**CITY OF DUNWOODY**
**January 26, 2009**
**CITY COUNCIL MINUTES**

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, January 26, 2009at 7:00 p.m. The Council Meeting was held in the Dunwoody United Methodist Church, 1548 Mount Vernon Road, Dunwoody, Georgia 30338. Present for this meeting were the following:

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| 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 |
| | Ken Wright, Mayor |
| Staff Present: | Brian Anderson, City Attorney |
| | Warren Hutmacher, City Manager |
| | Sharon Lowery, City Clerk |
| | Roma Rowland, Director of Human Resources |
| | Bill Grogan, Chief of Police |
| | Jeff Timler, Community Development |

Mayor Wright called the Meeting to order.

**INVOCATION** led by Council Member Robert Wittenstein.

**PLEDGE OF ALLEGIANCE** led by Mr. Bill Robinson.

**MINUTES:**

Council Member Shortal motioned to approve the January 6, 2009 City Council Meeting Minutes. Council Member Taylor seconded. The Mayor called for a vote and the motion carried unanimously.

**APPROVAL OF THE MEETING AGENDA:**

Council Member Taylor motioned to move agenda item number 4 to item "O" for executive session. Council Member Bonser seconded. Council Member Taylor moved to defer items 14 and 15 to the next meeting. Mayor Wright seconded. The Mayor called for the vote and the motion carried unanimously. Mayor Wright motioned to modify the agenda as stated. Council Member Taylor seconded. The Mayor called for a vote and the motion carried unanimously.

**PUBLIC COMMENT:** Mayor Wright requested public comments.

Steve Ludwick – He stated that he is concerned that if anyone wants to see any of Comcast's records regarding their fees, Comcast has a right to say "no". He recommended the City review a lawsuit that DeKalb County filed against Comcast and the subsequent settlement before finalizing the franchise agreement with Comcast.

**COUNCIL COMMENT:** None.

**CONSENT AGENDA:** None.

**UNFINISHED BUSINESS:**

Council Member Shortal motioned to move into the Public Hearing on the City of Dunwoody Sign Ordinance. Council Member Taylor seconded. The Mayor called for a vote and the motion carried unanimously.

**Public Hearing on the City of Dunwoody Sign Ordinance**

The Mayor opened the Public Hearing. Jeff Timler, Special Projects Manager of Community Development, stated that this is essentially the same Sign Ordinance City Council adopted in December.

At this time, the Mayor called for Public Comment. There were no comments. The Mayor Closed the Public Comment portion of the Public Hearing.

Council Member Ross motioned to close the Public Hearing. Council Member Bonser seconded. The Mayor called for a vote and the motion carried unanimously.

Seeing no further discussion, the Mayor closed the Public Hearing.

**Ordinance to readopt and approve the updated City of Dunwoody Sign Ordinance (Chapter 21 of the City Code of Ordinances)** – The Second Read of Ordinance 2009-01-09, readopting and approving the updated City of Dunwoody Sign Ordinance (Chapter 21 of the City Code of Ordinances), was read by City Clerk Sharon Lowery. Council Member Shortal made a motion to approve Ordinance 2009-01-09 as presented. Council Member Bonser seconded. The Mayor called for a vote and the motion carried unanimously.

**REPORTS AND PRESENTATIONS:**

**Status report on Boyken contract** – City Manager Warren Hutmacher reported that as of December 31, 2008 the costs incurred as per the Boyken International contract was $280,810. He further reported that Boyken personnel are currently working on finalizing the municipal court setup, the City Hall build out, and compilation of policies and procedures.

**Discussion on Comcast of Georgia Agreement for Cable and Video Services** – Andy Macke, Vice President of Governmental and Community Affairs, Comcast of Georgia, was present to answer questions. Mr. Macke said an advantage to the City entering into a Franchise Agreement with Comcast rather than with the State is there would be a closer connection between the City and Comcast of Georgia. Council Member Wittenstein asked if there is a provision in the current draft that allows Comcast to avoid providing open records. Mr. Macke said Comcast would provide information to the City to ensure they are complying with the contract. He said that in the process if they City were given proprietary information they would ask the City to protect that information as they would not want in their competitor's hands. Council Member Ross asked if Comcast would pay the City on a monthly basis; Mr. Macke said they could. Council Member Shortal asked if the City will receive the fees for the month of December. Mr. Macke said the first payment to the City will be after April 1 and will include the month of December.

**PRESENTATION** - Council Member Taylor made a point of privilege. He thanked Chief Grogan for accepting the recommendation of the Police Task Force and going with a local company, Glock, in Smyrna, Georgia, in choosing the City issued handguns. Council Member Taylor and Council Member Bonser presented Chief Grogan with the first Glock handgun for the police department on behalf of Glock.

