

CITY OF DUNWOODY
April 27, 2009
CITY COUNCIL MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, April 27, 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:

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
	Bill Grogan, Chief of Police
	David Sides, Deputy Chief of Police
	Karine Roy, Assistant to the City Clerk
	Jennifer Peterson, Director of Community Development
	Howard Koontz, Community Development/City Planner
	Tyra Little, Purchasing Manager
	Richard Meehan, Public Works Director

Mayor Pro Term Shortal called the meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS

The Proclamation ‘Building Safety Week’ was read by the City Clerk, Sharon Lowery.

Mayor Pro Term Shortal extended his thoughts and prayers to Council Member Bonser who is hospitalized. He also talked about the success of Comcast Cares Day at the Dunwoody Nature Center.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Taylor.

MINUTES:

Council Member Heneghan motioned to differ the approval of the April 13, 2009 City Council Meeting Minutes to the May 11, 2009 City Council Meeting. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

APPROVAL OF THE MEETING AGENDA: Council Member Taylor moved to adopt the agenda. Council Member Ross seconded. Council Member Taylor motioned to move Consent Agenda item I3, Ordinance to amend Chapter 14, to New Business as item L2. Council Member

Ross seconded. Mayor Pro Tem Shortal moved to amend the agenda to add “Discussion of Dunwoody Volunteer Coordination Committee by the Committee Chairman.” Council Member Ross seconded. Mayor Pro Tem Shortal called for the vote on the motion to add “Discussion of Dunwoody Volunteer Coordination Committee by the Committee Chairman” and the motion carried unanimously (5-0). Mayor Pro Tem Shortal called for a vote on the motion move Consent Agenda item I3, Ordinance to amend Chapter 14, to New Business as item L2 and the motion carried unanimously (5-0). Mayor Pro Tem Shortal called for a vote on the motion to approve the agenda, as amended, and the motion carried unanimously (5-0).

PUBLIC COMMENT: Mayor Pro Term Shortal requested public comment.

Yvonne Williams - Announced the PCID intersection improvement project for Mt. Vernon Road and Ashford Dunwoody Road has been approved. She said the PCID has committed \$2.5 million dollar to the project; construction will begin with a ground breaking ceremony in October.

Michael Dendinger – Spoke on behalf of the Dunwoody Chamber of Commerce, stated that they agree with the proposed text amendment to Chapter 15, Business License. Mr. Dendinger suggested adding to the sworn statement language “to the best of my knowledge and I ability I swear that these receipts are compiled and correct.”

Joan Shumaker – Stated that as a business owner she agrees with the amendment to the Chapter 15, Business License.

George Bender – Said that he would like to see the water restrictions amended to allow residents to wash their personal vehicles. .

Mary Reesemeyer - Stated that she would like to have the option to wash her car

Rosemary Rutland – Expressed her support of the Farmer’s Market. She said she sees it as a meeting place for people and thinks it would be great for children to understand what farmers do and where produce comes from.

Lynn Deutch – Said she is a Dunwoody resident and a member of the Planning Commission Board. Ms. Deutch said she believes a Farmer’s Market is a positive for any community. She urged Mayor and Council to ensure that the Citizen’s Steering Committee is balanced across the City.

Sally Malone – Stated she is a supporter of the Farmer’s Market. She urged everyone to keep an open mind to find a solution.

Mayor Pro Term Shortal closed public comment.

MAYOR AND COUNCIL COMMENT:

Council Member Wittenstein thanked everyone who came out to support the Comcast Cares Day event. He mentioned that he has received many emails regarding the Farmer’s Market and has responded to those who asked questions.

Council Member Heneghan reminded that a speed limit sign was installed a few weeks ago in front of Chestnut Elementary School and that the results would be released at 11:30 a.m. this Thursday at Chestnut Elementary School.

Mayor Pro Term Shortal thanked Comcast for their donation to the Dunwoody Nature Center.

CONSENT AGENDA:

Resolution establishing Stormwater Utility Fees and Credits. (RESOLUTION 2009-04-27)

SECOND READ: Ordinance to establish a Stormwater Utility Fund Budget. (ORDINANCE 2009-04-25)

Council Member Wittenstein moved to adopt the consent agenda. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

Presentation of proceeds from the Bicycle Ride Around Dunwoody (BRAD) by the Dunwoody Preservation Trust

Members of the Dunwoody Preservation Trust presented the City with a check in the amount of \$3,000, proceeds from the Bicycle Ride Around Dunwoody (BRAD). The ride was presented in memory of Jim Benson, a Dunwoody resident and Dunwoody High School graduate. The proceeds will go into a designated fund to provide bike lanes, bike racks and pedestrian pathways. In addition, a framed Lemonade Days poster was presented to the city for the new City Hall. Council Member Ross introduced Mr. Tom McGurk and thanked him for running Lemonade Days this year.

