



**CITY OF DUNWOODY**  
**September 28, 2009**  
**CITY COUNCIL MINUTES**

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The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, September 28, 2009 at 7:30 p.m. The Council 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 4	Robert Wittenstein, Council Member
At Large, Post 5	Danny Ross, Council Member
At Large, Post 6	John Heneghan, Council Member
Staff Present:	Warren Hutmacher, City Manager Sharon Lowery, City Clerk Chris Pike, Finance Director Billy Grogan, Chief of Police Kevin McOmber, Interim Community Development Director Heather Potter, Executive Assistant Rich Hampton, Purchasing Manager Michael Tuller, Community Development Director

Mayor Wright called the Meeting to order.

**ROLL CALL AND GENERAL ANNOUNCEMENTS:** Mayor Wright announced that all members were present except Council Member Bonser.

**Introduction of new staff:**

City Manager Hutmacher introduced Heather Potter as his new Executive Assistant.  
Chris Pike introduced Rich Hampton as the new Purchasing Manager.  
Kevin McOmber introduced Michael Tuller as the new Community Development Director.

**INVOCATION:** Led by Council Member Danny Ross.



**PLEDGE OF ALLEGIANCE:** Led by Council Member Denis Shortal.

**PROCLAMATION: Recognition of “Stage Door Players”:**

City Clerk Sharon Lowery read the proclamation. Mayor Wright presented the proclamation to the Director of the “Stage Door Players,” Robert Egizio, in recognition of their 36<sup>th</sup> anniversary season.

**MINUTES:**

Council Member Shortal motioned to approve the September 14, 2009 City Council meeting minutes. Council Member Taylor seconded. The motion carried unanimously (6-0).

**APPROVAL OF THE MEETING AGENDA:**

Council Member Taylor motioned to approve the agenda. Council Member Shortal seconded. The motion carried unanimously (6-0).

**PUBLIC COMMENT:**

Mayor Wright requested public comment.

Stacey Harris - stated that speed bumps help protect pedestrians and children, and spoke in favor of the proposed traffic calming ordinance.

Jim Maloney – expressed his concern that the City charges a church for a building permit and said the City should revisit this.

Bill Grant - stated that City Council should approve the proposed traffic calming ordinance.

Bob Lundsten – said the residents should not be charged for traffic calming measures and that the City should pay for the installation of all speed bumps.

Ken Thelen – requested that the Council postpone voting on the building permit fees proposal until more studies are completed.

Terry Nall - stated that he thinks that in regard to the ZBA notice requirements, the application deadline should be moved back by 15 days, and that it should be codified in the ordinances.

Todd Andersen - stated that the zoning process is a multi-phase process, consisting of seven steps. and he doesn't think 15 to 20 days notice is enough. He suggested leaving the notice requirement at 15 days unless there is opposition; with opposition there would be an automatic deferral to the next meeting.

Mayor Wright closed public comment.

**MAYOR AND COUNCIL COMMENT:** None.

**CONSENT AGENDA:**

Council Member Ross motioned to approve the Consent Agenda. Council Member Wittenstein seconded the motion. Council Member Shortal requested that items 1) Second Read: Ordinance to adopt the City of Dunwoody Budget Policy, 2) Approval of Audit Committee Policy, and 5) Second Read: Ordinance to amend Chapter 4: Alcohol Beverages, be removed from the consent agenda. The following items remained on the Consent Agenda for vote:

**Approval of Contract 09-175 (Financial Software)**

**Second Read: Ordinance to amend Chapter 17: Traffic and Public Roadways (ORDINANCE 2009-09-41)**

Mayor Wright called for a vote on the motion to approve the Consent Agenda and the motion carried unanimously (6-0).

**Second Read: Ordinance to adopt the City of Dunwoody Budget Policy. (ORDINANCE 2009-09-40):**

City Clerk Sharon Lowery read the ordinance. Council Member Shortal requested that on Page 2, Step 4 “Board of Commissioners” be changed to “City Council.” He also stated that the reference to “Non Operating Funds” in Section 2 of Paragraph K of the body of the document is not defined, and requested that the words “defined in Section 1 of this Policy” be deleted from the last sentence of the first paragraph. Council Member Shortal motioned to adopt the ordinance with the changes requested. Council Member Heneghan seconded. Mayor Wright called for the vote and the motion carried unanimously (6-0).

**Approval of Audit Committee Policy:**

Council Member Shortal stated that he does not feel it is appropriate for Council Members to serve on the Audit Committee. Council Member Ross said he feels City Council should have oversight and for one or two Council Members to serve on the Audit Committee. Council Member Wittenstein motioned to adopt the Audit Committee Policy. Council Member Ross seconded the motion. Mayor Wright called for the vote and the motion passed (5-1) with Council Member Shortal voting “Nay”. Council Member Shortal stated that his only opposition is that of Council Members serving on the Audit Committee.

**Second Read: Ordinance to amend Chapter 4: Alcohol Beverages (ORDINANCE 2009-09-43):**

Council Member Shortal motioned to approve the ordinance with the inclusion of the following language included in Paragraph B, Page 2: “Pending the outcome of the complete appeal process, pursuant to this subsection, the licensee may continue to operate within the limitations of their current alcohol license.” Mayor Wright seconded. Mayor Wright called for the vote and the motion carried unanimously (6-0).

**UNFINISHED BUSINESS:**

**Public Hearing – Amendment to Chapter 27: Zoning Ordinance to revise the text of the Dunwoody Village overlay District:**

Mayor Wright opened the Public Hearing without objection.

City Planner Howard Koontz gave the presentation and explained that City representatives and the DHA have met and proposes the new amendment. The proposed Ordinance creates a Mayor appointed Design Review Committee.

Mayor Wright opened Public Comment without objection.

**Public comments in favor of the amendment:**

Gordon Jackson - thanked the Mayor and the City for proposing the amendment and said he was present to answer any questions.

Bill Grant - asked if the amendment affects the Design Review Committee, stating that this is very important part of the process.

**Public comments against the amendment:**

Brian Sims – stated that he is not opposed to the Ordinance and urged City Council to keep the Comprehensive Plan in mind and pointed out the importance of the Dunwoody Village not being left behind.

Mayor Wright closed Public Comment without objection.

Mayor Wright closed the Public Hearing without objection.

**Second Read: Ordinance amendment to Chapter 27: Zoning Ordinance to revise the text of §3C, the Dunwoody Village Overlay District. (ORDINANCE 2009-09-42):**

City Clerk Sharon Lowery read the ordinance. Council Member Ross motioned to approve the text amendment as written. Council Member Taylor seconded. Council Member Wittenstein motioned to amend the text in Section 3C-7: Sidewalk and Pedestrian Walkways to add to the model of the bench is proposed, using the same company and the same model, and there be a Second Site series

using recycled plastic instead of wood. Council Member Heneghan seconded the motion for discussion. Council Member Wittenstein pointed out a Scribner's error in the document and that "Victory Stanley" should be corrected to "Victor Stanley" throughout the amendment.

Mayor Wright opened Public Comment.

Bill Grant – stated that he was the one who objected to the use of recycled material because it does have some downfalls, one being that it is much hotter than wood to sit on, but on the other hand, he thinks that Council Member Wittenstein is right.

Mayor Wright closed Public Comment.

Mayor Wright called for a vote on the amendment and the motion failed (4-2) with Mayor Wright, Council Member Taylor, Council Member Shortal, and Council Member Ross voting "Nay" and Council Member Wittenstein and Council Member Heneghan voting in favor.

Council Member Wittenstein motioned to amend the language in §3C:14 to insert the following text as the last paragraph: *"Certificate of Occupancy. Prior to the issuance of the Certification of Occupancy, the site has to be inspected by the City and Design Review Advisory Committee Member and a final compliance certificate issued. Any deficiencies must be corrected before the Certificate of Occupancy is issued."* Mayor Wright seconded.

City Manager Hutmacher requested the language of the amendment be modified to make it clear that the Design Review Advisory Committee is advisory only and that the final decision lies with the Community Development Director.

Mayor Wright opened Public Comment.

Gordon Jackson – spoke in favor of the amendment.

Council Member Wittenstein moved to amend his open amendment to revise the text as follows: *"Certificate of Occupancy. Prior to the issuance of the Certification of Occupancy, the site has to be inspected by the City and Design Review Advisory Committee Member and a final compliance certificate issued in the final decision of the City after receiving any recommendations from the Design Review Advisory Committee. Any deficiencies must be corrected before the Certificate of Occupancy is issued."* Mayor Wright seconded.

Mayor Wright opened Public Comment.

Mayor Wright closed Public Comment.

Mayor Wright called for the vote on the amendment and the motion was approved unanimously (6-0).

Council Member Shortal motioned to amend the Ordinance in §3C-12: Street Furniture to add the following language as item (e) "U-shaped type bike racks in dark green color that matches the

benches color will be installed” and to amend the language in §3C:14 in the last paragraph to read “fourteen” [days], rather than “seven” [days]. Mayor Wright seconded.

Mayor Wright opened Public Comment.

Bill Grant - stated that the U-shaped bicycle rack is a good solution, but his concern is that stainless steel bicycle racks would stand out and feels they should be painted dark green.

Mayor Wright closed Public Comment.

Mayor Wright called for the vote on the amendment and the motion carried unanimously (6-0).

Mayor Wright called for a vote on the original motion to approve the Ordinance amendment to Chapter 27 and the motion carried unanimously (6-0).

**Update on Ordinance to amend Chapter 27: Zoning, §5A and §5D: Public notice requirements for zoning actions in the City of Dunwoody. (ORDINANCE 2009-09-44):**

City Attorney Brian Anderson said that Staff recommends postponing this discussion until the third Monday in October to allow time to gather the ZBA comments and other comments together, and to also discuss this item at the October Work Session. Council Member Shortal recommended that on any hearing before the ZBA, that if either party objects, it would automatically be deferred to the next month.

**NEW BUSINESS:**

**Resolution to accept Automated External Defibrillators. (RESOLUTION 2009-09-52):**

City Clerk Sharon Lowery read the Resolution. Council Member Shortal motioned to adopt the Resolution as read. Council Member Taylor seconded, and the motion carried unanimously (6-0). Mayor Wright presented the Resolution to Mr. Bob Lundsten and his wife, Kathy Lundsten, for their efforts on raising the funds to purchase the AEDs. Chief Billy Grogan thanked everyone involved on behalf of the citizens and the Dunwoody Police Department.

**Resolution to revise building permit fee schedule. (RESOLUTION 2009-08-49):**

City Manager Warren Hutmacher gave the presentation, explaining that his recommendation is for a 25% reduction in building permit fees for residential structures; from \$8 per \$1000 to \$6 per \$1000. Council Member Shortal motioned to approve the resolution as written, with the stipulation that City Manager Hutmacher meet with Ken Thelen to clear up any possible ambiguities. Mayor Wright seconded the motion, and the motion carried (6-0).

**Resolution to adopt Traffic Calming Policy. (RESOLUTION 2009-09-53)**

Public Works Director Richard Meehan advised that a revised Traffic Calming Policy was distributed to City Council for tonight's meeting.

Council Member Shortal motioned to approve the Resolution as originally written. Council Member Wittenstein seconded.

Mayor Wright motioned to strike the section on "Daily Traffic Volumes" on Page 1, §II(3). Council Member Heneghan seconded.

Mayor Wright opened for Public Comment without objection.

Mayor Wright closed Public Comment without objection.

Mayor Wright called for the vote and the motion carried unanimously (6-0).

Mayor Wright motioned to amend the language on Page 3, §IV, item 6, to change from "70%" to "65%". Council Member Heneghan seconded the motion. Council Member Shortal stated that he felt 70% was a good number and the City should leave the language at 70%.