**NEW BUSINESS**

**Discussion and Vote on City of Dunwoody Employee Benefits Package** – Roma Roland, Director of Human Resources, presented the Employee Benefits Package. The Staff recommends Blue Cross Blue Shield of Georgia as the medical insurance carrier, with employees choosing an HMO, POS, or PPO. The City would cover 100% of the employee cost for coverage for medical benefits, 90% of the cost of dependent coverage on the HMO and POS coverage, and 80% of the cost for PPO coverage. Chief Grogan said this is a critical component in the recruitment efforts. He said he had researched supplemental benefits offered by other agencies in coming up with the supplemental benefits plan that is proposed: tuition reimbursement, housing stipend, gym membership and a signing bonus Council Member Ross motioned to approve the benefits package as read. Mayor Wright seconded. Council Member Ross offered an amendment to take out the gym membership. Council Member Shortal seconded. The Mayor called for a vote and the motion carried 6-1 (Bonser opposed).

Council Member Wittenstein offered an amendment that the housing stipend is provided for uniformed officers only as part of their benefit package. Mayor Wright seconded. Mayor Wright called for a vote and the motion carried unanimously. Council Member Wittenstein offered an amendment that the ratio of costs on the HMO and PPO be 80/20 and 70/30 on the POS. Council Member Ross seconded. The Mayor called for the vote on the motion and the amendment failed 3-4 (Bonser, Taylor, Wright and Heneghan opposed). Council Member Shortal offered an amendment to change the payout of the signing bonus to 25% the first day of employment, 25% at one year of employment, and 50% upon the completion of two years of service. Council Member Taylor seconded the motion. Mayor Wright called for the vote and the motion carried unanimously.

Ms. Rowland said that staff recommends Standard Insurance Company for the Life and Disability insurance benefits, explaining that the life insurance is three times the annual salary for all City

employees, with a maximum benefit of $500,000. Mayor Wright called for a vote on the three addendums (housing stipend for police only, eliminating the gym membership and tiered signing bonus); the motion carried unanimously.

**One Read Ordinance to Create a Development Authority for the City of Dunwoody Code of Ordinances** – City Clerk Sharon Lowery read the One Read Ordinance to Create a Development Authority for the City of Dunwoody. Council Member Taylor motioned to adopt the One Read Ordinance to Create a Development Authority for the City of Dunwoody. Council Member Ross seconded. Mayor Wright made a motion to amend to add the names of the members as follows: Bill Robinson, Sarah Vabulas, Bill McCahan, Rob Augustine, Greg Killeen, Fred Brandt and Jim Gaddis. Council Member Shortal seconded. Council Member Shortal offered an amendment to the motion that the terms of office for the members be at the Mayor's discretion. Council Member Bonser seconded. The Mayor called for the vote and the motion carried unanimously. The Mayor called for the vote on the motion to amend to add the names of the members and the motion carried unanimously. The Mayor called for the vote on the main motion and the motion carried unanimously.

**ACTION ITEM: Discussion and vote on approving By-Laws for the Development Authority** - Council Member Wittenstein motioned to adopt as delivered. Council Member Bonser seconded. The Mayor called for the vote and the motion carried unanimously.

**ACTION ITEM: Discussion and vote on approving an Intergovernmental Agreement between the Development Authority and the City of Dunwoody** – Council Member Wittenstein motioned to adopt as delivered. Council Member Bonser seconded. The Mayor called for the vote and the motion carried unanimously.

**Discussion and vote on approving the Resolution to remove the remaining moratorium on sign applications and issuances. (Resolution 2009-01-07)** - Councilmember Ross motioned to approve the Resolution to remove the remaining moratorium on sign applications and issuances. Council Member Bon seconded. The Mayor called for the vote and the motion carried unanimously.

**Discussion and vote on approving the Resolution for amended City Council Rules and Procedures. (Resolution 2009-01-08) –** Council Member Taylor motioned to approve the Resolution for amended City Council Rules and Procedures for discussion. Council Member Bonser seconded. Council Member Wittenstein offered an amendment to Section 19(a) that would provide for additional public comment period(s), limit public comment to fifteen minutes, and each individual speaker to three minutes each. Council Member Ross seconded. Council Member Shortal offered an amendment of ten minutes total for public comment and two minutes for each individual speaker. Council Member Taylor seconded. The Mayor called for the vote on the amendment to limit total public comment time to ten minutes and two minutes for each individual speaker. The motion failed by a vote of 3-4. Those in favor: Council Member Shortal, Council Member Taylor and Council Member Bonser; opposed: Mayor Wright, Council Member Ross, Council Member Wittenstein, and Council Member Heneghan. The Mayor called for the vote on the amendment to limit the total public comment time to fifteen minutes and three minutes for each

individual speaker. The Mayor called for the vote and the motion carried 5-1; Council Member Shortal opposed.