UNFINISHED BUSINESS:

SECOND READ: Ordinance to amend Chapter 15: Business Occupation Tax, Licenses, and Regulation. (ORDINANCE 2009-04-26): Ordinance 2009-04-26 was read by City Clerk Sharon Lowery. Council Member Ross motioned to approve Ordinance 2009-04-26. Council Member Taylor seconded. Council Member Ross motioned to amend the language to add the words “knowledge, ability and training” to the text. Council Member Taylor seconded.

Mayor Pro Term Shortal requested public comment. There was no public comment.

Mayor Pro Term Shortal closed public comment.

Mayor Pro Term Shortal called for a vote on the amended motion and the motion carried unanimously (5-0). Council Member Shortal called for a vote on the main motion and it carried unanimously (5-0). Council Member Ross recommended waiving enforcement of the penalty for business license for those businesses that did not receive notification.

REPORTS AND PRESENTATIONS

The Dunwoody Preservation Trust presented the proceeds of \$3,000 from the Bicycle Ride Around Dunwoody (BRAD) to the City of Dunwoody. The bicycle ride ended at the Lemonade Days event

at Brooke Run Park in memory of Jim Benson. They also presented the City with a framed poster for City Hall. Council Member Ross thanked Tom McGurk for running the Lemonade Days.

NEW BUSINESS

PUBLIC HEARING - FIRST READ: Chapter 27: Zoning - An amendment to the text of the Zoning Ordinance, specifically Section 1.17 Definitions; Section 4-36 Places of Worship, Convents, Monasteries, Temporary Religious Meetings, General Requirements; and Section 4-50 Temporary Outdoor Sales, Seasonal: Howard Koontz, City Planner, said the Planning Commission voted in favor of the text amendment by a vote of 4-3, but they were concerned that there need to be some conditions attached to the approval of a Farmer's Market permit. Mayor Pro Term Shortal expressed concern with the Farmer's Market definition being too broad and that they should only sell edible items and no arts and crafts.

Mayor Pro Term Shortal motioned to open the public hearing. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

Those who spoke in favor of the Farmer's Market were:

Corinna Gorman - Submitted a petition signed by those in favor of the text amendment that would allow the Dunwoody Spruill Green Market to operate at St. Patrick's Episcopal Church. The market would be open on Wednesdays from 8:00 am to noon. Ms. Gorman said they would like to stay in Dunwoody but would have to setup elsewhere if the market does not open in May.

Renada Perry – Said the Farmer's Market would add value to our neighborhoods. Ms. Perry said she feels the citizens should be able to pick and choose what they want in their neighborhoods and said that the traffic issue is minor.

Joan Shumaker - Expressed fear of losing the relationship with farmers if this amendment is not passed.

Amy Hinman – Said she is a new resident of Dunwoody pointed out that there are farmer's markets all over the world and it is a great feeling to have a relationship with local farmers.

Joe Hersch - Mentioned that the City's website promotes entrepreneurship and asks that we do not close down the Farmer's Markets. He agrees with requiring a 1 year permit.

Alice – from Georgia Organics expressed that many people would like to start a Farmer's Market and it provides tremendous opportunities and local economic growth to our community. She is frequently directing people to the Spruell Farmer's Market.

Wendy Lawler - Spoke on behalf of St. Patrick's being in favor of hosting the Farmer's Market. She said that 10-20 vendors usually setup at one time and the busiest times are during the summer months and they are able to feed 75 families a week with the donations.

Kathy Nelson Pall - Of St. Patrick's said the donations helped feed over 100 families at their food bank.

Joan Matthews - Is a loyal customer of the green market and says it has great quality.

Jen Rosenthal - Is a soap maker artisan and said that soap making is not just a craft.

Emily Robinson - Is in support of jams, soaps, and honey being sold at the market.

Justin Daniels - Researched other Farmer's Markets and mentioned that others are doing really well and they have move to bigger locations.

Sarah Bartlett – Said she is a customer of the markets and said that choosing where she lived had a lot to do with the locations of farmer's markets. She added that she believes the citizens should decide which types of markets they have.

Meghan Britewell - Said farmer's markets help others learn how to farm and start their own gardens.

Those who spoke against the Farmer's Market were:

Bill Grossman - Expressed his opposition is to the method, not to the green market. He said he does not agree with staff's decision to change the base ordinance; he said a solution could be a special land use permit, because it allows that one specific place to be used.

