

**CITY OF DUNWOODY**  
**June 22, 2009**  
**CITY COUNCIL MINUTES**

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, June 22, 2009 at 7:00 p.m. The Meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. 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 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 Jennifer Peterson, Director of Community Development Kimberly Greer, Community Development Howard Koontz, Community Development/City Planner Richard Meehan, Public Works Director

Mayor Wright called the Meeting to order.

**ROLL CALL AND GENERAL ANNOUNCEMENTS**

Council Member Wittenstein and Council Member Bonser were absent. Council Member Shortal announced that the Dunwoody Nature Center will host a Butterfly Festival on Saturday.

**INVOCATION** led by Council Member Ross.

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

**MINUTES:**

Council Member Shortal motioned to approve the May 26, 2009 City Council Meeting Minutes and the June 8, 2009 City Council Meeting Minutes as presented. Council Member Taylor seconded. Mayor Wright called for a vote and the motion carried unanimously (5-0).

**APPROVAL OF THE MEETING AGENDA:**

Mayor Wright motioned to amend the agenda and add two items; Michael Nestle Proclamation and the Guy Boonwit Proclamation. Council Member Taylor seconded. The vote carried unanimously (5-0).

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

Rich Garrett – an employee of Radar Sign, said that on May 4<sup>th</sup> tests were conducted by Chestnut Elementary School that was coordinated by P.E.D.S. and the Governor’s Office of Highway Safety. He commented that radar signs have been proven to slow speeders down and save lives.

Scott Posvar – stated that he would prefer to see the City fund the purchase of the AEDs, saying they have been proven to save lives, rather than fund the purchase of the radar signs.

Mayor Wright closed public comment.

### **MAYOR AND COUNCIL COMMENT:**

**Proclamation - Guy Boonwit:** The Proclamation was read by City Clerk Sharon Lowery. Mayor Wright presented the Proclamation to Guy Boonwit, an AFS foreign exchange student from Bangkok, Thailand.

**Proclamation - Michael Nestle:** The Proclamation was read by City Clerk Sharon Lowery. Mayor Wright presented the Proclamation to Michael Nestle, an AFS foreign exchange student from Stuttgart, Germany. Mr. Nestle thanked his family for affording him this opportunity and thanked Council Member Tom Taylor and his family for hosting him.

Council Member Shortal mentioned a June 17<sup>th</sup> article in the AJC regarding the negative impact of the current economy on several counties and cities, as well as one city, Decatur, that was experiencing positive financial news due to their conservative financial planning.

### **CONSENT AGENDA:**

**Approval of request to withdraw application for The Curry Center Special Land Use Permit:** Council Member Ross motioned to approve the consent agenda. Mayor Wright seconded. The vote carried unanimously (5-0).

### **UNFINISHED BUSINESS:**

**SECOND READ: Ordinance to amend Chapter 4: Alcohol Beverages (ORDINANCE 2009-06-35):** City Clerk Sharon Lowery read ordinance 2009-06-35. City Manager Warren Hutmacher presented the amendment to the ordinance, which adds an administrative process that would allow the City Manager to suspend or revoke an alcohol license; the Alcohol License Review Board would hear any appeals a license suspension or revocation. Council Member Shortal moved to approve the ordinance as presented. Council Member Heneghan seconded. The vote carried unanimously (5-0).

**REPORTS AND PRESENTATIONS** There were no reports or presentations.

### **NEW BUSINESS**

**PUBLIC HEARING – FIRST READ: Ordinance to amend Chapter 27: Zoning Ordinance, §4-54 Walls and Fences (ORDINANCE 2009-XX-XX):** City Clerk Sharon Lowery read the ordinance to amend Chapter 27: Zoning Ordinance, §4-54 Walls and Fences. City Planner Howard Koontz presented the amendment, explaining that the amendment creates a new definition in section 17-1: *Wing wall* and modifies the existing *Retaining wall* definition. Mr. Koontz said the

amendment requires guardrails atop all wing walls exceeding thirty (30) inches above grade, with guardrails a minimum of thirty-six (36) inches and a maximum of forty-eight (46) inches in height. Council Member Shortal asked if guardrails are typical; Mr. Koontz replied that they are. He reported that the Planning Commission voted in favor of the expanded definition.

Mayor Wright requested public comment and opened the public hearing. No one spoke in opposition.

Bill Grant – spoke in favor of the text amendment, saying this is a good solution and guard rails are a good thing.

Mayor Wright closed public comment and the public hearing with no objection.

**FIRST READ: Ordinance to amend Chapter 20: Assemblages in Public Places (ORDINANCE 2009-XX-XX):** City Clerk Sharon Lowery read the ordinance. City Manager Warren Hutmacher presented the to Chapter 20 and advised that requested changes have been made since the Work Session, with additional changes made after review of legal counsel. He cited the Forsyth County, Georgia v. the Nationalist Movement case in which the United States Supreme Court held that it is unconstitutional for an administrator to assess the costs of services for a parade. Mr. Hutmacher gave the following overview of the changes: 1) the applicant is responsible for providing the personnel and services considered necessary for the permitted event; 2) content neutral language was added; 3) basis for determining levels of City support has been removed; 4) additional insurance cannot be requested based on crowd size. Staff will create and update a community calendar on the new website that is scheduled to rollout on July 1. Mr. Hutmacher said that Staff awaits direction of Council on the spacing of events.

Council Member Shortal asked what is in place to ensure the applicant provides services, and what would happen if they did not. He also asked if the City would bear the cost for police services. City Manager Hutmacher replied that he could stop the event and not issue additional permits if they request them. He said the City would bear the cost for police services but could require the applicant to provide private security.

Council Member Ross commented that he will make a recommendation on the spacing of events. He recommended that co-sponsorships be limited to non-profit organizations.

Council Member Heneghan asked if advanced reservations preclude others. City Manager Hutmacher replied there is no preclusion and there is language to prevent city services from being overburdened.

**Resolution to appoint members of the Construction Board of Appeals. (RESOLUTION 2009-06-37):** City Clerk Sharon Lowery read Resolution 2009-06-37. Council Member Ross moved to adopt the Resolution as presented. Council Member Taylor seconded. Mayor Wright read the names of the Board members as follows: Elliot Usher, Howard Karchmer, Monroe Brock, Dick Drake, and Charles Juray. The vote carried unanimously (5-0).

**Resolution to appoint members of the Alcohol License Review Board. (RESOLUTION 2009-06-38):** City Clerk Sharon Lowery read Resolution 2009-06-38. Council Member Shortal moved to adopt the Resolution as presented. Council Member Taylor seconded. Mayor Wright read

the names of the Board members as follows: Worth Wells, Beverly Wingate, Brian Tate, Steve Zisser, and Doug Thompson. The vote carried unanimously (5-0).

**ACTION ITEM: Authorization to purchase radar speed detection signs:** City Manager Warren Hutmacher clarified that the request is for authorization to purchase permanent radar signs in an amount not to exceed \$50,000. He said the number of signs has been paired down to around ten signs; Staff recommends purchasing the signs from contingency. Council Member Shortal said requested a map of where the radar signs would be before approving the purchase. He suggested a “share basis” with the school PTAs purchasing one sign for each sign the City purchases. Council Member Heneghan asked why the contingency fund is being recommended rather than the capital improvement fund. City Manager Hutmacher said that he believes the radar signs would qualify under capital improvement but that would take money away from infrastructure improvement projects. Mayor Wright directed Staff to post all results from the radar signs on the City website. Council Member Shortal moved to defer the authorization to purchase radar speed detection signs until the July 13th meeting. Mayor Wright seconded. Council Member Shortal asked Staff to look into stimulus money to fund the radar signs. Mayor Wright asked City Manager Hutmacher to ask Staff to ensure we aren’t missing stimulus money and asked him to look over all budgets for possible funding. The vote carried unanimously (5-0).

**OTHER BUSINESS** There was no other business.

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

Scott Posvar – spoke in favor of purchasing AED’s and said he would like to see them everywhere.

Frances Schube – spoke in favor of the Dunwoody Arts Festival being held in spring 2010. She added that events should not be a competition and pointed out that the Dunwoody Nature Center is having an event over the weekend, with a very large event being held the following weekend.

Mayor Wright closed public comment.

**EXECUTIVE SESSION:** There was no executive session.

## **ADJOURN**

Mayor Wright motioned to adjourn. Council Member Taylor seconded. Mayor Wright called for the vote and the motion carried unanimously (5-0).

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