

**CITY OF DUNWOODY**  
**March 9, 2009**  
**CITY COUNCIL MINUTES**

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, March 9, 2009 at 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:

Mayor Ken Wright

District 1, Post 1	Denis Shortal, 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
	Billy Grogan, Chief of Police
	Michael Lockett, Information Technology Manager
	Lisa Ferguson, Accounting Manager

Mayor Ken Wright called the Meeting to order.

**ROLL CALL AND GENERAL ANNOUNCEMENTS:**

Mayor Wright extended sympathies to Council Member Bonser, who was absent due to being hospitalized over the weekend; all other members were present.

**Proclamation:** The “Alexandra Borowsky Day” proclamation was read by City Clerk Sharon Lowery.

**INVOCATION** led by Council Member Ross.

**PLEDGE OF ALLEGIANCE** led by Council Member Taylor.

**MINUTES:**

Council Member Ross motioned to approve the February 16, 2009 Special Called City Council Meeting Minutes. Council Member Wittenstein seconded. Mayor Wright called for a vote and the motion carried unanimously.

Council Member Ross motioned to approve the February 16, 2009 Special Called Work Session Meeting Minutes. Council Member Wittenstein seconded. Mayor Wright called for a vote and the motion carried unanimously.

## **APPROVAL OF THE MEETING AGENDA**

Mayor Wright motioned to add item L5. Resolution for Alcohol Permit Fees, and L6. Atlanta Gas Light Franchise Agreement to the agenda. Council Member Shortal moved to add the discussion of SB164 and HB516. Mayor Wright called for a vote and the motion carried unanimously.

## **MAYOR AND COUNCIL COMMENT**

Council Member Ross mentioned that he has had several meetings with the Convention and Visitors Bureau and would like to have a proper setup. He has a meeting scheduled for Friday and will make a recommendation to the Mayor and that we will see an ordinance come forward.

Council Member Shortal discussed water in the parks. He met with the Deputy Parks Director this past Tuesday and the water is to be turned on this week.

Council Member Heneghan is participating in the St. Baldrics Foundation and will shave his head to help find a cure for childhood cancer.

Council Member Ross announced that April 18, 2009 is the “Bicycle Ride Around Dunwoody” and money raised will be donated to the City of Dunwoody.

Council Member Heneghan said that members of the Council and the Chief will attend the Chestnut Charter Elementary School this Friday morning.

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

Brent Sims – Urged Council to vote “No” on amending the Ethics Policy.

Earl Cull – Requested the water fountains be turned on at Brook Run Park.

Molly Schwartz – Encouraged the City Council, Chamber of Commerce, and the Dunwoody Preservation Trust to work together and make the City of Dunwoody one general focus.

Joe DeVita - Said the Dunwoody Chamber of Commerce wants to be a partner in the community. He said he agreed with Ms. Schwartz and that we must maintain the revenue we have and it is time for our community to get organized.

Jim Murphy – Said he is a vendor who chose not to submit a proposal on the telephone RFP. He urged the City to give considerations for local vendors in the future.

Jennifer Krevice – A branch manager for Ironstone Bank, said the bank recently applied for additional lighting and learned that the City of Dunwoody has different regulations than the State. She asked the City to look into this.

Joan Shumaker – Stated he is a business owner in the City of Dunwoody and noticed discrepancies in our business license procedures. She requested that Chapter 15 of the City’s Code of Ordinances be posted online. She asked the Chamber of Commerce to host a business license workshop for more

clarification and would like the City to participate.

Mr. Dow - Asked that the Hotel/Motel tax money be used to invest in our hotels. He recommended the City take time and meet to create a private sector model and mentioned that the DeKalb County Convention & Visitors Bureau assisted the hotels this past year.

Mr. Lundsford – Stated that the Dunwoody HOA has provided a pivotal role in Dunwoody for the last 30 years. He expressed concern that the DHOA is being singled out after hearing only that members of the DHOA would be excluded from serving on boards.

### **CONSENT AGENDA:**

### **UNFINISHED BUSINESS:**

**Recommendation for Award of Contract on Voice over Internet Telephony and Network Infrastructure** – Michael Lockett, Information Technology Manger, presented the results of the Request for Proposals. The top vendors were ADCAP (\$107,119) and Digital (\$166,552.20). ADCAP scored the highest overall. The recommendation of Staff was to award the contract to ADCAP pending final review from the Counsel. Council Member Ross asked if local vendors were considered. Mr. Lockett answered that local vendors were weighted. Council Member Ross congratulated Mr. Lockett on saving the City \$120,000.00. Council Member Wittenstein asked if the phone system would be in place to support the Police Department. Council Member Taylor asked Chief Grogan if he was satisfied and the Chief Grogan stated that he was. Council Member Wittenstein motioned to accept the Staff's recommendation to award the contract to ADCAP. Mayor Wright seconded. Mayor Wright called for the vote and the motion carried unanimously.

**SECOND READ: Ordinance to amend the Ethics policy (ORDINANCE 2009-03-17)** Ordinance 2009-03-17 was read by City Clerk Sharon Lowery. Mayor Wright asked if anything would preclude anyone from sitting on multiple boards. City Attorney Brian Anderson replied that no one is precluded. Council Member Ross motioned to adopt the Ordinance 2009-03-17 to amend the Ethics Policy. Council Member Heneghan seconded. Council Member Wittenstein expressed concern with the changes that allows someone to sit on multiple boards. Mayor Wright called for the vote and the motion carried 5-1 (Wittenstein – “nay”).

**SECOND READ: Ordinance to amend the Fiscal Year 2009 Budget (ORDINANCE 2009-03-16)** Ordinance 2009-03-16 was read by City Clerk Sharon Lowery. City Manager Warren Hutmacher presented the proposed budget amendments. He stated that operating transfer out would be placed in a Debt Service fund and be used to pay the first payment of debt service. The second supplemental lease would be expended this year with the out of debt service fund. Council Member Ross asked what the expected budget surplus would be at year end. City Manager Hutmacher stated that it hasn't changed since the original numbers. Council Member Wittenstein motioned to approve as presented. Council Member Shortal seconded. Mayor Wright called for the vote and the motion carried unanimously.

**Resolution to adopt the City of Dunwoody Purchasing Policy (RESOLUTION 2009-02-19)** Resolution 2009-02-19 was read by City Clerk Sharon Lowery. City Manager Warren Hutmacher reported that the changes requested at the last meeting were included in the policy before Council. Council Member Taylor motioned to approve the Resolution to adopt the City of Dunwoody

Purchasing Policy. Council Member Shortal seconded. Council Member Ross offered an amendment to read that if all things are equal between two vendors preference would be given to a vendor that is located in Dunwoody. Council Member Shortal seconded. Council Member Wittenstein moved to defer the amendment. The motion died due to lack of a second. Mayor Wright called for the vote on the amendment and the amendment carried 5-1 (Wittenstein - “nay”). Mayor Wright called for the vote on motion to adopt the Purchasing Policy and the motion carried unanimously.

**Resolution approving Supplemental Lease Agreement (RESOLUTION 2009-03-20)** Resolution 2009-03-20 was read by City Clerk Sharon Lowery. City Manager Warren Hutmacher made the presentation of the Supplemental Lease Agreement. He explained that the Supplemental Lease will allow the City to purchase additional items that were not thought of such as the server, VoIP equipment, software, audio/video for the City Hall and Chiller. Mr. Hutmacher said Option 1) is: SunTrust Bank offered a 5 year term with a 3.93% interest rate without a prepayment penalty. Option 2) 3.73% with prepayment penalty. Staff recommends going with Option 1. Council Member Wittenstein stated he is a stockholder with SunTrust Bank and recused himself. City Manager Hutmacher recommended approval of the resolution, with the City immediately repaying \$100,000. Council Member Taylor motioned to approve and the City immediately pay back the difference of ADCAP’s bid. Council Member Ross seconded. Mayor Wright called for the vote on motion to adopt and the motion carried unanimously.

**NEW BUSINESS:**

**FIRST READ: Ordinance to amend Chapter 16: Offenses and Violations, of the City of Dunwoody Code of Ordinances** – Chief Bill Grogan stated that the amendment adds VGCSA, Theft by Shoplifting and Public Transit to Chapter 16, which would allow them to be heard in Dunwoody Municipal Court.

**Resolution establishing Georgia Fund 1 account for Hotel/Motel tax (RESOLUTION 2009-03-21)** – Council Member Taylor motioned to defer. Mayor Wright seconded. Mayor Wright called for the vote and the motion to defer carried 4-2 (Ross, Wittenstein – “nay”).

**Recommendation for Worker’s Compensation Insurance package** – City Manager Warren Hutmacher presented the results of two quotes for Worker’s Compensation Insurance. Staff’s recommendation is to enter into a contract with Southeastern US Insurance. Council Member Wittenstein motioned to authorize the City to enter into a contract with Southeastern US Insurance. Council Member Taylor seconded. Mayor Wright called for the vote on the motion and the motion carried unanimously.

**Resolution to approve the use of speed detection devices by its law enforcement officials (RESOLUTION 2009-03-22):** Chief Bill Grogan explained that the Resolution to approve the use of speed detection devices is a formality if we intend to run the radar in the City of Dunwoody. Council Member Taylor motioned to move to approve. Council Member Ross seconded. Mayor Wright called for the vote on the motion and the motion carried unanimously.

**Resolution for Alcohol Permit Fees (RESOLUTION 2009-03-23):** City Attorney Brian Anderson presented the Resolution. Mayor Wright moved to defer the Resolution to the March 23rd agenda. Council Member Shortal seconded. The Mayor called for the vote on the motion and the motion

carried unanimously.

**PUBLIC COMMENT:** Mayor Wright requested public comment. There was none. Mayor Wright closed public comment.

Mayor Wright called for the vote to move to defer to the March 23, 2009 agenda and the motion carried unanimously.

**Atlanta Gas Light Franchise Agreement:** City Attorney Brian Anderson stated that Atlanta Gas Light will not make monthly payments to the City, nor will they extend restoration beyond the right-of-way property. Mr. Anderson recommended that Council approve the agreement. Council Member Shortal motioned to approve the Atlanta Gas Light Franchise Agreement. Council Member Wittenstein seconded. Mayor Pro Tem Shortal motioned to amend the agreement on page 3 to change the date from December 1, 2007 to 2008. Council Member Ross seconded. Mayor Wright called for the vote on the amendment and the motion carried unanimously.

**SB 164 (Billboards):** Mayor Pro Tem Shortal advised that SB 164 has language that billboards can be put up anywhere. He urged Mayor and Council to write everyone in the House and Senate voicing your opinions.

**HB516 (Manufactured Homes):** Make sure to clarify and made aware through our Public Relations. Write everyone in the House and Senate voicing your opinions. Council Member Taylor mentioned he is meeting with lobbyists to be informed on both SB 164 and HB 516 and will report back to the City Council.

**OTHER BUSINESS:** Council Member Wittenstein commented that what the DHOA does is very important and he has respect for what they do.

**PUBLIC COMENT:** Mayor Wright requested public comment.

Yvonne Williams – Stated that the PCID now has a Marketing Council and said she is offering her Marketing Council to step up and bring a coalition together of Hotel Council and Marketing Council to build a marketing strategy.

Bob Dallas – Said the hotels in the City are suffering and the private sector model is the one we should be focusing on.

Tom Dwyer - A new member of the Community Council, stated there needs to be a review process that is outside of zoning.

Joe DeVita - Spoke in support of Yvonne Williams comments. He mentioned the economic stimulus and said we need look at how many times money is turned over in the City of Dunwoody.

Mayor Wright closed public comment.

**EXECUTIVE SESSION:**

Council Member Shortal motioned to recess to move into executive session. Council Member Taylor seconded. Mayor Wright called for the vote; the motion carried unanimously.

Mayor Wright reconvened the meeting.

**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