Council Member Taylor motioned to close the public hearing. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

Discussion of the Dunwoody Volunteer Coordination Committee: Bill Tobin, Committee Chair, explained that the Dunwoody Volunteer Coordination Committee is made up of volunteers who would like to coordinate with other committees and offer their help. Their goals are to: 1) meet the civic needs of the City of Dunwoody; 2) promote volunteerism; 3) zero budget; 4) the chairman will report to the City Council; 5) help coordinate activities. Mr. Tobin encouraged those interested in volunteering to contact him.

FIRST READ: Ordinance to amend Chapter 14 Land Development and Environmental Protection, Article 2: Environmental Control. (ORDINANCE 2009-XX-XX): The Ordinance was read by City Clerk Sharon Lowery. Council Member Wittenstein suggested reverting back to the original size of the stream buffer from 50 feet to 25 feet and have the Zoning & Appeals Board approve on a case by case basis.

FIRST READ: Ordinance to amend Chapter 25 Water, Sewers, and Sewage Disposal. (ORDINANCE 2009-XX-XX): The Ordinance was read by City Clerk Sharon Lowery.

Resolution to petition State EPD to amend its water restrictions in the State of Georgia. (RESOLUTION 2009-04-28): Resolution 2009-04-28 was read by City Clerk Sharon Lowery.

Mayor Pro Term Shortal motioned to approve the resolution. The motion failed due to the lack of a second.

Recommendation for award of Records Management System Contract: Chief Grogan gave the presentation on the Records Management System. Seven proposals were received and reviewed by Staff. Their recommendation is to award the contract to OSSI. Chief Grogan said the bids were narrowed down to three (3) and OSSI was the only bid that met the required format. Council Member Ross motioned to defer this item to the May 26, 2009 meeting. Mayor Pro Term Shortal seconded. Mayor Pro Term Shortal called for a vote and the motion carried (4-1) with Council Member Heneghan voting 'nay'. Chief Grogan mentioned that it will take 4-6 months to implement and delays would result in the cost of paper citations, officer time, and the inability to produce meaningful data. Council Member Taylor offered an amendment to defer this item to the May 11, 2009 Council Meeting. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried (4-1) with Council Member Heneghan voting 'nay'.

Appointment of the Sustainability Commission: Jennifer Peterson, Director of Community Development, gave the presentation for appointment of the Sustainability Commission members. Council Member Heneghan said that the committee was discussed early on and the members were nominated based on their specialty. Council Member Wittenstein asked if the resolution spells out the number of members. Council Member Wittenstein moved to appoint the Sustainability Commission Members. Council Member Heneghan seconded. Council Member Ross moved to amend the resolution from 12-13 members. Council Member Taylor seconded. Mayor Pro Term Shortal mentioned that the normal procedure had not been followed and motioned to defer this item to the May 11, 2009 meeting. Council Member Wittenstein seconded.

Mayor Pro Term Shortal requested public comment.

Don Converse - Said the people on the committee are the people you want on there and suggested not taking any of these members off, but said he could see adding a few more members.

Ashley Doolittle - Vice Chair of the Sustainability Committee stated that not passing this item is a deflating. She said that having more than 13 people on the committee may result in the decisions being watered down.

Mayor Pro Term Shortal closed public comment.

Mayor Pro Term Shortal called for a vote on the motion to defer the item to May 11 and the motion carried (3-2), with Council Member Ross and Council Member Heneghan voting 'nay'.

Appointment of Comprehensive Plan Steering Committee: Jennifer Peterson, Director of Community Development, requested the names of those chosen for the committee. Mayor Pro Term Shortal asked what the total number of members on the committee will be and Jennifer Peterson replied 8-12. Council Member Taylor motioned to differ this item to the May 11, 2009 meeting. Council Member Ross seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT: Mayor Pro Term Shortal requested public comment.

Joan Shumaker – Said that she agreed with waiving enforcement of the business license penalty for 30 days.

Rosemary Rutland - Asked if there was any reason the green market cannot meet at the Spruill House for the Wednesday of May 6, 2009.

Melissa Flock – Said she owns Blossom Hill Farms and said that opening the Farmer’s Market at a later date results in the loss of thousands of dollars and asked to be able to operate out of the Spruill house on May 6, 2009.

Mayor Pro Term Shortal motioned to amend the agenda to add item L9 to waive enforcement of the business license penalty for 30 days. Council Member Wittenstein seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0). Council Member Taylor motioned to authorize the City Manager to waive enforcement of the business license penalty through May 31, 2009 and to refund any penalty paid prior to that date. Mayor Pro Tem Shortal seconded. Mayor Pro Term Shortal called for a vote and the motion carried unanimously (5-0).

Mayor Pro Term Shortal closed public comment.

EXECUTIVE SESSION: There was no executive session.

ADJOURN

Mayor Pro Term Shortal motioned to adjourn. Council Member Heneghan seconded. Mayor Pro Term Shortal called for the vote and the motion carried unanimously (5-0).

There being no further business the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk