

**CITY OF DUNWOODY  
NOVEMBER 10, 2008  
REGULAR MEETING MINUTES**

The Mayor and Council of the City of Dunwoody held a Regularly Scheduled Council Meeting on Monday, November 10, 2008 at 7:00pm. The Council Meeting was held in the Dunwoody United Methodist Church located at 1548 Mount Vernon Road, Dunwoody, Georgia 30338. Present for this meeting were the following:

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, Acting City Attorney  
Leonid Felgin, Assistant to Acting City Clerk

**PLEDGE OF ALLEGIANCE** led by Council Member Heneghan. As there was no American flag present in the room, the Pledge of Allegiance was done on the flag pin of Councilmember Taylor.

**MINUTES:** There were no minutes for approval.

**AGENDA APPROVAL:** Mayor Wright made a motion to approve the agenda as presented. Councilman Heneghan seconded. The motion carried unanimously.

**PUBLIC COMMENT:**

Jim Dickson – Simply wanted to say nice things about Dick Williams, who runs the Dunwoody Crier newspaper. It is a better newspaper than it used to be and its journalistic standards have been pretty good. Dick Williams was instrumental in setting up Dunwoody (as well as appearing previously on the O'Reilly Factor television show). Since Dick Williams and the Crier are usually the ones talking about others, Mr. Dickson figured he could say some nice things about him. Mr. Dickson also says he has no association with the Dunwoody Crier newspaper.

Steve Ludwick stated that he looked at the proposed GIRMA insurance policy on which the Council was to vote this evening – it contains a \$1 million per claim and \$5 million aggregate coverage. Mr. Ludwick stated that, to him, insurance is very cheap and it's worth a slight increase in premiums to get better coverage. Low insurance is a bad approach and bad image/policy for the City. \$1 million per claim is not enough. The City needs to be responsible to the people of Dunwoody and step up if the need arises where someone may be injured by a City employee and his bills and damages are higher than the stated limit of the insurance. It would only cost \$0.50 per resident of the City to double the protection. The City should get bids for better coverage.

Bob Campbell, a business owner, would like reconsideration of law that requires licensees to be on premises for 10 hours per day in order to receive alcohol license.

Brian Sims stated that the City Attorney should look at state laws instead of Dekalb County for all the fees – the City is over-regulating. The Licensing ordinance needs to have proper exceptions for fundraising by students groups. Furthermore, other cities, such as Decatur, have easier ways to regulate occupancy taxes that do not require complex calculations of revenue, and are thus easier, more efficient and understandable.

There were no more comments at this time.

**CONSENT AGENDA:** No Consent Agenda for tonight's meeting.

**UNFINISHED BUSINESS:**

City Implementation: The Mayor updated Council on the continuing meetings with Dekalb County on IGAs that is occurring every week. Furthermore, there are RFP's out for the positions of judge, clerk and police chief which is requesting resumes. Councilmember Taylor updated on his meeting with Dekalb County Sheriff Brown about the continuing negotiations with him for police services to the City, as an alternative to the Dekalb County proposal. Councilmember Shortal updated on the Boyken RFPs, stating that they're in the process of finalizing addendums for RFPs with Boyken, using feedback from the previous Friday's vendor's meeting. He stated that everyone who signed up on Friday will be notified of the Addendum. All bids are due on November 17, 2008 by 4:00 p.m. Interviews will be conducted on November 20-21, 2008 and vendors are expected to be selected by November 25, 2008.

**REPORTS AND PRESENTATIONS:** No Reports at this time.

**NEW BUSINESS:**

**CHAPTER 15: BUSINESS OCCUPATION TAXES, LIENSING AND REGULATION:**

The First Read of Ordinance to Adopt and Approve Chapter 15: Business Occupation Taxes, Licensing and Regulation, Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be Referenced in the future as Chapter 15 (Business Occupation Taxes, Licensing and Regulation) as Attached Hereto and Incorporated Herein was held.

**RESOLUTION ON INSURANCE:** Leonid Felgin, Assistant to the Acting City Clerk, read Resolution 2008-11-12 (Resolution for Adopting Insurance Coverage for the City of Dunwoody, Georgia) for consideration. Councilmember Ross moved to approve Resolution 2008-11-12, approving GIRMA as the City's insurance carrier. Councilmember Wittenstein seconded the motion. Under discussion, Councilmember Ross stated that the City will have more than one insurance policy eventually. In April, the earliest time for police implementation, there will be an additional insurance policy, whose coverage currently stands at \$5 million per claim. The new City Manager is arriving from Norcross and so a comparison was done with that City's insurance policy and the City of Dunwoody's policy is identical to it. He agreed that the City should be responsible but there is a limit to the funding and it's not as cheap as some might think.