Mayor Wright opened for Public Comment without objection.

Bob Lundsten – stated that 65% is not a sufficient number and to him it means the City is willing to put the safety of the children of the City at risk.

Mayor Wright closed Public Comment without objection.

Council Member Shortal motioned to amend the percentage to 66.67%. Council Member Taylor seconded for purposes of discussion.

Mayor Wright opened Public Comment without objection.

Mayor Wright closed Public Comment without objection.

Mayor Wright called for the vote on the amendment to change from 70% to 66.67% and the amendment failed (1-5) with Council Member Shortal voting for the motion and Mayor Wright, Council Member Taylor, Council Member Ross, Council Member Wittenstein, and Council Member Heneghan voting "Nay".

Mayor Wright called for the vote on the amendment to change from 70% to 65% and the amendment passed (5-1) with Council Member Shortal voting "Nay".

Mayor Wright motioned to amend the section on Page 4, item number 9 to read that the City of Dunwoody will pay 100% of the installation costs up to the budgeted amount, which is a \$25,000.00 cap for the budget year 2010 on the City's expenditure for these items. Council Member Heneghan

seconded the motion. There was discussion among the City Council members regarding speed bumps.

Mayor Wright opened Public Comment without objection.

Bob Lundsten - said that there is a duty to provide public safety to our children, and he urged the City to place a minimum dollar amount that the City will be responsible for with regard to speed bumps.

Mayor Wright closed Public Comment without objection.

Mayor Wright called for the vote on the amendment and the motion carried (5-1), with Council Member Shortal voting “Nay”.

Council Member Heneghan motioned to amend the Resolution to state that the removal of speed bumps will be at the City’s cost (that the next to last sentence at the end of Page 4 be stricken from the Resolution). Mayor Wright seconded the motion.

Mayor Wright opened Public Comment without objection.

Mayor Wright closed Public Comment without objection.

Mayor Wright called for the vote on the amendment and the motion carried (5-1) with Council Member Shortal voting “Nay”.

Mayor Wright called for the vote on the Resolution, as amended, and the motion carried (5-1) with Council Member Shortal voting “Nay”.

**First Read: Ordinance to adopt Purchasing Policy. (ORDINANCE 2009-XX-XX)**

City Clerk Sharon Lowery read the Ordinance to adopt the Purchasing Policy.

**Consideration of amendment to contract with Pond & Company for Comprehensive Plan meeting schedule**

Kevin McOmber, Interim Community Development Director, reported that the Comprehensive Plan Steering Committee met and reached consensus that they would like four additional Community Meetings and two Steering Committee meetings. Following discussion by City Council, Council Member Ross motioned to amend the contract with Pond & Company to approve five meetings as follows:

- 1 for Winters Chapel
- 1 for PCID
- 1 for Dunwoody Village
- 1 for Tilly Mill/Jett Ferry
- 1 for Shallowford/Georgetown

Council Member Taylor seconded the motion.

Council Member Wittenstein motioned to approve a contract amendment that includes five community meetings and two Comprehensive Steering Committee meetings, and also to extend the contract through July 1, 2010 to allow time for the meetings to be held, and to provide for a total increase in cost not to exceed \$18,500.00. Council Member Taylor seconded the motion, and the motion carried unanimously (6-0).

**PUBLIC COMMENT:**

Bob Lundsten - addressed the matter of timelines regarding the ZBA, and asked City Attorney Anderson to review the authority of the City to mandate automatic deferrals by the ZBA.

Susan Harper - thanked the City Council for adding additional community meetings, and requested that the community meetings be better advertised.

Stacey Harris - stated that if the City developed a term more understandable to the general public than "Comprehensive Land Use Meeting" it may generate more interest among the citizens of Dunwoody.

**ADJOURN:**

Council Member Ross motioned to adjourn. Mayor Wright seconded. Mayor Wright called for the vote and the motion carried unanimously (6-0).

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