

**CITY OF DUNWOODY
DECEMBER 1, 2008
12:01AM
SPECIAL CALLED
COUNCIL MEETING MINUTES**

After a brief Ribbon Cutting Ceremony, the Mayor and Council of the City of Dunwoody held a council meeting on Monday, December 1, 2008 at 12:01am. The meeting was held at 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

City Attorney	Brian Anderson
City Manager	Warren Hutmacher

Mayor Ken Wright called the meeting to order. There being no announcements he asked everyone to stand for the Pledge of Allegiance.

MINUTES: No Minutes for consideration.

AGENDA APPROVAL: Mayor Wright announced as this was a Special Called Meeting, no agenda changes will be made. Council Member Shortal motioned, seconded by Council Member Taylor to approve the agenda as presented. The motion carried unanimously.

PUBLIC COMMENT: No Public Comment offered at this time.

UNFINISHED BUSINESS: No Unfinished Business on this agenda.

REPORTS AND PRESENTATION: Mayor Wright asked City Manager to give a brief overview of how things are progressing at city hall. Operations will begin at 7:30am in the morning, will be fully operational by January 1, 2009, the vendor firms will be ready to go.

NEW BUSINESS

EMERGENCY ORDINANCE FOR THE CONTINUATION OF LAW: Acting City Clerk Jones read the Emergency Ordinance Providing for the Continuation of Ordinance and Law during the Transition Period Legislatively Established for the City of

Dunwoody, Georgia, and the Adoption of the Ordinances by the City of Dunwoody, Georgia. Council Member Shortal made a motion to adopt this Emergency Ordinance for the Continuation of Ordinance and Law. Council Member Wittenstein seconded. The motion carried unanimously. Brian Anderson informed council of the process for adopting Emergency Ordinances, and explained the City of Dunwoody's Charter allows the council to adopt Ordinances with only ONE READ within their first ninety days (90) of operation. The Emergency Ordinances need to be passed for ease of transition of governmental authority, and some ordinances require following the Zoning Procedures Law. The council will consider both Emergency Ordinances and Ordinances with only One Read tonight in order to help with a smoother transition into cityhood. **(Ordinance 2008-12-19)**

MORATORIUM ON APPLICATIONS/ISSUANCES: A Resolution imposing within the Territorial limits of the City of Dunwoody, Georgia, a Moratorium of sixty (60) days (unless sooner terminated) upon the Application For, or Issuance Of, Land Disturbance Permits, Building Permits, Use Permits, Land Use Permits, Land Development Permits, Clearing or Grading Permits, Sign Permits, Administrative Permits, Business Licenses, certain Alcohol Licenses, and Any and All other permits or licenses dependent upon or related to Zoning of Land in order to allow for the consideration and adoption of necessary Zoning Ordinances and preparation of necessary forms and adoption of necessary procedures for the Processing of such applications was read by Acting City Clerk Jones. Council Member Shortal motioned, seconded by Council Member Bonser to adopt Resolution 2008-12-21 imposing a sixty (60) day Moratorium. Under discussion, Wittenstein asked for clarification on how this affects business licenses. Attorney Riley explained how Business Occupation Taxes are dependent on zoning and they should be able to be issued by end of the year. The motion carried unanimously. **(Resolution 2008-12-21)**

RATIFICATION OF ACTIONS BY COUNCIL: Acting City Clerk Jones read a Resolution to Ratify the Actions Taken by the Mayor and Council of the City of Dunwoody, Georgia Prior to December 1, 2008. Council Member Wittenstein motioned, seconded by Council Member Taylor to adopt this Resolution to Ratify the Council's action. The motion carried unanimously. **(Resolution 2008-12-22)**

EMERGENCY ORDINANCE CHAPTER 1, GENERAL PROVISIONS: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 1: General Provisions, and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 1 (General Provisions) as Attached Hereto and Incorporated Herein. Council Member Shortal motioned, seconded by Council Member Heneghan to adopt this Emergency Ordinance for Chapter 1: General Provisions, as presented. The motion carried unanimously. **(Ordinance 2008-12-20)**

EMERGENCY ORDINANCE CHAPTER 2, ADMINISTRATION: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 2: Administration, and Providing for Inclusion and Identification in the Code of Ordinances

for the City of Dunwoody, Georgia to be referenced in the future as Chapter 2 (Administration) as Attached Hereto and Incorporated Herein. Council Member Ross motioned, seconded by Council Member Taylor to adopt this Emergency Ordinance for Chapter 2: Administration, as presented. The motion carried unanimously. (**Ordinance 2008-12-21**)

EMERGENCY ORDINANCE CHAPTER 4, ALCOHOL BEVERAGES: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 4: Alcohol Beverages and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 4 (Alcohol Beverages) as Attached Hereto and Incorporated Herein. Council Member Ross motioned, seconded by Council Member Wittenstein to adopt this Emergency Ordinance for Chapter 4: Alcohol Beverages, as presented. The motion carried unanimously. (**Ordinance 2008-12-22**)

EMERGENCY ORDINANCE CHAPTER 9, ETHICS: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 9: Ethics and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 9 (Ethics) as Attached Hereto and Incorporated Herein. Council Member Heneghan motioned, seconded by Council Member Ross to adopt this Emergency Ordinance 2008-12-23 for Chapter 9: Ethics, as presented. During discussion, Council Member Shortal announced this chapter is too cumbersome and needs more clarification. The motion carried with a vote of 4-3 as Council Members Taylor, Bonser, Shortal opposed this motion and Council Members Ross, Wittenstein, Heneghan and Mayor Wright voting in favor of the motion. Attorney Anderson explained the City Charter states an Emergency Ordinance needs a Super Majority in order to become effective, as this does not pass unanimously this ordinance does not pass as an Emergency Ordinance. Council Member Heneghan asked for clarification on this ordinance as it was voted on at the November 30th meeting. Attorney Anderson explained that the ordinance would not be designated as passed at that time either.

EMERGENCY ORDINANCE CHAPTER 10, ELECTIONS: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 10: Elections and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 10 (Elections) as Attached Hereto and Incorporated Herein. Council Member Taylor motioned, seconded by Council Member Bonser to adopt this Emergency Ordinance for Chapter 10: Elections, as presented. The motion carried unanimously. (**Ordinance 2008-12-24**)

EMERGENCY ORDINANCE CHAPTER 15, BUSINESS OCCUPATION TAXES, LICENSES AND REGULATIONS: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 15: Business Occupation Taxes, Licensing and Regulations and 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 Regulations) as Attached Hereto and Incorporated

Herein. Council Member Shortal motioned, seconded by Council Member Wittenstein to adopt this Emergency Ordinance for Chapter 15: Business Occupation Taxes, Licensing and Regulations, as presented. The motion carried unanimously. **(Ordinance 2008-12-25)**

EMERGENCY ORDINANCE CHAPTER 18, MUNICIPAL COURT: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 18: Municipal Court and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 18 (Municipal Court) as Attached Hereto and Incorporated Herein. Council Member Wittenstein motioned, seconded by Council Member Taylor to adopt this Emergency Ordinance for Chapter 18: Municipal Court, as presented. The motion carried unanimously. **(Ordinance 2008-12-26)**

EMERGENCY ORDINANCE CHAPTER 24, TAXATION: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 24: Taxation and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 24 (Taxation) as Attached Hereto and Incorporated Herein. Council Member Shortal motioned, seconded by Council Member Heneghan to adopt this Emergency Ordinance for Chapter 24: Taxation, as presented. The motion carried unanimously. **(Ordinance 2008-12-27)**

ONE READ CONTINUATION OF LAW ORDINANCE: Acting City Clerk Jones announced the ONE READ for Ordinance Providing for the Continuation of Ordinance and Law during the Transition Period Legislatively Established for the City of Dunwoody, Georgia, and the Adoption of the Ordinances by the City of Dunwoody, Georgia. Council Member Wittenstein made a motion to adopt this ONE READ Ordinance for the Continuation of Ordinance and Law. Council Member Taylor seconded. The motion carried unanimously. **(Ordinance 2008-12-27A)**

ONE-READ ORDINANCE CHAPTER 1, GENERAL PROVISIONS: Acting City Clerk Jones read this ONE READ Ordinance to Adopt and Approve Chapter 1: General Provisions, and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 1 (General Provisions) as Attached Hereto and Incorporated Herein. Council Member Ross motioned, seconded by Council Member Taylor to adopt this Emergency Ordinance for Chapter 1: General Provisions, as presented. The motion carried unanimously. **(Ordinance 2008-12-28)**

For clarification purposes, Attorney Anderson explained why the council is considering and adopting an ordinance with just one reading. These ordinances are separate ordinances that can be adopted with just one reading during the first ninety (90) days of cityhood as allowed by the City Charter.

ONE-READ ORDINANCE CHAPTER 2, ADMINISTRATION: Acting City Clerk Jones read the ONE READ Ordinance to Adopt and Approve Chapter 2: Administration,

and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 2 (Administration) as Attached Hereto and Incorporated Herein. Council Member Shortal motioned, seconded by Council Member Bonser to adopt this ONE READ Ordinance for Chapter 2: Administration, as presented. The motion carried unanimously. **(Ordinance 2008-12-29)**

ONE-READ ORDINANCE CHAPTER 4, ALCOHOL BEVERAGES: Acting City Clerk Jones read the ONE READ Ordinance to Adopt and Approve Chapter 4: Alcohol Beverages and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 4 (Alcohol Beverages) as Attached Hereto and Incorporated Herein. Council Member Ross motioned, seconded by Council Member Taylor to adopt this ONE READ Ordinance for Chapter 4: Alcohol Beverages, as presented. The motion carried unanimously. **(Ordinance 2008-12-30)**

ONE-READ ORDINANCE CHAPTER 9, ETHICS: Acting City Clerk Jones read the Emergency Ordinance to Adopt and Approve Chapter 9: Ethics and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 9 (Ethics) as Attached Hereto and Incorporated Herein. Council Member Ross motioned, seconded by Council Member Heneghan to adopt this Emergency Ordinance for Chapter 9: Ethics, as presented. The motion carried with a vote of 4-3 as Council Members Taylor, Bonser, Shortal opposed this motion and Council Members Ross, Wittenstein, Heneghan and Mayor Wright voting in favor of the motion. One read rules are the same as First and Second Reads, so this motion carries. **(Ordinance 2008-12-31)**

ONE-READ ORDINANCE CHAPTER 10, ELECTIONS: Acting City Clerk Jones read the ONE READ Ordinance to Adopt and Approve Chapter 10: Elections and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 10 (Elections) as Attached Hereto and Incorporated Herein. Council Member Shortal motioned, seconded by Council Member Heneghan to adopt this ONE READ Ordinance for Chapter 10: Elections, as presented. The motion carried unanimously. **(Ordinance 2008-12-32)**

ONE-READ ORDINANCE CHAPTER 15, BUSINESS OCCUPATION TAXES, LICENSES AND REGULATIONS: Acting City Clerk Jones read the ONE READ Ordinance to Adopt and Approve Chapter 15: Business Occupation Taxes, Licensing and Regulations and 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 Regulations) as Attached Hereto and Incorporated Herein. Council Member Taylor motioned, seconded by Council Member Ross to adopt this ONE READ Ordinance for Chapter 15: Business Occupation Taxes, Licensing and Regulations, as presented. The motion carried unanimously. **(Ordinance 2008-12-33)**

ONE-READ ORDINANCE CHAPTER 18, MUNICIPAL COURT: Acting City Clerk Jones read the ONE READ Ordinance to Adopt and Approve Chapter 18:

Municipal Court and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 18 (Municipal Court) as Attached Hereto and Incorporated Herein. Council Member Taylor motioned, seconded by Council Member Wittenstein to adopt this ONE READ Ordinance for Chapter 18: Municipal Court, as presented. The motion carried unanimously. **(Ordinance 2008-12-34)**

ONE READ-ORDINANCE CHAPTER 24, TAXATION: Acting City Clerk Jones read the ONE READ Ordinance to Adopt and Approve Chapter 24: Taxation and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 24 (Taxation) as Attached Hereto and Incorporated Herein. Council Member Shortal motioned, seconded by Council Member Bonser to adopt this ONE READ Ordinance for Chapter 24: Taxation, as read. The motion carried unanimously. **(Ordinance 2008-12-35)**

FIRST READ of ORDINANCE FOR THE CONTINUATION OF LAW: Acting City Clerk Jones read an Ordinance providing for the Continuation of Ordinance and Law during the Transition Period Legislatively Established for the City of Dunwoody, Georgia, and the Adoption of the Ordinances by the City of Dunwoody, Georgia. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 1, GENERAL PROVISIONS: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 1: General Provisions, and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 1 (General Provisions) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 2, ADMINISTRATION: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 2: Administration, and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 2 (Administration) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 4, ALCOHOL BEVERAGES: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 4: Alcohol Beverages and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 4 (Alcohol Beverages) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 9, ETHICS: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 9: Ethics and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 9 (Ethics) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 10, ELECTIONS: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 10: Elections and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 10 (Elections) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 15, BUSINESS OCCUPATION TAXES, LICENSES AND REGULATIONS: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 15: Business Occupation Taxes, Licensing and Regulations and 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 Regulations) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 18, MUNICIPAL COURT: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 18: Municipal Court and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 18 (Municipal Court) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

FIRST READ of ORDINANCE CHAPTER 24, TAXATION: Acting City Clerk Jones read an Ordinance to Adopt and Approve Chapter 24: Taxation and Providing for Inclusion and Identification in the Code of Ordinances for the City of Dunwoody, Georgia to be referenced in the future as Chapter 24 (Taxation) as Attached Hereto and Incorporated Herein. FIRST READ ONLY

ELECTION of MAYOR PRO TEM: Mayor Wright motioned to elect Denis Shortal as Mayor Pro Tem. Council Member Ross seconded the motion. Council Member Shortal accepted the appointment. The motion carried unanimously.

