			<input type="checkbox"/>	Delete without substitution:		
LINE THROUGH MATERIAL TO BE DELETED:					<u>UNDERLINE MATERIAL TO BE ADDED</u>			
Code section with strike through and underline :								
<p><u>(iii) Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect, and which individually or in aggregate with other principal buildings/structures on the same site exceeds 200,000 sq. ft. of gross floor area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction as defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.</u></p>								
Complete ordinance section containing local amendment:								
See below with changes in red.								

**ARTICLE I. - IN GENERAL**

**Sec. 8-1. - State minimum standard codes.**

- (a) It is hereby declared to be the intention of the council to enforce and adopt the state minimum standards codes as defined by O.C.G.A. § 8-2-20(9). The adoption also includes the latest edition of the following state minimum standard codes, as adopted and amended by the state department of community affairs, for all permits approved after the adoption of this ordinance:

International Building Code	2006 edition
International Fuel Gas Code	2006 edition
International Mechanical Code	2006 edition
International Plumbing Code	2006 edition
National Electrical Code	2011 edition
International Fire Code	2006 edition
International Energy Conservation Code	2009 edition
International Residential Code	2006 edition
International Property Maintenance Code	2006 edition

- (b) The following appendices of said codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:

International Mechanical Code	Appendix C
International Plumbing Code	Appendices C (state version), H, I (state version)
International Residential Code	Appendix G
International Energy Conservation Code	Appendices A, B, C, D (new per the sate DCA)

- (c) The following codes, the latest editions as adopted and amended by the state department of community affairs, or other applicable state agencies, are hereby adopted by reference as though they were copied herein fully:

Swimming Pool Code as adopted by the county board of health.

- (d) For all permits granted or approved by the county under earlier versions of any or all of these codes, it is hereby declared to be the intention of the council to enforce the code under which the project was approved.

- (e) Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:

- (1) International Building Code:

- (i) Revise section 1612.3 to include "The flood insurance study for DeKalb county countywide FIRM and FIS effective 5-07-2001."

- (ii) Adopt Appendix A (amended as follows):

1. Appendix A - Employee Qualifications
2. A101.1. Building Official.

The building official shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five (5) years of which shall have been supervisory experience. The building official shall be certified as a Certified Building Official (CBO) through a recognized certification program. The building official shall hold all certifications and credentials of trades overseen or departments supervised (i.e. Certified Housing Code Official for Code Enforcement Supervision).

- a. Building Officials not certified as certified (housing, building, plumbing, electrical or mechanical) code officials may have chief inspectors for each trade maintaining their corresponding trade certifications.

3. A101.2. Chief Inspector.

The building official can designate supervisors to administer the provisions of the International Building, Mechanical and Plumbing Codes, International Fuel Gas Code and ICC Electrical Code. Each supervisor shall have at least 10 years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been in a supervisory capacity. They shall be certified through a recognized certification program for the appropriate trade.

4. A101.3. Inspector and plans examiner.

The building officials shall appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized by the jurisdiction. A person shall not be appointed or hired as inspector of construction or plans examiner who has not had at least five (5) years' experience as a contractor, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction. The inspector or plans examiner shall be certified through a recognized certification program for the appropriate trade.

- a. If Inspectors or plans examiners lack certifications for specific trades then the Building Official must have those certifications and supervise all inspections or plan reviews performed accordingly. The Inspector or plan reviewer is expected to be in active pursuit of obtaining lacking certifications within a time frame specified by the jurisdiction.

5. A101.3.5. Code Enforcement/Code Compliance Personnel.

- a. Code Enforcement Official, or supervisory personnel under the direction of the building official must obtain and maintain Level II certification from GACE as well as ICC certification as a Property Maintenance and Housing Inspector and zoning inspector. Certified Code Enforcement Officer designation from the American Association of Code Enforcement is preferred.
- b. Code Enforcement officers under the direction of the building official must obtain and maintain a Level I certification from GACE, which should be required for every Code Enforcement Officer as well as ICC certification as a Property Maintenance and Housing Inspector.
- c. The Building Official and all inspectors and Plan reviewers must maintain their certifications as active in accordance with the certification program issuing the certification.

6. A101.4. Termination of employment is hereby deleted in its entirety.

*(iii) Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect, and which individually or in aggregate with other principal buildings/structures on the same site exceeds 200,000 sq. ft. of gross floor area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction as defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.*

(2) International Plumbing Code:

- (i) Revise Section 305.6.1; insert "12 inches."
- (ii) Revise Section 305.9 to include "Components of a plumbing system installed along alleyways, in yards, or lawns, driveways, parking garages or other locations exposed to damage shall be recessed into the ground, wall or otherwise protected in an approved manner."