Councilmember Shortal asked when the start-date of the insurance coverage would be amended to September 24, 2008. City Attorney Anderson stated that it can be done by amendment but one is not necessary. Councilmember Shortal moved to amend the insurance coverage to start on September 24, 2008. Councilmember Bonser seconded the motion. Under discussion,

Councilmember Ross stated that documents can be provided to the insurance company showing that the City was not in any risk from September 24, 2008 until this day and thus having the policy relate back to September 24<sup>th</sup> should not be a problem. Mayor Wright called for a vote on the amendment. Motion carried unanimously.

Back to the original discussion, Councilmember Heneghan asked how many insurance quotes were received this time out. Councilmember Ross stated that no additional quotes besides GIRMA was received this time but it will be bid again half way through next year after the insurance company fiscal year ends. Councilmember Wittenstein wondered whether the City would be getting a bill instantly. Councilmember Ross responded that the insurance provider agreed not to bill until January 1, 2009. Councilmember Shortal announced that he believes the City needs the insurance now and proper due diligence has been done to pick reasonable insurance at an appropriate price and he will be voting in favor of it. Councilmember Bonser noted that the original budget breakdown had a higher price for insurance coverage. Councilmember Ross agreed that this was half the price of that anticipated by the budget breakdown. Councilmember Wittenstein stated that the original quote was based on a traditional City model and Dunwoody will not have that many employees so the insurance costs are less. Seeing no more discussion, the Mayor called for a vote on the motion to approve Resolution 2008-11-12. A vote was held and the motion carried unanimously. (*Resolution 2008-11-12*)

**RESOLUTION FOR CITY MANAGER'S SIGNING AUTHORITY:** Leonid Felgin, Assistant to Acting City Clerk, read Resolution 2008-11-13 (Resolution establishing the Level of Authorization for the City Manager to Make and Execute All Lawful Contract and To Sign All Orders, Checks and Warrants for Payment of Money) for consideration. Councilmember Ross moved to approve Resolution 2008-11-13. Councilmember Wittenstein seconded the motion. Under discussion, Councilmember Wittenstein wondered whether this Resolution's authorization of \$50,000 was at the same level as that suggested previously for allowing City Manager to sign without approval by Council. City Attorney Anderson stated that it was identical to it. Seeing no further discussion, Mayor Wright called for a vote on the Motion to approved Resolution 2008-11-13 as presented. A vote was held and the motion carried unanimously. (*Resolution 2008-11-13*).

**ACTION ITEM:** Mayor Wright moved to authorize and approve a Lease Agreement for temporary office space for City employees. Councilmember Ross seconded the motion. Under discussion, Councilmember Ross stated that the office space under consideration is across the hall from Boyken, already furnished and costs only \$4000 per month (which is \$7 per square foot), and will allow the City to immediately move operations. The Mayor stated that the office space is located right off of GA-400, Roberts Drive and Northridge. It is technically in Sandy Springs, but it does not matter. Councilmember Wittenstein stated that the office space is a good deal financial but had two reservations. First, the Lease Agreement did not have a clause that would allow the City to get out of the lease before June, 2009. Also, this space cannot be used for court since it is in Fulton and not Dekalb County. Another space for court needs to be found until a permanent City Hall is located. Councilmember Shortal stated that the lease price being so low did not allow for negotiation to get out of it early. Seeing no more discussion, the Mayor called for a vote on the motion. A vote was held and the Motion carried unanimously. (**ACTION ITEM**)

**OTHER BUSINESS:** Councilmember Shortal announced that it was the 233<sup>rd</sup> birthday of the Marine Core and requested 20 seconds of silence for all those who served and serve in the Marines. The 20 second moment of silence was held.

**PUBLIC COMMENT:**

Keisha Carter, the Public Affairs Director for the Georgia Restaurant Association, stated she wants to work with the City to protect restaurant owners and businesses and to work with the City to make sure that the restaurant businesses are taken care of. She also wanted to remind Council of the new State “Merlot to Go” law that allows on-site drinking of wine and re-corking of bottle to be able to be taken out of the restaurant by the consumer. She did not notice an allowance for same in the City’s Alcohol ordinance.

Steve Ludwick wanted to make an observation that it takes a nice person, not a law-review person, to be a judge, and that the City should choose the kinds of judges for its municipal court that treats people with respect and not condescension and does not develop “robe-itis.”

Scott Posvar stated that now that City space is leased, the City should get things rolling to set-up a T-line and it may not happen quickly if his company and others have to go through the Boyken RFP process. He wants to submit documents with his internet service proposal directly to the City Attorney.

There being no further business, Council Member Shortal made a motion to adjourn, seconded by Council Member Heneghan. The motion carried unanimously and the meeting was adjourned.

Approved by:

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Ken Wright, Mayor

Attest:

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Joan Jones, Acting City Clerk