APPOINTMENT OF ASSISTANT CITY ATTORNEY: Acting City Clerk Jones read Resolution 2008-12-23 appointing the Law Firm Riley, Lewis & McLendon as the Assistant City Attorneys for the City of Dunwoody. Council Member Wittenstein motioned, seconded by Council Member Heneghan. The motion carried unanimously. (Resolution 2008-12-23)

NOTIFICATION TO DEKALB COUNTY: Council Member Shortal motioned, seconded by Council Member Taylor to notify Dekalb County that the City of Dunwoody would be taking over certain services and powers. Under discussion, Council Member Heneghan requested a listing of these services and powers. Attorney Anderson reviewed items to be submitted. Council Member Wittenstein motioned to amend the motion to add Code Enforcement to the List as read by Attorney Anderson. Council Member Ross seconded. The amended motion carried unanimously. Council Member Ross reviewed the various parks that are included in this listing, the management of the parks and how Dekalb County allocates funding for these parks. Council Member Heneghan asked for inspection and documentation of the current condition of the parks and buildings, he

reiterated that safety is a majority concern. Council Members Taylor and Shortal voiced support of Council Member's Heneghan comments. City Attorney Anderson clarified the list included Operation of Park, no Maintenance was addressed, this could be part of ownership of the park should the council wish to amend the listing. Council Member Wittenstein amended the motion to include not only Parks Operation, but to include Parks Maintenance. Council Member Ross seconded the amendment. The amended motion carried unanimously. Mayor Wright called for a vote on the main motion, the main motion carried unanimously as amended. **(ACTION ITEM)**

DECEMBER 18, 2008 MEETING: This action authorizes the call for the Special Meeting on December 18, 2008. Council Member Wittenstein motioned, seconded by Council Member Ross to call a meeting December 18, 2008 to adopt Dunwoody Zoning Ordinance and to adopt the policies and procedures for calling and conducting hearings. **(ACTION ITEM)**

DUNWOODY SIGN ORDINANCE: Council Member Wittenstein motioned, seconded by Council Member Bonser to hold a meeting on December 18, 2008 to adopt the Sign Ordinance for the City of Dunwoody. The motion carried unanimously. **(ACTION ITEM)**

IGA FIRE & RESCUE SERVICES: Council Member Ross motioned, seconded by Council Member Wittenstein, to approve Resolution 2008-12-24 Authorizing and Approving the Intergovernmental Agreement between the City of Dunwoody and Dekalb County for Fire and Rescue Services. The motion carried unanimously. **(Resolution 2008-12-24)**

IGA WATER & SEWER SERVICES: Council Member Shortal motioned, seconded by Council Member Taylor, to approve Resolution 2008-12-25 Authorizing and Approving the Intergovernmental Agreement between the City of Dunwoody and Dekalb County for Water and Sewer Services. The motion carried unanimously. **(Resolution 2008-12-25)**

IGA 9-1-1 EMERGENCY SERVICES: Council Member Taylor, seconded by Council Member Heneghan, made a motion to approve Resolution 2008-12-26, Authorizing and Approving the Intergovernmental Agreement between the City of Dunwoody and Dekalb County for 911 Emergency Communication Services. Under discussion, Council Member Shortal announced these IGA's are at no additional costs to the citizens. The motion carried unanimously. **(Resolution 2008-12-26)**

OTHER BUSINESS: The number to Dunwoody City Hall is confirmed as 678-382-6700!

PUBLIC COMMENT: Steve Ludwig commented about the county vehicles parking in Brook Run Park, it may be safer for the vehicles to be there as there is not very much police patrolling.

Mayor and Council invited everyone over to the Farm House to help celebrate this occasion.

There being no further business, Council Member Heneghan motioned to adjourn, seconded by Council Member Ross. The motion carried unanimously. The meeting was adjourned.

Approved:

Ken Wright, Mayor

Attest:

Joan C. Jones, Acting City Clerk

(Seal)