- (iii) Waiver for an exemption to the requirements for the installation of high efficiency plumbing fixtures relative to any new construction and to the repair or renovation of an existing building may be given under the following conditions:
  - 1. When the repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or shower heads within such existing building;
  - 2. When such plumbing or sewerage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets, or shower heads required by this part were installed;
  - 3. When such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
  - 4. When units to be installed are:
    - a. Specifically designed for use by person with disabilities;
    - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
    - c. Toilets for juveniles

(3) National Electrical Code:

- (i) When a residential service change is installed, all receptacle outlets that are required under the current state adopted electrical code to be GFI outlets shall be modified to provide such protection, including bathrooms, kitchen counters, and outdoor receptacles.
- (ii) When a residential service change is installed, all smoke alarms required for new construction must be installed per the requirement in the adopted residential code.
- (iii) A reinspection permit and reinspection shall be required before power is restored to any residence or building where power has been disconnected for six months or more.

(4) International Residential Code:

- (i) Table 301.2(1) in chapter 3 shall be completed by adding the following information to the blank spaces:
  - (1) Ground snow load (lbs. Per square foot)—8.
  - (2) Wind speed (fastest mile)—90.
  - (3) Seismic design category B.
  - (4) Weathering—moderate.
  - (5) Frost line depth—Yes, 12" minimum.
  - (6) Termite damage—Yes, very heavy.
  - (7) Winter design temp. for heating facilities—22 F.
  - (8) Ice Barrier Underlayment Required—No.
  - (9) Flood Hazards—Yes.
  - (10) Air Freezing Index—225.
  - (11) Mean Annual Temperature—55 F to 60 F.

*(Comp. Ords. 2008, ch. 7, art. 1, § 1; Ord. No. 2012-03-01, § 1, 3-26-2012)*

STATE OF GEORGIA  
CITY OF DUNWOODY

RESOLUTION 2014-09-19

**A RESOLUTION TO TRANSMIT CODIFICATION OF CITY CODE CHAPTER 8,  
BUILDINGS AND BUILDING REGULATIONS, TO THE GEORGIA DEPARTMENT OF  
COMMUNITY AFFAIRS FOR THE CITY OF DUNWOODY**

**WHEREAS,** the City of Dunwoody was incorporated and created by Charter granted by the State of Georgia, effective December 1, 2008, after a positive referendum vote; and

**WHEREAS,** the City of Dunwoody is subject to O.C.G.A. Section 8-2-25; and

**WHEREAS,** the Uniform Codes Act provides that the City of Dunwoody, Georgia may, under certain conditions adopt local amendments to the state minimum standard codes; and

**WHEREAS,** the requirements in the proposed amendment cannot be less stringent than the requirements in the state minimum standard code; and

**WHEREAS,** the local requirements must be based upon local climate, geologic, topographic, or public safety factors; and

**WHEREAS,** the legislative findings of the City of Dunwoody must identify the need for the more stringent requirements; and

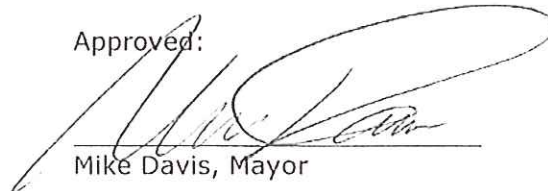
**WHEREAS,** the City of Dunwoody, in accordance with DCA requirements, would like DCA to review and comment in regards to the potential adoption of a local amendment that would require all construction greater than three (3)-stories in height and more than 200,000 sq. ft. in GFA, for individual buildings or in aggregate, to be constructed of metal or concrete framing effectively prohibiting wood framing which is currently allowed; and

**WHEREAS,** the City of Dunwoody must submit the proposed amendment to DCA 60 days prior to the proposed adoption of such an amendment; and

**NOW THEREFORE BE IT RESOLVED,** that the Mayor and City Council of the City of Dunwoody hereby transmits the attached proposed local amendment to the Georgia Department of Community Affairs (DCA) for review and recommendation.

**SO RESOLVED AND EFFECTIVE,** this 22<sup>nd</sup> day of September, 2014.

Approved:



Mike Davis, Mayor

STATE OF GEORGIA  
CITY OF DUNWOODY

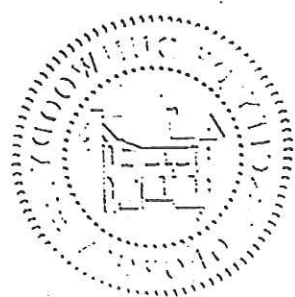
RESOLUTION 2014-09-19

Attest:

  
Sharon Lowery, City Clerk

(Seal)

*Handwritten signature*



CITY OF DUNWOODY  
September 22, 2014  
CITY COUNCIL MEETING SUMMARY

The Mayor and Council of the City of Dunwoody held a City Council Meeting on September 22, 2014 at 7:00 PM. 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:

Voting Members: Michael Davis, Mayor  
Lynn Deutsch, Council Member  
John Heneghan, Council Member  
Terry Nall, Council Member  
Jim Riticher, Council Member  
Denis Shortal, Council Member  
Doug Thompson, Council Member

Also Present: Billy Grogan, Acting City Manager  
Sharon Lowery, City Clerk  
Lenny Felgin, City Attorney  
Brent Walker, Manager of Parks and Recreation  
Steve Foote, Director of Community Development  
Kimberly Greer, Assistant to the City Manager  
Lillie Read, Assistant to the City Clerk

A. CALL TO ORDER

Mayor Davis called the meeting to order.