**First Read of Ordinance to grant a franchise agreement to Atlanta Gas Light Company. (FIRST READ):** City Clerk Sharon Lowery read the First Read of Ordinance to grant a franchise agreement to Atlanta Gas Light Company.

**Discussion and vote on amended Resolution for permit fees and criteria for alcohol consumption in City Parks. (Resolution 2009-01-09)** – Council Member Wittenstein motioned to adopt the amended Resolution for permit fees and criteria for alcohol consumption in City Parks. Council Member Shortal seconded. Council Member Wittenstein offered an amendment to the Resolution to amend the fee on Exhibit "A" to set the dollar amounts to $0. Council Member Ross stated that he would abstain from the vote due to being Co-President of The Dunwoody Preservation Society. The Mayor called for the vote and the amendment failed 2-4 with Council Member Wittenstein and Council Member Shortal voting for and Mayor Wright, Council Member Taylor, Council Member Bonser, and Council Member Heneghan voting "nay". The Mayor called the vote on the original motion to adopt the Resolution and the motion carried 6-0 (Council Member Ross abstained.).

**Discussion and vote on Resolution to appoint members of the Community Council. (Resolution 2009-01-10)** Council Member Shortal motioned to adopt the Resolution to appoint members of the Community Council. Council Member Wittenstein seconded. Mayor Wright read the names of the members into the record as follows: Brian Cosgrove, Dennis Crean, Al Albergini, Tom Dwyer, Robin Burch, Page Olson, and Austin Kearney. Council Member Shortal made a point of information and recommended the members have staggered terms. The Mayor called for the vote and the motion carried unanimously.

**Discussion and vote on Resolution to appoint members of the Planning Commission. (Resolution 2009-01-11)** Council Member Shortal motioned to adopt the Resolution to appoint members of the Planning Commission. Council Member Bonser seconded. Mayor Wright read the names of the members into the record as follows: Bob Lundsten, Bob Dallas, Paul Player, Bill Grossman, Lynn Deutsch, Kirk Anders, and Don Converse. The Mayor called for the vote and the motion carried unanimously.

**Discussion and vote on approving the annual schedule of the Planning Commission:** Following a brief discussion, the annual schedule of the Planning Commission was approved unanimously as presented.

**Discussion and vote on Resolution to appoint members of the Board of Zoning and Appeals. (Resolution 2009-01-12)**: Council Member Wittenstein motioned to adopt the Resolution to appoint the members to the Board of Zoning and Appeals. Council Member Shortal seconded. Mayor Wright read the names of the members into the record as follows: Arty Bastien, Joe Tuttle, Ed D. Godshall, Richard Ottness, Geri Penn, Dale Wartluft, and Susan Mitchell. Council Member Ross offered an amendment to remove Dale Wartluft at Mr. Wartluft's request and offered the name of Bill McCahan. Mayor Wright seconded. The Mayor called for the vote on the

amendment and the motion carried unanimously. The Mayor called for the vote on the motion to adopt the Resolution and the motion carried unanimously.

**Discussion and vote on Resolution to appoint members of the Ethics Board (Resolution 2009-01-13)** Council Member Ross motioned to accept the Resolution to appoint members of the Ethics Board as read. Council Bonser seconded. The Mayor read the names of the members into the records as follows: Janet Webb, Wade Wright, John Francis, Steven A. Blaske, and Wade McGuffey. The Mayor called for the vote and the motion carried unanimously.

Council Member Wittenstein motioned to break for Executive Session. Council Member Bonser seconded. The Mayor called for the vote and the motion carried unanimously.

**RECONVENE:** Mayor Wright reconvened the meeting at 11:13 p.m.

**ACTION ITEM: Discussion and vote on approving an Intergovernmental Agreement between the Development Authority and the City of Dunwoody.** Council Member Ross motioned to accept the sub-lease. Council Member Taylor seconded for purposes of discussion. City Manager Hutmacher presented the background information on the search for a permanent location for City Hall and the Police Department. The Staff recommendation is to sub-lease the bottom two floors of 41 Perimeter Center East, consisting of 25,000 square feet. The savings would be $350,000 within the first year's budget. The initial lease would for a period of a ten year lease agreement, with the ability for 5 five years with penalty, tenant allowances of $27 per square foot, with an effective cost of $17.12 per square foot. Council Member Ross motioned to accept the sublease agreement as provided and enter into an Intergovernmental Agreement with the Dunwoody Development Authority. Council Member Taylor seconded. The Mayor called for the vote and the motion carried 6 – 1; Council Member Wittenstein opposed. Council Member Shortal made a point of information, stating that there is no easy answer.

**PUBLIC COMMENT:** There was none.

**ADJOURN:**
There being no further business the Meeting was adjourned.

Approved by:

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Ken Wright, Mayor

Attest:

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Sharon Lowery, City Clerk