B. ROLL CALL

All members were present.

C. INVOCATION

Council Member Shortal led the Invocation.

D. PLEDGE OF ALLEGIANCE

Council Member Riticher led the Pledge of Allegiance.

E. REPORTS AND PRESENTATIONS

1. Recognition of Jimmy Maloney for Receiving Fire Marshal Certification. (Steve Foote)

F. MAYOR AND COUNCIL COMMENTS

G. PUBLIC COMMENT

H. MINUTES



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I. APPROVAL OF MEETING AGENDA (add or remove items from agenda)

Council Member Shortal asked to move item J.7. to L.1., rather than L.5. as he requested in the Work Session.

Council Member Shortal moved to approve the agenda as amended. Council Member Heneghan seconded.

The motion was voted and passed. For: 7; Against; 0; Abstain: 0; Absent: 0.

J. CONSENT AGENDA

1. Approval of Minutes of September 8, 2014 City Council Work Session.
2. Approval of Minutes of September 8, 2014 City Council Meeting.
3. SECOND READ: Amendment to Chapter 26, Article VIII Special Events and Public Assemblages. (ORDINANCE 2014-09-XX) (Kimberly Greer)
4. Resolution to Update Fees for Special Events and Public Assemblages. (RESOLUTION 2014-09-XX) (Kimberly Greer)
5. Resolution to Submit Building Code Changes to Georgia Department of Community Affairs. (RESOLUTION 2014-09-XX) (Steve Foote)
6. Resolutions in Support of LCI Studies and Implementation Applications. (RESOLUTION 2014-09-XX) (Rebecca Keefer)
7. ~~Award of Contract for Fabrication and Installation of Brook Run Trail Signs (Phase II). (Edie Damman)~~  
*(Item moved to L.1. under Unfinished Business.)*
8. Award of Contract for Annual Storm Water Infrastructure Inspections. (David Elliott)

Council Member Nall moved to approve the consent agenda. Council Member Shortal seconded.

The motion was voted and passed. For: 7; Against; 0; Abstain: 0; Absent: 0.

K. ORGANIZATIONAL AND PROCEDURAL ITEMS

L. UNFINISHED BUSINESS

1. Award of Contract for Fabrication and Installation of Brook Run Trail Signs (Phase II). (Edie Damman)  
*(Moved from item J.7. under Consent Agenda)*

Brent Walker presented and answered questions of Council. Discussion was had.

Council Member Nall moved to approve. Council Member Thompson seconded.

The motion was voted and passed. For: 6; Against; 1 (Shortal); Abstain: 0; Absent: 0.

2. Award of Contract for Brook Run Skate Park Concessionaire Award. (Brent Walker)

Brent Walker presented and answered questions of Council. The monthly price for use of the skate park facilities will be \$100.

Council Member Nall moved to approve. Council Member Deutsch seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

3. PUBLIC HEARING - Amendments to the Text of Chapter 20, Specifically Section 20-66, "Flags." (Steve Foote)

- Open Public Hearing: Mayor Davis opened the public hearing without objection.
- Presentation by Community Development: Steve Foote presented and answered questions of Council. This ordinance will lengthen the number of days one can fly a flag around a holiday to seven day before and seven days after.
- Public Comments Open: Mayor Davis opened public comments. None spoke.
- Public Comments Closed: Mayor Davis closed public comments.
- Close Public Hearing: Mayor Davis closed the public hearing without objections.

4. SECOND READ: Amendments to the Text of Chapter 20, Specifically Section 20-66, "Flags." (ORDINANCE 2014-09-XX) (Steve Foote)

City Clerk Sharon Lowery read the ordinance. Council Member Shortal moved to approve. Council Member Nall seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

5. Discussion of Roberts Drive Sidewalk Construction Contract. (Michael Smith)

Michael Smith presented and answered questions of Council. Staff recommends rejection of the original bid by Summit Construction due to failure to provide the required payment bond and performance bond. Staff recommends Council award the contract to the second lowest bidder, Ed Castro Landscapes in the amount of \$339,500 with a 10% contingency of \$34,000.

Council Member Nall moved to approve. Council Member Heneghan seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

M. NEW BUSINESS

1. Approval of Agreement with Georgia Power for Dunwoody Village Parkway Streetlights. (Michael Smith)

Michael Smith presented and answered questions of Council. The agreement is for 47 streetlights along Dunwoody Village Parkway. Georgia Power will install the lights at a cost of \$173,209.10 with a monthly rate of \$788.19.